H.R. 17971. A bill for the relief of Dr. Juan G. Roederer; to the Committee on the Judiciary.

By Mr. SISK:

H.R. 17972. A bill for the relief of Francisco Ricchuiti; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas:

H.R. 17973. A bill for the relief of Demetrios Souvatzis; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

348. By the SPEAKER: Petition of Richard L. Walker, St. Matthews, Ky., relative to Rhodesia; to the Committee on Foreign Affairs.

349. Also, petition of the Chairman, District Government Council, Guam, relative to opposition to a federally appointed comptroller in the elective governor bill; to the Committee on Interior and Insular Affairs.

350. Also, petition of the city council, Elizabeth, N.J., relative to the sale and use of firearms; to the Committee on the Judiciary.

351. Also, petition of the board of supervisors, El Dorado County, Calif., relative to Federal welfare assistance to nonresidents; to the Committee on Ways and Means.

SENATE—*Tuesday, June 18, 1968*

The Senate met at 12 noon, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Almighty God, the reality behind all earth's shadows: Seeing that we spend our days as a tale that is told and that we pass this way but once, keep us from unkind words and from unkind silences, yet sure and strong in the faith that is in us.

Enrich us with those durable satisfactions of life so that the multiplying years may not find us bankrupt in those things that matter most—the golden currency of faith, and hope, and love.

May we follow the gleam of the highest and best we know, as it leads o'er moor and fen and crag and torrent till the evening comes and the fever of life is over, and our work is done.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, June 17, 1968, be dispensed with.

The 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 passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 449. An act to provide for the popular election of the Governor of Guam, and for other purposes;

S. 450. An act to provide for the popular election of the Governor of the Virgin Islands, and for other purposes;

S. 1251. An act to make certain reclamation project expenses nonreimbursable; and

S. 3159. An act authorizing the Trustees of the National Gallery of Art to construct a building or buildings on the site bounded by Fourth Street, Pennsylvania Avenue, Third Street, and Madison Drive Northwest, in the District of Columbia, and making provision for the maintenance thereof.

The message also announced that the House had passed the bill (S. 222) to insure that public buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H.R. 15562) to extend the expiration date of the act of September 19, 1966, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 785) relating to the pay of the U.S. Capitol Police force for duty performed in emergencies, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2276. An act to amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations;

S. 2914. An act to authorize the further amendment of the Peace Corps Act; and

H.R. 6157. An act to amend section 3620 of the Revised Statutes with respect to payroll deductions for Federal employees.

HOUSE BILL REFERRED

The bill (H.R. 15562) to extend the expiration date of the act of September 19, 1966, was read twice by its title and referred to the Committee on Agriculture and Forestry.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 785) relating to the pay of the U.S. Capitol Police force for duty performed in emergencies, was referred to the Committee on Rules and Administration.

COMMITTEE MEETING DURING SENATE SESSION

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

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

OBJECTION TO COMMITTEE MEETING

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

Mr. DIRKSEN. Mr. President, I am compelled to object.

The PRESIDENT pro tempore. Objection is heard.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1212 and 1215.

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

AMENDMENT OF THE WATER RESOURCES PLANNING ACT

The Senate proceeded to consider the bill (S. 3058) to amend the Water Resources Planning Act to revise the authorization of appropriations for administering the provisions of the act, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment; on page 1, after line 7, strike out:

(a) such amounts as may be necessary to administer the provisions of titles I, II, III, and IV: *Provided,* That not to exceed $400,000 annually shall be available to administer the provisions of title III; and

And, in lieu thereof, insert:

(a) such amounts as may be necessary for the administration of the Act: *Provided,* That not to exceed $1,500,000 annually shall be available until the expiration of the program established by title III, and not to exceed $1,100,000 annually shall be available thereafter; and

So as to make the bill read:

S. 3058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401 of the Water Resources Planning Act (Public Law 89–80; 79 Stat. 244) is amended to read as follows:

"SEC. 401. There are authorized to be appropriated to carry out the provisions of this Act—

"(a) such amounts as may be necessary for the administration of the Act: *Provided,* That not to exceed $1,500,000 annually shall be available until the expiration of the program established by title III, and not to exceed $1,100,000 annually shall be available thereafter; and

"(b) not to exceed $6,000,000 annually to carry out the provisions of title II: *Provided,* That not more than $750,000 annually shall be available for any single river basin commission."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was 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. 1234), explaining the purposes of the bill.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

PURPOSE OF THE MEASURE

The purpose of this legislation, which was proposed by the administration, is to revise the authorization of appropriations for the administrative expenses of carrying out the provisions of the Water Resources Planning Act (79 Stat. 244). The act is amended to increase from $700,000 to $1,500,000, the amount authorized to be appropriated annually for the administrative functions of the Water Resources Council under all titles of the act.

BACKGROUND

The Water Resources Planning Act of 1965 established the Water Resources Council and assigned to it a number of functions relating to the coordination of planning for the conservation, development, and utilization of the water and related land resources of the United States. Title I of the act sets forth the Council's functions in the administration of the provisions of the act. Section 401 of the act authorizes "* * * to be appropriated not to exceed $300,000 annually, to carry out the provisions of title I * * *".

Section 401 further authorizes "* * * not to exceed $400,000 annually for the administration of title III". Title III establishes a program of grants to the States for comprehensive water and related land resources planning.

The Water Resources Council is now established and operating. Its estimated expenditures under title I are $290,000 for fiscal year 1968. The fiscal year 1969 budget includes $311,000 for these activities, which is in excess of the appropriation limitation of the act. Because of passage of the Federal Salary Act of 1967 and other factors, programs exceeding $300,000 are anticipated in future years.

Estimated expenditures for the administration of title III are $220,000 for fiscal year 1968 and $235,000 for fiscal year 1969.

PRESENT LEGISLATION

On February 24, 1968, the Water Resources Council submitted to the Congress proposed legislation to amend the Water Resources Planning Act. The legislation, by substituting new language for section 401 of the act, would entirely remove the limitation on appropriations to carry out the provisions of title I. The other provisions of section 401 would not be changed by the proposed amendment.

The Subcommittee on Water and Power Resources held an open hearing on April 22, 1968, to take testimony on the bill, S. 3058, submitted by the Water Resources Council.

COMMITTEE AMENDMENT

The committee amended the bill by deleting language which would retain the limitation of $400,000 annually for the administration of title III, but which would completely remove the limitation on authorizations for other administrative functions of the Council, and substituting instead language which would provide a new limitation of $1,500,000 for all administrative functions of the Council under the act. The amendment further provides that when the program established by title III expires, the limitation will be reduced to $1,100,000 annually to reflect the reduced responsibility.

It is the intention of the committee to provide the necessary authority for the Council to obtain adequate appropriations to effectively carry out its responsibilities under the Water Resources Planning Act. The committee recognizes that increasing costs for personnel services and operating experience gained by the Council may indicate the desirability of providing additional funds in future years.

A small increase in the limitation is necessary to cover the Council's appropriation request for fiscal year 1969. In testimony before the subcommittee on Water and Power Resources, administration witnesses indicated that further increases will be necessary to provide adequate staff for the various activities in which the Council is engaged. The administration has recommended the elimination of any limitation so that such increases may be requested, as necessary, in the appropriation process.

The committee has decided to retain a limitation and has set it at $1,500,000 to cover foreseeable increases in the cost of the Council's administrative functions including the future funding of economic studies which are presently being funded by transfers from several Federal departments and agencies. The new limitation is based upon estimates of future requirements which were provided by the Water Resources Council at the request of the committee. The derivation of the limitation is as follows:

Present limitations:	
Title I	$300,000
Title III	400,000
Subtotal	700,000
Future costs of economic studies now funded by other agencies	250,000
Increased costs of administration anticipated	550,000
Total new limitation	1,500,000

The anticipated increase in administrative costs of $550,000 includes $200,000 which would not be required annually but only in those years in which national assessment reports are being finalized.

The committee has substituted a single limitation for the two limitations provided in the act. The separation of the authorization for administering title III from that for administering the remainder of the act imposes unwarranted accounting problems, because the Council is a small organization in which particular individuals often perform duties in connection with title III as well as other provisions of the act. It is anticipated, however, that the costs of administering the title III program will not exceed $400,000 and the total limitation will be reduced by that amount at the expiration of the program.

In testimony before the Subcommittee on Water and Power Resources, administration witnesses discussed the Council's activities regarding the establishment of principles, standards, and procedures for the formulation and evaluation of Federal water and related land resources projects. Specific mention was made of the Council's current consideration of revision of the discount rate formula set forth in the present principles, standards, and procedures, approved by the President on May 15, 1962, and printed as Senate Document 97, 87th Congress, second session.

The committee believes that the Council should give attention to all of the criteria utilized in the economic analysis of water resource projects, of which the discount rate is only one part.

Of particular concern is the impact of water resource development upon other economic and social objectives of the Nation. The committee feels that the present interpretation of Senate Document 97 results in benefit analyses which place little or no emphasis upon the indirect and secondary effects of projects. As a result, projects are being formulated and proposed which optimize the value to the direct beneficiaries and neglect the impact, both beneficial and detrimental, upon other sectors of the economy and society. To facilitate more valid consideration of investments in water resource development in relation to other Federal programs, the economic analyses of projects should reflect the broadest scope of potential benefits and costs which will result from the implementation of proposals.

The committee believes that the promulgation of new discount formula should appropriately be made a part of a reconsideration and restatement of principles, standards, and procedures for economic analyses of Federal water and related land resource projects.

COMMITTEE RECOMMENDATIONS

The Interior and Insular Affairs Committee recommends that S. 3058, as amended, be enacted.

SUSPENSION OF DUTY ON ELECTRODES USED IN PRODUCING ALUMINUM

The Senate proceeded to consider the bill (H.R. 17104) to extend until July 15, 1969, the suspension of duty on electrodes for use in producing aluminum which had been reported from the Committee on Finance, with an amendment, on page 1, after line 10, insert a new section, as follows:

SEC. 3. Title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"AUTHORITY OF SECRETARY TO MAKE CERTAIN PUBLIC ASSISTANCE PAYMENTS

"SEC. 1122. The Secretary is authorized to make, after March 31 of any fiscal year (beginning with the fiscal year ending June 30, 1968), payments out of any moneys in the Treasury not otherwise appropriated, to States under titles I, IV (except with respect to activities included under part C), V, X, XIV, XVI, and XIX, for months of the last quarter of such fiscal year and for months of the first quarter of the next fiscal year. The obligations incurred and the expenditures made under the preceding sentence for payments under each of such titles for months of the last quarter of any fiscal year shall be charged to the appropriations for such fiscal year or the next fiscal year, and the obligations incurred and the expenditures made under the preceding sentence for payments under each of such titles for months of the first quarter of any fiscal year shall be charged to the appropriations for such fiscal year or the preceding fiscal year."

The amendment was agreed to.

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

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1235), explaining the purposes of the bill.

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

COMMITTEE AMENDMENT

The committee amendment, which adds a new section to the Social Security Act is designed to insure the orderly funding of the medicaid and other public assistance programs during the final quarter of each fiscal year.

SUSPENSION OF DUTIES ON ELECTRODES FOR USE IN PRODUCING ALUMINUM

The purpose of H.R. 17104, as it passed the House, is to continue until the close of July 15, 1969, the suspension of duties on electrodes imported for use in producing aluminum.

Under the permanent provisions of the Tariff Schedules of the United States, electrodes of the kind covered by the bill are currently dutiable under item 517.61 at 11 percent ad valorem, the first stage of a rate reduction to 6 percent as a result of the tariff concessions agreed to in the Kennedy round. However, the duty on electrodes imported for use in producing aluminum was suspended from October 7, 1965, under Public Law 89-241, until July 15, 1966, and was further suspended by Public Law 89-434 until July 15, 1968.

The committee is informed that the elec-

trodes of the type covered by the bill usually are manufactured by aluminum companies themselves at the site where they are to be used in the electrolysis of alumina into aluminum. These electrodes, generally of carbon or graphite, are consumed in great quantities in the electrolysis process. The committee is informed that the small aluminum plant which has been importing electrodes due to an insufficient volume of aluminum production to permit efficient manufacture of electrodes at its plant is now planning to produce its own electrodes and should be doing so within 1 year. In view of this, the committee believes that an extension of the suspension of duty on electrodes imported for use in processing aluminum for a 1-year period, as provided in H.R. 17104, is warranted.

AMENDMENT TO THE SOCIAL SECURITY ACT

For some years, the Department of Health, Education, and Welfare Appropriation Acts have each year authorized that Department to make public assistance payments to States during the last months of the fiscal year even though the regular appropriation has been obligated and supplemental appropriations have not yet been made available. This is done through the device of "borrowing" funds from the following fiscal year's appropriation until a supplemental appropriation is enacted. The 1968 Health, Education, and Welfare Appropriation Act permits this "borrowing" to begin on May 1.

During the current fiscal year, the May 1 date proved too late. Health, Education, and Welfare began to run out of funds during April because of unanticipated increases in public assistance costs. To assure that recipients received their cash payments during April, Health, Education, and Welfare decided to defer all medicaid (title XIX) payments, and instead to use the limited funds available only for cash payments. Because of this, many nursing homes and other providers of medicaid services will not receive payment for April until supplemental appropriations become available.

The committee amendment is aimed at preventing this kind of problem by adding permament authority to the Social Security Act permitting the Secretary of Health, Education, and Welfare during the last quarter of a fiscal year to "borrow" funds from the following year's appropriation for public assistance. This would permit the Department of Health, Education, and Welfare to continue to advance funds to States so that they could make payments to recipients and medical vendors during the last 3 months of the fiscal year (instead of only the last 2 months, as the 1968 Health, Education, and Welfare Appropriation Act provides).

The title was amended, so as to read: "An act to extend until July 15, 1969, the suspension of duty on electrodes for use in producing aluminum, 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 PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). Without objection, it is so ordered.

CORRUPTION IN VIETNAM

Mr. TALMADGE. Mr. President, a newly published book by William J. Lederer sets forth in shocking detail some of the corruption and massive stealing and costly mismanagement in the war zone of South Vietnam.

Excerpts of this book, "Our Own Worst Enemy," were published in the June 1 edition of the Saturday Evening Post. It has been widely read and discussed. I have received many, many letters about it.

I have not yet had an opportunity to read the book in its entirety. But based upon the magazine article, I shudder to think of what further revelations are unfolded for the American taxpayers on how their dollars—millions upon millions of them and perhaps even billions—are squandered or stolen in South Vietnam. I suspect that this book will have a tremendous impact on the American public.

I hope that the impact on Congress will be just as great.

Reports of governmental graft and corruption, stealing and black marketeering in South Vietnam have become so numerous and alarming that they cannot be ignored or brushed aside. Congress must take notice. The administration must take notice.

These reports should be fully investigated. The American people are financing this war. They are sending their sons and husbands over there to fight and die. They have a right to the facts.

The American people have a right to know if the war effort in Vietnam is being undermined by official graft and thievery. The taxpayers have a right to know if there is in fact corruption and stealing in Vietnam and, if so, how extensive it is, how long it has been going on, and how many millions or billions of dollars have gone down the drain.

And equally important, the people have a right to know what is being done to stop it. We have a right to demand—not just to request on bended knee, but to demand—the full and unqualified cooperation of the South Vietnamese Government in protecting the investment of American lives and money.

We are over there at a cost of $2½-billion a month and are sacrificing American men on the battlefield in a war that is not our war, but theirs. The American people are entitled to the truth about how their dollars are being spent and under what conditions our men are fighting.

It is my understanding that the Department of Defense and the Agency for International Development are in the process of preparing an answer to the Lederer article and other similar reports of corruption that have come out of Vietnam.

I do not believe this will be enough. Their report can hardly be expected to be objective. Certainly, they are going to be concerned primarily with protecting their own bureaucratic spheres of influence. They are not likely to report that any of their minions in the far-flung world of foreign aid have been guilty of gross inefficiency, negligence, or multi-billion-dollar wasteful spending.

Moreover, I do not believe they can explain to the satisfaction of the American people how it is that the United States could commit a half million soldiers to the battlefield in defense of a country, and then allow that country to steal us blind—if this has been the case, as reported from numerous sources over at least the past 2 years.

For example, on May 12 there appeared on the front page of almost every major daily newspaper in the country an Associated Press story on a Senate report prepared by the Senator from Connecticut, Senator RIBICOFF, the present occupant of the chair, in which it is charged that millions of dollars are being squandered in Vietnam because of "inefficiency, dishonesty, corruption, and foolishness."

According to the Associated Press, this report claims that the Vietnamese society is riddled with corruption and racketeering, and contributes substantially to mounting evidence that this is true.

Referring again to the Lederer article, I noted at the outset of my remarks that it cited "some" of the corruption and graft taking place in South Vietnam. If Mr. Lederer was able to report this much, and assuming that his data is correct, how much more wrongdoing is there that he did not discover?

And how many more millions or billions of dollars are being stolen or wasted in other American military or foreign aid operations in other parts of Asia or elsewhere in the world?

We can only speculate. But I believe we can agree that this is a question worthy of our attention.

I recently received a copy of a letter to Chairman MILLS of the House Ways and Means Committee from an Army man stationed at Fort Gordon, Ga. He recently returned from Taipei, Taiwan, and his letter specifies serious cases of waste and crookedness there similar to what Mr. Lederer reported from Saigon.

The writer of this letter reflected the view of most American citizens, I believe, who are opposed to the income surtax. He commented that if the American Government would eliminate the waste in its foreign operations, in so doing, we could reduce our deficit and eliminate the need for more taxes.

I wholeheartedly agree. In fact, I submit that many of the economic woes that face this country today are directly attributable to excessive and wasteful foreign spending. Judging from the way the U.S. foreign aid program at long last has been tightened and somewhat restricted in recent years, I think other Members of the Congress are also getting the word.

It is argued that we are guests in South Vietnam. In a sense, that is correct. It is not our country, and we have no desire to run its government. We are there only because of a commitment to help South Vietnam resist Communist aggression. And even though we are there in large numbers, fighting harder, longer, with

great determination, and spending a greater proportionate cost than the South Vietnamese themselves, we are nonetheless only a guest in that country.

But this does not mean that we have to acquiesce to Vietnamese corruption. It does not mean that the Vietnamese Government or the people have a license to steal, lie, or make a sucker out of Uncle Sam. It certainly does not mean that the United States is compelled to remain a guest in a house where it becomes increasingly apparent we are not wanted.

I do not believe we are obliged to put up with shoddy treatment—not when we have Americans over there fighting and dying every day, and not when the American taxpayers are shelling out $30 billion a year to support this war.

I am aware of our commitment in Vietnam. I know full well of the threat of Communist aggression in Southeast Asia. But I do not believe we ought to put American boys on the line in a war that is being sabotaged by the very people we are trying to protect.

There should be a full-scale congressional investigation into this matter. The facts should be laid bare.

If there is in fact widespread government graft and corruption in South Vietnam at the expense of the American Government, it must be halted.

If we are unable to secure the assistance and cooperation of the Saigon Government, and if it cannot be halted, then we ought to get out of the fighting.

I call the Senate's attention to the Lederer article, and I ask unanimous consent that it be printed in the CONGRESSIONAL RECORD, along with the letter concerning the situation in Taipei, Taiwan, and the May 12 Associated Press story, as published in the Atlanta Journal-Constitution.

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

"OUR OWN WORST ENEMY"

(By William J. Lederer[1])

Maj. Pham Van-linh, logistics officer for the National Liberation Front (Viet Cong)—in an interview in Saigon, June 1967: "Without American money, guns, food, medicine and supplies, we of the National Liberation Front would have a hard time surviving. . . ."

Every government we have helped into power in Vietnam has been inadequate; and all of them have been rejected by the Vietnamese people. First it was the French; next Ngo Dinh Diem; and then, after a period of coups and counter-coups, the military junta headed by General Thieu and Marshal Ky.

One of the measures of inadequacy is the degree of governmental corruption. I am speaking of excessive corruption, not the accepted Asian practice of reasonable "cumshaw" for services rendered, which grew from a tradition of low salaries for government officials. Vietnam corruption has gone far beyond the traditional. It has, for example, become the usual method of acquiring government positions and the usual reason for wanting them—from top to bottom, from cop to high-ranking general or province chief.

My first experience with the Vietnamese black market occurred in Saigon. I told the Army public-relations officer at JUSPAO (Joint United States Public Affairs Office) that I planned to go out with the troops, and asked where I could buy jungle fatigues and jungle boots.

"We have lots of goodies for reporters if they have the right papers," he said, handing me an authorization to buy Army uniforms.

A friend took me, on the back of his scooter, to the big PX in the Cholon district. Outside the compound, with its sandbags and U.S. armed guards, was a place for customers to park their vehicles. As the vehicles were parked, small Vietnamese boys ran up, their hands outstretched, demanding "watch-your-Jeep [or scooter] money." They wanted money to stop "someone" from cutting ignition wires or letting air from tires.

I angrily told a PX officer about the situation. He replied, "The street is Vietnamese territory. We are guests in this country. We have no jurisdiction over anything that happens in the street. Those kids can sell stolen PX merchandise out there, and we can't touch them. Only the Vietnamese police can do anything. We are guests in this country—and that's the way General Westmoreland has ordered it."

I made the obvious remark that it was a strange way to treat guests who were dying by the thousands to protect their hosts.

The major shrugged and said. "This is their country. We are fighting and dying in combat because we have permission from the Vietnamese to be on those battlefields. Parking scooters on their streets is something else."

A sergeant took me to the uniform shop, but when I gave the clerk my authorization, he shook his head. "We haven't had fatigues or jungle boots for months."

"When are you expecting them?"

He held up his hands and shrugged.

My friend and I returned to the street, mended the cut ignition wire on the scooter, and returned to JUSPAO. There I told the public-relations officer that the store did not have jungle uniforms. He laughed and said that I would have to find them where he and his men did—on the black market. "They may charge you a couple of bucks more, but the gear is always available and in all the sizes anybody could want."

I walked down the street past the USO and the flower markets and the sidewalk restaurants. It took about five minutes. And there was the "Little Black Market" (the name implying that there were bigger places elsewhere).

Stalls crowded and leaned against each other, as in any Oriental bazaar. Hundreds of customers milled about, pushing and inspecting the merchandise. Among them were four U.S. Army noncommissioned officers, one Army captain, and a U.S. Navy yeoman. Four Vietnamese policemen stood about, keeping order.

In the stalls were all the most desirable items from the PX.

I noted transistor radios, blankets, toasters, electric blenders, watches, clocks, pens, cigarettes, tobacco, shirts, television sets, cameras, film, toilet articles, patent medicines, shirts, lingerie, socks, and a variety of the best-advertised American liquors, as well as cans of just about every kind of food available in the Army commissary.

I asked a Vietnamese official if it were not against the law to sell merchandise stolen from the PX. He replied that it was, but that there was no proof this merchandise was stolen. I pointed out that almost every item still carried the PX label, and that the PX was most certainly the only local importer of them.

"That is true," he said, "but in this country, for goods to be declared stolen, we must catch someone in the act of stealing them. One must be very careful in making charges. Perhaps the 'PX' stamped on that bottle of brandy is a brand name, is that not so?"

I continued up and down the stalls looking for uniforms and jungle boots. There were none visible. Then one of the black-market operators came up and, speaking in English, asked me what I wanted. When I told her, she said, "All complete uniform. Everything. Helmet. Pants. Boots. Shirt. Everything. Forty-eight hundred piasters or thirty dollars. You want?"

"I want to see them."

"You buy them if they all new and right size?"

"Yes, of course I will. Do I pay you now?"

The woman turned to a boy, spoke to him in Vietnamese and gave him a piece of paper. "Go with boy. Pay when you get clothes."

The boy took me several blocks along the street and into a store that had copper pots in the window. The boy went to an old man who was clacking an abacus. Without speaking, the old man led me out the back of the store, across a yard, into an alley which stank of rotten vegetables, and then up two flights of equally smelly dark stairs into the loft of another building.

The place looked like a U.S. Army ammunition depot. Everything seemed to be painted brown and to smell of oil or fresh paint. Equipment was arranged in orderly rows, and printed price tags hung from everything. Automatic rifles were $250. A heavy mortar was priced at $400. There were about 1,000 American rifles of different kinds standing neatly in racks. M-16's cost $80. On one side of the loft were uniforms of all services, including the U.S. Air Force. There was even U.S. Navy diving equipment.

The old man inquired as to my size, and then brought me the uniform and the boots I wanted.

Later that evening I talked about the black market to an old friend whom I shall call Tran Trong Hoc (and of whom I'll speak more later). He said, "What you saw is nothing. Go down to the waterfront some day and see how the big operators work. The whole South Vietnamese Government is involved."

"Any Americans?"

"Plenty are becoming millionaires—exactly as happened when the U.S. Army occupied Japan and Germany. You can be sure of this, because illicit dealings in Vietnam total about ten billion dollars a year—all in American goods and moneys. This could not exist without American collusion. It would be impossible."

I did not answer.

"We'll go to the waterfront in a few days," said Tran Trong Hoc, "and watch the big operations. We have to plan it well. If we are not careful, neither of us will be alive to tell what we saw."

The Little Black Market, which does business openly near the U.S. Embassy and JUSPAO in Saigon, is small stuff. It is only one bit of crookedness in the vast cesspool of cupidity. It is so small—by contrast to others—that both the South Vietnamese and United States Governments tacitly consider it semi-legitimate. The Little Black Market is one of the showplaces of Saigon. Visitors on official tours are shown the Little Black Market as they are shown the U.S. Embassy, the railway station, and the public market. Americans, as well as Vietnamese, buy things at the Little Black Market because sometimes it has a better selection than the legitimate U.S. Government stores from which

[1] William J. Lederer: "Not long ago I returned from my thirty-fourth trip to Asia, and my ninth tour of Vietnam. What I saw in Vietnam violated almost everything I had learned during my twenty-eight-year career in the U.S. Navy, almost everything I had learned as a professional observer of Asian affairs. I beheld the United States being beaten—not by the strength of the enemy, but by its own mistakes and incompetence. We have botched up almost everything we have attempted in Vietnam."

Ten years ago Mr. Lederer, in collaboration with Eugene Burdick, startled the nation with the controversial best-seller, "The Ugly American," which made its first appearance in this magazine. The following article is taken from his latest book, "Our Own Worst Enemy."

the merchandise has been stolen. There is nothing disguised about the Little Black Market. Everyone—even the officials in charge—knows how its goods are sneaked out of the PX and the U.S. commissary and by whom, and who gets paid off. If either the U.S. Government or the South Vietnamese Government wished, the retail black market in Saigon could almost certainly be eliminated within a week.

"We aren't too strict about it," said a U.S. police instructor in Saigon, "because we don't want to antagonize the Koreans or the Filipinos [both deeply involved in black-market operations, both allies of the U.S.], and because the black market helps stop inflation. I don't know how, but that's what our economists say."

A Vietnamese National Police lieutenant said, "The Little Black Market is permitted to continue because it is useful to everyone. When the American press—or perhaps a visiting senator—complains about corruption, we close the Little Black Market for a few days. A few people are arrested. The Americans are satisfied. Action against corruption has been taken. It takes pressure off the U.S. Embassy. It takes pressure off my government. Do you see how useful the Little Market is?"

I wanted to learn how the black market got its luxury items, so I went to its main Saigon supplier—the PX. When I arrived at the big PX in Cholon, the store had not yet opened, and a line of people had formed. At the end of the line were two GI's who appeared to have come from the combat area. Their jungle clothes were mud-splattered, and their helmets were covered with camouflage netting. I was curious to know what two combat soldiers would buy in the PX, so I got behind them in line. The two GI's were from an isolated Signal Corps station beyond Pleiku, and they were at the PX to buy a refrigerator. Within the last few days their electrical supply had been converted from battery to generator; the men had chipped in to get a refrigerator so that they could have cold drinks, sandwiches, and so forth.

The GI's told me how they had made special arrangements to get the refrigerator on an airplane, and how the Special Services officer in Pleiku had found out that the refrigerators had arrived in Saigon the day before.

When the doors of the PX opened and the GI's got to the counter, they learned that there were no more refrigerators. The shipment had arrived at noon the day before, and all the refrigerators had been sold by closing time.

I learned that of the entire shipment of 16 refrigerators, 12 had been sold to Filipino and Korean soldiers. How did the Filipinos and Koreans know about the refrigerators in order to buy them so quickly? Here again the answer was simple.

The U.S. Army, which runs the PX in Saigon, has brought Filipinos and Koreans into the store at a managerial level. When there is a shipment of some desirable article, these men call up their Korean and Filipino friends.

As the unhappy GI's walked out of the PX, one said, "You remember the Viet Cong supply dump we raided last month?"

"Yeah, I know. It had a refrigerator in it—with the PX tag on the back, and with U.S. antibiotics inside the damn thing."

The PX in Vietnam is a $300-million-a-year business, according to the officer in charge, and it demonstrates in miniature why the United States is in deep trouble in Vietnam—and in foreign affairs in general.

The clerks in the PX's are Vietnamese women, over 5,000 of them. They do not know the merchandise, and on the average, they are uninterested and discourteous. And these women clerks steal from the PX's. In the month of May, 1967, the small headquarters PX in Saigon lost $65,000 in petty pilferage alone. This is the *small* PX. At one time the PX management had the Vietnamese salesgirls searched as they left the store. The clerks objected to the search procedure and said they would go on strike unless the searching was stopped. The searching was stopped. The Americans who operate the PX (the U.S. Army) would rather have things stolen than "not look good" to the Vietnamese.

I personally have seen clerks standing on the main highway outside a PX, removing PX merchandise from their bodies. They dropped the items into a basket while a Vietnamese man made notes of the amount and type of merchandise each girl had taken.

Much of the merchandise in the PX's couldn't possibly have been chosen with the welfare of the GI's in mind. In the Saigon PX, for example, there were no alarm clocks. They hadn't had any for two months. There were no pipes. There was a shortage of film. The PX was "temporarily out" of good razor blades and pipe tobacco. There was no mosquito repellent. (Later I found the "temporarily out" items for sale on the black market—at three times the PX price.) Nevertheless, the whole rear of the store was used for selling diamonds.

Merchandise headed for the PX—and also for the commissary—is stolen before it gets to either place, as well as after it is on the shelves. But the corruption involves more than the black market. For example, some time ago a PX purchasing agent, an American civilian, shared an apartment in Saigon with another American, the representative of a company that sold a famous brand of whiskey. The PX purchasing agent had his rent paid for, he had his food paid for and his "home entertainment" paid for. The PX purchasing agent overbought the salesman's product, and six months later the PX in Vietnam was still overstocked with it.

The purchasing agent involved was caught at his unethical activities. At this writing he is working for the PX in another country and at a higher position than he held in Vietnam. This entire story was given me by a senior PX officer.

It is no secret that the PX and the commissary are supplying just about everybody in South Vietnam (who has the money) with luxury items via the black market. An importer told me he has stopped dealing in legitimately imported refrigerators and tape recorders—they could be had cheaper and quicker from the PX, via the black market. Foreign-food importers are in the same fix. I myself have seen an Army truck with Filipinos and South Koreans, *in uniform*, stop in front of the Continental Hotel at 6 a.m. and unload a truckful of Spam and fruit juices. The menu at the Continental Hotel advertises "American Spam." When one orders tomato juice for breakfast, the waiter brings a small can with the U.S. commissary stamp still on it—10 cents. At four different times during my stay in Saigon, I saw this truck deliver PX and commissary edibles to the Continental Hotel. Once a large package of meat with General Westmoreland's name on it was delivered to the Continental along with the tomato juice. There is hardly a bar in Saigon that does not have liquor that comes from the U.S. supplies.

In investigating PX practices, I requested an interview with a responsible officer. The interview was granted with a colonel on the condition that I would not quote him directly.

I was ushered into the colonel's presence, and I described to him the malpractices I had discovered. What follows is his explanation.

The PX, he said, employs over 5,000 Vietnamese women because it is the duty of the United States to train these women in merchandising practices. After the war is over, the women will know how to be skilled clerks in the stores of Vietnam and will therefore be able to aid the commerce of the country.

This seemed crazy to me. Any store that was run like the PX would soon go bankrupt.

The colonel said that the PX was using Vietnamese women as clerks, and Koreans and Filipinos as merchandising executives, because it was far cheaper than using Americans, and because the Filipinos and Koreans have had PX experience in Seoul and Manila.

I pointed out to the colonel that the service was bad, and that perhaps $75 million a year in merchandise was stolen or diverted to the black market largely because of employment of foreigners, including clerks, executives, truckers, longshoremen, and so forth.

The colonel denied that the service was bad. He denied that there was any sizable black-market leak from his stores. He denied that there was $65,000 worth of pilferage in one month from the small Saigon PX. (I myself had seen the Saigon PX's own estimates of pilferage. Either the colonel did not know what was happening in his own stores, or he was lying.)

The colonel said that another reason for employing over 5,000 foreigners in the PX's was to give work to worthy Vietnamese of good character, which helped the war economy. I asked him if he knew how the employment racket worked. The facts are that each clerk employed has to get a recommendation from someone in the Vietnamese Government. This recommendation has to be paid for—and the standard payment is approximately a month's wages.

The colonel said he had never heard of any such thing. He then told me what a wonderful thing the PX was. It was being operated so that there could be profits made to supply the Army and the Air Force with money to pay for motion pictures and other recreational activities for the troops. He also said that the PX was a place where restless Americans could spend their dollars—instead of unloading their money on the Vietnamese economy and thus causing inflation.

I asked him. "Isn't the primary mission of the PX's to give the troops a service?"

He said it was.

But the troops come last as far as the big Saigon PX is concerned. Training Vietnamese comes first. Then comes making money for recreational services. Then comes improving the economy of Vietnam. Then comes "looking good." Last and least is the GI.

And it is not the small percentage of men actually in combat who makes the most of the Post Exchange. It is the fat boys in the cities and headquarters, and thousands of civilians—construction workers, newspapermen, AID employees and members of the embassy staff.

The luxury items in the Post Exchange are bought by Americans—and also by the Vietnamese elite, via the black market or American friends. The garish way in which American and Vietnamese officials exhibit these things can do nothing but widen the gap that separates the masses from the local rich and the Americans. And the wider the gap the less the people identify themselves with us—and the more they identify themselves with the Viet Cong.

The PX as it is run now makes the United States a collaborator in the worst kind of corruption. Everyone—including the Americans—knows that some Americans are involved. Everyone knows that many Vietnamese clerks are corrupt, that Filipino and Korean PX assistants often are in cahoots with their friends. Therefore, because of the PX and the commissary, the average Vietnamese believes the Americans to be corrupt.

The PX foul-ups and the sale of millions of dollars of PX products in the black market seemed almost petty compared to what turned up later.

I was walking along the Saigon River with my old friend Tran Trong Hoc. A former police official in Hanoi, when it was under

French rule, Tran is sort of a retired mandarin who sits back, observes everything, listens to the rumors and gossip, reads the papers, and watches the ever-present power struggle in Vietnamese politics. He has children and grandchildren all over Southeast Asia. Some are employed by the South Vietnamese Government, some by the American Government, and some by the National Liberation Front. Several are in business. Tran Trong Hoc is a miniature Central Intelligence Agency. This for him is only a pastime, a hobby. And yet when I remarked on the danger implicit in his hobby, he smiled and said slowly, "What else can an old man do to help his country?"

During the 1950's Tran spent 18 months in Los Angeles, studying American police techniques. While there he learned the American way of life, and he takes delight in using American slang as much as possible when he is with his friends.

We walked north, past the German hospital ship which is West Germany's humanitarian contribution to Vietnam. Tran told me that the hard-working German doctors and nurses unwittingly are contributing to a crooked racket. All charity patients must have a "permit" to visit the foreign ship. For this they must pay a "tax" to a police organization. Actually, no Vietnamese gets on board unless he is a friend or relative of an important official, or has the money to bribe his way by paying the "tax." The same racket was applied to the American hospital ship the SS *Hope*, when it was in Saigon. The visiting foreign physicians think they are doing good by helping the "people." In reality they are either treating or enriching the Vietnamese elite.

We saw several American freighters moored in the river. The nearest was a big gray cargo vessel. Her booms were swinging back and forth, and she was discharging cargo to barges alongside.

"That is the one we will watch," said Tran. "But it will be safer if we watch from my car. After all, we are spying. We are gathering intelligence. We are spooks. We want to see who cops the American military supplies. Standing here in the street, using binoculars, is asking for . . ." He drew his forefinger across his throat. We turned and walked back until we reached Tran's car—an old and beat-up Citroën, the front seat covered by an imitation leopard skin. The Citroën started quickly, and in a few minutes we were back by the river, parked about 500 feet from the wharf toward which the barges from the American freighter were headed.

"Those barges," said Tran, pointing, "belong to a Vietnamese company owned by a couple of Vietnamese generals. You Americans pay for the use of those barges. You Americans pay for the privilege of sending ammunition and food and war supplies to this country."

The barges approached the wharf. Standing on the dock were eight 5-ton trucks. Once they had been U.S. Army trucks, but now they were painted a slightly different shade of brown. The barges tied up at the wharf, and Vietnamese longshoremen began to carry the cargo off, loading it directly into the brown trucks.

"The United States pays the wages of those Vietnamese longshoremen," said Tran.

There were no American soldiers or civilian officials about, supervising and checking. I asked about this.

"The South Vietnamese Government has told the American Government to keep its nose out of something which is an internal affair."

I said angrily, "That cargo is American war matériel. The wooden crates are marked, Department of Defense, Electronics, this side up. They come from the United States, and are paid for by U.S. citizens."

"Bill," said Tran, "the United States has no customs rights in Vietnam. You must understand that you are only guests here. That is your country's official attitude. Perhaps that's why there is no one here checking on these war supplies. Guests, you know, do not check up on the dishonesty of their hosts."

"But this is American equipment for American troops."

"Yes."

We continued to watch. It took about an hour to load the eight trucks with their 40 tons of American cargo.

The truck drivers clearly were restless. They kept looking at their watches and talking agitatedly among themselves.

Tran said, "Ordinarily time means very little to us. Therefore when Vietnamese drivers are nervous about a schedule, it means only one thing. They are about to go through V.C. territory. The V.C. are paid off to let a convoy come through at a specified time. If the convoy is early or late, the trucks might be blown up."

A Vietnamese Army Jeep, with a small Vietnamese flag flying on the left front fender, drove up to the wharf and stopped. A stout Vietnamese, about 35, dressed in khaki (but wearing no insignia), got out. He carried a new black leather briefcase, which he opened on the hood of the Jeep. The truck drivers clustered about him. To each of them the fat man gave a piece of paper. He talked intensely to the drivers, looking almost like a football coach instructing his team. Finally he nodded, and the drivers fanned out, moved quickly into the cabs of their big trucks, and started their motors. Each driver put his piece of paper into a plastic envelope which he then attached to the sunshade of his truck.

The fat Vietnamese in khaki nodded again. The first truck started off, and the others fell in behind. The convoy left the river area and headed inland, moving slowly through town. We lost sight of them then, but Tran knows their route as well as their routine. Among his hundreds of friends and informants is one who rides regularly along this convoy route.

When the eight trucks carrying 40 tons of U.S. electronic equipment reach the Saigon-Bienhoa Highway, they are stopped by a Vietnamese guard accompanied by an American soldier. The drivers show their pieces of paper. The Vietnamese guard walks down the line, looking at each paper for a moment. He says something to the American soldier, who, after all, neither speaks nor reads Vietnamese and is dependent on his Vietnamese opposite number. The American says, "OK," and returns to the side of the road. The Vietnamese guard waves the convoy on.

The convoy moves on to Old Route 1, the highway that leads to Phnom Penh, Cambodia. It is only 50 miles to the border. The convoy keeps moving straight for Cambodia. Near Trang-Bang there are holes in the road where a military convoy was blown up by Viet Cong mines. Despites the presence of South Vietnamese and American troops, the Viet Cong are in absolute control of this stretch of land.

The drivers look at their watches. They steer around the holes in the road and speed up. Four times on the way the trucks are stopped by armed guards; four times they have their papers examined. Twice the armed guards are in South Vietnamese Army uniforms, and twice they are in the black pajamas of the peasants. The trucks finally reach their destination, Go Dau Ha, a village almost on the Cambodian-Vietnamese border, 50 miles and about two hours and 20 minutes from metropolitan Saigon.

The trucks pull up at a dirt road called Tu Xuong. At the intersection of this and an even smaller road called Van Lang is a rather large wooden house with a thatched roof. Armed South Vietnamese soldiers come from the house. One of them collects the pieces of paper from the drivers. He gives each a receipt in return. One of the soldiers bellows something. The drivers get out of the trucks. They go to a table by the side of the thatched house. Two women in black pajamas bring some lunch. It comes in a large blue bowl, and it smells like fish and garlic.

While the drivers are eating, a convoy of black-painted trucks arrives from the other direction—from Cambodia. The Cambodian trucks stop, and immediately a crew of laborers swarms from the rear of the thatched house. The cargoes of the two convoys are swapped. The American electronics gear goes to Cambodia, the cartons from Cambodia go into the Vietnamese trucks. Within half an hour the Vietnamese convoy is returning to Saigon, loaded with tons of Red Chinese merchandise. There is no attempt to disguise anything. Everything is marked clearly on the large cardboard cartons. The boxes contain toothbrushes, tooth powder, vitamins, imitation Parker fountain pens, and Thermos bottles, among other things.

Now it is three hours later. The trucks have reached Cholon, on the outskirts of Saigon. They park outside a block-square warehouse. The Chinese Communist products are carried inside. Several National Policemen stand by, watching. Inside the warehouse are big stacks of tires for Jeeps and other U.S. military vehicles. Piled up in the rear are hundreds of bags of U.S. cement (with the USAID markings on them) and hundreds of bags of U.S. rice. The warehouse belongs to a Chinese named Hop Tan.

That was what happened to the trucks with the 40 tons of U.S. military supplies. The story needs no further detail, but there is further detail, and it is of considerable importance.

The fat man in khaki who met the trucks at the Saigon wharf is from the office of the province police for Tay Ninh Province (which is on the Cambodian border). Every day he arrives at the wharf at least once to give pieces of paper to truck drivers. The papers are official documents which say that the materials in the trucks are being delivered to the South Vietnamese Intelligence Forces and that they are for the use of the Intelligence Forces.

Of course these materials are not going to the Vietnamese Intelligence Forces. They are going up the Old Route 1 to Go Dau Ha, or perhaps Ta Loc, or Nan Pi—all of which are gateways to Cambodia. Once there, the contents of the trucks are turned over to a Nationalist Chinese from Taipei, who represents an international blackmarket cartel.

Involved in the payoffs that make all this possible are high-ranking officials of the South Vietnamese Intelligence Forces, the Tay Ninh Province police, and of the diplomatic and administrative services in Saigon.

The entire operation is beautifully coordinated among the various South Vietnamese Government agencies.

Certain officials of the port of Saigon know which American ships and what American cargoes will be coming to Saigon. These officials control the unloading. Perhaps two weeks before an American freighter arrives in Saigon, the contents of the American vessels have been broadcast among various possible customers. There are many—the Viet Cong, the North Vietnamese, sometimes Red China, perhaps a middleman in Hong Kong, or any nation in the world that needs the cargo and is willing to pay a high-enough price.

According to a Filipino source, Israel was one of the black-market customers in the summer of 1967. She desperately needed the 175-mm. howitzer shells that only the United States was making in considerable numbers. They cost about $400 each. The howitzer shells, designated for the U.S. Army in Vietnam, were diverted via Manila. And from Manila the shells were transported, by a different ship, to Israel.

Who handles these deals?

There are many people. After all, the corruption under discussion here is a multi-

billion-dollar operation. But in order of profit and numbers, the following are involved:

1. South Vietnamese generals and officials.
2. South Vietnamese businessmen who are friends of the Vietnamese in official power.
3. The National Liberation Front (Viet Cong).
4. American black-market operators.
5. North Vietnamese agents.
6. Nationalist Chinese businessmen, both in Vietnam and in Taiwan.
7. Korean troops, businessmen and officials.
8. Filipino troops, businessmen and officials.

In other words, just about everyone plunders the United States war effort in Vietnam.

Professor Vo Van Kim after a few glasses of rice wine on the occasion of his 70th birthday:

"You are an old friend, and we are here at a family celebration, so I will tell you what I think is the truth. We professors call your diplomats and generals 'The Groveling American.' They would kiss the backside of a North Vietnamese carpetbagger like General Ky—at noontime in front of the Parliament Building—rather than take a chance of offending the Vietnamese. . . ."

Tragically, American officials are afflicted with a paralysis which has made it impossible for them to force the South Vietnamese Government to eliminate corruption. They are afraid of offending the Vietnamese. Because of this helplessness, the Vietnamese treat us with scorn and contempt. They humiliate us at every opportunity—of which there are many. Thus American self-esteem is diminished, and "doormat diplomacy" develops. Efficiency is wrecked.

Here are a few examples of the kind of humiliation heaped upon the United States by her ally, and some examples of just how these humiliations have contributed to our disgraceful performance in Vietnam.

There is a large U.S. air base in South Vietnam which, to protect one of its officers, I will not identify. At this base, one hot Monday morning, the medical officers of all services met for a special conference. Two subjects were on the agenda: (1) the shortage of broad-spectrum antibiotics, and (2) a mysterious disease.

A serious skin infection had appeared among an increasing number of patients of a young Air Force doctor. It had immobilized its victims, and he hoped that his seniors could give him some help. None could, but all reported similar outbreaks in their units.

As a result of the meeting, a public-health team was flown in and an exhaustive investigation undertaken. Laboratory technicians found, on the men's clothing, several different types of fungi and bacteria hostile to the human skin. The dermatitis was traced to the home laundries run by a local Vietnamese company. The clothes were being washed by hand by Vietnamese women. The cold water these laundrywomen used was contaminated by human sewage, some of which carried intestinal parasites.

The military doctors and the public-health personnel ordered the Vietnamese laundrywomen to boil their water, gave them a water purifier and demonstrated how to use it. The managers of the laundries said their employees understood and would comply. Nevertheless, the washerwomen continued to wash clothes in cold, contaminated water, and the troops continued having skin ailments.

One of the service officers on the base—Col. John Adams, I'll call him—found a solution to the problem. Adams negotiated with a non-Vietnamese commercial firm to come to the base and set up a modern laundry. In about six weeks the laundry was operating. The skin-ailment epidemic stopped. The troops now were getting two-day (instead of five-day) laundry service, with the clothes not only sterilized but pressed.

Everyone was grateful for Colonel Adams's initiative. Everyone, that is, except the Vietnamese laundry people, the Vietnamese Army officer and the Vietnamese prostitutes—a combination strange to the Americans but reasonable by local custom.

The South Vietnamese military junta controls or has a finger in almost every form of business in Vietnam. The laundering, dry-cleaning and clothes-mending for U.S. troops is about a $120-million-a-year business. Vietnamese officials get a kickback from every washerwoman, laundry operator and tailor who serves foreign troops. Thus, when Colonel Adams established a modern laundry run by outsiders, he automatically stripped the South Vietnamese leaders of their very considerable profits.

The prostitutes got into the act by a less direct route. As soon as the new laundry began operating, there was a sharp drop in the sale of laundry powder at the PX. The Vietnamese laundry managers had been getting their laundry powder from the PX via the troops. For every 10 boxes of soap powder delivered from the PX to the Vietnamese laundry, the men received a coupon usable at some of the better brothels. With the coming of the modern laundry, business fell off.

A few weeks after the new laundry began operating Col. John Adams received an order from his superiors. The Vietnamese corps commander in Adams's area had complained about the establishment of the new laundry because it had put Vietnamese women out of work. Therefore, said the order to Colonel Adams, if he could not find equal sources of revenue for the Vietnamese women, he would have to shut down the new laundry and give the laundry contracts back to the local Vietnamese.

Colonel Adams was not happy at the idea of becoming an employment agent for washerwomen and a middleman for Vietnamese racketeers. He went into a rage over the fact that the welfare of perhaps 100 Vietnamese washerwomen and perhaps 200 Vietnamese prostitutes was considered more important than the health of thousands of American servicemen assigned to combat duty on behalf of the Vietnamese. But Colonel Adams is intelligent and practical. He realized that he had no choice. The ex-washerwomen were employed as messengers; they picked up the soiled clothes at the barracks, took them to the new laundry, and later delivered the clean clothes. Their service was not needed; in fact they slowed deliveries and increased laundry prices. But it was now possible to continue the new laundry and to keep the men healthy.

And it was now possible for the prostitutes near the U.S. base to keep up their business. Even though the Vietnamese laundries were not operating, the troops still had someone to whom they could give the laundry soap from the PX. They gave it to the ex-washerwomen, who, in return, produced the coupons for the brothels. Instead of being used for local laundry, the soap is now sold on the black market.

"Everything worked out OK in the end—at least our troops didn't get dermatitis any more," says Colonel Adams. "But it does make one realize that, if we are ever to win this war, the United States must defeat the South Vietnamese Government's racketeers. After that it will be a cinch to lick the Viet Cong and the North Vietnamese. Man, then it would be a cinch!"

Only a small percentage of the more than half a million Americans in Vietnam are in combat. Therefore only a small percentage of them live in the field. The great majority, both military and civilian, are located in urban communities.

Thousands of Americans sleep in houses rented from the Vietnamese. Officially there is rent control. But rent control for American tenants is not enforced. This may not appear important. We have rent-control problems at home. But the way it happens in Vietnam illustrates the contempt the Vietnamese elite have for Americans, and it illustrates the self-humiliation—the "doormat diplomacy," the groveling—that so conspicuously marks the behavior of the Americans in Vietnam.

I inspected some of the houses rented from Vietnamese for the use of American personnel. The first was listed as a "two-bedroom villa." Upon entering it, I thought I must be in the wrong place. It smelled like a cesspool. The stench came from the sewage which backs up through the toilet every time there is rain. The sewage flows all over the floor, which is rotten, and remains between and under the boards. There were holes in the roof, each with a bucket underneath to catch the rain. One of the bedrooms was 10 feet by 12 feet. The other one was 8 feet by 8 feet. The kitchen had no stove. The refrigerator was an old-fashioned icebox that had no drain. It had to be bailed out.

The lease stated that any furniture or equipment brought in became the property of the owner of the house when the tenants moved out. The U.S. Government was paying $200-a-month rent for this pigpen—roughly three times the rent-control ceiling. The two-bedroom dump was occupied by eight American enlisted men. The landlord is a major in the South Vietnamese Army. The American officer whose men lived here complained about the house. His American superiors told him, "Keep quiet. The major is doing us a favor. He could raise the rent if he wanted to."

Three blocks away a South Vietnamese lieutenant colonel was building an apartment house. It was his personal, private venture. The cement, hardware and lumber had been stolen from the U.S. Government. The material, plainly marked, was in an open lot near the USAID building. American officers passed there daily.

Many of the new, large apartment houses in Saigon are owned by senior Vietnamese military officers. The building material used in them—much of it—is USAID goods intended for refugees. Some of the construction labor is done by South Vietnamese Army personnel. The U.S. Government does not complain. One USAID official told me, "At least it relieves the housing shortage. That's how I got my apartment."

The second rented house I looked at had four miniature bedrooms. It had one room that might be called a bath. It contained only a toilet bowl and a shower; the shower had only cold water. Two of the bedrooms each had a basin with cold water, so the house was designated by the Vietnamese as a "three-bathroom house." By Vietnamese zoning law, if a house has three bathrooms it can be designated as a hotel. If it is a hotel, the rent can be raised. This miserable shack was listed as a three-bathroom hotel, and the U.S. Government was paying $400 a month for it.

In Saigon I was invited to a pleasant three-bedroom home in a respectable residential area. It had a garden around it, an airy porch on two sides, and it was well furnished with tropical furniture. It was occupied by three embassy officials. The rent was $2,000 a month.

The rent-control law in Vietnam is a farce. The majority of rental contracts involve the U.S. Government; therefore, the U.S. Government is a party to violating the law—and a party to harming the Americans who reside in the overpriced units.

Everywhere in Vietnam the Americans permit themselves to be gouged and suckered. For example, the Vietnamese military establishment receives equipment which is denied to the American fighting forces.

"On this base, if we don't give the Vietnemese what they want," a supply officer told me, "they complain to Westmoreland that we are insulting them or wrecking the war effort. If I get a couple of such com-

plaints against me, I'll get transferred and get a lousy fitness report."

He took me on a tour of the Vietnamese base. "See," he said, "the Vietnamese have plenty of fire extinguishers, lumber, Jeeps, forklifts and cement. But on our own base we don't even have fire extinguishers. If even a small fire started, we'd go up in flames. I am forced to give first crack at everything to the Vietnamese. Our boys come next—if there's anything left."

So many Jeeps and trucks are stolen from the U.S. military that there is a shortage of transport for our troops. The shortage is so acute that for some time now the American military has been renting its own stolen Jeeps from black-market operators at $250 a month.

In Danage, one of the Vietnamese administrative officials very popular with Americans is an officer in the South Vietnamese Army. He speaks fluent English. He gives parties and flatters the American officers, arranges "entertainment" for them. In return for this he expects no interference from Americans in the local black-market operation. This official requested that the U.S. military pave many of the streets of Danage. He requested that the whole shoreline along the river be strengthened and shored up. The U.S. military did this for him. But of course this Vietnamese official allows Vietnamese landlords to violate the laws and overcharge the military for its housing. The landlords give him a cut.

Several years ago, when there was a terrible rice shortage in Vietnam, the United States sent shiploads of rice to Saigon—on a high-priority basis. But the unloading of the ships was so slow that sometimes they stayed at anchor as long as 40 days. One of them had taken in water in a storm. The rice was spoiling because of the dampness. The captain said if his cargo wasn't unloaded quickly his rice would go bad. The American Government requested that the ship be unloaded. (The priority of cargoes that come ashore in Vietnam is the prerogative of the Vietnamese.) Even though the ships are American and the cargoes are donated by the United States, the ships' cargoes are brought ashore on Vietnamese lighters (for which America must pay a charge) and there they are unloaded by Vietnamese longshoremen.

The Department of Supplies for Vietnam turned down the request from the American Government to unload the rice ship—even though the country was close to famine in some areas. Instead, it gave orders that ships carrying Honda motor scooters be given first priority for unloading.

A high official in the Department of Supplies received a five-percent kickback on every Honda landed in Vietnam. The U.S. Embassy and the U.S. military knew about this. I asked an Army colonel why we didn't do something. He looked at me with puzzlement. "How could we do anything? It's their country, isn't it?"

American economists have spent much time advising the Vietnamese on how to stay economically healthy. They recommend all kinds of measures to prevent inflation, to keep the piaster stable and to safeguard government funds. Despite all this counsel and American supervision, the Government bank of Vietnam does as it pleases. It usually disregards American advice.

At one time the Vietnamese Government funds were deposited in many banks throughout the world. This was to safeguard the security of the funds. But now much of the money has been withdrawn and placed in just a few banks.

I asked the Vietnamese economist who told me about this why the Government bank had done such a thing. He replied, "It wasn't so silly for certain officials who received kickbacks, or shall I say 'favors,' from people connected with the 'preferred' banks. It is no accident that these officials are rich men."

The many thousands of Vietnamese who are employed by the United States are paid in piasters. The hundreds of millions of dollars paid by the United States to Vietnam for the rent of land and buildings and other services are paid in piasters. To get these piasters the United States gives dollars to the Vietnamese Government, which converts them to piasters—which the United States will pay out. But the rate of exchange which the United States gets is artificial—about 80 piasters to the dollar instead of the free-market rate of 160 piasters to the dollar. In short, Uncle Sucker is paying twice as much as he should for everything.

In South Vietnam there are more than four million refugees and displaced persons. A great number of them are refugees because their villages have been destroyed by U.S. bombs or artillery fire, and the United States pays compensation for their homes and property. Assistance to the unfortunate villagers is sent frequently by CARE and AID.

Such money and supplies are supposed, of course, to go to the Vietnamese whose property has been damaged or destroyed. But in questioning approximately 100 Vietnamese in two widely separated sections of South Vietnam, I was unable to find a single instance in which a Vietnamese family had received the money. The consensus was that the money went into the pockets of Vietnamese officials.

Personal-injury money is a compensation paid by the United States if an individual is wounded or killed by accident. The money goes to the individual or to his family, and is known as solatium money.

"Oh, everyone knows," said a Vietnamese woman, "that the Americans give the money to the officials, but it never reaches the people.

"My brother is a clerk in the Army. He said that whenever his officers need money they go to the Americans with a solatium claim which they make up. It is easy—they mentioned the name of a town where a big shell or bomb has dropped, and hand in a list of names of people killed or hurt. Sometimes the Americans send an interpreter to check on the accident. But the interpreter gets money from the Vietnamese officials. So he says the claim is true. It is only the Marines who sometimes insist on personally inspecting the bodies and the damages. That is why the Army interpreters hate the Marines."

I asked for evidence of cheating for solatium money, and was told about a district chief in Quang Nam Province. I investigated, and got this story firsthand from the Marine officer involved.

One day the district chief, Major Hao, came into the field-command office of a U.S. Marine Corps lieutenant colonel.

"Colonel," he said, "I've come to collect solatium money for the five villagers who were accidentally killed the other day over by the river."

"How were they killed, and by whom?" asked the Marine.

The Vietnamese officer unrolled a map and put his finger on it. "Your Marines were dropping mortars in here, and some of them fell on the outskirts of the hamlet, killing three men and two women. This is in my district, and I have come to collect the money for the families."

"Three men and two women? When did it happen?"

The Vietnamese major told the Marine, who knew that at approximately the date and time given the Marines had been firing in that general direction at what they thought was a guerrilla concentration.

The Marine said, "Let me see the bodies."

"They are outside in my Jeep."

They walked outside. In the back of the Jeep were five bodies, well wrapped in sacking.

The Marine said, "Major, put the bodies on the ground and cut open the cloth."

"Oh no," said the Vietnamese major. "They're all bloodied and mutilated by the shrapnel."

"Put them on the ground and cut open the cloth. I want to look at them."

"Colonel, I assure you, you don't want to look at them. They are mangled and mutilated, with stomachs and chests blown open, and with heads smashed. And putrefaction has set in."

The Marine unloaded the bodies from the Jeep and laid them on the ground. Taking out his pocketknife, he cut the wrappings away.

They were the bodies of five men. There were no women. None of the bodies was mutilated or bloodied. In each of the men was one bullet hole. Obviously these individuals had been killed by rifle fire.

Without saying a word, the Marine lifted the bodies and put them back into the Jeep. He took the Vietnamese major's elbow and pushed him into the front seat.

"Major," said the Marine, "if you wish to collect solatium money for dead Viet Cong, I suggest you go and collect it from the headquarters of the National Liberation Front, not from the U.S. Marines. Now get the hell out of here."

Major Hao drove away.

My old shipmate, Chief Photographer's Mate O'Leary—a fictitious name—was going to take me on a tour of Saigon night life. But when O'Leary showed up at 7:30 p.m., he was in uniform and carried cameras. "I got a duty assignment this evening," he said, "but I don't have to leave for a few minutes yet."

"Chief," I said, as we walked about, "I've noticed that the South Vietnamese seem to be making a good thing out of kicking us around. What's the story?"

"It's humiliating," he said. "They lead us around like cattle. And we're so ashamed of our own groveling that everyone lies about it. All the brass—civilian and military—are scared of the South Vietnamese, scared of stepping on their toes. If by chance any of us complain about it, the brass is quick to remind us that we are guests here." O'Leary added, "We're guests, all right. Paying guests."

He pointed at a big generator on the sidewalk. "That generator provides electricity for this building, which has quarters and offices used by our armed forces. It's our building, on lease from the Vietnamese. We pay rent for it. Well, we make our own electricity, because the power supplied by the Vietnamese is unreliable. But we run our cables through their meter, and we have to pay the South Vietnamese what the meter reads at the end of the month. We have to pay *them* for the electricity *we* generate."

"How come?"

"The Vietnamese say they'll throw the United States out of the building if we don't comply. What's more, if we pay without a squawk and everything goes smoothly all-up and down the line, some colonel or general gets a commendation for 'unselfish devotion to duty and cooperation' when his tour in Vietnam is up."

O'Leary pointed to a U.S. Army truck. "See that license plate? Well, the U.S. Government pays the Vietnamese the fee for that plate—on the truck we send out here to fight their war with. The Vietnamese will hold up the delivery of the truck until the license fee is paid." O'Leary went on. "Go look for yourself. We invite the Vietnamese to kick us around. We almost have big signs tattooed on our foreheads, saying, 'I am an American. Please kick me around.' Well, damn it all, I've got to go on duty now."

"I thought you had the day shift."

The chief spat in the street. "The Vietnamese Officers' Club is having a party. One of them is getting married. They've got plenty of photographers of their own, but they put in a request for an American photographer. And I'm the guy who got stuck."

"Do you make pictures of the parties for American officers?"

"Hell no," said O'Leary. "That's illegal. It's supposed to be illegal to do it for the Vietnamese Officers' Club also. But you know how it is in Vietnam. When a Vietnamese says jump—then, baby, the Americans jump."

Maj. Tom Smoot, USAF, (not his real name), calls himself "an honest cop who happens to be in the Air Force." He is heavyset, almost stout. He speaks slowly, walks quickly, and has a reputation among the men as a square shooter. In civilian life he was the police chief of an American city of about 20,000. At Danang he was one of the provost marshals.

At the Air Base in Danang where Major Smoot was stationed, the U.S. Air Force has many out-of-doors storage depots—areas of land jammed with supplies and surrounded by high fences. The gates are always locked except when supplies go in or out. There is always a guard; in most instances he is not an American. In the following incident, the guard was Chinese.

This particular outdoor storage depot contained thousands of cases of supplies. Over a period of two weeks it was observed that stacks of cases were disappearing. The thefts were mentioned to the U.S. Air Force provost marshal, Maj. Tom Smoot.

The next evening Major Smoot hid his men outside the depot. Shortly after midnight, a large South Vietnamese Air Force truck drove up. The Chinese guard unlocked the gate. The truck drove in. The Vietnamese crews loaded the truck with goods belonging to the United States Air Force. When the truck was full, the Vietnamese lieutenant in charge of the working party handed an envelope to the Chinese depot guard.

When the South Vietnamese Air Force truck had moved outside the compound, Major Smoot gave a signal. Floodlights illuminated the truck, and U.S. Air Force policemen surrounded it. The truck and its contents were confiscated. Pictures were made of the truck and the Vietnamese with it. The Vietnamese were taken to jail. The Chinese guard, who had an envelope with 10,000 piasters in it, was jailed.

Within the hour, Major Smoot received a phone call from the South Vietnamese air-base deputy commander demanding that his men be released immediately. Major Smoot refused. By morning the South Vietnamese air-base commander had received a report of what had happened—along with pictures.

The next afternoon the South Vietnamese air-base commander made an official protest to the U.S. Air Force commander: "You have again exceeded your authority. Your provost marshal arrested innocent men who were transporting food to Vietnamese soldiers—on duty.

"Your provost marshal does not know that he is forbidden to meddle in the affairs of my command. I could get along with your former provost marshal, who understood about these things. I trust you will take appropriate corrective action."

The South Vietnamese commander summoned the U.S. Air Force commander, and in personal conversation made it plain that the U.S. Air Force should get rid of the provost marshal who had arrested the South Vietnamese airmen. After all, the U.S. Air Force was on the base only as a guest.

The U.S. commander explained that the provost marshal had only two months to go before returning to the United States. This satisfied the South Vietnamese commander, but he said he would put in a claim for compensation for the inconvenience and insult his men had suffered by being arrested on false charges.

Several miles outside Danang there is a mountain. On this mountain is perhaps $15 million worth of U.S. Air Force equipment—equipment that is secret in nature.

But the United States of America does not own or lease this mountain. It had to get permission from the Vietnamese to build its installation there. The mountain is controlled by a Vietnamese Army officer, a major. There is nothing the U.S. Air Force can do on this mountain without getting this major's permission on a day-to-day basis. And whatever the major wants, even if it is contrary to U.S. war interests, the major usually gets.

In early 1967 the Air Force was building a transmitter near the top of this mountain. A large concrete base was laid on which to erect a tower. But as soon as the concrete foundation was completed, the Vietnamese major called on the U.S. Air Force commander. The major said that he had always wanted a summer home on the mountain. In fact, he wanted it exactly where the new concrete foundation had been poured, and he wanted a home almost precisely the size and shape of the new foundation.

The U.S. Air Force commander objected.

The major said he wanted that concrete base for his summer home; unless this was arranged, he would not give permission for the Air Force to continue erecting its electronic units on the mountain. The Air Force commander held consultations with his superiors, both in Danang and Saigon. It was suggested to him by American headquarters in Saigon that "for political reasons it is expedient to cooperate."

The U.S. Air Force built the major a home on the concrete base and furnished it—and it supplies the labor to maintain the house and the grounds.

The major has decreed that all personal services for American airmen on the mountain will be done by Vietnamese. The charges of these cooks, servants, tailors and barbers to the personnel of the U.S. Air Force are about twice those for similar services on other bases around Danang. When queried about this, the barbers said frankly, "We have to give half the gross to the major. That's why the prices are double."

There is nothing the U.S. Air Force can do about it. They have instructions to knuckle under. Whatever the Vietnamese want from the United States, the United States will give them. After all, "We are guests here."

AUGUSTA, GA.,
May 31, 1968.

Hon. WILBUR D. MILLS,
Chairman, House Ways and Means Committee, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing in objection to the ten percent surtax bill, now in consideration by the Congress. I am opposed to any tax increase until our government starts practicing fiscal responsibility and supervising the unloading and distribution of material the U.S. ships into foreign ports and the handling of foreign aid funds distributed through the Assistance for International Development Agency.

I have recently returned from Taipei, Taiwan, and witnessed many incidents of waste in that country. For instance, approximately one-third of the Navy Exchange items (one-third is a conservative estimate) disappears between the dock at Keelung and the Navy Exchange at Taipei. Prices in the Taipei Exchange are raised approximately twenty per cent above normal to compensate for the pilferage. An Air Force Major and I witnessed a Chinese dock worker deliberately drop and break open a crate he was unloading from a ship to see what was inside. He rifled through the crate, removed some undistinguishable item and hid it behind some other crates. We called this to the attention of the Navy Chief nearby. He said "everyone" knew this was going on, but there was nothing they could do about it. The local authorities won't cooperate, and if anyone said anything to the worker, all of the dock workers would walk off. Then the Admiral and the Ambassador would be "on his neck" for creating an international incident, so they just let them steal.

I don't mind aiding and cooperating with our allies, but I do object to allowing them to steal us blind, particularly when we are fully aware of it.

The highway between Taipei and Keelung, built with A. I. D. funds, and supposedly under A. I. D. supervision, has never been fully open. A portion of it has been under repair since before it was completed. Although A. I. D. personnel were sent to Taipei for the purpose of supervising the construction and work on the highway, not one A. I. D. official was known to be present on the site during the construction, regardless of what has been reported. That is why the highway is of such poor quality.

These are only a few of the incidents where our "allies" and "friends" are "taking us for a ride". As I stated previously, these are commonly known incidents. There are many other areas I could relate in which we are being taken, but time and space do not permit. Can we begin to imagine what this adds up to when we multiply this by all the other ports the United States has around the world?

In Saigon Harbor it is a commonly known fact that seventy-five percent of all American goods, materials, and equipment that arrive disappear at the docks. Only twenty-five percent of the military equipment reaches the military! At one million dollars a day, this means that $750,000 per day is being *stolen* from us! Are we to sit idly by and not only tolerate, but condone this thievery by our allies?

The Saturday Evening Post, dated 1 June 1968, ran a story by William J. Lederer titled "Our Own Worst Enemy". In it he relates in detail how the thievery is being perpetrated and about the appalling collusion of American officials. I feel very strongly that this should be investigated and the responsible people brought to task.

All of this could be rectified. We could have our own soldiers unload the ships and our own drivers drive our trucks. After all, it is our materials we are shipping and we have not only the right, but the duty to insure that they arrive at the destination for which they are intended. Some will claim it will be too expensive to have Americans do this, but I say it could not possibly be any more expensive than it already is. I feel that by making responsible people responsible, and initiating supervision by American personnel from the ship to the user, this waste could be eliminated, and we could save more than the ten billion dollars the President is asking for in the tax increase.

We must start being firm with our allies and insist that they be honest with us. I don't think it is too much to ask a "friend" to be honest with us.

I am not writing this with the intention of perpetrating an "exposé" or being disloyal to my superiors. I am writing this in the spirit of a concerned American citizen who has a deep love and devotion to American tradition and the American way of life. I certainly hope this letter is accepted in that spirit.

Sincerely yours,

THOMAS T. OSTEEN.

[From the Atlanta (Ga.) Journal and Atlanta Constitution, May 12, 1968]

VIET REPORT CHARGES MILLIONS SQUANDERED—CONSTRUCTION KICKBACKS ARE CITED

(By Gaylord Shaw)

WASHINGTON.—A secret Senate report charges there are definite indications of kickbacks in a U.S. construction project in South Vietnam—a country where it says millions of dollars are being "squandered because of inefficiency, dishonesty, corruption and foolishness."

The 75-page document, prepared by Sen. Abraham Ribicoff, D-Conn., after a tour of Southeast Asia last December, urges a broad congressional investigation of U.S. operations and programs in the war zone.

Ribicoff's report has been filed with the Senate permanent investigations subcommittee chaired by Sen. John L. McClellan, D-Ark. The document, only recently completed, has not yet been made public but The Associated Press obtained a copy of it.

Ribicoff describes the Agency for International Development mission in Saigon as "one of the most overblown bureaucracies I have ever seen." He claims Vietnamese society is riddled with corruption, and said there is "collusion between Vietnamese rackateers, military and civilian personnel."

"It is obvious," Ribicoff writes, "that a thorough investigation in depth would swiftly bring about corrective measures which would save many millions of dollars in federal funds which are now being squandered because of inefficiency, dishonesty, corruption and foolishness."

In reporting on U.S.-financed construction projects in Vietnam, he says the General Accounting Office should examine contracts held by Pacific Architects & Engineers Inc., a Los Angeles firm, and RMK–BRJ, a joint venture that includes Raymond International of Delaware Inc., Morris-Knudsen of Asia Inc., Brown & Root Inc., and J. A. Jones Construction Co.

Pacific Architects & Engineers received $133 million last year to operate and maintain physical facilities and utilities at Army installations throughout South Vietnam, Ribicoff says, and is second only to RMK–BRJ in funds received for Vietnam projects. RMK–BRJ's contract, when phased out late this year or early in 1969, "will total approximately $1.4 billion," Ribicoff reports.

In mid-1965, the report says, the Army contracted with PAE to renovate the Grand Hotel in Nha Trang for use as a headquarters. The initial Army estimate was $208,423 but the final cost was $996,226, the report says.

"PAE personnel and the Army contracting officer went to Hong Kong and Singapore to purchase material and supplies for the Grand Hotel project," Ribicoff says. "Some $125,000 was spent in Singapore, in spite of the fact that assistance-in-kind funds (used to pay the firm) are provided by the government of Vietnam to U.S. forces for use only in Vietnam.

". . . There were also definite indications that some of the PAE employes were receiving kickbacks for giving the business to certain Singapore firms. There are further indications that the contracting officer, if not directly involved, was purchasing inferior commodities at higher prices."

Ribicoff reports using assistance-in-kind funds circumvented a statute and violated a military regulation. He adds: "We understand the Army contracting officer did not necessarily agree with this arrangement, but indicated that this was the only way he could get the funds and that he was going to burn all of the records shortly after completion of the project."

The senator writes the "matter of kickbacks involving a PAE civilian employee" was referred to the Justice Department which declined prosecution "apparently because witnesses were scattered around the world."

The Army relied on a "worthless engineering survey to show that the costs were justified," the report says, although GAO investigators found "some $165,000 in materials were unaccounted for.

The RMK-BRJ venture receives a 1.7 per cent fixed fee on its contract, the report says, plus a maximum incentive of .76 per cent.

It says General Accounting Office auditors found last spring that the firm could not account for $120 million worth of government-reimbursable material shipped from the United States to Vietnam.

"Now, however, we are told by both RMK-BRJ officials and Navy officers that the $120 million of materials reported unaccounted for has dwindled to a mere $5 million carried in the 'in transit' account," Ribicoff writes.

He terms such a reduction incredible and adds: "It is hard to believe that the Navy would acquiesce in what appears to be some form of coverup or subterfuge.

Turning to other areas, the Ribicoff report says hundreds of dedicated employes work in the U.S. aid program, "but I was dismayed to find the Saigon AID mission one of the most overblown bureaucracies I have ever seen."

"A vast complex of over 4,700 American and Vietnamese employes, the Saigon headquarters outnumbers the AID personnel in the field by nearly two to one."

The report says also "it is clear that the whole Vietnamese infrastructure, in the civilian government and the military and other aspects of the society, is riddled with corruption."

Ribicoff tells of meeting a high Vietnamese official who "lost his police post because he was too honest." This official "spoke of corruption everywhere," the senator says. "He cited a Vietnamese Army captain who owns a bar at Long Bienh and has a half-dozen or so of his soldiers serving as bartenders and otherwise running the bar for him on a full time basis."

Corruption is difficult to prove and "a Vietnamese witness who testified about it could do so only at the risk of personal danger," Ribicoff writes.

EXAMPLES OF FAILURE OF FHA TO PROTECT HOME BUYERS IN NEWPORT, KY., AREA

Mr. WILLIAMS of Delaware. Mr. President, today I call attention to some outrageous examples of the Federal Housing Administration's failure to protect the home buyers in Newport, Ky., area. Not only did the FHA fail to protect the home buyers, but the home buyers were actually victimized as the result of excessive appraisals by the FHA's own inspectors.

The details of these cases were outlined in a series of articles by Mr. Carl West which appeared recently in the Kentucky Post.

Some of the more glaring cases are outlined as follows:

Case 1: The Ardmore Realty Co., Cincinnati, Ohio, purchased a two-story brick house at 403 Forest Avenue on Newport's east side for $8,600. At the time of the purchase this property was assessed on the county tax rolls at $7,095.

Without any improvements having been made, the FHA inspector examined this property and appraised it for $13,800.

Ardmore then sold the property to Mr. Henry Reece, a 33-year-old odd jobs man for $13,350, and the FHA, based upon its own appraisal, insured this mortgage for that full amount.

This gave the realty company an immediate profit of $4,750.

Case 2: The Ardmore Realty Co. bought this property from Harry and Lillian Rinck for $10,100.

Without making any improvements thereon Ardmore asked for an FHA appraisal. The FHA appraised this property at $15,900 and agreed to guarantee the mortgage for $15,400. At the same time this property was assessed on the county tax rolls at $11,385.

Ardmore then sold the property to Mr. Thurman Miller for $15,400, the amount of the FHA-guaranteed mortgage, thereby giving Ardmore an immediate profit of $5,300.

Mr. Miller, to whom the property was sold, was described as a mountaineer who wanted to own his own home. He is married, has three children, and works as a brakeman for the C. & O. Railroad. Mr. Miller is quoted as saying that the house was in a poor state of repair, but he was told that since he had served an apprenticeship as a carpenter he himself should be able to make such repairs, including fixing a leaky roof, sagging floors, and so forth.

Case 3: On April 17, Ardmore Realty Co. purchased property at 14 Chesapeake, Newport, from James and Helen Caldwell for $9,000.

The property was assessed on the county tax rolls for $5,610.

Ardmore sold this property to Mr. Carlos Fornash, age 21, for $15,100, representing a $6,100 overnight profit.

The FHA after appraising the property, insured the full amount of this mortgage with a 30-year loan at 6 percent.

FHA records in Washington show that no improvements were made prior to the sale.

Mr. Fornash is quoted as having told the Kentucky Post when asked about the recent visit of the FHA's chief appraiser:

> He told us he's sorry it happened. He said we'll just have to suffer with it.

Case 4: Ardmore purchased this property at 523 Columbia Street, Newport, for $8,025 from Mr. Matt Neace. The county assessment in 1967 was $7,000.

Upon Ardmore's request the FHA appraised this property and agreed to guarantee a mortgage for $13,650.

Ardmore then sold this house to Mr. Arch McIntosh for $13,650. Mr. McIntosh is an employee of the Anchor Paper Co. in Cincinnati.

No improvements were made, but Ardmore did agree to throw in a new gas furnace as a part of this deal.

This gave Ardmore a profit of approximately $5,000 on the transaction.

Case 5: Ardmore bought an old house located at 2 Summer Hill, Newport, from Harold and Agnes Pfeffer for $10,000. The county assessment was $9,750.

After its purchase Ardmore requested the FHA appraisal, and the Government appraiser agreed to guarantee an FHA loan for $15,400.

Apparently no improvements were made between the time of the purchase and the sale. Ardmore sold this property to Mrs. Nancy Kaufman for $15,400, financed by an FHA-guaranteed mortgage, thereby giving the company a $4,500 profit on this deal.

When interviewed by the Kentucky Post concerning these transactions a representative of the company is quoted as having said:

> Those who accuse me of profiteering aren't getting all the facts. First, I don't set the value of these houses. And second, I don't

care what the profits are. I don't think they're anybody's business.

One FHA official responsible for some of these high appraisals is quoted as having said:

You've paid too much for your home. All we can do is apologize.

Mr. President, the FHA was established by the Congress and is financed by the American taxpayers with the understanding that it will aid and protect the average American family in financing the purchase of his own home. The No. 1 objective of this agency should always be to protect the home buyer, but in far too many instances we find that the interest of the individual home buyer has been neglected.

In the cases outlined here today not only were the interests of the home buyers neglected, but the FHA was apparently a party to this scheme wherein these prospective home buyers were victimized.

A mere apology is not enough. Those Government officials responsible for allowing these home buyers to be victimized should be fired. Then a thorough investigation should be conducted to determine whether these overappraisals resulted from shear incompetence; or was there a conspiracy between the representatives of the Government agency and the real estate company? Those questions must be answered.

I compliment the writer Mr. Carl West and the Kentucky Post for the public service they have rendered in exposing this racket. At the same time I am asking the Federal Housing Administration for a full and complete report of all Government transactions in the past 5 years involving guaranteed mortgages on homes sold by the Ardmore Realty Co. along with a list of the names of the appraisers and the appraisals in each case.

I ask unanimous consent that the series of articles outlining these questionable transactions as appearing in the Kentucky Post be printed in the RECORD at this point.

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

[From the Kentucky Post and Times Star, May 29, 1968]

NEWPORT BUYERS ARE PAWNS: $5,000 PROFIT ON FHA'S QUICKIE OLD HOUSE DEALS

(By Carl West)

Newport home-buyers have become pawns in a FHA scheme that is letting one realtor make a nearly $5000 profit on each quickie sale of old houses.

A typical victim is Henry Reece, 33-year-old unemployed odd jobs man.

Reece bought a two-story brick last March 7 at 403 Forrest avenue on Newport's east side. It is the first house he's owned.

The house cost Reece $13,350. He bought it from Ardmore Realty Co., Cincinnati. Ardmore had bought the same house for $8600 just before they sold it to Reece.

The FHA, a government agency, not only encouraged the deal that gave Ardmore a paper profit of $4750 on the transaction—they guaranteed the loan.

A series of such strange transactions have been brought to light by a 10-day investigation by The Kentucky Post.

The scheme involves several recent house sales in Newport. It may be operating elsewhere in this area.

The FHA appraised the house for $13,800 although it is on the county tax rolls for $7095—and no improvements were made after it was bought for $8600.

The overnight sky-high jump in the value of the house was engineered under a billion-dollar FHA program originated last fall to get dilapidated "inner city" houses renovated as an antiriot measure.

The way it has worked in Newport is merely to turn over some older houses—with Ardmore Realty Co. making about a $5000 profit.

In some cases this represents a profit of 33 to 50 per cent.

The Kentucky Post began looking into the transactions because the strange souped up old house sales mystified Newport realty and building and loan officials.

The house in the Reece deal was formerly owned by Norman Linkugel. He is 35 and works for Kirk Blum Mfg. Co., Cincinnati. He decided about a year ago to get out of Newport.

His house went up for sale. But there was little interest. He was asking around $9000. He didn't know anything about the new FHA national program that would up the government loan value on his property.

The Ardmore Co. did, however. They came along in January or February and agreed to take it off his hands for $8600.

They conditioned this, Linkugel told The Kentucky Post, on getting a "satisfactory FHA commitment for a guaranteed mortgage."

They got one—for $13,350!

Ardmore arranged the financing through the Kissell Co., in Cincinnati. And Reece had his first home.

All this took place under new relaxed and revised FHA home mortgage requirements.

The new program went into effect in Kentucky last fall.

It allows investors to buy homes in dilapidated or "inner core" areas of a city, fix them up, then resell to low income families.

The FHA "inflates" the appraisal of homes under the program. Their value is based on what the home's actual worth is, plus certain improvements that are to be made by the investor.

The FHA spells out what these improvements are and estimates the cost of doing them.

If there were any improvements to be made on the house Reece bought from Ardmore, he said he knew nothing about them.

"The only thing they told me was how much the house cost and what the payments were," Reece said.

FHA records of the transaction in Washington show that certain improvements had been made to the house before it was appraised.

They included a new furnace, hot water heater, plaster and wallpaper, floors refinished and exterior painted.

Ex-owner Linkugel agreed that he had done a lot of work to the house in the four years he lived there.

He had put in a new furnace the first year he lived there for $990, and later installed a hot water heater for $45.

He said he had also painted the outside and remodeled and enlarged the kitchen.

But he said he wallpapered only one room and he had not refinished the floors nor had he done any plastering.

A directive from FHA's office in Louisville supervised by Raymond G. Fleming says the program is designed to make profits for private investors.

"And our office is committed to make it work," reads the release from Fleming's office.

Fleming said that insurance companies of America have pledged a billion dollars to get the program moving.

He says no location in a city is ineligible unless the highest and best use of the land is for other than residential.

A house may be eligible even though it is surrounded by slums. "Shotgun" cottages will qualify even if the bathroom opens into the kitchen.

Fleming has the program set-up so families with regular monthly incomes as low as $200 per month may be able to qualify.

All they need is a good record of paying rent. The FHA will overlook "minor credit blemishes"—even garnishments and lawsuits against bad debts.

Before Reece moved into his new home, he lived with his wife Ruby and three children in Peter Noll Homes, Newport.

He is a former nightwatchman for the Beverly Hills Country Club. He says he "just piddles" around now scraping together enough at jobs to meet the mortgage payments.

Those are $80.10 a month. The loan on the $13,350 runs for 30 years at 6 per cent.

"Look," Reece admitted. "I'm not going to lie to anyone. I know it's going to be tough."

The Kentucky Post unraveled the curious workings of the government deal by first checking with Fleming's office in Louisville.

Officials there said all the records on Reece's case—and others—had been forwarded to their Washington, D.C., files and records department.

A check by The Kentucky Post's Washington Bureau revealed the files were there, but it would take a while to dig them out.

Further checks were made in the deed and mortgage records in the Campbell County Courthouse.

This investigation revealed that, in some cases. Ardmore recorded their buying and selling transactions all in the same day.

[From the Kentucky Post and Times Star, May 30, 1968]

FIND TWO MORE $5,000 HOUSING SCHEME VICTIMS

(By Carl West)

Two more Newport home buyers have been caught in a FHA scheme that allowed a Cincinnati realtor nearly a $5000 profit on each sale of old homes.

Both owners bought their homes from Ardmore Realty Co. after FHA gave its blessing to the deals under a new guaranteed mortgage plan.

The unusual real estate transactions were uncovered by The Kentucky Post during an 11-day investigation.

One swept into the deal is Thurman Miller, 29. He's married with three children and works as brakeman in Silver Grove for the C. & O. Railroad.

Miller, an easy-going, mountaineer, wanted to own his own home. He was renting for $80 a month in a brick house at 1007 Central avenue, Newport.

He noticed a house on Grand for rent with an option to buy.

Miller bought the house from Ardmore for $15,400 on a 30-year FHA mortgage at per cent. The deal was recorded May 1 at the courthouse.

"They wanted $16,500 for it," Miller recalled. "When they came down to $15,400 I wondered why and asked them.

"They said that's all the FHA would approve on the house."

In the Miller deal, Ardmore bought the same house from Harry and Lillian Rinck for $10,100.

Then Ardmore asked for an FHA appraisal on the property located in a well-shaded section of Grand at 1051.

The FHA value came back at a whopping $15,900. And they agreed to back a loan for $15,400.

The same property is assessed on the county tax rolls at $11,385. There have been no improvements.

But Miller says the house needs several. And he figures he's going to have to pay for them out of his own pocket.

"The floors sags a little," he said. "And the doors don't fit and the right side of the house is sinking a little."

Miller served an apprenticeship as a carpenter and figures he can do all the work himself for $500.

But under the guidance of new FHA mortgage policies, any improvements have to be made by the seller—in this case Ardmore.

The new program—backed by a billion dollars from U.S. insurance companies—is designed to rehabilitate homes in "inner core" city areas and give homes to low income families.

Kentucky's version of the deal allows investors to buy old homes, fix 'em up then resell with a FHA backed loan. The federal guarantee is based on what the house is worth after a specified improvements.

"They never mentioned any new program," Miller said with surprise.

"I understand from Mrs. Rinck they are supposed to spend the money on it. But they never said anything to me," Miller said.

He said the roof on the house leaked and he called Ardmore about it.

"They sent a man over and he dabbed a little tar on it," he continued. "But the roof still leaks."

Another pawn in the FHA scheme is Nancy Kaufman. She bought a home from Ardmore at 2 Summer Hill in Newport for $15,400.

Ardmore got the same house from Harold and Agnes Pfeffer for an even $10,000.

The county appraised the home for taxes at $9750. But a government appraiser said it was worth $15,400 and guaranteed the loan.

A check with FHA records in Washington, D.C., shows that no improvements were required by Ardmore to increase the value of the house from $10,000 to $15,400.

One of the central figures in these and similar Ardmore homes sales in Newport is Leon Steinberg, 41.

He's president of Ardmore Realty Co., with offices in a quiet residential section of Walnut Hills at 2345 Kemper Lane.

Steinberg, an aggressive and hard-working realtor and dealer, also has set up an office in Covington at 106 E. Eighth street.

It's managed by Paul Phillips, one of several who work for Steinberg.

"Those who accuse me of profiteering aren't getting all the facts," he opened an interview with The Kentucky Post.

He clicked off three reasons for this:

"First," he announced, "I don't set the value of these houses. And second, I don't care what the profits are. I don't think they're anybody's business.

"And third," he continued, "those who accuse me don't know what the costs involved are."

He said another factor in his profit picture was the risks involved.

"If I don't sell one of these houses after I get an FHA commitment I have to eat it."

Steinberg claimed that on a transaction where he buys a house for $10,000 and resells it for $15,000 his actual net profit is just over $1000.

He said this is after he figures in his costs of doing business, including office expenses, advertising, any improvements to the properties and other expenses.

"But look," he questioned, "is it wrong for me to make a profit? Why should I be put under a microscope on the profits I make?"

Steinberg, clean-cut and handsomely dressed, became active as a realty dealer in northern Kentucky last fall.

He said he was attracted to the area because "there's a strong market there."

"There's a lot of money to be made in northern Kentucky," he said: "Sure, a lot of brokers are mad at us because we can sell in 30 days what they've been sitting on for months."

"And," he pointed out with reference to the new FHA scheme, "we're reaching the poor people. And that's just what Uncle Sam wants."

[From the Kentucky Post and Times Star, May 30, 1968]

ASSAILS FHA FOR FALSE APPRAISALS

John L. Day, president of Kenton-Boone Board of Realtors, Inc., today commended The Kentucky Post for its disclosure yesterday of quickie sales of Newport houses at high profit.

Day assailed the Federal Housing Administration for what he called "conspiring with certain real estate brokers and mortgage companies in rendering false appraisals on houses in order to make large profits for private investors at the expense of minority groups and the poor.

"It is criminal and inexcusable for a branch of the federal government to participate and encourage this robbery of the poor and uneducated.

"FHA was designed to help the working man obtain a home through long-term, federally insured mortgages.

"However, under current directives from Washington, it is being used to swindle the poor and uninformed home buyer who is relying on the FHA appraisal as his guide to value."

Day placed the blame directly on Washington and said the Kentucky office of FHA and local FHA appraisers are "just following the directives as they receive them from Washington."

He called for a congressional investigation of FHA practices and offered the aid of Kenton-Boone Board of Realtors and its members in gathering data.

[From the Kentucky Post and Times Star, May 31, 1968]

FHA SAYS HOME BUYER VICTIMIZED BY $5,000 PROFIT

(By Carl West)

"You've paid too much for your home. All we can do is apologize."

That is what Kentucky's chief FHA appraiser told a Newport home buyer after reexamining a sky-high FHA appraisal of his home at 403 Forrest avenue.

The homeowner, Henry Reece, 33, bought it with an FHA guaranteed loan for $13,350. This is nearly $5,000 more than the realty company he got it from paid for the property.

Kentucky's chief FHA appraiser is balding, bow-tied Charles Card. He works out of FHA state headquarters in Louisville.

"I apologized to Reece because he'd been victimized," Card told The Kentucky Post, adding he could not comment further.

CHECKING LOCAL APPRAISALS

Card was in Newport this week checking appraisals on at least four other homes.

Early in the week he said that "some of the values seem high." He said anything further on the matter would have to come from FHA offices in Washington, D.C.

FHA's Washington public relations director Gerald Poston released this terse statement:

"Some of the FHA values placed on homes in Newport are questionable. We're going to have a full investigation."

The appraisal on Reece's home was made by Wendell Cooper, 624 Hallam avenue, Erlanger. He's area appraiser in northern Kentucky for the FHA.

Cooper had "no comment" on the Reece appraisal, which placed the home at $6000 more than county appraisal of $7095.

The FHA investigation of the Reece purchase—and others—is a result of The Kentucky Post's probe of several unusual real estate transactions recorded recently.

The Kentucky Post inquiry began because realty and loan officials were puzzled over some high profit sales that popped up on old houses in the city.

All of the transactions unfolded under a new billion-dollar, home loan policy sponsored by the FHA.

FHA drew up the scheme to rehabilitate homes in blighted and slum areas. And it's supposed to put homes within reach of low income families.

EXPLAINS AIM OF SCHEME

In Kentucky, the FHA interpreted the scheme as one to allow private investors to buy dilapidated homes, make improvements, then resell at a profit under an FHA-guaranteed mortgage.

Reece's home was one of the first that appraiser Card re-checked Monday when he began his investigation.

Reece, unemployed and putting bread on the family table by odd-jobbing, bought the house from Ardmore Realty Co., Cincinnati.

"He wanted to know how much Ardmore spent to improve the place," Reece recalled after Card looked the home over inside and out.

"I told him as far as I knew not a damn penny!"

FINDS TERMITES

Reece said Card not only told him he had paid too much for the home—he found termites in a beam and a leaky basement floor.

After Reece learned his $13,350 mortgage on the home was too high, he announced he was going to file bankruptcy.

"That's the only way I can see out of it," he mumbled.

In at least three other of the properties Card checked, the appraisal was made by the FHA for Ardmore Realty Co.

The paper profit to Ardmore on each of the sales indicated by deeds in the Campbell County Courthouse was about $5000.

[From the Kentucky Post and Times Star, June 1, 1968]

NOW IT'S $6,000 PROFIT IN FHA DEAL

(By Carl West)

Husky Carlos Fornash is only 21 and he's strapped with a $15,100 mortgage on a Newport home that's probably worth only $9000.

And the Cincinnati realty company he got it from pocketed a $6000 profit on the deal that closed under the new FHA housing scheme.

Fornash and another Newport family are two more victims of the FHA scheme uncovered by a Kentucky Post investigation into quick sales of old homes that turn high profits.

Fornash, married with one child, is an apprentice book binder for American Book Co., Cincinnati.

He bought the house on 14 Chesapeake from Ardmore Realty Co.

The story he tells is similar to others told The Kentucky Post.

"We were renting," he said. "We wanted a home. Ardmore showed us three. We took this one."

He took it for $15,100 on a 30-year loan at 6 per cent. The Kissell Co., Cincinnati, financed it. And the FHA is standing behind Kissell's loan.

Ardmore got the same piece of property from James and Helen Caldwell for $9000. Both Ardmore's deeds and the mortgage were recorded April 17.

The county carries the property on the tax duplicates for $5610.

"What would happen," Fornash asked, "if I just walked out of the house and left it?"

He said he was thinking of skipping his first mortgage installment of $112 due today.

"I just don't feel like staying. If I sold it, I just wouldn't get near my money back."

Fornash said the foundation is cracked, the basement leaks, doors don't fit, and the floors aren't level.

"No! Ardmore didn't do anything to improve the place. They didn't do anything."

Under the new FHA deal, the appraiser

inflates value of a house based on what it's worth after specified improvements.

FHA records from Washington, D.C., show no improvements were required on the Fornash deal.

Another of the FHA scheme victims is Arch McIntosh, a 47-year-old Owsley County native working as a cutter for Anchor Paper Co., Cincinnati.

McIntosh and his wife, Patricia, were living in Newport's Peter Noll Home project. They wanted their own home and spied one for sale at 523 Columbia street.

The price tag was $13,650. And Ardmore said it would throw in a new gas furnace as part of the deal.

"There didn't seem to be anything wrong with it," Mrs. McIntosh told The Kentucky Post. "We like the house real well."

She said neither she nor her husband knew of any other improvements planned for their home, a three-story run-down brick structure.

"We want to put in a front porch," she added. "And we're going to try to do some work on the inside."

Before Ardmore sealed the deal with the McIntoshes for a nearly $5000 profit, the company bought the home from Matt Neace for $8025.

That price was more in line with what the county assessed the property for taxes in 1967—an even $7000.

But when the FHA looked the property over, they said they would guarantee a mortgage on it for $13,650.

The same property sold in 1967 to Neace for $6500, according to stamps affixed the deed in Campbell County Courthouse.

Since the Kentucky Post has revealed the hiped up FHA home appraisals on Newport houses, FHAs chief appraiser from Louisville has been re-examining them.

He's Charles Card. He visited the McIntosh home at 523 Columbia this week.

"He did more writing than he did asking," Mrs. McIntosh said. "He went all through the house taking notes."

But Card did more talking when he visited the Fornash home.

"He told us he's sorry it happened," Fornash said. "He said we'll just have to suffer with it."

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Mr. CURTIS. Mr. President, I appeal to the President to sign the anticrime bill. The American people justly wonder why there has been all the foot dragging. They wonder what relationship there is between the overt efforts to distract and cry hysteria on other matters, and the fact that this bill has not been signed.

As I recall, when the bill was passed by the Senate there were only four or five negative votes. The individuals who worked out the crime bill spent months and months on it. The bill deals with a number of important matters. It places some balance in our system. It provides guidelines in meeting Supreme Court decisions so our police will not be hampered by extreme, unreasonable, and unjustifiable considerations toward the accused.

After all, one of the prices that we all must pay for living in a peaceful society is cooperation with the police. If that embarrasses us, delays us, or inconveniences us, that is a just price we all must pay. The bill deals with that. It provides for wiretapping under the jurisdiction of the courts.

Mr. President, when our forefathers knew of the wrongs being done them by searches and seizures, they did not outlaw searches and seizures, but declared that it must be done by a writ of the court.

That is the answer Congress placed on the question of wiretapping, because the big leaders of organized crime are back in business. It is the "small fry" out on the streets who are being caught without wiretapping. The leaders of organized crime, of violence, and pushing drugs cannot be caught. Yet that bill remains on the President's desk.

There are some in the country who are attempting to create hysteria by advocating new legislation.

The bill on the President's desk is a good bill. It meets the needs we face. It contains some very good provisions relating to the control of guns. I refer particularly to the amendment offered by the distinguished Senator from Louisiana [Mr. LONG], making it unlawful for ex-convicts, the mentally disturbed, and other disqualified people, to have or own a gun. Yet that bill remains unsigned.

Why?

What forces in the country are opposed to that bill?

Who is it that will be disturbed if wiretapping is judiciously carried out under the direction of the courts?

Who is it that will be handicapped if we return to the procedure where the court will decide whether a confession is voluntary?

Mr. President, it is time that the law-abiding citizen, those who work for a living, those who pay their taxes and who carry the burdens of the country, receive a little attention.

They are asking for this crime bill. It should be signed.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement on the crime bill made by the Honorable Richard M. Nixon.

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

STATEMENT BY HON. RICHARD M. NIXON ON THE CRIME BILL

President Johnson should cease dragging his feet on the omnibus anticrime bill and to sign that measure into law now. 70,000 serious crimes are committed in this country every week; the nation needs action on the crime-control front; and the President's procrastination on the issue is wholly unjustifiable.

The President's demand for stronger gun control legislation should not prevent passage of an anticrime measure which not only has 90% gun control features, the President asked, but also provides new authority and new resources for the states and communities of this country to deal with the growing crime menace. If the President is interested in vigorous national action against this crime, he will sign this bill.

It is apparent today that the country and the Congress are ready to take up debate on the issue of added measures for more effective gun control. There is no call for the President to threaten to veto the anticrime bill, which includes a ban on interstate shipment of hand guns, to get that debate underway. In my view, the interstate mail order shipment of guns and rifles should be controlled so as to:

(1) prevent their falling into hands of minors, convicted criminals, those with a history of mental illness and others not qualified to have a gun in their possession;

(2) prevent the mail order circumvention of state and local gun control laws.

Such legislation can be drafted by the Congress so as not to interfere with the legitimate right of sportsmen and hunters to buy and own weapons they are legally able to buy and own in their own states. Such legislation in my view can be drawn and it will enjoy the support of the vast majority of the Congress and the Country as well.

But let us keep this in mind, there is no gun legislation at the federal, state, and local level that will bring us the solution to the crime crisis that the word spawned in America in recent years.

The solution to that crisis will depend on wholesale judicial reform, penal reform and the restoration of the balance between the peace forces and the criminal forces within society which has been upset partially by some of the decisions of some of the courts in this country. It will require great new investment of resources in crime research. It will entail a dramatic increase in the number and quality of our police; it will require a new attitude on the part of the public and on the part of the national Administration about crime and criminals in America. The necessary attitude has not been evident throughout the history of this Administration—it is not evident today as the Administration drags its feet on the only significant national crime measure it has considered.

Mr. CURTIS. Mr. President, it is my understanding that by tomorrow evening the time will have expired for the signing of the bill by the President.

My question is: What forces are opposing it?

Mr. MANSFIELD. Mr. President, I have listened with interest to what the Senator from Nebraska has just stated. What he said at the last, he should have stated at the beginning, because what he is trying to do is to put the burden on the President, so far as the safe streets and omnibus crime control bill is concerned. He knows that the President, under his right, has until midnight tomorrow either to sign or not to sign the bill passed by the Senate and concurred in by the House.

I feel certain that the Senator would be willing to withhold judgment as to the action to be taken by the President during the period of consideration which is his under the law.

There is no question about my support of the bill and my desire that the President sign it; but I certainly think the President should be given the privilege of as much time as he needs to look into the various titles which comprise the bill. It is a far-reaching bill. It is a good bill. I hope that he will sign it. But I certainly would not deny this President or any other President the right to determine within the time limit what his final decision shall be.

I would assume that what President Johnson is doing now is discussing the whys and the wherefores, the ins and the outs, and all the details of this far-reaching bill with those having the most expertise in the area; namely, the Attorney General, J. Edgar Hoover, and others, those who will be able to advise him concerning of their opinions and who will be able to make recommendations as to what they think should be done.

But the final decision will be made by the President. He will face up to it, and when he does, then, I think, in line with

our own feelings, we should consider the possibility of criticizing the President.

S. 3654—INTRODUCTION OF BILL TO PROVIDE A GUARANTEED ANNUAL INCOME FOR OLDER AMERICANS

Mr. PROUTY. Mr. President, I introduce, for appropriate reference, a bill to provide a guaranteed annual income for older Americans. I ask unanimous consent that the bill be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD at the conclusion of the Senator's remarks.

(See exhibit 1.)

The bill (S. 3654) to amend the Social Security Act so as to add thereto a new title XX under which aged individuals will be guaranteed a minimum annual income of $1,200, in the case of single individuals, and $1,800, in the case of married couples, introduced by Mr. PROUTY, was received, read twice by its title, and referred to the Committee on Finance.

Mr. PROUTY. Mr. President, today I am proposing a guaranteed annual income for citizens age 65 or over because I believe it represents the best way to meet the pressing economic needs facing millions of Americans.

The proposal itself is simple. It guarantees an income to all citizens age 65 or over to be paid out of general revenues. The Social Security Administration would make the appropriate monthly payments based on both earned and unearned income.

Tentatively I have set the income level to be guaranteed at $1,200 per year for an individual and $1,800 for an aged couple. These figures were selected because they roughly approximate the lowest poverty threshold.

I ask unanimous consent, Mr. President, that a table illustrating the mechanics of my proposal be printed immediately following my remarks.

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

(See exhibit 2.)

Mr. PROUTY. Mr. President, unlike many proposals for guaranteed annual income, my proposal is directed to a specific group of individuals whose greatest need is money. These are the Nation's elderly.

Many suggest that if a guaranteed annual income were given to all citizens we could eliminate all poverty overnight. Unfortunately there are few, if any, facts to support such a conclusion.

For example, Mr. President, if such facts were available, I for one would have acted differently last September when we considered the Economic Opportunity Act as a vehicle for the war on poverty. At that time it was crystal clear that we had no meaningful facts for determining how to best eliminate poverty among children, young adults, and the middle aged. For that reason I sponsored an amendment authorizing an in-depth investigation and analysis of the war on poverty by the Comptroller General. Hopefully, next January we will have some of the facts necessary for a pragmatic and effective attack against all poverty.

In the meantime, we already have comprehensive data concerning the largest single group trapped by poverty—those Americans age 65 or over.

Not only do older Americans constitute the largest single group trapped by poverty, but also that group is growing at an alarming rate. The Social Security Administration reports that the number of poor persons dropped between 1965 and 1966 from 32,669,000 to 29,657,000. Overall the percentage of individuals living in poverty decreased from 17.1 to 15.3 percent.

This was an improvement, but where did it come from? Getting behind the statistics, who actually moved out of poverty?

Mr. President, the fact is that the improvement in the poverty statistics was totally in the under-age-65 population. The shocking truth is that the number of poor over age 65 actually increased by over 100,000 between 1965 and 1966. Nearly 20 percent of those now living in poverty are age 65 or over.

I say this is shocking, because here is a group of Americans living in poverty and the shadow of death while we know the solution to their plight.

The solution is not education.

The solution is not job training.

The solution is not make-work.

The solution, Mr. President, is simply cash income.

In testimony before the Labor and Public Welfare Committee, Ambassador R. Sargent Shriver, then head of OEO, clearly stated the reason for this when he testified that—

> Many of those over age 65 are not able to work and indeed should not be expected to work. They have completed a lifetime of productive activity and in an affluent society such as ours they have a right to expect to live out their years without having to continue to work.

As a matter of fact, since the enactment of the Social Security Act in 1935 we have created an illusion of old age protection in this country. I say "illusion" because, for too many Americans, there is no old age protection.

It is an illusion because many Americans were excluded from social security coverage during their working years.

It is an illusion because many Americans, who were covered by social security, earned such low wages they find themselves eligible for a grossly inadequate minimum payment when they retire.

It is an illusion, because inflation continues to outdistance social security increases.

In 1966, my amendment to the Tax Adjustment Act was adopted. That amendment provided the modest sum of $35 a month to individuals over age 72 who had never been covered under social security.

When I first introduced the amendment I expected that from 300,000 to 350,000 individuals would be eligible for benefits. In fact, Mr. President, nearly a million Americans have received the benefit.

Thousands have written to me in gratitude explaining that this paltry amount of money had made a significant difference to them.

Some were able to buy meat once a week rather than once a month.

Some were able to buy all of the medicine they needed rather than only a portion of it.

Some were able to regain dignity by getting off welfare.

That $35 monthly payment has been increased to $40, Mr. President, but I feel we can do better for those Americans existing in poverty and the shadow of death. Equally important, Mr. President, are those older Americans only eligible for minimum social security.

Did you know Mr. President, that over 1 million social security recipients are forced to supplement their meager social security benefit with welfare payments?

What disillusionment must plague these good people? Think about it. For a lifetime they have worked and paid the social security payroll tax, but then retire only to receive a benefit unable to sustain them.

Since 1964, I have sought to have the minimum social security benefit increased to $70 a month. Finally, last year, President Johnson supported this position. Nevertheless, the best we could do in Congress was to raise the minimum payment to $55 a month.

This then is the problem. Between 5½ and 6 million Americans aged 65 or over live in abject poverty. Another 5 million live in near poverty. Over 2 million Americans, one-half of whom receive social security, are forced to abandon dignity and receive a welfare dole in order to exist.

Mr. President, I believe that we in this wealthy Nation can and must do much better.

The bill I have introduced today would help those, who through no fault of their own, were never covered by social security during their working years. It would also help those Americans who receive low social security payments either because they were covered late by social security or always had a low-paying job.

In addition, this bill would strengthen the social security system by retaining the insurance principles without depriving older Americans of an adequate income. As originally intended the social security system was designed to maintain a relationship between earnings and benefits for all who paid the special tax. Over the years we have moved toward a welfare benefit concept by paying lower wage earners a progressively higher benefit.

Certainly, this can be justified by compassion and need. However, in the process we are illogically shifting a welfare burden to employees and employers subject to the social security payroll tax. In my mind, an adequate income for older Americans is vitally needed but it should be paid for by all taxpayers—not just those subject to social security.

My bill represents the first step toward removing welfare from the social insurance concept. In the future we

could have a two-tier system. One tier would be social security. The other tier would be a supplement to social security financed by a broadly based tax in the form of a federally guaranteed annual income.

Finally, Mr. President, the welfare burden now facing almost all the States would be relieved to the extent they might want to discontinue old-age assistance. In the process much of the degrading stigma now attached to welfare would be ended.

In 1966, we in Congress took a step forward when the Prouty amendment was adopted. It provided help to those most in need using general revenue financing.

I sincerely hope that the year 1968 finds us taking the next important step by providing a guaranteed income for older Americans.

The facts are too revealing.

The need is too great.

The answer is too clear.

EXHIBIT 1

S. 3654

A bill to amend the Social Security Act so as to add thereto a new title XX under which aged individuals will be guaranteed a minimum annual income of $1,200, in the case of single individuals, and $1,800, in the case of married couples.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Social Security Act is amended by adding after title XIX thereof a new title XX as follows:

"TITLE XX—GUARANTEED MINIMUM ANNUAL INCOME BENEFITS FOR THE AGED

"Eligibility for benefits

"SEC. 2001. Every individual who—

"(1) has attained age 65,

"(2) is a resident of the United States (as defined in section 2009),

"(3) has an annual income (as determined pursuant to section 2004) of less than $1,800, in the case of an individual who is married and living with his spouse, or $1,200, in the case of any other individual,

"(4) has filed application for benefits under this title, shall (subject to the succeeding provisions of this title) be entitled to guaranteed minimum annual income benefits for the aged.

"Payment of Benefits

"SEC. 2002. (a) Benefits under this title shall be paid on a monthly basis, except that, if the benefit payable to an individual for any month is less than $5, such benefit may be paid on such other basis (but not less often than semi-annually) as the Secretary shall by regulations provide.

"(b) Benefits under this title shall be payable to any individual only for months (i) after the month in which his entitlement thereto is established pursuant to an application therefor filed under section 2001, and (ii) prior to the month in which such individual dies.

"(c) No married individual who is living with his spouse for any month shall be entitled to a payment under this title for such month if the spouse of such individual receives such a payment for such month.

"Amount of Benefits

"SEC. 2003. The amount of the monthly benefit of any individual under this title shall be equal to one-twelfth of the amount by which $1,800 (in the case of a married individual living with his spouse), or $1,200 (in the case of any other individual), exceeds the amount of such individual's annual income (as determined under section 2004) for such year.

"Determination of annual income

"SEC. 2004. (a) For the purposes of this title, the term 'annual income' means, in the case of any individual, the total amount of income (other than income derived by reason of benefit payments under this title) from all sources received in the calendar year with respect to which a determination of annual income is made, except that, in determining the annual income of any individual who, during the calendar year, engaged in any trade or business, there shall be deducted any expenses incurred in carrying on such trade or business, and except that, income derived from the sale or exchange of property shall be taken into account only to the extent of the gain derived therefrom.

"(b) In determining the amount of the annual income, for purposes of this title, of any individual who is married and living with his spouse, the annual income of such individual shall be regarded as the sum of the annual income of such individual and of the spouse of such individual.

"Report of income to Secretary

"SEC. 2005. (a) Any individual applying for benefits under this title shall submit with his application for such benefits and thereafter reports to the Secretary of his income and of any other matter which is relevant to his entitlement to receive, or the amount of, any benefit payable under this title. Such reports shall be filed at such time, in such form, and shall contain such information as the Secretary shall by regulation prescribe.

"(b) Benefits otherwise payable to an individual for any month shall be suspended until such time as any report required pursuant to subsection (a) to be filed prior to such month shall have been received and evaluated by the Secretary.

"Suspension of benefits for months when individual is absent from the United States

"SEC. 2006. Any benefit otherwise payable to an individual under this title for any month shall not be paid if such individual is physically absent from the United States (as defined in section 2009) during all of such month, or if such individual is not during all of such month, a resident of the United States (as so defined).

"Overpayments and underpayments

"SEC. 2007. Whenever the Secretary finds that more or less than the correct amount of payment has been made to any individual under this title, proper adjustment or recovery shall be made in accordance with regulations of the Secretary patterned so as to conform, to the maximum extent feasible, to the provisions of section 204 (relating to overpayments and underpayments of benefits under title II).

"Administration

"SEC. 2008. This title shall be administered by the Secretary by and through (to the extent feasible) the organization and personnel engaged in the administration of title II.

"Definition of United States

"SEC. 2009. For purposes of this title, the term 'United States' means the 50 States and the District of Columbia.

"Appropriation

"SEC. 2010. There are hereby authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this title."

EXHIBIT 2

HOW THE PROUTY GUARANTEED ANNUAL INCOME FOR OLDER AMERICANS WORKS

1. Mary Jones, who is unmarried, receives a minimum Social Security benefit of $55 a month. She also gets interest on a savings account of $12 a year. That is her only income.

Under the Prouty bill she would also receive $44 a month bringing her total annual income up to $1200 a year.

2. John Smith and his wife, Mary, have a combined income of $100 a month from a private pension. That is their only income but they own their own home.

Under the Prouty bill Mr. and Mrs. Smith's home would not count as income, since it is a non-income producing asset. However, they would be entitled to $50 a month bringing their combined income up to $1800 a year.

3. Sam O'Neale, who is unmarried, has a pension of $25 a month. He also earns $380 a year at odd jobs and receives $40 a year interest on money in the bank. His total income, therefore, is $720.

Under the Prouty bill he would receive $40 a month bringing his annual income up to $1200 a year.

4. Mr. and Mrs. Smith (in example #2) sell their house in 1970 for $10,000.

Under the Prouty bill they would be ineligible for benefits in 1970. The next year they could receive benefits if their combined income again fell below $1800.

MARY F. THOMAS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 321, H.R. 4566.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. H.R. 4566, for the relief of Mary F. Thomas.

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

There being no objection, the bill was considered, ordered to a third reading, was 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. 337), explaining the purposes of the bill.

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

PURPOSE

The purpose of the bill is to pay to Mary F. Thomas of Yonkers N.Y., the amount of compensation benefits she would have received for the period from October 17, 1942, through December 3, 1961, based on the death of her son, Curtis S. Thomas, while on active duty with the Navy in World War II, if she had filed a claim for such benefits on November 24, 1943.

STATEMENT

The Congress also has before it a similar Senate bill, S. 1020.

In its favorable report on the House approved bill, H.R. 4566, the Committee on the Judiciary of the House of Representatives said:

"Mrs. Mary F. Thomas' son, Curtis S. Thomas, was reported missing in action as of October 17, 1942, and was presumed by the Navy to have died on October 18, 1943. In its report to the committee on the bill, the Veterans' Administration stated that in a letter, dated November 24, 1943, Mrs. Thomas was advised of her potential entitlement to death compensation as the dependent mother of a Navy man who died in the service. At approximately the same time, on December 16, 1943, the Veterans' Administration sent the mother a letter advising her of entitlement to proceeds of a policy of national service life insurance. She submitted a claim for the proceeds of the insurance in January of 1944 and on February 12 of that year the Veterans' Administration notified her that she would receive $22.41 per month for

the balance of her life. However, the Veterans' Administration does not have a record of a reply or application for dependency benefits at that time. The Veterans' Administration report further notes that an inquiry in Mrs. Thomas' behalf in 1946 by the Municipal Housing Authority in Yonkers, N.Y., concerning any other benefits that might be available to Mrs. Thomas resulted in the factual reply that she was being paid insurance benefits, but not dependency benefits. Finally, on December 4, 1961, Mrs. Thomas filed an application for death compensation as a dependent mother. On December 12 of that year, she was advised of an award in the amount of $75 per month, effective December 4, 1961. She has received payments on this basis from that time.

"In 1963, Mrs. Thomas made inquiries concerning her entitlement for payment of the dependency allowance prior to December 1961. At the time, the Veterans' Administration replied that it had no authority to pay death compensation for any period prior to the date of her application. In essence, this bill would waive this obstacle to consideration of her claim for retroactive payment of that compensation.

"The report of the Veterans' Administration indicates that Mrs. Thomas has asserted that she did file an application for death compensation in response to the Veterans' Administration letter of November 24, 1943, but received no reply. The facts available to the committee indicate that when Mrs. Thomas' son was declared dead after his ship was lost in action, she was required to complete a large number of forms and applications. Her son's dependency allotment from the Navy was stopped upon his death and she began receiving payments based upon his Government insurance. The insurance payment was a few dollars more than his dependency allotment and under the circumstances Mrs. Thomas assumed that this was all the Government payment she was entitled to receive. The reply to an inquiry made in her behalf after the war may have reinforced this belief, since it merely stated that she was receiving insurance benefits, but nothing more. The committee does not dispute the fact of the accuracy of the Veterans' Administration report, but only the interpretation placed upon that report by a private person in Mrs. Thomas' circumstances.

"In view of all the facts of this case, the committee feels that the bill should be favorably considered. The terms of the bill are such that the Veterans' Administration is empowered to certify the amount Mrs. Thomas would have received under applicable law. The Veterans' Administration questions the entitlement for certain periods but the committee observes that the bill would authorize the Veterans' Administration to determine that entitlement in accordance with applicable law and regulations. Accordingly, it is recommended that the bill be considered favorably."

The committee believes that the bill, as approved by the House, is meritorious and recommends it favorably.

AMENDMENT OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1207, S. 1974.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. S. 1974, to amend the Federal Property and Administrative Services Act of 1949, as amended, and for other purposes.

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

There being no objection, the bill was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 203(j)(1) of the Federal Property and Administrative Services Act of 1949, as amended, is further amended to read as follows: "Under such regulations as he may prescribe, the Administrator is authorized in his discretion to donate without cost (except for costs of care and handling and, with respect to excess property described herein, costs of transportation and repair) for use in any State for purposes of education, public health, or civil defense, or for research for any such purpose, any equipment, materials, books, or other supplies (including those capitalized in a working capital or similar fund) under the control of any executive agency which—

"(i) shall have been determined to be surplus property; or

"(ii) shall have been determined to be excess property and is being held under section 608 of Public Law 87-195 (75 Stat. 424), approved September 4, 1961, as amended, which property shall be offered to designated State agencies, as herein defined, before being offered to any other eligible donee; and

"(iii) shall have been determined under paragraph (2), (3), or (4) of this subsection to be usable and necessary for such purpose."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1229), explaining the purposes of the bill.

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

PURPOSES

S. 1974 would amend section 203(j)(1) of the Federal Property and Administrative Services Act of 1949, as amended, for the purpose of giving State agencies for surplus property first choice on Federal excess personal property acquired by the Agency for International Development and held by that Agency pursuant to section 608 of the Foreign Assistance Act of 1961 for use in connection with the foreign assistance programs.

Section 608 of the Foreign Assistance Act of 1961, as amended, provides for an advance acquisition program under which AID obtains the transfer of items of excess property in advance of known requirements. The amount of personal property held by AID pursuant to section 608 cannot exceed at any one time $15 million in total original acquisition cost. Under section 608, when the amount of domestic excess transferred for AID programs in any fiscal year without prior offering for donation under section 203(j) of the Federal Property Act reaches $45 million in total original acquisition cost, no additional domestic excess property may be transferred unless it has been determined that the property is not required for donation.

BACKGROUND

During April and May of 1967, the Subcommittee on Foreign Aid Expenditures of the Committee on Government Operations undertook an investigation of the excess property program of the Agency for International Development. The investigation was part of a broad and continuing inquiry into the surplus and excess property programs of the Federal Government.

The chairman of the subcommittee visited Europe immediately prior to the withdrawal of U.S. forces from France and received extensive briefings from our top military and diplomatic officials on the movement of bases and supplies and on property disposal operations necessitated by the withdrawal. The visit included inspection of United States and French military bases and military organizations responsible for the disposal of surplus property. Subsequently, two of the subcommittee staff members visited additional military bases in Germany, where much of AID's acquisition of excess property is made, and the facilities of a major AID contractor in Antwerp, Belgium, where the excess property acquired by AID from military disposals is overhauled before being shipped to recipient countries. The subcommittee staff members also visited Turkey, Thailand, South Vietnam, Korea, and Japan to study the adequacy of AID's controls over the programing of excess property and the utilization of such property by recipient countries. The visit to Japan involved an investigation into the administration of the AID contract with a private repair contractor.

DESCRIPTION OF AID'S EXCESS PROPERTY PROGRAM

AID's excess property program comprises three separate and distinct segments although the final objective of each is the same, i.e., to put excess equipment and supplies to use in foreign countries. These segments consist of the advance acquisition program, the direct acquisition program and the non-AID-financed program. AID's authority for carrying out each segment of the program is contained in the Federal Property and Administrative Services Act of 1949 and the Foreign Assistance Act of 1961, as amended.

Advance acquisition program

Section 608 of the Foreign Assistance Act of 1961, as amended, established a revolving fund of $5 million for AID's use in repairing and overhauling the property it obtains at no cost from excess stocks of other Federal agencies. In order to facilitate AID's use of excess property, the legislation permitted AID to acquire excess property in advance of known requirements, to utilize the $5 million in accomplishing needed repairs of the property, and to store the property until such time as a need develops for it in foreign countries receiving economic assistance from the United States. Catalogs listing the excess property held in inventory are periodically circulated to overseas missions of AID and shipments of property are made upon receipt of an order from the missions reimbursing the revolving fund. The reimbursement, at a flat 15 percent of the original acquisition cost of the property, has been established by AID's administrative policy and is made from funds allocated to the AID missions for the operation of the economic assistance program in each of the foreign countries involved.

In order to limit the adverse effect of AID's acquisition of excess property on the availability of such property to eligible State and local agencies, section 608 of the Foreign Assistant Act specified that AID could acquire no more than $45 million in excess property in any one year and could hold no more than $15 million in its inventory at any one time. However these restrictions applied only to excess property acquired from domestic sources and no limits whatsoever were placed on AID's acquisitions or holdings of excess property overseas.

AID established five excess property regional offices (EPRO's)—three in the United States; one in Tokyo, Japan; and one in Frankfurt, Germany—to acquire excess property from other Federal agencies, to undertake needed repair and overhaul, and to arrange for shipment to recipient countries. In both the United States and overseas, AID uses a mix of facilities to accomplish repair and overhaul. In some instances repairs are performed at U.S. military installations; in other cases, private contractors are used

under direct contract with AID; in still other instances, AID has tied its repair requirement into existing contracts between the military services and private firms. The largest overseas contractors are the Japan Aircraft Manufacturing Co. in Yokohama, Japan, and the J & M Adrianssens N.V. in Antwerp, Belgium—both are under direct contract with AID.

Direct acquisition program

Where specific requirements exist for items of excess property, AID missions can submit requests directly to the GSA region where the property is located. If the transfer is authorized, such property is acquired directly from the Federal agency holding the excess property with the AID mission paying the accessorial and transportation costs. AID missions have found an additional source of large quantities of excess property overseas, mainly from excess stocks of the Department of Defense. The AID missions in Korea and Turkey, taking advantage of the fact that sizable U.S. military forces are located in those countries and are constantly generating excess property, have acquired large quantities of excess equipment directly from military disposal operations.

Non-AID-financed program

Under this program, friendly countries, international organizations, the American Red Cross, and voluntary nonprofit relief agencies registered with AID are eligible recipients of excess property for approved programs outside the United States. These eligibles submit their requests directly to the GSA region in which the property is physically located and if the transfer is approved the property is acquired directly from the Federal agency holding the excess. Accessorial and transportation costs are paid by the recipient agency. Considerable quantities of excess property have been obtained abroad by these countries and organizations with the assistance of the AID missions, with acquisitions made directly from the military service disposing of the excess property.

Magnitude of AID's excess property program

Since the inception of the program in 1960, AID has acquired about $400 million in excess property as shown in the following table:

EXCESS PROPERTY UTILIZED BY AID FROM 1960 THROUGH 1967, BY TYPE OF PROGRAM

[In millions of dollars]

	Acquired from—		Total
	Domestic sources	Foreign sources	
Advance acquisition	49.2	57.4	106.6
Direct acquisition	63.8	122 4	186.2
Non-AID financed	84.5	22.1	106.6
Total	197.5	201.9	399.4

Significant changes that have shifted program emphasis and administration have occurred in the program in recent years. The most noteworthy change has been in the rapid increase of the advance acquisition program. This program started in 1963 when about $1 million in excess property was acquired. As AID threw the weight of its resources into this newly found source of excess property, the program grew $4.2 million in 1964; $18.8 million in 1965; $35 million in 1966 and $42.6 million in 1967. The aggressive acquisition by AID of property excess to the needs of the military services resulting from the withdrawal of U.S. forces from France in 1967 became the major factor in the increase of the excess property inventory which rose to a peak of $85 million as of July 1, 1967, as compared to the $40 million a year earlier.

AID has also taken full advantage of the absence of statutory limitations on excess property acquisitions overseas. While its acquisitions from domestic sources in 1967 were at about the same level as they were in 1960, foreign acquisitions grew from $3.6 million in 1960 to $66.7 million in 1967. Of the $85 million inventory being held by AID or on order, over $67 million represents stocks being held abroad.

FOREIGN COUNTRIES HAVE A PRIORITY OVER OUR OWN COMMUNITIES IN OBTAINING EXCESS EQUIPMENT AND SUPPLIES

AID contends that its acquisition of excess property is a small part of the total amount of excess generated each year by the Federal Government and that its program makes little appreciable inroad on the excess and surplus property available to State and local agencies. The subcommittee does not concur in this view. Agency testimony at the subcommittee hearings disclosed that the priority AID has been awarded in obtaining excess property has resulted in the agency acquiring the most useful kind of equipment and supplies. It has, in effect, been able to "skim the cream of the crop." There can be little doubt that the large quantities of excess property acquired by AID would represent a substantial and much needed accretion in property to State and local agencies if a means could be found for making such property available to them before it is shipped to foreign governments.

Testimony from a number of officials of local poverty programs, particularly those in rural areas, indicated that the most important obstacle to the betterment of the rural poor was the lack of transportation in rural areas. The need for excess property was forcefully expressed by Mr. James Scott, executive director of the Fairfax community action program:

"In a county like Fairfax (Virginia), with a median family income of considerably over $12,000 per year, there are over 8,000 families with incomes under $4,000. According to a recent survey there is an average of seven persons in each of these households. Thirteen percent of the fathers interviewed were unemployed during a portion of the previous 12 months.

"Over one-third of these families are scattered throughout the rural portions of the suburban county with an area of over 400 square miles.

"Throughout Fairfax County, but particularly in rural areas, the inaccessibility of jobs and the inadequacy of public facilities perpetuate the cycle of poverty.

"To serve such a large territory, there are three health department clinics, two State employment commission offices, one county hospital, one welfare department office—all at considerable distances from the rural parts of the county.

"Rural children travel miles to school. Recreation facilities and community centers range from poor to nonexistent except for what is provided through such agencies as ours.

"Centers of employment in Fairfax County are difficult if not impossible to reach via public transportation. It is apparent that a major problem for the rural as well as the urban low income residents is a lack of public transportation facilities. Unless one lives near a major thoroughfare and works in the District of Columbia or in one of the shopping centers on the bus route to the District, he is likely to have great difficulty in getting to the job."

AID'S MISMANAGEMENT OF THE EXCESS PROPERTY PROGRAM

The Subcommittee on Foreign Aid Expenditures of the Senate Committee on Government Operations held hearings with respect to the manner in which AID has managed its portion of the excess property program.

The subcommittee's findings are embodied in Senate Report 1089, 90th Congress, second session, filed April 10, 1968.

Highlights of that report are as follows:

"The subcommittee's investigation of the program has disclosed gross waste and mismanagement resulting from the failure of AID to apply effective controls over contractor operations and over the programing and utilization of excess property in foreign countries.

"Overcharges on repair contracts

"The subcommittee uncovered the fact that AID contractors had overcharged the Government by submitting bills for repair work not actually performed as well as for excessive labor hours. The full amount of such overcharges is difficult to determine because AID did not make sure that the repair contractors maintained adequate records, but partial audits have resulted in claims of over $600,000 for 1966 and 1967 alone. The subcommittee is of the opinion that overpayments to repair contractors since the start of the program far exceed $1 million.

"Delivery of defective equipment

"In addition, the subcommittee investigation disclosed that substantial quantities of equipment have been delivered to recipient countries in defective condition. The equipment, which consisted of trucks, tractors, cranes, bulldozers, electric generators, and other major items, was not operative on arrival in foreign countries or broke down shortly after being put into use. For example, 500 major pieces of defective and broken-down equipment were found in Saigon that had been brought there to relieve the congestion at the port. Port congestion has cost the United States millions of dollars in demurrage and other costs. AID had to contract with a private firm to repair the equipment in Saigon at substantial additional cost even though the items were supposed to have been overhauled before being sent to Vietnam.

"Numerous cases of defective equipment were also found in Turkey, Thailand, and other countries.

"AID officials ignored known program deficiencies

"These conditions were known to many middle-echelon personnel of AID and were also disclosed in a number of independent and Agency studies. However, they were ignored by top Agency officials and no action was taken to correct the situation until the subcommittee initiated its investigation of the program, and brought its findings to the Agency's attention.

"Department of Defense subsidized AID excess property shipments

"The subcommittee's review of the arrangements AID had worked out with the Department of Defense for the transportation of excess property from repair shops to foreign countries, most of which was done in vessels operated by the Military Sea Transportation Service, disclosed that AID had been paying the Department of Defense far less than the cost of such services. After this matter was brought to DOD's attention, it admitted that there was no authority or justification for any transportation subsidy and initiated a claim against AID for over $400,000.

"AID missions have overprogramed excess property for delivery to foreign countries

"The absence of any meaningful legislative restraints on AID's acquisition and utilization of excess property afforded the Agency the opportunity of supplementing existing economic assistance programs at little extra cost. With the enactment of section 608 of the Foreign Assistance Act of 1961, as amended. AID embarked on an aggressive effort to acquire excess property in advance of known requirements. To rid itself of the property thus acquired, AID, of necessity, had to embark on an equally aggressive campaign and persuade recipient countries through its AID missions, to accept increasing quantities of excess property. As the program grew from about $1 million in 1963 to over $40 million

in 1967 and as the Agency's excess property management was given free rein to acquire and ship ever-increasing quantities of equipment abroad, the evident need for additional controls was ignored and even the established controls broke down. As a result large quantities of equipment and supplies were delivered to foreign countries without establishing the need for the equipment or the in-country capability to maintain and utilize the equipment after receipt.

"AID agrees with subcommittee findings

"Top Agency officials testifying before the subcommittee admitted that these serious shortcomings existed in the management of the excess property program. They stated that the fault lies with the Agency's policy to acquire the maximum amount of property, to make minimum repairs before shipping the items to foreign countries, and in the Agency's failure to employ a sufficient number of trained inspectors to check on contractor's performance. Agency officials outlined the actions now being taken to correct each of these deficiencies which, in the opinion of the subcommittee, should result in a much improved program in the future if these corrective actions are properly carried out.

"The General Services Administration has not carried out its statutory responsibility by checking into AID's misuse of excess property

"The Federal Property and Administrative Services Act of 1949, as amended, vests in GSA the regulatory responsibility for assuring maximum utilization of excess property. However, all responsibility for the redistribution of excess property and the disposal of surplus property overseas has been delegated to the agencies holding such property. With regard to domestic excesses, the Agency's regulations require that all property excess to the needs of any Federal agency above a specified value and in usable condition must be reported to GSA for screening by other agencies. The regional offices of the GSA undertake this screening activity and approve transfers to other Federal agencies. It is through this process that AID acquires all of the property it does in the United States for its excess property program.

"In testimony before the subcommittee, officials of GSA expressed unequivocal support of AID's excess property program notwithstanding the serious deficiencies in that Agency's administration of the program as disclosed in the hearings * * * It is evident that GSA does not fully understand the way in which AID uses excess property. GSA makes available excess property to AID on the assumption that such property will substitute for new procurement. AID operates on the basis that the use of excess property as a supplement to its normal procurement is perfectly proper."

On the basis of its findings, the Subcommittee on Foreign Aid Expenditures recommended, among other things, in Senate Report 1089:

"Under existing legislation, AID can obtain unlimited quantities of excess property overseas from other Federal agencies. Domestic acquisitions of excess property is limited to $45 million per year, of which only $15 million can be held in inventory at any time. The limitation on domestic excess property is designed to keep AID from making too heavy an inroad on the amount of Federal excess property available to State and local health, education, and civil defense agencies.

"The subcommittee asked the Governors of the 50 States for their comments on the desirability of making AID's overseas excess property acquisitions available to State and local agencies before it could be sent to foreign countries. The overwhelming number of replies indicated support for such proposal. Most of the Governors complained that in recent years there had been a decreasing amount of Federal surplus property available to the States at a time when there was increasing need for such property. Some of the replies indicated concern that under existing legislation foreign communities were given a higher priority in obtaining excess property than our own communities.

"The subcommittee believes that a reordering of priorities is now required. There can be little justification of furnishing useful equipment and supplies to towns, villages, and local agencies in foreign countries when such material is desperately needed by local communities and agencies in our own country. This situation can be corrected only by legislative action since testimony received from the executive agencies indicated that they were split on this matter. Such legislation should be given prompt consideration by the Congress."

S. 1974 would carry out the subcommittee's recommendation and would permit the Administrator of the General Services Administration to offer excess property to States for "purposes of education, public health, or civil defense, or for research for any such purpose" where such property is being held under section 608 of Public Law 87-195. This property would be offered to such eligible State agencies before being offered by AID to foreign countries.

EXTENSION OF AUTHORITY OF THE EXPORT-IMPORT BANK IN ORDER TO IMPROVE THE BALANCE OF PAYMENTS

Mr. BYRD of Virginia. Mr. President, the Senate did a good job yesterday.

It greatly improved the committee-recommended bill to amend the Export-Import Bank Act.

The legislation reported by the Senate committee was, I felt, totally unacceptable.

It declared it to be the policy of the Congress that the Export-Import Bank make loans that did not meet the criteria of reasonable assurance of repayment.

The Senate was wise in refusing to revise the lending criteria as recommended by the Senate committee. The new language, "offer sufficient likelihood" of repayment, is not much different than the present requirement that there be reasonable assurance of repayment before loans are made.

The Senate also voted to limit the liability of the Federal Treasury and refused to go along with the blank check request contained in the committee bill.

I think it desirable, too, that the Senate approved my amendment which requires the Bank to report to Congress every 3 months apprising it of how this money is being used and what countries are benefiting from it. This should be helpful both in protecting the taxpayer and in considering future legislation.

So, all-in-all, S. 3218 is a much better bill today than it was yesterday morning.

I still have doubts as to the wisdom of this legislation, or the need for it, but what we will be called on to vote upon this afternoon will be substantially better than when debate began yesterday.

I support the Export-Import Bank. Through the years it has had good management. We want to keep it that way.

Mr. LAUSCHE. Mr. President, I shall vote for the measure that will be before the Senate at 2 o'clock. I listened to the debates yesterday and participated in them. I concur in the statement just made by the Senator from Virginia [Mr. BYRD] that the amendments adopted yesterday improved the bill in a very high degree.

The amendment making the Bank liable for the first $100 million of possible loss, then the Federal Treasury liable for the second $100 million, and then the balance falling again upon the Bank itself, will cause the directors to exercise considerable care in making certain that the loans which it makes and the loans which it guarantees shall not be overloaded with peril, risk, and hazard.

The reporting that is to be made every 3 months will give Congress the opportunity to see how the directors are exercising the new authority given to them.

Our imbalance of payments has been a pain and a threat to us for a decade. Much talk was had about it, but little was done. It is obvious now that both Congress and the administration are conscious of the fact that great danger hangs over the dollar of the United States unless action is taken to reduce the imbalance that has plagued us, since 1958 especially.

Many things have been done to strengthen the soundness of the dollar. The administration has not tackled the problem with great vigor.

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

Mr. LAUSCHE. I ask unanimous consent to speak for 3 or 4 more minutes.

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

Mr. LAUSCHE. If I may digress for a moment, when I speak of the soundness of the dollar, I am talking about the danger that faces every holder of Government bonds, every recipient of a pension or annuity, every individual who has put dollars away, upon which he intends to draw in hours of distress, every thrifty individual who has tried to take care of himself.

If the soundness of the dollar is not protected, every one of this group will eventually be robbed of a part of what he has saved.

A disintegration of the dollar results in a reduction of the buying power of the dollar. When that buying power is reduced, the class which I have just mentioned is the one that pays the price.

I shall now attempt to identify the courses taken. First, dissuasion of banks making loans to foreign enterprise and foreign nations. Second, the adoption of the interest equalization tax. Third, the dissuasion and the prohibition of any of our foreign aid or AID moneys which go to foreign countries being used to buy foreign goods. Fourth, the insistence that the European nations which profit from the dollars our soldiers are taking into Europe use those profits to buy American goods. Fifth, the program to invite foreign tourists to the United States. Sixth, the program begging U.S. citizens to visit America, and not foreign countries, and thus help the improvement of the problem confronting us.

There is one field in which we have not succeeded, and that is in keeping our

prices in a competitive position with foreign nations. This last year, wages have gone up 10 percent. With wages going up 10 percent, the price of our goods to be sold in the world market will go up substantially. That field has not adequately been taken care of, and it is my hope that the administration will do something about it.

I read the report of the Treasury Department about maintaining the soundness of the dollar. In one paragraph the Treasury Department pointed out that the copper strike caused the loss of $300 million. In another paragraph the Treasury Department pointed out that the steel strike of a few years ago caused a loss in a substantial amount.

On the basis of what I said, Mr. President, I shall vote for this measure, believing that we are finally attacking this problem as it should be attacked. Great credit goes to the House and Senate, especially if they pass the 10-percent surtax and the $6 billion reduction in spending, which will insure the stability of our dollar at home and in the world market.

I yield the floor.

The PRESIDING OFFICER. Is there further morning business?

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

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

COMMITTEE MEETING DURING SENATE SESSION

Mr. STENNIS. Mr. President, I ask unanimous consent that the Committee on Banking and Currency be permitted to meet during the session of the Senate today. This request has been cleared with the minority.

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

Mr. STENNIS. 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. 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.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The PRESIDING OFFICER announced that on today, June 18, 1968, the Vice President signed the following enrolled bill and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

H.R. 15462. An act for the relief of Lennart Gordon Langhorne; and

H.J. Res. 1268. Joint resolution making supplemental appropriations for the fiscal year ending June 30, 1968, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

JOINT ORDER INTERCHANGING ADMINISTRATIVE JURISDICTION OF DEPARTMENT OF THE ARMY LANDS AND NATIONAL FOREST LANDS

A letter from the Secretary of the Army and the Assistant Secretary of Agriculture, transmitting, pursuant to law, a notice of intention of the Department of the Army and the Department of Agriculture to interchange jurisdiction of civil works and National Forest lands (with accompanying papers); to the Committee on Agriculture and Forestry.

PAY AND ALLOWANCE BENEFITS OF DISTRICT OF COLUMBIA NATIONAL GUARD PERFORMING MILITIA DUTY IN THE DISTRICT OF COLUMBIA

A letter from the Under Secretary of the Army, transmitting a draft of proposed legislation to amend title 39 of the District of Columbia Code to provide for the pay, allowances and benefits of the District of Columbia National Guard performing militia duty in the District of Columbia, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

ADJUSTMENT OF IMMIGRATION STATUS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law a copy of an order entered on adjustment of immigration status relating to Jimreivat, Vaewmanee, A17-731-869 and Mimreivat, Tahwawn, A17-731-873 (with an accompanying paper); to the Committee on the Judiciary.

ANNUAL REPORT OF RAILROAD RETIREMENT BOARD

A letter from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Railroad Retirement Board for the fiscal year ended June 30, 1967 (with an accompanying report); to the Committee on Labor and Public Welfare.

PROPOSED LEGISLATION CLARIFYING THE AUTHORITY OF POSTAL INSPECTORS TO SERVE WARRANTS AND SUBPOENAS AND TO MAKE ARRESTS WITH A WARRANT

A letter from the Postmaster General, transmitting a draft of proposed legislation to empower postal inspectors to serve warrants and subpenas and to make arrests without warrant for certain offenses against the United States (with accompanying papers); to the Committee on Post Office and Civil Service.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDING OFFICER:

A joint resolution of the Legislature of the State of California; to the Committee on Commerce:

"SENATE JOINT RESOLUTION 15

"Joint resolution relative to transportation monopolies

"Whereas, There is an increasing danger of a monopoly situation in the metropolitan areas of California with respect to air-commuter transportation and connecting land transportation systems; and

"Whereas, This unhealthy situation has been aggravated by the Civil Aeronautics Board through the granting of exclusive air-commuter franchises within California's metropolitan areas pursuant to its Economic Regulations, 14 C.F.R. 298.21 (b) and (d); and

"Whereas, If this system of preferential franchises is ended by the Civil Aeronautics Board it will allow nonintegrated air-commuter companies to compete for the commuter market in the metropolitan areas of California and thus provide a healthy competitive atmosphere; and

"Whereas, The California Legislature wishes to be put on record as opposing any such monopolistic practices as may now exist; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to direct the Civil Aeronautics Board and the Justice Department to investigate this situation and to take the steps necessary to prevent these monopolistic practices; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the members of the Civil Aeronautics Board, to the Speaker of the House of Representatives, and to each Senator and Representatives from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"SENATE JOINT RESOLUTION 4

"Joint resolution relative to establishment of insurance fund for protection of shorelines from offshore oil development

"Joint resolution

"Whereas, The government of the United States, through the Secretary of the Interior, is letting oil leases outside of the three-mile limit offshore of the coastline of the State of California; and

"Whereas, The California shoreline is of unique scenic beauty and is highly developed for residential, commercial, and tourism uses; and

"Whereas, Any leakage, contamination, subsidence, or beach pollution emanating from such oil operations, whether caused by negligence of man or forces of nature, or any other cause, could cause great damage to the valuable California shoreline areas; and

"Whereas, Recent events have demonstrated that there is a potential danger to shore properties resulting from shipwrecks occurring beyond the three-mile limit; and

"Whereas, It is in the public interest that an insurance fund be established to protect the shoreline against such eventualities; and

"Whereas, There exists a precedent for establishing such a fund in that the State of California has required that a reserve fund for subsidence contingencies, in an annual amount of two million dollars ($2,000,000), be provided for in contracts between the City of Long Beach and oil developers with respect to oil and gas extraction from tidelands granted in trust to the City of Long Beach; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to establish an insurance fund from moneys derived from the offshore oil leasing and oil production, and require that in instances when the person responsible for debris, contamination, pollution, or subsidence cannot be determined, such fund be available to remove and clean up any debris, contamination, or pollution, and mitigate the effects of subsidence, which may occur by reason of oil leasing, oil operations, or shipwreck and to compensate landowners, including public agencies, for any loss or damage occasioned thereby to private or public property; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Rep-

resentatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Interior."

A resolution adopted by the Board of Supervisors of El Dorado County, Calif., praying for the enactment of legislation relating to length of residence requirements under the Social Security Act; to the Committee on Finance.

A resolution adopted by the Board of Supervisors of Solano County, Calif., praying for the enactment of legislation relating to length of residence requirements under the Social Security Act; to the Committee on Finance.

Memorials from sundry foreign governments, expressing condolences on the death of the late Senator Robert F. Kennedy; to the Committee on Foreign Relations.

A resolution adopted by the City Council of Elizabeth, N.J., praying for the enactment of legislation relating to the sale and use of firearms; to the Committee on the Judiciary.

A resolution adopted by the Arizona State Council, Knights of Columbus, Glendale, Ariz., expressing disappointment at the Supreme Court ruling forbidding prayer in the public schools; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency, with amendments:

H.R. 15345. An act to provide security measures for banks and other financial institutions (Rept. No. 1263).

By Mr. WILLIAMS of New Jersey, from the Committee on Banking and Currency, with amendments:

S. 1299. A bill to amend the Securities and Exchange Act of 1934 to permit regulations of the amount of credit that may be extended and maintained with respect to securities that are not registered on a national securities exchange (Rept. No. 1264).

By Mr. PROXMIRE, from the Committee on Banking and Currency, with amendments:

H.R. 14907. An act to amend the Federal Credit Union Act (Rept. No. 1265).

By Mr. MONRONEY, from the Committee on Commerce, without amendment:

S. 2499. A bill to extend the act of September 7, 1957, relating to aircraft loan guarantees (Rept. No. 1267).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of nominations were submitted:

By Mr. MONRONEY, from the Committee on Post Office and Civil Service:

Two hundred thirty-seven postmaster nominations.

ADVISORY COMMISSION ON PARCEL DISTRIBUTION SERVICES—REPORT OF A COMMITTEE (S. REPT. NO. 1266)

Mr. MONRONEY. Mr. President, I report, from the Committee on Post Office and Civil Service, an original bill (S. 3656) which would extend the life of the Advisory Commission on Parcel Distribution Services, and for other purposes, and I submit a report thereon.

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar, and the report will be printed.

BILLS INTRODUCED

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

By Mr. PROUTY:

S. 3654. A bill to amend the Social Security Act so as to add thereto a new title XX under which aged individuals will be guaranteed a minimum annual income of $1,200, in the case of single individuals, and $1,800, in the case of married couples; to the Committee on Finance.

(See the remarks of Mr. PROUTY when he introduced the above bill, which appear under a separate heading.)

By Mr. MILLER:

S. 3655. A bill for the relief of Abbas Bekhrad and his wife, Haydeh Bekhrad; to the Committee on the Judiciary.

By Mr. MONRONEY:

S. 3656. A bill to extend the life of the Advisory Commission on Parcel Distribution Services, and for other purposes; placed on the calendar.

(See the remarks of Mr. MONRONEY when he reported the above bill, which appears under the heading "Reports of Committees.")

By Mr. BROOKE:

S. 3657. A bill for the relief of Agnese Modano; to the Committee on the Judiciary.

By Mr. BREWSTER:

S. 3658. A bill for the relief of Chang Chen Yeh, and Wong Tin Tai; to the Committee on the Judiciary.

By Mr. JAVITS:

S. 3659. A bill to give a preference for the location of Federal buildings in poverty areas and for the use of certain companies in the design, construction, and operation of such buildings; to the Committee on Public Works.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. BYRD of West Virginia (for Mr. BARTLETT):

S. 3660. A bill for the relief of Robert Harry Urch; to the Committee on Interior and Insular Affairs.

S. 3659—INTRODUCTION OF BILL RELATING TO FEDERAL BUILDINGS IN THE GHETTO

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill to give a preference for the location of Federal buildings in poverty areas and for the use of resources in those areas in the design, construction, and operation of such buildings.

As the ranking minority member of the Committee on Labor and Public Welfare, which has jurisdiction over the antipoverty program and a number of related Federal activities, I have been most interested in trying to increase governmental effort to rid this Nation of poverty and urban blight. A rearrangement of expenditures to provide greater Federal spending on the problems of the areas heavily impacted with poverty is eminently desirable and possible yet, in these times of budgetary restraint we must be particularly attentive to ways in which we might increase our antipoverty efforts without greatly increasing spending. One of these ways is through the use of the Federal procurement dollar. In this manner, by selective and directed use of Federal contracts for the procurement of products and services, we can encourage the employment of disadvantaged people in such areas and the development and strengthening of businesses owned and operated by poverty area residents. I have, myself, within the last year offered a variety of steps to tie in Federal procurement to this type of activity.

In amendments to the Economic Opportunity Act in 1967—to the special impact program, and to the Small Business Development program under title IV—a requirement was included that Federal procurement and bank deposit activities be utilized in support of the purposes of that act. Since then, in an amendment to the military procurement authorization bill, which was accepted on the floor of the Senate and is now pending before the House, the Secretary of Defense was required to take into account as a favorable factor in awarding defense procurement contracts the undertaking by an employer to hire a substantial number of unemployed and low-income persons in carrying out the contract. In addition, I have, together with Senator MONTOYA, been a party to hearings in the Senate Committee on Small Business in which this whole area of procurement as a means of inducing slum economic development and employment of such disadvantaged persons was thoroughly explored.

The bill I am introducing today is the fourth step in this series of specific actions seeking to mobilize the available leverage of the Federal procurement effort, at little or no added cost to the Government, in support of slum and poverty aid and economic development and employment. This bill provides that the Administrator of the General Services Administration is to give a preference, insofar as feasible, to the location of Federal buildings in urban or rural poverty areas, which are to be identified by the Director of the Office of Economic Opportunity as those areas having high concentrations or proportions of unemployed or low-income persons. The bill specifically states that greater immediate costs, if any, associated with the location of a Federal building in such a poverty area shall not, by themselves, be necessarily a bar to such location.

This is designed to be a flexible preference, and in no way mandates that a particular Federal building be located in a poverty area. The legislative language is specifically qualified, stating that the policy shall be implemented only "insofar as feasible," and it specifically states that the Administrator shall consider questions of cost, accessibility to transportation and other needed public facilities, and other relevant factors in making his determination of where to locate such buildings.

I hope that this policy favoring the location of important new Federal structures in urban and rural poverty areas will have a very direct impact in terms of providing accessible employment opportunities for poverty area residents and in terms of opening up new satellite business opportunities in such areas. Any major structure like a Federal building automatically increases com-

mercial traffic in an area, generates a need for new service businesses of all kinds—from restaurants and laundries, to office supply and building maintenance organizations. Moreover, a new construction effort of this type, when linked with other rehabilitation projects, can be the basis for a regeneration of an entire slum area. In addition, no valuable commercial property needs to be preempted by any such Federal structure, and the area can be left free to develop fully its own commercial potential.

My bill takes special care to take into account the views of residents and established business to any proposed new Federal building. The bill provides that the Administrator must consult with persons representative of various groups in a poverty area whose interests would be affected, and that he should hold a public hearing to give such persons and residents an opportunity to be heard.

I am hopeful that a large amount of new economic development activity can be generated by a simple and flexible preference policy such as this. The Government is going to spend the money anyway, so why not spend where it will do the most good, all other factors being equal? About $80 million was appropriated in this fiscal year to the GSA for new construction of Federal buildings, not including post office construction for which some $88 million has been requested for fiscal year 1969. In some cases, such as post office buildings, rather than new construction the government might undertake to lease space in a proposed new building—hopefully ownership of which could be shared in part by slum area residents—and thereby provide a rental guarantee sufficient to get such a development project going.

And we can do even more than to give a preference for the location of a Federal building in an urban or rural slum area. My bill provides also for a similar flexible preference to any design, construction, or building service company "owned or managed in substantial part by residents of eligible poverty areas" in the award of contracts and subcontracts for the design, construction, or provision of services to such Federal buildings. In this manner, Federal construction and building operation funds can serve to provide a special market and customer relationship for minority group companies and can help tremendously to produce the large-scale economic development we are after. These are not business opportunities for "mom-and-pop stores," but for substantial enterprises which can give us a real multiplier effect. The required contracting preference would provide a needed market for the development of slum-based design and architectural companies, for major building contractors and smaller subcontractors, for building service companies of all kinds, including maintenance, laundry supply, office supply and similar firms, and even for real estate management firms which might operate such a building. This is the kind of "black capitalism" about which we have been hearing so much lately, and to which the private sector is making important contributions. There are many examples around the country, including the Watts Manufacturing Co. in Los Angeles, several newly announced companies in Rochester, N.Y., and at least one company in Boston, where established private corporations have committed themselves to purchasing the products of a slum-based firm, thereby providing that firm with a stable market sufficient to get it going.

There is no reason why the Federal Government should not, in its own contracting policy, duplicate this kind of private sector effort.

Mr. President, I am also inviting the Administrator of the General Services Administration and the Postmaster General specifically to make every effort to place a new Federal building in the Harlem area of New York. Harlem has already had a precedent in this regard in the farsighted initiative of Gov. Nelson A. Rockefeller to place a State office building on Harlem's 125th Street. If we could coordinate a major Federal installation with this State project, or at least not far from it, we might provide the basis for a really major economic renaissance for the community.

I have also suggested to the Administrator of the GSA and to the Postmaster General that any such Federal building or center might well be named after my colleague, Senator Robert F. Kennedy, who made the problems of the slums his major legislative concern. This would be an eminently fitting tribute to him, and I hope only the first of many, and I feel that the people of New York would support wholeheartedly the establishment of such a Robert F. Kennedy Center in Harlem.

Mr. President, I hope that the Senate will move to early consideration of this bill, and will agree with me that it offers one way in which at very low or no cost to the Government we can provide major new impetus to our rural and urban antipoverty efforts.

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

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

The bill (S. 3659) to give a preference for the location of Federal buildings in poverty areas and for the use of certain companies in the design, construction, and operation of such buildings, introduced by Mr. JAVITS, 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. 3659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act—

(1) The term "Federal building" means any building constructed, purchased or leased by the Federal Government, or any department or agency thereof, after the date of enactment of this Act and intended to be used in substantial part by a department or agency of the Federal Government;

(2) The term "qualified design, construction, or building service company" means a company engaged, by contract or subcontract, in the design, architectural planning, construction, rehabilitation, or improvement of physical facilities, or in the provision of services needed in the operation of physical facilities, and certified by the Secretary of Housing and Urban Development, under regulations issued by him, as being owned or managed in substantial part by residents of eligible poverty areas;

(3) The term "eligible poverty area" means an urban or rural area, defined without regard to political or other subdivisions or boundaries, and identified by the Director of the Office of Economic Opportunity as having high concentrations or proportions of unemployed or low-income individuals;

(4) The term "Administrator" means the Administrator of General Services.

LOCATION PREFERENCE

SEC. 2. Notwithstanding any other provision of law, the Administrator, and, in the case of post office buildings, the Postmaster General of the United States, is authorized and directed to establish procedures and prescribe regulations to give a preference, insofar as feasible, to the location of Federal buildings in eligible poverty areas. In considering whether to so locate such a building, the Administrator shall consider, among other factors, the relative costs of acquisition, lease or construction in such a location as compared to other locations, accessibility to transportation and other needed public facilities, and the impact of the project on improving opportunities for businesses in the area. Greater immediate costs associated with the location of Federal buildings in poverty areas shall not, by themselves, be a necessary bar to such location. Before finally approving a site and design plans for such a building in an eligible poverty area, the Administrator shall consult with persons representative of various groups in the poverty areas whose interests would be affected; and shall before offering such a site hold a public hearing, after reasonable notice, to give such persons and residents of the poverty area an opportunity to be heard.

LOCAL COMPANY PREFERENCE

SEC. 3. The Administrator, and, in the case of post office buildings, the Postmaster General of the United States, is authorized and directed to establish procedures and prescribe regulations to give a preference, insofar as feasible, in the award of contracts and subcontracts for the design, construction, rehabilitation, or improvement of Federal buildings, or for the provision of services needed for the maintenance and operation of such buildings, to qualified design, construction, or building service companies.

REPORTS

SEC. 4. Not later than one hundred and twenty days after the close of each fiscal year, the Director shall prepare and submit to the President and the Congress a full and complete report on activities and achievements under this Act, including any recommendations for further legislation.

ADDITIONAL COSPONSORS OF BILLS

Mr. BROOKE. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Washington [Mr. MAGNUSON] and the Senator from New Jersey [Mr. WILLIAMS] be added as cosponsors of the bill (S. 3637) to provide for the establishment of a national firearms registry.

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

Mr. BROOKE. Mr. President, I also ask unanimous consent that, at its next printing, the names of the Senator from New Jersey [Mr. CASE], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Washington [Mr. MAGNUSON], and the junior Senator from New Jersey [Mr. WILLIAMS] be added as cosponsors of the bill (S. 3643) to amend title 18,

United States Code, to prohibit the sale and delivery of destructive devices.

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

Mr. FANNIN. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Michigan [Mr. GRIFFIN] be added as a cosponsor of the bill (S. 3212) relating to the authority of the States to control, regulate, and manage fish and wildlife within their territorial boundaries.

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Connecticut [Mr. RIBICOFF] I ask unanimous consent that, at its next printing, the names of the Senator from Pennsylvania [Mr. CLARK] and the Senator from Hawaii [Mr. INOUYE] be added as cosponsors of the bill (S. 3640) to establish a commission to study the organization, operation, and management of the executive branch of the Government, and to recommend changes necessary or desirable in the interest of governmental efficiency and economy.

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

EXTENSION OF TAX ON TRANSPORTATION OF PERSONS BY AIR—AMENDMENT

AMENDMENT NO. 852

Mr. MURPHY. Mr. President, I submit an amendment which indicates my serious objection to one provision in H.R. 16241, which extends the travel tax. The basic provisions of the bill passed by the House of Representatives are an extension of the 5-percent ticket tax on domestic flights to international flights and changes in the customs rules relating to tourist exemptions and noncommercial importations. While these may be warranted in light of our balance of payments difficulties, there is another provision which is wholly foreign to the primary intent of the bill. This is section 101(b) which would terminate the existing exemptions from the 5-percent tax on air travel for State and local governmental bodies and for nonprofit educational organizations. In my judgment the enactment of these would be a serious mistake.

Provisions for eliminating the long-established exemptions from the tax on domestic travel of persons related to governmental units and nonprofit institutions will not serve to reduce our balance-of-payments deficit. Furthermore, State and local governments are in a financial squeeze as never before. They are confronted with common problems that transcend State and local boundaries, and we should not now take steps to slow down the frequency of intergovernmental meetings and exchanges of information, by placing added financial burdens on our State and local governments.

A telegram from Casper Weinberger, director of finance in California, estimates the cost to the California State government, exclusive of the expense to local governments, would reach $200,000 a year and I am sure that other States will be similarly affected.

By the same token, our nonprofit educational organizations are finding themselves confronted with steeply rising costs. Income in terms of tuition and endowments simply do not keep pace. Travel to meetings, to conventions, and to sister institutions is essential and should remain unrestricted by the Federal Government if our colleges and universities are to continue to make administrative and educational improvements.

From the fact that the cost to the nine branches of the University of California will approximate $40,000 per year, and that the University of Southern California will be required to spend an additional $25,000 per annum, the effect of the removal of this exemption on large universities, both private or State supported, becomes evident.

Such a provision, however, will also impede improvements by the small college. As Samson B. Knoll, chancellor of the Monterey Institute of Foreign Studies, states:

> It will restrict severely the availability of the travel funds for both administrative and teaching personnel, thus hampering the constant maintenance of relations with foundations and corporations throughout the country, which are vital to the continued existence of the private liberal arts college.

I am told that the expense to the Claremont Colleges "would pay nearly half of a young professor's salary." Loyola University of Los Angeles, by necessity, would spend an additional $5,000 to $6,000 annually for faculty and administrators to attend meetings and conferences.

For the Congress to finance and encourage improvements in education on the one hand while taxing the universities and colleges who receive these funds on the other hand seems to be completely inconsistent. Surely it is wiser to permit the exemption than it would be to collect the tax and make subsequent supplemental grants to help the colleges and universities meet their expenses.

Every college and university in our Nation that is a vital factor in the continuing excellence of our higher educational system will be affected. It is imperative that we preserve the dynamic and progressive work of these institutions by refusing to place additional financial strain on them at this time.

Serious consideration should also be given to the advisability of the Federal Government taxing State and local governmental functions. To allow this would be at variance with the traditional immunity of State and local governments from direct Federal taxation and might presage taxation on other activities of State and local governments.

Furthermore, I believe the constitutionality of such a tax is questionable at best. In 1939, the Supreme Court's decision in *Graves* v. *New York ex rel. O'Keefe* (306 U.S. 466, 1939) made State employees subject to the Federal income tax. This, of course, was not a direct tax on a State or locality. While it might have led to the necessity for a State to pay its employees higher wages, this would have been an indirect effect and could certainly be differentiated from the imposition of a sales tax on tickets purchased by States and localities for travel by employees in the performance of their official duties.

Nor does the Court's decision in *New York* v. *United States* (326 U.S. 572, 1947) justify the type of tax contained in section 101(b). In that case, the Court held that the United States could tax the sale of mineral waters taken from State-owned property. To prohibit this reach of the Government's taxing power most likely would have led a State to extend its business activity in every direction so as to remove subjects at will from the national taxing power. We are not confronted, however, with this problem in the instant case. The States and localities have never utilized the previously held travel exemption to withdraw their citizens from Federal taxes.

While the Supreme Court has been unable to agree on the extent to which the State's immunity from Federal taxation existed, an important principal, relevant to the ticket tax being considered, was announced by the Court in *Helvering* v. *Gerhardt* 304 U.S. 405 (1938):

> . . . dependent upon the nature of the function being performed by the state or in its behalf, (the law) excludes from the immunity activities thought not to be essential to the preservation of State governments even though the tax be collected from the State treasury.

It is hardly necessary to recite a listing of all the reasons why air travel is essential to the proper functioning of a State or local government in an age in which States and cities operating complex administrative machinery must work with each other in order to utilize to the fullest extent possible the limited knowledge possessed by each.

If we are to assume, however, that the tax would be constitutional, its intended effect of providing Federal income might be negatived by State retaliation. I would imagine that it may simply open the flood gates, as I have said, to subsequent direct taxation on State and local governments, by a similar rationalization and this, in turn, might incite retaliatory action by the States on the Federal Government. It seems valid to ask: If the Federal Government can move in this direction, why can't and why won't the States and localities respond? The Federal Government's immunity from State taxation was originally recognized by Chief Justice John Marshall in McCulloch against Maryland with the words:

> The States have no power, by taxation or otherwise, to return, impede, burden, or in any matter control, the operations of the Constitutional laws enacted by Congress to carry into execution, the power vested in the federal government.

Since then the immunity doctrine has been extended and expanded in many areas and for many forms of taxation. There are areas, however, I am sure, in which States have not as yet, tested the constitutionality of their taxing power and the imposition of a Federal ticket tax might well initiate in them a sense of adventure to see exactly how far they can go.

In this regard, it might be well to look

at the words of Mr. Justices Douglas and Black in dissent to New York against United States:

> If the power of the Federal Government to tax the states is conceded, the reserved power of the states guaranteed by the Tenth Amendment does not give them the independence which they have always been assumed to have.

In short, there are many unfavorable consequences that the acceptance of this provision of H.R. 16241 would have. It would be injurious to the State and local governments—whose help in solving the problems of this Nation we sorely need. It would be damaging to our educational institutions—who need our help to continue their excellent job of turning out the quality leadership this Nation must have. It would be dangerous in its legal implications. And I, for one, do not think the Senate can ignore these important considerations and I would respectfully urge my colleagues to join me.

The PRESIDING OFFICER. The amendment will be received, printed, and will be appropriately referred.

The amendment (No. 852) was referred to the Committee on Finance.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954, RELATING TO LIMIT ON LOSSES ALLOWABLE WITH RESPECT TO FARMING OPERATIONS—AMENDMENT

AMENDMENT NO. 853

Mr. MILLER submitted amendments, intended to be proposed by him, to the bill (S. 3443) to amend the Internal Revenue Code of 1954 to limit the losses allowable with respect to farming operations which are incurred by taxpayers whose principal business activity is not farming, which were referred to the Committee on Finance and ordered to be printed.

AUTHORIZATION OF CERTAIN CONSTRUCTION AT MILITARY INSTALLATIONS—AMENDMENT

AMENDMENT NO. 854

Mr. COOPER. Mr. President, I submit, on behalf of myself, the Senator from Michigan [Mr. HART], and the Senator from New Jersey [Mr. CASE], an amendment intended to be proposed by us jointly to H.R. 16703, to authorize certain construction at military installations and for other purposes.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table.

Subsequently, Mr. COOPER proposed the above amendment.

(See reference to the above amendment when proposed by Mr. COOPER, which appears under a separate heading.)

ADDITIONAL COSPONSORS OF AMENDMENT NO. 850 TO S. 3098

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Wisconsin [Mr. NELSON], I ask unanimous consent that, at its next printing, the names of the Senator from Oklahoma [Mr. HARRIS], the Senator from Hawaii [Mr. INOUYE], and the Senator from Rhode Island [Mr. PELL] be added as cosponsors of amendment No. 850 to S. 3098, the Higher Education Amendments of 1968, an amendment to the Higher Education Act to expand the Teacher Corps by enabling college graduates to serve for a year or two as voluntary teaching assistants in local schools.

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

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 18, 1968, he presented to the President of the United States the following enrolled bills:

S. 2276. An act to amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works improvement upon request of local organizations; and

S. 2914. An act to authorize the further amendment of the Peace Corps Act.

NOTICE OF HEARING ON TAX COURT BILL (S. 2041)

Mr. TYDINGS. Mr. President, as chairman of the Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary, I wish to announce a change of date of the hearings for the consideration of the relationship between S. 2041 and a recent Department of Justice study of the desirability of revising the procedure for litigating tax disputes. S. 2041 is a bill which would remove the Tax Court from the executive branch of the Government and make it an article III court.

The hearings will be held on July 9 and 10, 1968, at 9:30 a.m., in the District of Columbia hearing room, 6226 New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, New Senate Office Building, Washington, D.C.

NOTICE OF HEARINGS ON AIRCRAFT CRASH LITIGATION, S. 3305 AND S. 3306

Mr. TYDINGS. Mr. President, as chairman of the Senate Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce the continuation of hearings for the consideration of S. 3305 and S. 3306. These bills would improve the judicial machinery by providing for Federal jurisdiction and a body of uniform Federal law for cases arising out of certain operations of aircraft.

The hearings will be held on June 19, 1968, at 9:30 a.m., in room 6226, New Senate Office Building; and on June 20, 1968, at 9:30 a.m., in room 2228, New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, New Senate Office Building, Washington, D.C.

NOTICE OF HEARINGS BY THE SENATE SMALL BUSINESS COMMITTEE ON EXPORT EXPANSION AND THE BALANCE OF PAYMENTS

Mr. SMATHERS. Mr. President, yesterday and today, the Senate has been considering a bill to augment the authority of the Export-Import Bank. I believe it is thus particularly appropriate to announce that the Select Committee on Small Business has invited the Federal agencies responsible for all of the major programs of assistance to American exporters to appear at public hearings at 9:30 a.m., Thursday, June 20, 1968, in room 1318 of the New Senate Office Building.

This Washington session culminates a 3-year study by the committee, which has been pursued in a series of five regional hearings across the country and on every seacoast.

These field hearings have been designed to make it convenient for the business and export communities of our gateway cities to present their views to a congressional panel. For this purpose, the committee met in Portland, Oreg., on May 19 and 20, 1967; in Mobile, Ala., on November 10, 1967; in Milwaukee, Wis., on December 1 and 2, 1967; in Miami, Fla., on March 15 to 18, 1968; and in the Ports of Newark and New York on May 3 and 6, 1968. These 9 days of testimony produced an impressive number of suggestions and criticisms reflecting the practical experience of those actually engaged in international trade.

The June 20 hearing will allow the principal agencies of the Federal Government to respond to these witnesses and also to the urgencies which our balance-of-payments situation have raised.

Unfortunately, Mr. President, this country has incurred a deficit in its international accounts in 17 of the last 18 years, the extraordinary year of the Suez crisis being the only exception. During the period of the committee's inquiry, the situation has become progressively worse, as we have seen our trade surplus decline from $7 billion in 1964 to less than one-half that figure in the first quarter of 1968, with an actual deficit in March on the commercial account.

Imports have grown 2 to 2½ times as fast as exports during this period. We know that there have been inflationary trends related to Vietnam and the lack of action on the surtax legislation, and this has stimulated imports. But to halt our analysis at this point does not get to the heart of the problem.

The fact of the matter is that imports have risen faster than exports for a long time. Further, the U.S. share of world markets in manufactured goods in practically every major category has consistently declined. While the share of our GNP exported has remained constant at about 4 percent, Italy, for instance, has increased its GNP-export share from 10.8 to 13.1 percent; Germany from 15.4 to 16.9 percent; and Japan from 9.6 to 10.1

percent.[1] And, as the committee has been pointing out for some years now, the GNP export percentages of other Western industrialized countries have ranged from about 14 percent for France and 21 percent for Canada to 24 percent for the United Kingdom and 36½ percent for Belgium.[2]

One consequence of this lack of success in matching export growth with import growth in this country has been to touch off widespread calls for protectionist import quota legislation at home. Another has been to distort the business patterns of American corporations abroad. Even allowing that the large wave of U.S. investment resulting from the formation of the Common Market had begun to subside, the controls on loans, investments, and profits have restrained highly profitable uses of U.S. capital abroad, and have directly inhibited exports to U.S. affiliates overseas, which normally accounts for about a quarter of all merchandise exports. This further reduces the competitiveness of American companies overseas and increases the immediate as well as ultimate pressures on the dollar.[3]

As a result of the persistent deficits on our international accounts, foreign nations have been acquiring more dollars than they literally know what to do with. They have been under increasing economic and political pressure to change these dollars into gold in order to have their reserves of national wealth in a form that appears to be more stable than the dollar. Thus, the U.S. gold supply has dwindled from about half the world's supply after World War II to about one-quarter at the beginning of this year.

It has seemed to many of us in the Congress that the efforts to reverse these trends have largely taken the form of restrictions: limitations on investment, regulations on lending, constraints on the use of earnings, and further proposed encumbrances on travel and freedom of corporations and banks to operate abroad.

Events such as the devaluation of the pound and the subsequent gold rush demonstrate conclusively that the economies of Western nations are increasingly interdependent, and that our efforts to balance our accounts cannot be undertaken in isolation.[4]

Since the announcement of our hearings on February 1, 1967, the committee has been suggesting that an expansionary policy, concentrating on the liberation of the energies of our businessmen to expand trade, investment and travel, is the only sound alternative in the trade field.

We have been given the impression, however, that the emphasis placed on export expansion by the cognizant federal departments and agencies is relatively minor, has not been sustained, and is not lodged at a sufficiently senior level to achieve results.

For instance, the Commerce Department appears to have no statistics on how many small businesses are exporting, or how many have entered the export market in past years. Despite the existence of promotion programs such as trade centers, fairs, and missions, the Department sometimes seems to be administering these programs in the absence of objective standards for assessing their cost-effectiveness. How can the efficiency of various programs then be compared, and how can Congress decide where additional appropriations might be productive? Business groups have in the past called attention to the desirability of applying more definite standards to Commerce Department activities.[5]

An examination of the Department of Commerce budget reveals that only $4,800,000, or less than four-tenths of 1 percent of its money, is devoted to its 42 field office operations, which bear the major burden of acquainting and assisting exporters and potential exporters with respect to possible avenues of assistance. We are finding that although the level of inquiries to field offices has risen threefold and fourfold since 1958, staffs of these offices have not increased proportionately, and have in some cases actually been reduced.

In fiscal year 1968, the Department spent more money on limiting exports through the Export Control Office than it did on export promotion through field offices. The Census Bureau spent twice the field office total for collecting figures for the single year of 1967. The National Bureau of Standards spent $6,970,000 in 1967 on the construction of one facility.

The committee wonders how the several Federal export programs can adequately be coordinated with each other, let alone regional, State, and local activities under these conditions.

In another area, the questions of whether the Export-Import Bank and the Federal Credit Insurance Association are competitive with counterpart export financing institutions abroad, and whether they are fulfilling the needs of the American business community and whether more can be done remain very much open to discussion.

These agencies should be exercising the leadership the Nation requires in order to respond to our international financial problems. They should at least be able to advise the Congress what can now be done about them.

However, the indications are that some of the most deep-seated obstacles to trade expansion may be within the Federal Government itself, and that the shortcomings of our export expansion efforts may be undermining the entire commitment of the United States to constructive foreign economic policies.

Accordingly, at our hearing the burden of proof will be on the Federal agencies to explain why the programs of the past decade have not measured up to the objective tests of the world marketplace and what concrete steps are being taken to reverse the adverse trade and balance of payments trends.

If we are to preserve the financial soundness of this country and the integrity of the international monetary system on which all exchanges of services and goods between people depend, we must have performance rather than prose from these agencies over the next 10 years.

Mr. President, following the hearings our committee hopes to submit an early interim report making its findings and recommendations available to the administration and the public in an effort to do all we can to assist all American exporters and potential exporters of all sizes, but particularly the 95 percent which are small businesses and which hold such an enormous potential for participating in the world market, improving their profit pictures, and at the same time benefiting the U.S. balance of payments.

[1] "Regional Export Expansion—Part V, Port of New York" hearings before the Select Committee on Small Business, U.S. Senate, May 6, 1968, Transcript page 961, Testimony of Howard D. McPherson, Deputy Commissioner, New York State Department of Commerce.

[2] See, for example, S. Rept. 345, Seventeenth Annual Report of the Select Committee on Small Business, June 14, 1967, page 27.

[3] "American Investments and the Balance of Payments Program," excerpts from remarks by Otto Schoeppler, *Commerce in Germany* magazine, May 1, 1968, p. 5 *et seq.*

[4] See "The Community and the U.S. Payments Deficit," by Anthony Thomas, *European Community* magazine, May 1968, p. 4.

[5] Most recently in "Export Promotion," report of Action Committee of the National Export Expansion Council, as revised April 3, 1967, page 10.

THIS WEEK COMMENTS ON CONSERVATION YEARBOOK OF THE DEPARTMENT OF THE INTERIOR

Mr. McGEE. Mr. President, it is a pleasure to note happily the continuing enthusiasm with which the public is receiving certain Government publications. The message contained in the Department of the Interior's conservation yearbooks is of critical importance in the ongoing shaping of our environment. Fortunately for the Nation, the message has been so well presented that the yearbooks have become consistent "bestsellers" by the Superintendent of Documents of the U.S. Government Printing Office. The continuing story of our land and air and water and our entire natural resources inventory is one that should be followed intently by every citizen of the United States. The interactions between people and their land are faithfully reported in these yearbooks, but I think that the books have done even more than merely report—they have helped to shape us, as readers, into a sharper awareness of how our actions affect our surroundings. In this sense, the books have been a tool for environmental betterment as well as a record of progress. I should like to insert in the record the comments of This Week magazine on June 9, 1968, commending Secretary of the Interior Stewart L. Udall for his departmental stand and recommending the book for those who want to know "what is being done and what can be done to turn back the tide of danger." This Week quotes the book as maintaining that hope lies chiefly in "understanding the totality of the problem of survival." Such documents as this Interior yearbook, that help us all to understand the nature of our survival problems, are a tremendous force for good in the struggle to stave off human extinction.

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

THE PROBLEM OF SURVIVAL: IN TERMS OF HUMAN LIFE, "BIGGER IS NOT BETTER, SLOWER MAY BE FASTER"

WASHINGTON, D.C.—Will man wipe himself out?

According to a new book, "Man—An Endangered Species?"* (compiled by the Interior Department, with a foreword by Secretary of Interior Stewart L. Udall), man's survival is threatened by (1) Pollution of the air he breathes, (2) Drying up and poisoning of our water supply, (3) Overcrowding our earth with people, (4) Plundering our natural resources.

Ironically, Secretary Udall, while he was working on the book, visited Indians on location at Arizona National Park Land, where Columbia Pictures is filming "Mackenna's Gold" and where our cover picture was taken, and said:

"Less than a century ago the Indian—alone of all Americans—faced a very real threat of extinction. Today, the Indian population is growing at a rate twice the national average."

But now the new threat, the book points out, hangs over the heads of all people, equally. It's as if we were standing at a fork in our environmental road to the future, one signpost marked, "Man—Master of Himself" and the other labelled, "Man—An Extinct Species," but it is increasingly apparent that the direction he takes now will move him rapidly toward one or the other destination.

But "Man—An Endangered Species?" is not entirely a scare book. Far from it. It is a book about what is being done and what can be done to turn back the tide of danger. "Our main hope," it says, "is that we are beginning to understand the totality of the problem of survival."

The book points out that Congress has made a great beginning by appropriating amounts adding up to $1,500,000,000 for "nationwide natural resource programs." Biggest single item is a $57,200,000 authorization to build the "world's largest desalting plant" in Southern California, using nuclear reactors. The plant, designed to produce 150,000,000 gallons of fresh water per day will more than double the capacity of all the desalting plants presently operating on earth.

"We have enhanced the future of everything—except the human race," Udall says. "We need to realize that bigger is not better; slower may be faster; less may well mean more."

I WANT TO VOTE

Mr. HARTKE. Mr. President, never before have young people played such an instrumental and vital role in politics as they do today. Never before have the young channeled so directly their interest and enthusiasm into civic affairs. Yet, we do not allow them until the age of 21 to really participate in representative government—we withhold from them the right to vote.

A young constituent of mine, Dennis A. Headlee, recently spoke in his freshman speech class at Purdue University, calling upon Congress to lower the voting age to 18 years of age by a constitutional amendment. I ask unanimous consent that this young man's speech be printed in the RECORD.

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

I WANT TO VOTE

(By Dennis A. Headlee)

On December 16, several prominent residents of Boston, Massachusetts, boarded a ship in Boston Harbor. These men then proceeded to commit one of the most startling acts of opposition to a new law in the history of mankind. This Act in 1773 was the Boston Tea Party. These men were opposing "Taxation Without Representation."

Today you and I, those of us who are too young to vote, are subjected to taxation without representation. Also our national leaders ask us to fight and die for our nation, yet we can't help pick our leader. In light of these facts, I feel the voting age should be lowered to 18.

There are three main reasons for lowering the voting age to 18:

1. If we are old enough to fight and die, we are old enough to vote.

2. We are the best informed electorates the world has ever produced.

3. Granting 18 year olds the right to vote would tend to decrease voter apathy.

Let us examine these more fully. You have all heard "If I'm old enough to fight and die, I'm old enough to vote." This whole controversy started in 1942 when the draft age was lowered to 18. At this time during a Senate Debate, the late Senator Arthur Vandenburg said, "Mr. President, if young men are to be drafted at 18 years of age to fight for their Government, they ought to be entitled to vote at 18 years of age for the kind of Government for which they are best satisfied to fight." President Eisenhower in his State of the Union Message, January 7, 1954, urged Congress "to propose to the State a Constitutional Amendment permitting citizens to vote when they reach the age of 18."

As you can see prominent men have felt that if a man is old enough to fight and die, he is old enough to vote.

People who are against lowering the voting age say that 18 year olds don't know enough or aren't well enough informed to cast an intelligent ballot. Abraham Lincoln's father could vote yet Thomas Lincoln could read or write little more than his own name! Hubert Humphrey, when he was Senator from Minnesota, made the following statement April 1, 1953 during a Senate Debate:

"The young people of this generation are better prepared educationally for political responsibility at the age of 18 than were the Americans of previous generations. We do not have very complete figures on the education of our population prior to the 1940 census, but even comparison with the year 1940 tend to highlight our progress toward the preparation of our youth for civic responsibility. In 1940, 14.1% of Americans completed high school, 4.6% completed college. In 1950, 20.2% of Americans completed high school, 6% completed college."

Today these figures are even higher. As you can see we are informed.

Much is said today about voter apathy. What causes apathy? Is it lack of interest? Is it lack of ability to do anything? The answer is yes.

This situation can be combated by granting 18 year olds the right to vote. All high school graduates in Indiana have to take a course in U.S. Government. Fresh from high school these young voters would be informed in the operation of government. They would be interested in politics and they would have the ability to take action! These young voters would be an enthusiastic active force in politics before the humdrum of everyday life caused them to loose interest.

We have seen that the voting age should be lowered to 18. The next question is "How?" There are two ways: Individually, state by state, and collectively, by amending the Federal Constitution.

Since the establishment of voting regulations is a state function, some people feel that each state should lower its own voting age. I feel this would take too long.

I feel that this issue requires a Constitutional Amendment. Since an amendment must be ratified by ⅔ of the full body of Congress and ¾ of the individual states, the ultimate decision to lower the voting age still rests with the states.

Since the only way citizens can secure Congressional action is to write to their Congressmen, this is what I've done.

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WITCH-HUNTING VIGILANTES

Mr. YOUNG of Ohio. Mr. President, while Russian military and economic power is at an alltime high, the influence of Kremlin leaders on other Communist governments is at an alltime low. They recently called a meeting of world Communist parties in Hungary, proposing to eject China from the Communist movement. Five Communist governments—China, Albania, North Vietnam, North Korea, and Cuba—sent no representatives whatever. Yugoslavia was not invited. The Japanese Communist Party was invited, but refused the invitation.

It is evident, Mr. President, that the Communist world is in a state of disunity.

Recently, some top members of the Cuban Communist Party were arrested and tried because they were "too pro-Russian," and Castro did not like that. The Communist Party in Czechoslovakia has undergone an internal political convulsion, and Czechoslovakia is now independent—no longer a Soviet satellite.

Of course, for years Yugoslavia has been, as it is now, a nationalist Communist country. Yugoslavia is definitely not a Soviet satellite. Romania is increasingly independent of the Soviet Union. Its delegates walked out of the Budapest conclave.

Of the Eastern European Communist countries, only East Germany, still occupied by some Russian troops, remains a Soviet satellite. All the others are national Communist countries, independent of the Soviet Union. Very definitely, they are not Soviet satellites. The Budapest meeting of the Communists further revealed the bitter schism between the two great Communist powers—the Soviet Union and Communist China.

There is a long common border, over 6,500 miles long, separating the Soviet Union and Communist China. Soviet troops are stationed along that border, particularly around Mongolia. There have been some border clashes, and the Soviet Union, with its power and its troops along the border, is threatening some of the border territory disputed with China. Yet, right-wing extremists in the United States talked of a mono-

*Copies available for $1.50 apiece through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

lithic world Communist conspiracy. Their hysterical ravings unfortunately influence our foreign policy and work to the detriment of the United States.

This brings to mind that couplet: "Last night I saw upon the stair a little man who wasn't there. He wasn't there again today. Oh, how I wish he would go away."

These right-wing extremists groups such as the Liberty Lobby and the John Birch Society—those Birch saps—rave about a monolithic international Communist conspiracy. They do not know what they are talking about.

TAXPAYERS' MONEY THROWN DOWN WALNUT CREEK

Mr. PROXMIRE. Mr. President, probably there would be an extensive number of names in a pot to select the winner of the most intransigent group or organization. I know at least one of my nominations would have to be the Army Corps of Engineers. At issue at present is the corps' project for the damming of the Big Walnut Creek in Indiana.

The main support of this project centers on three issues. The corps contends that more water is needed for Indianapolis residents. Yet the Indianapolis Water Co. announced plans for a new reservoir which could be adequate for all current water needs. Second is the pitch for more recreation for Indianapolis residents. Presently there are at least six or seven reservoirs built or in process in this area. I certainly feel that for recreational purposes a natural area such as the Big Walnut Creek is preferable to a manmade reservoir. The third point of sewage control advantages is also debatable.

As long as there is a question regarding the advisability and necessity of this project, a decision by the corps should be postponed. The conservation groups have offered compromises which have been refused. I believe that only where there is a clear-cut necessity for a public works project and no reasonable alternative is available, then—and only then—should practicality override conservation and recreational interests.

Mr. President, at this point, I would like to insert in the RECORD two editorials from the News-Sentinel and the Indianapolis Star, which very cogently state the case against this Big Walnut Creek project.

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

[From the Fort Wayne (Ind.) News-Sentinel, Feb. 26, 1968]

THE DIRE FATES THAT DON'T EXIST

Death by dehydration is an awful thing. If Hoosiers were faced with a clean-cut decision of permitting people to die of thirst or destroying some of their most valuable natural assets and heritages, they probably would vote unhesitatingly in favor of the second alternative.

Bodily uncleanliness is a slightly less horrible outlook, but if the regular bathing habits of Indianapolis residents depended upon it, Hoosiers might be willing to compromise to some moderate destruction of its biological and geological treasures as the price of preserving a pure atmosphere.

As it is, we cannot see that either dread alternative is posed in the plans of the Corps of Engineers to build a reservoir on Big Walnut Creek in Putnam County, flooding a valley which, in the almost unanimous view of Hoosier conservationists, includes some of the States most impressive stands of native timber, specimen trees of record proportions, geological remnants which are irreplaceable, and unparalleled natural beauty.

For its Big Walnut Creek project, the Corps of Engineers has offered the customary formal arguments of flood control, recreational values, water supply, erosion reduction and so forth. The flood control matter can be disposed of quickly. The Big Walnut simply isn't that much of a stream.

But the real "selling points" for the Big Walnut Creek project, we believe, have been three:

1. Water for Indianapolis residents.
2. Recreation for Indianapolis residents.
3. Water to dilute the sewage of the City of Greencastle.

On the first score, it should be noted that the project was mapped before the Indianapolis Water Company announced plans for a new "Mud Creek Reservoir" northeast of Indianapolis, which, we are told, is adequate for all current water needs of the capital. Impoundments such as that contemplated for the Big Walnut are short-lived because of extremely rapid effects of siltation. If the impoundment were in fact needed for water supply for Indianapolis, now would be a wasteful and unreasonable time to build it and it might be little more than a mud flat by the time its waters were required. To build a water reservoir for uncertain future needs is a magnificent exercise in poor judgment.

As for recreation, it can only be said that there are many kinds of recreation, some involving land and some involving water. Presently there are at least six or seven major reservoirs built or a-building within the approximate recreational radius about Indianapolis represented by the Big Walnut Creek project, including the huge Monroe Reservoir. How many reservoirs does it take?

As for Greencastle's sewage problems, it must be said that "dilution" is a pretty inadequate approach to pollution control, and it consists mainly of flushing one's wastes onto another person's property. Lake Erie, and increasingly Lake Michigan, are splendid examples of what sewage "dilution" can accomplish.

Indiana Conservation groups repeatedly have urged a compromise plan for Big Walnut Creek which would keep flood waters of the project out of the creek's valley above U.S. Highway 36—the most treasured sector of the stream from the conservationist's viewpoint.

Just as often, the sponsors of the project have refused to compromise, and they have increasingly tended to cloak their plans, meetings, and discussions in secrecy.

Presently something like 260 Water Conservancy District programs, not to mention the Corps of Engineers' designs, are considered for the State of Indiana. If all of the damming and dredging projects contemplated in these designs were carried out, there would be scarcely a free-flowing river or stream of any proportions in the state.

It is, we feel, an unnecssary sacrifice to the juggernaut of Federal bureaucracy.

[From the Indianapolis (Ind.) Star, Apr. 7, 1968]

BATTLE OF BIG WALNUT

Big Walnut Valley is a tract of rare wilderness more than 1,000 acres in expanse west of Greencastle.

It contains Canadian Yew and Eastern Hemlock unique to Indiana and giant sugar maple and sassafras trees that are irreplaceable. It is rich in other plantlife. Biologists have called it a "living library of nature."

The valley contains deep gorges and canyons cut over the time of many centuries by waters that began flowing millenia ago when the great ice sheet that once covered part of what is now Indiana began to retreat at the end of the Glacial Era.

Big Walnut Valley is threatened with destruction. The Army Corps of Engineers plans to dam the stream and turn the valley into a big reservoir. The purpose would be dual: flood control in the Wabash Basin and a future water supply for Indianapolis.

Flood control and an adequate future water supply for Indianapolis are both necessities. No one is going to argue against their desirability. But the huge Mud Creek Reservoir planned by the Indianapolis Water Company plus Geist and Morse reservoirs should supply all the water Indianapolis will need in the foreseeable future.

As for flood control, there are alternatives which would make the dooming of Big Walnut Valley unnecessary.

The crucial point in the Big Walnut proposal is the water level. If the level is kept to a specific maximum the unique features of the valley can be spared. If it is not, they will not.

The Army Corps of Engineers has not offered any compromise on the issue of the water level.

A campaign to save the valley is being waged by the Indiana Division of the Izaak Walton League with about 5,500 members, the Indiana Conservation Council with 12,000 members, the Indiana Audubon Society, the Indiana Covered Bridge Society and other conservation and nature groups.

Leaders of these organizations seek to have the valley designated a natural landmark by the National Registry of National Landmarks. A report on the issue will be made to the Registry's advisory committee, under Interior Secretary Stewart Udall, during its three-day meeting which starts April 16.

A decision by the board recommending the valley's inclusion as a national landmark would not affect directly construction of the reservoir, or ownership of the land. Owners would be invited to register their holdings voluntarily and a bronze plaque would be erected in the area pointing out its significance.

This would help the campaign to save the valley. We urge the board to make a favorable decision.

Congressmen E. Ross Adair, J. Edward Roush and Ray Madden already are supporting the drive. We ask the other members of the Indiana congressional delegation to do what they can to help.

This generation of Hoosiers should preserve what nature has taken thousands of years to create and leave it unspoiled for generations yet to come.

A FAIR DRAFT POLICY

Mr. McGEE. Mr. President, two young Wyoming people, Tom Long of Casper, and Janet Crawford of Cheyenne, have returned home after spending a week in my office. They came to Washington, D.C., as winners of the sixth annual McGee Senate Internship Contest, having been selected by a panel of impartial judges for the honor on the basis of their scholarship, extracurricular participation, interest in civic affairs, and essays on the question: "What is a Fair Draft Policy?"

Mr. Long and Miss Crawford, Mr. President, are both high school juniors—a year away from graduation. They have enviable records which impressed the judges. I, too, was impressed as they proved in person to be fully as outstanding as their records and as their

essays had indicated. It is encouraging to me to have such contact with young people whose outlook on life is refreshing and sensible.

Since the topic for this year's contest was chosen, the same topic has been picked as the subject for next year's national high school debates. Thus, young people all across the country will shortly be turning their attention to this subject—which is one of vital concern to their age group, as it is to all of us. Both the boy and the girl winners in this year's McGee internship contest affirmed their belief in service to our country, Mr. President. Both, in fact, espoused a system of universal service, with Miss Crawford favoring the inclusion of young women in the draft. And both favored a broadened scope for the draft so that it would encompass more than military duty alone.

These attitudes are best expressed in their own words, so I would ask, Mr. President, for unanimous consent to have the essays written by Tom Long and Janet Crawford printed in the RECORD.

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

A FAIR DRAFT POLICY

(By Tom Long)

I. The problem:
A. Rhetoric vs. action.
B. The search for solution.
II Draft by lottery:
A. The need.
B. The advantages.
C. The unheeded cry.
III. Draft into non-military service:
A. The reason.
B. Benefits.
IV. Drafting of women:
A. Rights vs. duties.
B. Improvement of programs.
V. Deferments.
VI. The goal of universal national service.

WHAT IS A FAIR DRAFT POLICY?

A healthy nation is one in which there is more than just a single side of an issue to be heard. Debate over such issues inevitably leads to improvement. But debate must not continue in an endless chatter of misguided orators. The draft problem of today has become caught in the snare of elocution. We must reject such tactics of Congress; the irrelevancy, the cliches, the hullabaloo of sophistry. Similarly, we must neither become answerable to the violence of the mob and its dissension over the draft. This dissension, were it not merely chants of "It ain't fair," but a workable solution, might arouse Congress to action.

The action that should be taken until recently was not totally necessary. But action must be taken, not just to appease the American youth, but to satisfy certain demands within the Constitution. The end of discrimination seems the best way to eliminate the protest chants.

The loudest cry heard in Washington is for a system of draft by lottery. Many local draft boards somehow manage to select the more indigent men or those with a different skin color in a proportion greater than their number. Accordingly, Vietnam has been called "the poor boy's war." Draft by lottery would take this ammunition from the verbiage barrage of the dissenters. The answer given to that cry was not the much needed change in the draft, but a slap in the face by General Hershey. However the cry of dissent will not relinquish in the face of punishment. That is not the solution. The solution sought for has not gone completely unheeded though. Those in Congress should be fully aware of its possibilities. Why, then, is it not being taken care of? A system of draft by lottery has no such discrimination as does the present answer of General Hershey. Perhaps in the past there was little pressure to change. However, now the dissension could hardly be greater. Now is the time for Congress to change the voice of dissent to service for the government.

A bigger step toward a fair draft policy is one with other advantages also. As many people have commented, we need a policy which will allow a person to serve his country instead of "serve his term." Out of the draft debate has risen the old truism that war is hell. Pacifists, cowards and conscientious objectors have joined together under this as a license to evade the draft. They feel that if they must kill, or train to kill for their government, then they will merely burn their card or move to Canada. Many of these men would serve their country if they did not have to violate their beliefs. Killing may be too difficult a task for some to do as a show of patriotism. But war is not the only function of our government. The domestic and foreign programs such as VISTA, Peace Corps, Project Headstart, Job Corps, the Neighborhood Youth Organization and others are severely handicapped by inadequate personnel. If Congress killed the proverbial two birds with one stone, these programs would become practical in effect and the draft would gain in stature. The draft would be more equitable; by being drafted into non-military programs no longer would a man feel cheated of his freedom, but would truly be serving his country. Men will not be rejected from military service because of beliefs or minor physical ailments, they will be rechanneled into non-military service. Discrimination would be set at a minimum in this respect also.

But who is to talk of discrimination. One half of all United States citizens are not even considered in the draft. In the draft debate women are also declaring themselves. These are the women who served with men in the Peace Corps or helped in the War on Poverty. Women are assuming more and more rights and privileges in this nation; they are the equals of men. Should not they also assume the same duties to their country? Margaret Mead, whose editorials voice a multitude of pointed opinions in *Redbook*, summed up the question as "whether it is fair to ask only a portion of a generation to give involuntary service to their country, whether it is equitable to exclude . . . all the girls . . .". The general public has not taken up this point as extensively as other ideas, but it is best to remember that all discrimination should be dealt with. Women should be drafted, not to shoot or to bomb the Demilitarized Zone, but to serve in an administrative or non-military capacity. Women make much better nurses and equally good teachers, why should the draft neglect one half of the population then? Drafting women will in effect unite the generation in the service of their country. They can learn skills of great value in their home life. Why has Congress done nothing then? Perhaps the voice was not loud enough to be heard in Washington.

Deferments must also enter into the consideration of a non-discriminate draft. No deferments at all would be the least discrimination possible, but no deferments at all is not possible. Who should receive a deferment? All those who work in government positions should be exempt because they are doing a service to the nation already. That is the clue. Those who are doing a service to their government should be deferred. All those who are in a valuable position, such as doctors and professional men, are exempt. But what of the graduate student who so recently lost his deferment? During the revolution we valued the brain trust which we drained from England. Are we so far ahead of every other nation that the student, and graduate student, are not doing a service to their country?

The most fair draft policy is one in which everyone possible is working toward the goal of universal national service. It is one in which there is the least discrimination; the one that will do the most. The housewife or the draft dodger in Canada are doing little for their nation. Universal service to the government could not only ease the plight within the non-military programs, but also end the violent dissension over the draft. With no discrimination in the choosing or deferring, and a legal way for the pacifists not to fight, what can there be dissension about?

Feasibility and practically are not synonymous however. It is time for the Congress to heed the voice of dissent and to do something about it. It is time for responsible action, not rhetoric.

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WHAT'S A FAIR DRAFT POLICY?

(By Janet Crawford)

"Every person who enjoys the protection of free government owes . . . his personal services to the defence of it,"[1] said George Washington. The key word is "everybody". Every citizen; male, female, Negro, Mexican, Dane; all have marblized into what is America, and each owes his individual talents to it. Our country should not limit itself to drafting only the male citizens. As Wyoming's Secretary of State, Thyra Thomson, told Casper students, "Can we, through fear of relinquishing our prejudices, deny our nation the use of half its productivity, talent, initiative, and intelligence? I think not. Our nation needs the brilliant minds of both men and women."[2] Although she was not talking about drafting women, Mrs. Thomson hit the nail right on the head. Our country needs all its potential strength, both men and women. The United States needs a universal draft.

Everyone agrees that our present draft policy is unfair. *Life* magazine has editorialized, "At a moment when the war in Vietnam is in so discouraging a state, and many more troops are being talked of, it is tragic for the nation to be saddled with an unfair draft law."[3] Regardless of possible reform, any selective service is going to be unsatisfactory because some will be chosen and some rejected. I have lived my life in the Equality State during a time when equality has been continually stressed. All right, let's see some equality in our draft policy.

My brother and I were born in the same hospital, attended the same schools, and had generally the same opportunities. Yet, he has a responsibility to his country which I do not face. He knows that someday he will probably be drafted. When he is drafted, he may be required to do a job for which I am better qualified. It is unfair to him and me, both, that just because he has one "y" chromosome which I lack, he is forced into service and I am not. Women hold jobs, vote, run for and are elected to office—are citizens in every sense of the word but one; they are not drafted. This is a remnant of the feudal age when women were considered second class decorations. It is an out-moded policy that has no place in the space age. If women

[1] "The G.I. and the Draft," *Senior Scholastic* Vol. 87, No. 7 (October 28, 1965), p. 7.

[2] "Thyra Cites Need of Responsibility," *The Wyoming State Tribune*, (March 27, 1968), p. 28.

[3] "The Draft Must be Made Fairer," *Life*, Vol. 64, No. 10, (March 8, 1968), p. 4.

were drafted to do women's work, then men would be free to do more masculine jobs.

Under my plan, every American citizen who is physically and mentally useful will, upon graduation from high school, be called into the service of the United States for a period of two years. Any person who does not graduate from high school will be drafted on his or her eighteenth birthday. Deferments will be granted only for severe mental or physical handicaps and pregnancy. These will be granted by panel of three federally appointed judges and are liable for review at any time. Husbands and wives will serve together whenever possible, except when the husband is stationed in a combat zone where no women are allowed. There will be two main divisions of service; civic and military. The draftee will be allowed to choose the division he prefers.

Civic service will include the Peace Corps, Vista, the Job Corps, auxiliary police work, such as riot control, and some staff jobs now held by civil service personnel. The duties would range from typist-stenographer, work on Indian reservations, to big city slums and centers of rural poverty. These draftees will receive wages corresponding to their counterparts in military service. All women draftees will go into civic service, although some will be assigned to jobs on military bases like those presently held by servicewomen.

Draftees choosing to go into military service would again be divided into two groups—combatant and non-combatant. Combatant troops would be trained and sent to war zones, such as Vietnam, while non-combatant troops will fill the country's other obligations, such as NATO, SEATO, European troops, and standby forces in this country. This means our soldier who is going to war will be a double volunteer. Hanson W. Baldwin, military historian and military editor of the New York Times concurred with this idea when he said, "Today's technological revolution and nuclear age have reduced the demand for 'bodies' and the 'big battalions' and have accentuated, instead, the need for 'brains' and the 'ready battalion.'"[4] Our man going into battle would want to be there; he would be trained, willing, and ready to defend himself and his country. Those who object to a certain war or war in general will have the opportunity to serve in other areas of endeavor.

It has often been said that the United States cannot fight a war in Southeast Asia at the same time as a war on poverty at home. But, backed up by 100 percent of the nation's youth, instead of approximately 15 percent, our country could progress on both fronts. The biggest problem our poverty programs face now is that they are dreadfully understaffed. Vista is attempting to relieve poverty with a smattering of 8,000 workers. Draftees would be like a shot in the arm to this service. Also, by taking 18-year-old slum dwellers out of their environment and exposing them to legitimate modern life, possibly the hard-core of poverty will be broken. "Education can get a man out of the ghetto, but learning requires some peace of mind. There is none."[5] Service away from the ghetto would provide a golden opportunity for both formal and practical education for the ghetto dweller.

Most graduating high school students, I know, are uncertain about what they want to do with their lives. Many boys find mediocre jobs and wait to be drafted. They are afraid to make definite plans because they don't know when or if those plans could be interrupted by military service. Girls, too, are often not ready to settle down. If this plan is enacted, each person will know that for two years, he will serve his country. This will give each an opportunity to get away from home and the rut he is in; to think, to mature, and to decide what he wants to do.

When I mentioned the idea of a universal draft with two areas of service to some of my friends, one of the reactions was, "I don't agree with the philosophy behind the Peace Corps and Vista." Fine, for this person there will be other areas of service. "Two years is a long time to waste." To this person I say that people have given lifetimes and lives to their country, which has given each of us unaccountable blessings. Surely we can each give a little of our time to it. One's service to America would not be charity, each would gain along with the land. With our constantly lengthening life expectancies, American youth can afford to spend more time being young. We are going to be grown-up for about sixty years, let's be youth for a little longer. Those who objected to having girls fight misunderstood my point. Girls would not fight, only perform jobs like those they perform in the outside world, to free men for the duties men should have.

To those who will call this idea radical, I say that what is radical today will be conservative tomorrow. Something must be done about our draft policy. The universal draft may not be the only answer, but it is an answer. And America needs answers.

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LAW AND ORDER

Mr. ANDERSON. Mr. President, last month an international symposium was conducted at the Rotary International Convention in Mexico City. The topic of discussion was law and order, a subject which has recently come to dominate the attention of our entire Nation.

The moderator of the presentation was Edwin D. Canham, editor in chief of the Christian Science Monitor. Other participants were Chief Leonard G. Lawrence, of Hamilton, Ontario, president of the International Association of Chiefs of Police; Chief Gerhard Littmann, of Frankfurt, president of the Association of Chiefs of Police in West Germany; Kurt Lindroth, deputy head of the Swedish State Police; and Judge Yorihiro Naito, of the Tokyo Family Court.

During the discussion, the ever-increasing problem of law enforcement was brought into perspective when Mr. Lawrence pointed out that almost 50 percent of the world's serious crimes were committed by 5 percent of the world's juvenile population. The panel went on to touch upon such subjects as Japan's changing family structure and the causes of demonstrations and riots in European universities.

So that this frank discussion might receive the attention it deserves, I ask unanimous consent that it be printed at this time in the RECORD.

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

INTERNATIONAL SYMPOSIUM ON LAW AND ORDER, ROTARY CONVENTION, MEXICO CITY, MAY 15, 1968—ERWIN D. CANHAM'S INTRODUCTION OF PANEL MEMBERS

I will, of course, have more to say about each of these gentlemen as we proceed with our discussion, so for the moment I will just briefly identify them for you. The order is without protocol, and simply signifies their seating order.

On my left is the president of the International Association of Chiefs of Police, Chief Leonard G. Lawrence, of Hamilton, Ontario.

On his left is Dr. Gerhard Littman, president of the police in Frankfurt, and also president of the Association of Chiefs of Police in West Germany.

On Dr. Littman's left is Judge Yorihiro Naito of Tokyo's Family Court.

Your program lists Carl G. Persson, National Director of Police in Sweden, but Mr. Persson cabled this week that unforseen events (which of course do arise in police work) hold him in Stockholm, and so he has sent to us his associate and deputy, Mr. Kurt Lindroth. We welcome him.

To start things off, I would like to ask Chief Lawrence a question:

CANHAM. Is it true that the world now seems to be experiencing a world-wide eruption of lawlessness that is unprecedented in history?

LAWRENCE. The short answer is yes . . . Of course the world has never been free of crime. The very presence of crime has served to prod man further along the path toward development of a society less apt to produce criminals. In spite of this, there are in this year, 1968, pertinent indications that crime is increasing at an alarming rate throughout the world.

For nearly forty years, J. Edgar Hoover of the Federal Bureau of Investigation in the United States has been collecting world crime statistics. While direct comparisons are impossible, because there is really no uniform system of reporting among countries, the FBI does its best to make adjustments. The figures naturally focus on the most serious crime—forcible rape, robbery, aggravated assault, burglary, serious larceny, and so on . . . Without attempting a country-by-country comparison, I would judge from the FBI figures, and my own observations for the International Chiefs, that we have seen about a 40 per cent increase in major crimes in the world in the past half-dozen years.

CANHAM. We are told on every side that the crime problem is really a youth problem. Chief Lawrence, do your figures and your experience confirm this?

LAWRENCE. Yes. The FBI reports that at this time 49 per cent, half of those arrested for *serious crime*, and I underline *serious*, are under 18 years of age. However, Mr. Canham, a very important additional point needs to be made.

CANHAM. What is that?

LAWRENCE. It is that only a small percentage of our juveniles are involved. When we measure arrest activity, we find that only five per cent of the juvenile population is responsible for nearly half of all serious crimes!

CANHAM. That does pinpoint the problem. I wonder if this view coincides with the experience of you other gentlemen. . . . Mr. Lindroth, I believe that in Sweden you have carried forward some studies of this problem.

LINDROTH. We have indeed. As Chief Lawrence has said, figures are difficult to compare, but I do think that our studies may contribute a side to this that has not yet been brought out, that is the extreme youth of the youth problem. For we have found that usually the die is cast on the side of criminality before the age of 14.

CANHAM. That is terribly young—14! I had no idea of the "critical age," so to speak. Dr. Littmann?

LITTMANN. We find in the Federal Republic that the number of offenders in the 18 to 21 year group has declined from 9.9 per cent to 9.3 per cent. The age group 14 to 18 shows a one per cent rise. But in the age group under 14 years, the situation is unfavorable. Here the percentage of male perpetrators has

grown from 4.1 per cent to 5.7 per cent. I might say that we find at least seven times as many males are affected as females. It is a boy problem . . . a *young* boy problem.

CANHAM. Judge Naito, does this view of things agree with your experience in Japan?

NAITO. As to the ages of those who get in trouble, and as to the relatively small percentage of the total population who seriously go astray, I believe our Japanese experience is roughly the same. However, we are making improvements. In the past two years there has been a notable decline.

CANHAM. To what do you attribute this decline?

NAITO. We believe we have found better ways of handling our *young* problem people before they become *old* problem people.

CANHAM. Well, that brings us neatly to the next central question . . . namely, what do we do about youngsters *before*, or even *after*, they start down the wrong path? What do you find is the most important single remedy in Japan, Judge Naito?

NAITO. The most indispensable thing is a feeling of affection; a warm and pleasant home atmosphere; a disciplined training and education.

CANHAM. Mr. Lindroth, do you agree?

LINDROTH. I fully agree.

LAWRENCE. . . . So do I.

CANHAM. Dr. Littmann, I see you have more to say . . .

LITTMANN. Looking for solutions to stop a further growth of juvenile delinquency, one should drop from the beginning the idea of more severe punishment. Nothing would be improved by this.

CANHAM. Yes, Mr. Lindroth?

LINDROTH. In Sweden we consider hereditary factors, about which we can of course do nothing . . . But we find often that many choose crime as a short-cut to the attainment of material ends. To them, crime is a speculation in the chance of eluding discovery. It must be admitted that in our larger cities—and the world is tending towards urbanization—the chances of not being caught are statistically better than when communities were smaller. It is accepted in the police world that it is not fear of punishment that deters the criminal, but fear of being found out. This is the nub of our problem: How do you convince a young lad who is crazy about automobiles and wants to steal one, and who is willing to break into a house and steal so he can buy petrol (and this is not too far from being a picture of today's "criminal") . . . how do you convince him that it won't pay: that it won't make him happy? One way of course is to convince him of the shame that being found out will bring upon his family.

CANHAM. Dr. Littman?

LITTMANN. But what if he doesn't have a family?

CANHAM. Yes, Judge Naito?

NAITO. There you have a key question. For I am sure all your statistics indicate that the number of offenders who come from broken homes is far greater than the others. This is a known fact. So in Japan we try to answer that need. Our family court has as its most important task the prevention of broken homes. Many of our traditional family customs were liquidated by the new Constitution of 1947, and the new Family Law was enforced in 1949. The old family based on the father as head of the house disappeared. The position of the wife, or the mother, was raised considerably. These changes must be considered as a great advance in the social progress of Japan. But it has been unavoidable for us to meet some difficulties, due to these traditional changes.

CANHAM. I presume these difficulties have fallen hardest on juveniles?

NAITO. We have generally considered the problem of juvenile delinquency to be confined to families in trouble. We approach it as a "family in trouble" matter, rather than just as a "boy-or-girl-in-trouble" affair. Our effort is aimed at healing the family, which we feel will incidentally include the youngster.

CANHAM. What do you do?

NAITO. We rely most heavily on the help of volunteer citizens. For example, in Japan, the Family Court appoints some 18,000 volunteers annually, 30 per cent of them women, to assist the court in conciliating families. About 55,000 cases are handled each year.

In addition, we have in the Tokyo area a "Juvenile Friend Society," composed of ladies who understand the gravity of the problems of young people. They work closely with the individual boys and girls, trying to show loving interest and concern, which we feel "heals," rather than "wounds".

CANHAM. Mr. Lindroth, how does this compare with Sweden?

LINDROTH. You know, Sweden is half a world away from Japan, and I don't think we have communicated much on this, but I must say our findings and our approaches are very similar. Japan is not the only country where traditional social and moral values have been relinquished to a large extent. The school discipline of old has been abandoned. Parents and other adults do not hold the same authoritative position as before. Young people are more independent and more open to the currents of life than they were in past times. I think we all agree that this liberation of youth has been good for the stable young people who form the great majority. It has given them better possibilities than before to develop into frank and independent persons.

CANHAM. No turning back the clock?

LINDROTH. Certainly not. Now, in approaching the problem of those children who are not stable and who get into trouble, or who even threaten to get into trouble . . . our Swedish police turn for help, and in large measure *get* such help, from the child welfare committees that now exist by law in every community.

These committees work in various ways, but one of their responsibilities is to see to it that there are leisure-time institutions, such as youth centers, or cafes, and ample sports facilities. They arrange educational and hobby activities and they run child-care agencies, play schools, day camps, and, importly, they arrange courses and lectures for parents and others charged with caring for young children.

CANHAM. You try to "nip the problem in the bud," in other words?

LINDROTH. Precisely. . . .

CANHAM. I see both Chief Lawrence and Dr. Littmann nodding rather energetically. We have an agreement, I take it. . . . So I would like to change rather abruptly the directions. Thus far, it seems to me, we have been talking about the problems of young people, 14 years and younger. But I am curious about your views concerning those of an older age . . . let us say, of college student age. We have been reading and seeing quite a bit about this lately, everywhere from New York, Chicago, Paris, even Berlin, I believe. Dr. Littmann.

LITTMANN. Right! While juvenile delinquency endangers the life, health, and property of the respectable citizen, the *unrest* among youth is directed against public order, "the establishment"—the present form of society—and in some countries, even against parliamentary democracy. Under certain circumstances it may become even more dangerous than juvenile delinquency.

CANHAM. Do you see any connection, or parallel, in this student eruption?

LITTMANN. The forms of protest show strong parallels, but this should not lead to the conclusion that the causes are the same. Behind the Iron Curtain youth is protesting against the lack of intellectual freedom allowed by the political regime. The protest of the youth of the Free World has mostly quite different causes, although the conditions in the universities and the war in Viet Nam certainly appear in country after country in Europe. Looking into the situation objectively, one has to agree that the demand for university reform in European countries is to a great degree justified. The universities are hopelessly overcrowded; the teaching system shows severe deficiencies. The authority of the professors and the lack of student participation in forming university life are additional serious deficiencies. For a long time, all this has been known.

CANHAM. Then the students have some right to erupt?

LITTMANN. Without this loud protest there would not be a beginning even today.

CANHAM. What relationship does Viet Nam have to the student situation?

LITTMANN. It is remarkable that protest concerning Viet Nam is loudest in countries which were immediate participants in World War II, and have suffered from it most. There is, by the way, no doubt that the United States has failed sufficiently to inform the general public and especially the youth of the world right from the beginning, and with continuous repetition, about the reasons for United States intervention. The consequence is that this war is called "imperialistic."

CANHAM. What do the knowledgeable people of Europe see it as?

LITTMANN. A form of attempted Communist expansion.

CANHAM. Is this what you see beneath the propaganda in Germany?

LITTMANN. In Germany there are some additional causes which contribute to the unrest of youth. One is the Grand Coalition of the Federal Government, which has existed since the end of 1966, and the lack of a strong opposition. Instead, a radical leftist extra-parliamentary opposition has been formed. Certain student groups are a part of this opposition. Under the pretext of protesting against the war in Vietnam and the situation in the universities they try to replace the parliamentary democracy by a system similar to the Soviet Republic in 1917–1918. They are clever enough to involve, on certain occasions, other groups who ideologically have nothing to do with them. Certain communist tendencies cannot be overlooked within those groups. The disturbance of public order caused by them has reached considerable proportions.

CANHAM. It was generally accepted that the student uprisings in Belgium last winter forced a change in the Government. And, as we all know from today's headlines, the students in Paris are causing considerable disturbance. Incidentally, The Christian Science Monitor reports a situation there not unlike that which Dr. Littmann just described in Germany, which is to say, I quote: "Students join in demonstrations against the Vietnam war, but these have their origins in many non-student groups. You have had student problems in Sweden.

LINDROTH. When one speaks of protests, naturally "the march of the poor people on Washington" comes into the conversation.

CANHAM. It certainly does. However, here we have not necessarily rebellious students, but protests of those who feel by-passed by the surge of progress. This must certainly give the police special problems. For example, Mr. Lawrence, how can the police distinguish the right to "peaceable assembly," as guaranteed for example in the U.S. Constitution, and the point where riots erupt?

LAWRENCE. Regardless of age or the causes, it is true that special problems are imposed on the police. Police must be at once very careful to protect rights to peaceful protest and at the same time protect the persons and property from those who are not really legitimate protesters or peaceful.

CANHAM. May I ask Dr. Littmann for his views?

LITTMANN. Many citizens have gained the impression that the constitutional institutions are not in a position to maintain law and order as expected by the majority of the population. This is a danger, but it also offers opportunity for political and community leaders to do something more than issue platitudinous statements. Youth today is critical, and not willing to accept the existing social structure as unchangeable. Youth wants to be informed and convinced. It wants means of education adapted to the modern world. Youth asks to be acknowledged—at home, in profession, in politics.

NAITO. And are we doing this?

CANHAM. Obviously Dr. Littmann has more to say on this.

LITTMANN. Being honest, we must admit that we have not done justice to these wishes, neither at home, at schools and universities, nor in politics. We should neither overestimate nor underestimate the unrest of youth. We should give it the meaning that it deserves.

CANHAM. Up to this point I think we have seen two sides to the world's youth problem.

First, we have been told that there is a grossly serious rise in the volume of crime and that it has been ascending more rapidly in just the last few years. We have been shown that a criminal tendency starts very early in life; 14 and under were mentioned as the most critical ages. We have in some measure been reassured, however, that the percentage of young people who do fall into criminal pursuits is small, about five percent, of the total of world youth.

Second, we have learned that there is another youth problem, not necessarily criminal in motivation, but posing a serious threat to law and order because of its violence, which is such that it can at times bring down governments. We have been warned that this unrest is sometimes formented and often channeled into the use of those opposed to the democratic processes.

Both of these clearly are problems on which the future literally hinges. Unchecked crime and unrestrained protest can both destroy the foundations of civilization.

What do we do? Chief Lawrence?

LAWRENCE. I was just thinking of that American president, Theodore Roosevelt, who put it rather succinctly: "If you are going to do anything for humanity, the chances of success lie not in working with the man, but with the boy. The Boy of today is the citizen of tomorrow."

CANHAM. Mr. Lindroth . . .

LINDROTH. That is what we have been trying to say, but perhaps not so pointedly.

CANHAM. Please continue, Chief Lawrence. . . .

LAWRENCE. Crime prevention is a complex and costly process, involving proper homes, proper parental care and guidance; adequate education and employment opportunities. However, there is another point which I wish to make, quoting the reply of Judge Lester H. Loble of the Juvenile Court of Helena, Montana, when he was asked about organizations for youngsters. He said: "I have never had before me an active Boy Scout, Campfire Girl, 4-H member, or member of a similar group, or a youngster who is a regular attendant of Sunday School or Church. These organizations are real character-builders, and the adults who so unselfishly give of their time and energy in these worthwhile groups are entitled to everlasting praise."

CANHAM. I see Mr. Lindroth has something to add. . . .

LINDROTH. The organizations around the world may in some measure be different; some are privately supported, and others have state money, but the objectives are constructive. Here all of us have a great task to fulfill—the task to do our share in bringing about a secure existence and a good upbringing of children in a spirit of loyalty towards society.

CANHAM. Dr. Littman, do you agree?

LITTMAN. Our youth is not worse, but at least as good as, if not better than, in former times. We must only find a way to lead them in the right direction. Rehabilitation of criminals is not nearly so successful or rewarding and effective as crime prevention. Work such as the Police Athletic League, Big Brother, and all the other organizations and personal efforts offer a good answer.

CANHAM. I do hope the Rotarians will rouse the people to lend a helping hand to rehabilitate and to prevent juvenile delinquency within their own communities and also to help volunteer or official workers in the rehabilitation and prevention work.

CANHAM. Chief Lawrence, you are a Rotarian, are you not?

LAWRENCE. Yes, for 17 years. I believe that Rotary is the greatest international service organization in the world today. Under dedicated officers, with the twin objective of service to mankind and World Peace, I am convinced that Rotary through its various programs, is making a massive contribution to the prevention of crime, the maintenance of Law and Order throughout the world.

CANHAM. I, too, have observed the work of Rotary in many parts of the world. It seems to me that with the insights we have been given this morning that every Rotary Club should be better able to understand the problem laid out for us so well by our participants. I will now turn the meeting back to President Hodges.

HODGES. As parents, as Rotarians, I believe we have been given a great deal to ponder this morning. It is true that there is nothing more precious and more vital to the march of man than our children. To learn, as we have this morning, something of the dimensions of the tragedy threatening this fundamental asset of our civilization is deeply moving.

Yet, the answer has been rather plainly stated: Love our children more. Love them better.

Rotary has done and is doing much. I have a suggestion. Why wouldn't it be a good program idea for every Rotary club in the world to have a symposium of its own, modelled somewhat after this one this morning? Suppose every club invited in its local chief of police, perhaps a sociologist, an educator, one or more from the churches, to explore your local problem. You could then consider what further community leadership could be exerted to help conciliate threatened homes; to provide wholesome outlets for the normal exuberance of youth; to look with compassionate eyes into the things in our schools that our young people complain about. Rotarians have influence; they have ways of getting things done. Best of all, Rotarians have hearts, and this is the time to use them.

SECRETARY GENERAL OF U.N. URGES ALL MEMBER STATES TO RATIFY THE HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, the Assembly for Human Rights met in Montreal on March 22 through March 27 of this year. The assembly felt that such a convocation of citizens of the world was a fitting means of calling attention to the fact that 1968 is Human Rights Year. The assembly also reviewed progress in the field of human rights and delineated those areas in which greater efforts must be expended if all men are to enjoy those rights which are inalienably ours simply because of our humanity.

In subsequent statements to the Senate I shall discuss the various points made by the assembly and shall discuss in detail the various recommendations made to further the cause of universal human rights. At this point, however, I should like to share with my colleagues the words of a message filmed by U Thant for presentation to the assembly.

The Secretary General makes the point of preeminent importance when he states:

> Indeed, the maintenance of peace and the achievement of economic development and social justice must surely rest on commonly accepted standards of fair treatment for all individuals and groups.

Mr. President, I wholeheartedly associate myself with U Thants "Declaration of Peace." I also urge the commitment of each Senator to the cause of human rights through swift ratification of the human rights conventions now pending in the Senate.

I ask unanimous consent that the text of U Thant's message be inserted in the RECORD.

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

The following message from United Nations Secretary-General U Thant was recorded on film at the United Nations and projected during the opening session of the Assembly for Human Rights.

"I am very pleased to have this opportunity to extend my greetings to the World Assembly for Human Rights, which has been convened in Montreal as a contribution to the International Year for Human Rights. Your Assembly also meets in response to the United Nations General Assembly's invitation to all concerned to devote the year 1968 to intensified efforts and undertakings in the field of human rights as an appropriate way of celebrating the twentieth anniversary of the Universal Declaration of Human Rights.

"The International Year for Human Rights offers a unique opportunity to review and reassess activities in the field of human rights since the adoption of the Universal Declaration and to propose objectives for future efforts. Over the years, substantial progress has been achieved through the United Nations in setting international standards and objectives in the area of human rights and fundamental freedoms—an area which the United Nations Charter firmly established as being a matter of international concern and responsibility. The proclamation of the Declaration 'as a standard of achievement for all nations and peoples' was a first step in this process.

"Since then, many international conventions have been adopted, culminating in these International Covenants on Human Rights. In this manner, the moral imperatives of the Declaration are being progressively recognized as binding obligations through ratification of existing conventions by Member States in accordance with their constitutional processes and by their incorporation in the national constitutions and laws of numerous States.

"It is my firm conviction that the active participation of Member States in this United Nations long-term effort to secure a system of law, legally binding on the national and international level, is an essential part of the efforts to attain the Charter objectives of peace, economic and social well-being and the harmonization of the action of nations. Indeed, the maintenance of peace and the achievement of economic development and social justice must surely rest on commonly accepted standards of fair treatment for all individuals and groups.

"In your meetings, you will be examining, in the light of technological changes, the means of preserving the concepts expressed in the Universal Declaration of Human

Rights. In addition to evaluating existing and new methods and techniques for the protection of human rights, you will be discussing new areas of concern and new dangers which accompany rapid technological advances. These important subjects are a challenge to the distinguished participants in your Assembly, and the results of your deliberations will, I am sure, merit attention at all levels.

"The efforts of the non-governmental sector of world public opinion have contributed much to the progress made over the last twenty years in the promotion and protection of human rights. While Governments must take final and effective responsibility, it is well known that activities on the private level have often paved the way and stimulated governmental action. These activities can also contribute to the search for ideas as to the future course of the international community's concern for the activities in the field of human rights, which, I hope, will be charted during this International Year for Human Rights.

"May I, in conclusion, express to you my best wishes for the success of your deliberations."

U THANT,
Secretary General of the United Nations.

NEW CONCEPTS IN RECREATION, CONSERVATION, AND RESOURCE DEVELOPMENTS — ADDRESS BY SENATOR KUCHEL

Mr. METCALF. Mr. President, before the Sierra Club on May 4, the senior Senator from California [Mr. KUCHEL] delivered an outstanding address on the subject of new concepts in recreation, conservation, and resource developments.

A national leader for more than two decades in the field of wise use and orderly development of our natural resources, the Senator from California has delivered a significant statement that merits the attention of every Senator.

I ask unanimous consent that a partial text of his address be printed in the RECORD.

There being no objection, the partial text of the address was ordered to be printed in the RECORD, as follows:

THE SEARCH FOR NEW HORIZONS

(Partial text of remarks by U.S. Senator THOMAS H. KUCHEL before the Sierra Club, Santa Monica, Calif., May 4, 1968)

On a morning in March over four years ago near Los Banos, California, a giant bulldozer was engaged in carving out of the ground the monumental walls that are today San Luis Dam. Suddenly, in the dirt that churned before its large blade, there appeared several long white objects. Upon closer examination, it was discovered that the objects were bones—later determined to be those of prehistoric animals that roamed the San Joaquin Valley tens of thousands of years ago. Indeed, one geologist estimated the age of the bones at 400,000 years—about the middle of the Pleistocene era. Later, during the same excavation, the petrified remains of a large and primeval forest were uncovered along with the artifacts that marked the existence of an ancient civilization of man that lived in the hills and valleys of our state.

In the summer of 1965, near the town of Washtucna in the State of Washington, another bulldozer carving out another dam brought forth from the earth the story of yet another ancient civilization of western man. It was less than a week ago that, at this very site, fragments of a skeleton were found which scientists believe to be the oldest human remains found in the Western Hemisphere, somewhere between 11,000 and 13,000 years old. These are but the last remnants of what one professor termed "a nomadic, hunting society" that may well have turned on each other for food.

Imagine for a moment, if you will, a scene some 10,000 years from today, possibly near what was once known as the City of Santa Monica: a high speed monster of machinery is rapidly excavating a site for another thermonuclear desalting plant when, suddenly, the bones of our present civilization are uncovered. Will scientists then say "these are but the remains of a hunting society that turned on each other?" Will they file our remains in the Nuclear Era and charge us with failing to preserve our fellow man; or will they credit our civilization with having fought successfully for the survival of man on earth?

This, ladies and gentlemen, is the challenge that faces all men in this era of crisis, the challenge of dealing with the basic problems of the spirital, emotional and physical survival of humanity in our time. It is not a task that belongs to simply one segment of our society but to every man, whatever his call in life, whatever his personal goals may be.

I want to read a portion of a letter recently received from an authority on wilderness, a pre-eminent conservationist and a great human being. Ansel Adams wrote:

"For quite a few years I have had a growing doubt about the logic and efficacy of general Conservation approaches and practices. The Wilderness is extremely important and I feel more strongly than ever that we must not relax our efforts to save what we can and protect what we have.

"But the total picture of man's survival on earth—to say nothing of his assuring himself some reasonable and healthful existence—is of far greater importance than any particular segment of his conservation effort.

"The alarming air and water pollution, the despoiling of land, the poor planning for urban and suburban areas, and the gross spirit of exploitation of our natural resources, all lead to disaster—and this must be apparent to all thinking men."

We must all, you and I together, heed the prophetic words of Ansel Adams. We no longer live in the kind of world that gave birth to your organization. When John Muir formed a handful of men into the Sierra Club some seventy-five years ago, California had but a population of 1.2 million and only 50,000 people lived in the Los Angeles area.

There was no smog to obscure the sun. Lakes and rivers had not yet fallen victim to water pollution. The word suburbs was not yet in the dictionary, and the ghettos that stifle life for so many Americans had not attained reality.

But, alas, our world has changed. Today, your organization is over 60,000 strong, bound together in the common concern for the preservation of nature and respect for the land God gave us. Today, California has a population of over 20 million people—the largest in the Nation—with over 2 and a quarter million in the City of Los Angeles alone. Daily, some 1500 new citizens pour into the communities of our Golden State, and we expect a population of 50 million by the turn of the century.

Within less than an hour, we can drive from the luxury of this room to the poverty of Watts, or from the confusion of downtown Los Angeles to the quiet beauty of the mountainous San Gabriel Wilderness. But both ghetto and park are a part of the world in which we live today. And if conservationists are to cope with the problems of man's environment, both must be treated as part of the same world.

Mr. Henry L. Diamond, Vice-president of the American Conservation Association, has aptly described the political problems of mobilizing conservation forces:

". . . Some people are nuts about birds, some about flowers. Some want plenty of ducks, others want plenty of trout. Some people hate billboards, some hate noise and same hate ragweed.

"Some want 100,000 acres to get lost in; some want a half acre where their kids can play in the city; some want a place to play squash; some a place in the open to eat it.

"Our problem is to tie all these diverse desires together into a working coalition for a better environment."

There is much that citizens devoted to conservation can do. Indeed, because of your efforts, you have opened the eyes of America to the need to preserve our rich natural resources. An Outdoor Recreation Review Commission and the Bureau of Outdoor Recreation have been established. The Wilderness Act of 1964 has been passed largely because of your work. We are now in the final stages of congressional action on a National Trails bill and Wild Rivers legislation.

During the past few years, Congress has approved, and sent to the White House, nearly fifty additions to the national park system. We have national seashores at Cape Cod, Cape Hatteras and Assateague. Legislation to preserve the Delaware Water Gap and the Indiana Dunes has been enacted.

In California, I have had the honor to sponsor legislation for the Point Reyes National Seashore, the Tule Lake National Wildlife Refuge, the Whiskeytown National Recreation Area, and the San Rafael Wilderness.

With your assistance, the Redwood National Park bill and my San Gabriel Wilderness bill have both passed the Senate, and are pending in the House of Representatives. And with your continued help, I look forward to passing five more additions to the wilderness system which I have introduced in the Senate—Ventana, Desolation, Pinnacles, Lava Beds, and Lassen wilderness areas.

Although the battle to save wilderness is not yet over, we have, in my view, resolved the basic policy questions. The minds of the legislators are open to conservation needs. Each endeavor will require vigilance, but the sympathy of the American people is on our side.

The primary task today is to open the eyes of America to the other world, the world in which most of life is lived. Make Americans aware of the poverty, the blight, the drab surroundings, and the dismal conformity in which too many live. And bring your vision of the wilderness to those who may go through life not realizing that there is a rich and beautiful world outside the confines of our inner cities.

We must educate people to question. Americans must ask themselves whether urban blight and ugliness is an essential way of life. Is it really necessary to have smog-filled air? Must our lakes and rivers be clogged with algae and debris? Are jet noise and thermal pollution inescapable facts of life? Must highways and parking lots continue to swallow up our surroundings?

Conservation should mean fighting for more neighborhood parks. It should mean an end to bad local zoning, and more and better open space legislation. It should mean guarding against threats to the air and water in our cities, and more attention to the aesthetic aspects of housing. An effort must be made to understand what the ever stronger detergents and excessive carbon dioxide emission are doing to our environment.

There is a crying need for action. You have the vehicle to move into this void without forsaking your basic commitment to wilderness preservation. You have an organization with the people, the momentum, the public confidence and the brain power and energy to face this challenge.

At the local level we recognize that the problems of urban America, particularly the problems of environment, transcend the

traditional political boundaries which jumble and splinter our major population centers.

There is no way for Pasadena to put up a smog barrier to keep out Los Angeles smog. There is no way for Palo Alto alone to keep San Francisco Bay from being filled and polluted.

Man's urban environment requires basic services: fire protection, garbage and waste disposal, water, police protection, smog abatement, schools, zoning and land use control. Too often there is no rational distribution of responsibility for these functions, and the political subdivisions we have were formed largely by chance, not because they are the best way to provide basic services.

Reform will not come overnight. Efforts to achieve reform of local institutions will meet continuous resistance. In Southern California a beginning has been made with the formation of an organization called the Southern California Associated Governments. In Northern California, a similar organization, the Associated Bay Area Governments, is now attempting to survive its recent financial misfortunes. The San Francisco Bay Area has attempted a regional solution of transportation problems through the formation of Bay Area Rapid Transit, and there even are recent hints of a trend toward consolidation of major taxing entities in the Bay Area.

Reform is essential wherever population sprawl has outrun the boundaries of the original core city. If the challenge of this reform is not met, I fear the federal government will step into the void and force federal solutions to what are essentially local problems.

At the Federal level, reforms are also necessary. The first order of business is a thorough look at the federal effort to understand and cope with man's environment. The ad hoc creation of federal environmental programs has resulted in a crazy patchwork quilt, full of duplication and full of holes.

I count at least eighteen federal agencies having responsibility in the area of man's environment. There are seven agencies dealing with air pollution problems alone. In water pollution, the federal agencies abound. Thirteen have responsibility in the area.

An executive reorganization to bring rationality and order to these duplicating and sometimes competitive efforts should be given top priority. Both political parties ought to make a pledge that it will be done.

We will pay dearly if we do not face the need for fundamental reorganization of the federal effort in environmental control. The price we pay will be the continued degradation of man's surroundings.

To meet that challenge, the Chairman of the Senate Interior Committee, Senator Henry M. Jackson, and I, as ranking Republican, have joined in introducing a bill to establish a national program on environmental quality control.

Title I of our bill, S. 2805, authorizes the Secretary of the Interior to conduct investigations relating to the Nation's environmental quality, and Title II would establish a Council on Environmental Quality to study and analyze environmental trends and how they relate to the conservation, social, economic and health goals of the Nation. We contemplate that the Council would study the federal effort in environmental quality and recommend the needed institutional reform. I believe that a convincing case can be made to the Congress and to the American people for immediate and forceful action.

But the real task does not lie solely in the hand of government, it lies in the understanding and will of all the people to act. This is where the Sierra Club is uniquely well-suited to move into the fight for man's immediate and daily environment.

Your Club and its membership, and the high goals towards which you have successfully struggled, can play an enormous role in the preservation of the resources of Mother Nature, including the human race. Perhaps more than any group in our society, activists in conservation, especially the members of this excellent organization, can awaken the American people to the whole spectrum of our modern day challenge.

All of us need to realize that decent housing is as important to humanity as is the majesty of a public park, that clear air and water are as important to mankind as is the beauty of a protected waterfall, and that adequate transportation is as important to our well-being as is a primitive trail in a wilderness area.

I urge you to help me awaken concern wherever our voices reach, to see that our surroundings are vastly improved. And I invite you to work with the strengths you have to achieve that end.

What is at stake, in Ansel Adam's words, is the spiritual emotional and physical survival of humanity itself. Let us not ignore the challenge nor disappoint the chroniclers of our civilization which we intend shall continue and improve for the good of all men.

PROFITS ON DEFENSE CONTRACTS

Mr. RUSSELL. Mr. President, the Secretary of Defense has addressed a letter to me as chairman of the Committee on Armed Services on the subject of profits on Defense contracts.

Because this is a subject of continuing interest and concern, and in order that the views of the Department of Defense be made available to Members of Congress and the public, I ask unanimous consent that this letter that is dated June 13, 1968, be printed in the RECORD at this point.

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

THE SECRETARY OF DEFENSE,
Washington, D.C., June 13, 1968.

Hon. RICHARD B. RUSSELL,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: During recent weeks there have been several Congressional and press comments implying that there has been a sharp increase in profits on Defense contracts—or expressing concern that the increased volume of Vietnam procurement has given rise to "war profiteering".

I have examined the best available data on this matter and do not find a basis for such conclusions. I would like to report to you on the data which this Department has available.

We continue to strive for maximum effective competition in procurement, at minimum costs possible. I acknowledge that some mistakes are inevitable, but the facts tell a story of significant progress in military procurement.

The Defense Department is now processing approximately 15 million purchase transactions annually. While most of these are small, we entered into more than 229,000 transactions last year with a face value of $10,000 or greater. In such numerous transactions, spanning purchases ranging from simple parts and services to the most complex weapon systems, there will always be a range of profit results—from occasional substantial losses to occasional instances of relatively high profits. To protect the public against any abnormal trend to high profits, Congress has established the Renegotiation Board. We support the continuation of the Board.

Permit me now to relate to you the factual data which are available.

PUBLISHED REPORTS OF THE RENEGOTIATION BOARD

As you know, the Renegotiation Act of 1951 provides that the Renegotiation Board is to review the total profit derived by a contractor, during the year, from all of his renegotiable contracts and subcontracts in order to determine whether or not this profit is excessive. Each year the Board reports the total sales contained in the filings it receives, and the total profit on these sales. The tabulation below, from the Renegotiation Board reports for 1956–1967, shows sales and pretax profits, and the over-all percent of pretax profit on sales.

[Dollar amounts in billions]

Year ending June 30	Renegotiable sales	Renegotiable profits	Profit on sales (percent)
1956	$28.2	$1.8	6.5
1957	27.7	1.6	5.8
1958	26.6	1.3	4.9
1959	26.3	1.1	4.2
1960	28.5	1.1	4.0
1961	25.1	.9	3.6
1962	29.3	.9	3.1
1963	31.2	.9	2.9
1964	39.3	1.1	2.9
1965	34.8	1.0	3.0
1966	31.8	1.0	3.0
1967	33.1	1.2	3.5

It is reported that, due to Vietnam, the number of filings with the Renegotiation Board has begun to show an increase. This, of course, is to be expected. The number of contract awards with a face value of $10,000 or greater has increased from 149,700 in 1963 to 229,400 in 1967. During the same period, the net value of Defense awards increased from $29.4 billion to $44.6 billion.

Based on the above data, I find no grounds for concluding that a sharp increase in Defense profits has occurred. To the contrary, Department of Defense officials frequently have expressed concern with the steady decline in profit rates between 1956–1963. This was one of the factors that led us to conduct a—

SPECIAL STUDY OF PROFITS EARNED BY FORTY DEFENSE HARDWARE CONTRACTORS

Two years ago, the Defense Department determined that more detailed information was required on profit trends related to sales, capital invested, and type of contract—especially among companies engaged in the development and production of military hardware. We obtained the assistance of a research organizations (the Logistics Management Institute) to gather such detailed information on a confidential basis from a number of medium volume ($25–$200 million annually) and high volume (over $200 million annually) Defense contractors. The survey covered 40 companies (23 high volumes and 17 medium volume). This group represents a significant sample, since its aggregate Defense sales have ranged between $13–$15 billion annually since 1958. Thus far, sales and profit data have been obtained and analyzed for the calendar years 1958 through 1966. We are currently in the process of obtaining data covering earnings through Calendar Year 1967.

The following summary shows the profit performance, before taxes, for this group of Defense companies, compared with 3,500 durable goods companies reporting to the Federal Trade Commission and the Securities and Exchange Commission.

[In percent]

Year	40 defense companies		3,500 FTC/SEC companies	
	Profit to sales	Profit to total capital invested	Profit to sales	Profit to total capital invested
1958	5.4	20.4	7.1	14.1
1959	5.1	19.1	8.9	18.8
1960	4.5	17.0	7.8	15.9
1961	4.3	14.6	7.7	15.1
1962	4.2	14.3	8.9	18.5
1963	3.9	12.5	9.1	19.2
1964	4.0	12.2	9.5	20.4
1965	4.8	14.3	10.4	23.1
1966	4.5	13.0	10.0	22.6

As the above data show, the trend in Defense companies' earnings has been downward, while that of the commercial companies has steadily increased. The Logistics Management Institute has also obtained data on Defense company profit trends by type of contract. These show that the lowest profit rates since 1963 have been earned on firm-fixed-price contracts, and on those awarded under competitive conditions.

A copy of the study containing the above data is enclosed. When this report is supplemented to show 1967 data, we will be pleased to furnish you a copy if you wish.

TRENDS IN "GOING-IN" PROFIT RATES ON NEGOTIATED CONTRACTS

A misunderstood and misinterpreted profit statistic which has been discussed recently is the negotiated "going-in" profit on noncompetitive contracts. Some people apparently assume that this profit is a guarantee of what the contractor will actually earn when the contract is completed. This is not the case. It simply means that if the contractor's actual costs are the same as the estimated, allowable costs established by negotiation—then he can expect to earn the profit percentage which is negotiated. However, costs incurred above the negotiated estimate, (1) either do not change the amount of profit negotiated, or (2) decrease the amount earned—depending on the type of contract. Hence, the contractor's profit percentage can be expected to decrease to the extent that his actual costs are higher than negotiated at the outset—a very frequent occurrence on development and initial production of complex military items.

Furthermore, by law and regulation there are many contractor costs which are not allowed on Government work and which thus must be paid by the contractor out of his profits. These unallowable costs include interest on borrowed capital, donations and contributions, advertising, and others; in the aggregate such unallowables average in excess of 1.5% of the contractor's actual costs.

The statement has been made that since 1964 "going-in" negotiated profits have increased 25% over the 1959–1963 period. The actual increase from January 1, 1964 through December 31, 1967 has been 22%. A principal reason for this increase in "going-in" profit rates is the fact that we have consistently increased the use of firm-fixed-price and incentive type contracts, while reducing the use of cost-plus-fixed-fee (CPFF) contracts. This shifts responsibility and risk from the Government to the contractor, and provides an incentive for better management. Our experience shows that the *total cost* to the Government is thereby reduced. Hence, it is sound practice to share the cost savings with the contractor.

Since 1961 the percent of awards based on firm-fixed-price contracts has increased from 31.5% to 56.3% of all awards; incentive contracts have increased from 14.4% to 26.1%; while the percent of CPFF awards has dropped from 36.6% to 10.4%. We would indeed be exacting unreasonable penalties if such dramatic shifts in risk were not accompanied by improved profit *opportunities*. As a consequence, the average negotiated "going-in" profit has increased from 7.7%, on estimated cost, to 9.4% since January 1964—a 22% increase.

Despite this apparent improvement in profit opportunities, the limited data available to us thus far on completed contracts show no improvement in realized profits—that is, they are remaining at the 1959–1963 level. We are currently examining why the anticipated improvement has not occurred, because we cannot properly expect industry to accept greater risks, and to apply an ever larger share of their own financial resources to the performance of complex military undertakings, without a valid opportunity to obtain profit results commensurate with the lower cost to the Government. Unless such improvements do occur in the future, we can only expect strong pressures to revert to much greater use of CPFF type contracts. I am sure that you will agree, as I find industry leaders do, that this would be a retrogressive step.

CONCLUSION

In the light of the above evidence, I can only conclude that those who express alarm about "profiteering" are making assumptions as to the future without a factual basis. Of course, no one can predict future results in each individual contract or company. It is possible that the high volume, long production runs, which characterize some Vietnam procurement programs; may produce different patterns of profits from those of the past seven years. Again, it should be noted that the Renegotiation Board has been established to protect the taxpayer against any individual instances of excessive profits.

I can assure you that we will continue to keep Defense costs and profits under the closest scrutiny; that we will continue to pursue the objective of wisely using the profit motive and competition to attract the best industrial capabilities to Defense work, and reward contractors appropriately for their performance as measured by on-time performance, technical achievements, and cost.

Sincerely,

CLARK M. CLIFFORD.

NEED FOR BILINGUAL ABILITY

Mr. YARBOROUGH. Mr. President, as a further indication of the need for the Bilingual Education Act which became law in January, I point to recent action taken by Supervisor Ernest E. Debs, of the Los Angeles County Board of Supervisors, to encourage bilingual abilities of county employees. As Supervisor Deb's action makes clear, the need for personnel with bilingual ability is manifest. We should get on with the job of providing full funding for this vitally needed program.

Congress has authorized $30 million for fiscal 1969—a conservative request in light of the more than 3 million children who should be assisted under this legislation. In response, however, the administration in its budget has requested only $5 million, a gesture of patent tokenism which does dishonor to the law Congress has passed.

I ask unanimous consent that the press release of the Los Angeles County Boad of Supervisors, dated June 11, 1968, be printed in the RECORD.

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

[From the Office of Supervisor Ernest E. Debs, Third District, Los Angeles County Board of Supervisors, Hall of Administration, Los Angeles, June 11, 1968]

EMPLOYEE BILINGUAL EDUCATION SUPPORTED

In a move to encourage bilingual abilities of County employees, Supervisor Ernest E. Debs moved today for establishment of a tuition reimbursement program.

Commenting that Spanish-speaking personnel are in demand particularly in the East Los Angeles area, Debs proposed that the County cover tuition costs for employees who may be regularly assigned to public contact jobs calling for extra language skills.

The Supervisor pointed to a recent report by the Director of Personnel which identified 922 positions where Spanish language skills are desirable for proper public service to the Spanish-speaking community. Seventy-three per cent are presently filled, with efforts now under way to find qualified civil service personnel for the remaining 250 positions, Debs concluded.

PROPOSED CIVIL AGREEMENTS FOR COOPERATION WITH DENMARK AND IRELAND

Mr. GORE. Mr. President, the executive branch recently submitted to the Joint Committee on Atomic Energy proposed amendments to this country's civilian agreements for cooperation with Denmark and Ireland that would extend the term of these arrangements and permit additional cooperation in the peaceful uses of atomic energy. The Atomic Energy Act of 1954 requires that the proposed amendments lie before the Joint Committee for a period of 30 days while Congress is in session before becoming effective.

In order that Congress may be apprised of these new agreements, I ask unanimous consent that they and the necessary supporting documents be printed in the RECORD.

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

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., June 3, 1968.

Hon. JOHN O. PASTORE,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR SENATOR PASTORE: Pursuant to Section 123c of the Atomic Energy Act of 1954, as amended, there are submitted with this letter:

a. A proposed amendment to the "Agreement for Cooperation Between the Government of the United States of America and the Government of the Kingdom of Denmark Concerning Civil Uses of Atomic Energy";

b. A copy of a letter from the Commission to the President recommending approval of the amendment; and,

c. A copy of a letter from the President to the Commission containing his determination that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and approving the amendment and authorizing its execution.

The proposed amendment has been negotiated by the Department of State and the Atomic Energy Commission pursuant to the Atomic Energy Act of 1954, as amended. It will revise and extend the Agreement for Cooperation between the United States of America and the Kingdom of Denmark which was signed at Washington on July 25, 1955, as amended by the agreements signed on June 27, 1956, and on June 26, 1958, and which is scheduled to expire on September 7, 1968.

The main purposes of the amendment are to extend the present agreement through July 24, 1973, and to increase the ceiling quantity of U–235 in enriched uranium which may be transferred to Denmark during the period of the agreement. The ceiling on U–235 is raised from the current limit of 50 kilograms to 200 kilograms, this larger quantity being needed to accommodate fueling requirements of the three Danish research reactors and also to accommodate fabrication and conversion services Denmark plans to perform for "third" countries. In order to permit this latter intended use of the enriched material, the necessary authority for "third country" fabrication and conversion services has been incorporated in the agreement by Article II of the amendment.

Safeguards on materials and facilities transferred to Denmark under the current agreement will be administered by the Inter-

national Atomic Energy Agency in accordance with the trilateral agreement signed on February 29, 1968. Pursuant to Article VII of the amendment, the United States' bilateral safeguards rights would continue to be suspended to the extent and during the time Agency safeguards are in effect.

Article V of the amendment reflects the "Private Ownership" legislation of 1964 respecting privately-arranged transfers of special nuclear material. Arrangements for the transfer of special nuclear material and performance of services with respect thereto may be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other Party. Such arrangements would be in addition to those between the Governments allowed under the current agreement and would be subject to the policies of Denmark and the United States concerning such transactions, as well as applicable laws, regulations, and license requirements.

In developing the amendment, the opportunity was taken to bring other articles of the present agreement into conformity with those of more recent agreements. For example:

a. Article I updates and expands the formulation of language specifying areas of information which may be exchanged. Information may be exchanged on health and safety aspects related to all the areas of information in paragraph A of Article I of the agreement rather than just to research reactors, as is presently the case. Article I of the amendment also updates paragraph B of the same article of the agreement to provide that the disclaimer respecting use and suitability of information transferred to Denmark also be extended to materials, equipment and devices.

b. Article II provides for the transfer of uranium enriched to more than 20% in U-235 for use as fuel when there is a technical or economic justification for such a transfer. The current limitation on fuel enrichment in the present agreement is 90% in U-235.

c. Provisions of the agreement respecting transfers of various materials, including special nuclear material other than that used as fuel, are consolidated into Article III of the amendment.

d. Definitions for terms which are listed in the agreement but are currently defined only by cross-reference to the Atomic Energy Act of 1954, as amended, have been incorporated in the agreement pursuant to Article XII of the amendment.

The amendment will enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for entry into force.

Cordially,

GLENN T. SEABORG,
Chairman.

MAY 21, 1968.

The PRESIDENT,
The White House

DEAR MR. PRESIDENT: The Atomic Energy Commission recommends that you approve the enclosed proposed amendment to the "Agreement for Cooperation Between the Government of the United States of America and the Government of the Kingdom of Denmark Concerning Civil Uses of Atomic Energy", determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution. The Department of State supports the Commission's recommendation.

The proposed amendment, which has been negotiated by the Department of State and the Atomic Energy Commission pursuant to the Atomic Energy Act of 1954, as amended, would revise and extend the Agreement for Cooperation between the United States of America and the Kingdom of Denmark which was signed at Washington on July 25, 1955, as amended by the agreements signed on June 27, 1956, and on June 26, 1958.

The proposed amendment would extend the present agreement through July 24, 1973. Safeguards on materials and facilities transferred to Denmark under the current agreement would be administered by the International Atomic Energy Agency in accordance with the trilateral agreement signed on February 29, 1968. Pursuant to Article VII of the proposed amendment, the United States' bilateral safeguards rights would continue to be suspended to the extent and during the time Agency safeguards are in effect.

In addition to extending the agreement, the proposed amendment would increase the ceiling quantity of U-235 in enriched uranium which may be transferred to Denmark from fifty kilograms to two hundred kilograms. This larger quantity would accommodate fueling requirements of three Danish research reactors; it would also be available to accommodate fabrication and conversion services which Denmark may provide to third countries. In order to permit this latter intended use of the enriched material, Denmark requested that the necessary authority for "third country" fabrication and conversion services be added to the agreement. This is accomplished in proposed Article II, paragraph C.

In developing the amendment for these purposes, the opportunity was taken to bring other articles of the present agreement into conformity with those of more recent agreements. The more significant of these changes are as follows:

(a) Proposed Article I updates and expands the formulation of language specifying types of information which may be exchanged. Information could be exchanged on health and safety related to all the areas of information specified in Article I, paragraph A, of the agreement rather than just to research reactors, as is presently the case.

(b) The disclaimer in paragraph B of Article I of the agreement concerning accuracy, suitability, and completeness of information transferred, would be extended to materials, equipment and devices.

(c) As has been done in recent amendments and agreements, proposed Article II provides for the transfer of uranium enriched to more than 20% in U-235 for use as fuel when the Commission finds there is a technical or economic justification for such a transfer. This will permit the transfer of fuel enriched above the current limitation of 90% in the present agreement.

(d) Provisions of the agreement respecting transfers of various materials, including special nuclear material other than that used as fuel, would be consolidated into proposed Article III, which is similar to the corresponding article in recent agreements, such as those with Switzerland, Sweden, and Norway.

(e) Article XII of the amendment would incorporate definitions for terms listed in Article X of the agreement, but currently defined only by cross-reference to the Atomic Energy Act of 1954, as amended.

As is regularly included in our new agreements and recent amendments, proposed Article V would reflect the "Private Ownership" legislation of 1964 permitting arrangements for the transfer of special nuclear material and performance of services to be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other Party. Such arrangements would be in addition to those between the Governments allowed under the current agreement and would be subject to the policies of Denmark and the United States concerning such transactions, as well as applicable laws, regulations, and license requirements.

Following your approval, determination, and authorization, the proposed amendment will be formally executed by appropriate authorities of the Government of the United States of America and the Government of the Kingdom of Denmark. In compliance with Section 123c of the Atomic Energy Act of 1954, as amended, the amendment will then be placed before the Joint Committee on Atomic Energy.

Respectfully yours,

W. E. JOHNSON,
Acting Chairman.

THE WHITE HOUSE,
Washington, June 1, 1968.

Hon. GLENN T. SEABORG,
U.S. Atomic Energy Commission,
Washington.

DEAR MR. SEABORG: In accordance with Section 123a of the Atomic Energy Act of 1954, as amended, the Atomic Energy Commission has submitted to me by letter dated May 21, 1968, a proposed amendment to the "Agreement for Cooperation Between the Government of the United States of America and the Government of the Kingdom of Denmark Concerning Civil Uses of Atomic Energy" and has recommended that I approve the proposed amendment, determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution.

Pursuant to the provisions of Section 123b of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby:

(a) approve the proposed amendment and determine that its performance will promote and not constitute an unreasonable risk to the common defense and security of the United States of America;

(b) authorize the execution of the proposed amendment on behalf of the Government of the United States of America by appropriate authorities of the Department of State and the Atomic Energy Commission.

Sincerely,

LYNDON B. JOHNSON.

AMENDMENT TO AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE KINGDOM OF DENMARK CONCERNING CIVIL USES OF ATOMIC ENERGY

The Government of the United States of America and the Government of the Kingdom of Denmark,

Desiring to amend the Agreement for Cooperation Between the Government of the United States of America and the Government of the Kingdom of Denmark Concerning Civil Uses of Atomic Energy, signed at Washington on July 25, 1955, as amended by the Agreements signed on June 27, 1956, and on June 26, 1958,

Agree as follows:

ARTICLE I

Article I of the Agreement for Cooperation, as amended, is amended to read as follows:

"A. Subject to the provisions of Article V, the Parties shall exchange unclassified information with respect to the application of atomic energy to peaceful uses and the problems of health and safety connected therewith. The exchange of information provided for in this Article shall be accomplished through various means, including reports, conferences, and visits to facilities, and shall include information in the following fields:

"(1) Design, construction, operation and use of research reactors, materials testing reactors, and reactor experiments;

"(2) The use of radioactive isotopes and source material, special nuclear material, and byproduct material in physical and biological research, medicine, agriculture, and industry; and

"(3) Health and safety problems related to the foregoing.

"B. The application or use of any information (including design drawings and specifications), and any material, equipment and devices, exchanged or transferred between the Parties under this Agreement shall be the responsibility of the Party receiving it, and the other Party does not warrant the accuracy or completeness of such information and does not warrant the suitability of such information, material, equipment and devices for any particular use or application."

ARTICLE II

Article II of the Agreement for Cooperation, as amended, is amended to read as follows:

"A. As may be agreed, the Commission will transfer to the Government of the Kingdom of Denmark or authorized persons under its jurisdiction, uranium enriched in the isotope U-235 for use as fuel in defined research applications, including research reactors, materials testing reactors, and reactor experiments, which the Government of the Kingdom of Denmark decides to construct or operate or authorizes private persons to construct or operate in Denmark. Contracts setting forth the terms, conditions, and delivery schedule of each transfer shall be agreed upon in advance.

"B. The net amount of U-235 in enriched uranium transferred under this Article during the period of this Agreement shall not at any time exceed two hundred (200) kilograms. This net amount shall be the gross quantity of such contained U-235 in uranium transferred to the Government of the Kingdom of Denmark during the period of this Agreement less the quantity of such contained U-235 in recoverable uranium which has been resold or otherwise returned to the Government of the United States of America during the period of this Agreement or transferred to any other nation or group of nations with the approval of the Government of the United States of America.

"C. The Commission may also transfer to the Government of the Kingdom of Denmark or to authorized persons under its jurisdiction, under such terms and conditions with respect to each transfer as may be agreed, special nuclear material for the performance in the Kingdom of Denmark of conversion or fabrication services, or both, and for subsequent transfer to another nation or group of nations with which the Government of the United States of America has an Agreement for Cooperation within the scope of which such subsequent transfer falls.

"D. Within the limitations contained in paragraph B of this Article, the quantity of uranium enriched in the isotope U-235 transferred under this Article and under the jurisdiction of the Government of the Kingdom of Denmark for the fueling of reactors or reactor experiments shall not at any time be in excess of the quantity thereof necessary for the loading of such reactors or reactor experiments, plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of such reactors or reactor experiments.

"E. The enriched uranium supplied hereunder may contain up to twenty percent (20%) in the isotope U-235. All or a portion of the foregoing special nuclear material may be made available as uranium enriched to more than twenty percent (20%) by weight in the isotope U-235 when the Commission finds there is a technical or economic justification for such a transfer for use in research reactors, materials testing reactors, and reactor experiments, each capable of operating with a fuel load not to exceed eight (8) kilograms of the isotope U-235 contained in such uranium.

"F. When any source or special nuclear material received from the United States of America requires reprocessing, such reprocessing shall be performed at the discretion of the Commission in either Commission facilities or facilities acceptable to the Commission, on terms and conditions to be later agreed; and it is understood, except as may be otherwise agreed, that the form and content of any irradiated fuel elements shall not be altered after removal from a reactor and prior to delivery to the Commission or the facilities acceptable to the Commission for reprocessing.

"G. Special nuclear material produced as a result of irradiation processes in any part of fuel leased hereunder shall be for the account of the lessee and, after reprocessing as provided in paragraph E of this Article, shall be returned to the lessee, at which time title to such material shall be transferred to the lessee, unless the Government of the United States of America shall exercise the option, which is hereby granted, to retain, with a credit to the lessee based on the prices in the United States of America referred to in paragraph H of this Article, any such special nuclear material which is in excess of the needs of the Kingdom of Denmark for such material in its program for the peaceful uses of atomic energy.

"H. With respect to any special nuclear material not owned by the Government of the United States of America produced in reactors while fueled with materials obtained from the United States of America by means other than lease which is in excess of the needs of the Kingdom of Denmark for such material in Denmark's program for the peaceful uses of atomic energy, the Government of the United States of America shall have and is hereby granted (a) a first option to purchase such material at prices than prevailing in the United States of America for special nuclear material produced in reactors which are fueled pursuant to the terms of an Agreement for Cooperation with the Government of the United States of America, and (b) the right to approve the transfer of such material to any other nation or group of nations in the event the option to purchase is not exercised.

"I. Some atomic energy materials which the Commission may be requested to provide in accordance with this Agreement are harmful to persons and property unless handled and used carefully. After delivery of such materials, the Government of the Kingdom of Denmark shall bear all responsibility, insofar as the Government of the United States of America is concerned, for the safe handling and use of such materials. With respect to any source or special nuclear material or reactor materials which the Commission may, pursuant to this Agreement, lease to the Government of the Kingdom of Denmark or to any private individual or private organization under its jurisdiction, the Government of the Kingdom of Denmark shall indemnify and save harmless the Government of the United States of America against any and all liability (including third party liability) for any cause whatsoever arising out of the production or fabrication, the ownership, the lease, and the possession and use of such source or special nuclear material or reactor materials after delivery by the Commission to the Government of the Kingdom of Denmark or to any private individual or private organization under its jurisdiction."

ARTICLE III

Article III of the Agreement for Cooperation is amended to read as follows:

"A. Materials of interest in connection with the subjects of agreed exchange of information as provided in Article I and subject to the provisions of Article V, including source material, heavy water, byproduct material, other radioisotopes, stable isotopes, and special nuclear material for purposes other than fueling reactors and reactor experiments, may be transferred between the Parties for defined applications in such quantities and under such terms and conditions as may be agreed when such materials are not commercially available.

"B. Subject to the provisions of Article V and under such terms and conditions as may be agreed, specialized research facilities and reactor materials testing facilities of the Parties shall be made available for mutual use consistent with the limits of space, facilities, and personnel conveniently available when such facilities are not commercially available.

"C. With respect to the subjects of agreed exchange of information as provided in Article I and subject to the provisions of Article V, equipment and devices may be transferred from one Party to the other under such terms and conditions as may be agreed. It is recognized that such transfers will be subject to limitations which may arise from shortages of supplies or other circumstances existing at the time."

ARTICLE IV

Article III bis of the Agreement for Cooperation, as amended, is deleted in its entirety.

ARTICLE V

Article IV of the Agreement for Cooperation is amended to read as follows:

"A. With respect to the application of atomic energy to peaceful uses, it is understood that arrangements may be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other Party for the transfer of equipment and devices and materials other than special nuclear material and for the performance of services.

"B. With respect to the application of atomic energy to peaceful uses, it is understood that arrangements may be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other Party for the transfer of special nuclear material and for the performance of services with respect thereto for the uses specified in Articles II and III and subject to the limitations of Article II, paragraph B.

"C. The Parties agree that the activities referred to in paragraphs A and B of this Article shall be subject to the limitations in Article V and to the policies of the Parties with regard to transactions involving the authorized persons referred to in paragraphs A and B."

ARTICLE VI

Article V of the Agreement for Cooperation is amended to read as follows:

"A. Subject to the provisions of this Agreement, the availability of personnel and material, and the applicable laws, regulations, and license requirements in force in their respective countries, the Parties shall cooperate with each other in the achievement of the uses of atomic energy for peaceful purposes.

"B. Restricted Data shall not be communicated under this Agreement, and no materials or equipment and devices shall be transferred, and no services shall be furnished, under this Agreement, if the transfer of any such materials or equipment and devices or the furnishing of any such services involves the communication of Restricted Data.

"C. This Agreement shall not require the exchange of any information which the Parties are not permitted to communicate."

ARTICLE VII

Article V bis of the Agreement for Cooperation, as amended, is amended to read as follows:

"A. The Government of the United States of America and the Government of the Kingdom of Denmark note that, by an Agreement signed by them and the International Atomic Energy Agency on February 29, 1968, the Agency has been applying safeguards to materials, equipment and facilities subject to safeguards under this Agreement. The Parties agree that Agency safeguards shall continue

to apply to such materials, equipment and facilities as provided in the trilateral Agreement, as it may be amended from time to time or supplanted by a new trilateral, recognizing that the safeguards rights accorded to the Government of the United States of America by Article VI of this Agreement are suspended during the time and to the extent that Agency safeguards apply to such materials, equipment and facilities.

"B. In the event that the trilateral Agreement referred to in paragraph A of this Article should be terminated prior to the expiration of this Agreement and the Parties should fail to agree promptly upon a resumption of Agency safeguards, either Party may, by notification, terminate this Agreement. In the event of termination by either Party, the Government of the Kingdom of Denmark shall, at the request of the Government of the United States of America, return to the Government of the United States of America all special nuclear material received pursuant to this Agreement and still in its possession or in the possession of persons under its jurisdiction. The Government of the United States of America will compensate the Government of the Kingdom of Denmark or the persons under its jurisdiction for their interest in such material so returned at the Commission's schedule of prices then in effect in the United States of America."

ARTICLE VIII

Article VI of the Agreement for Cooperation, as amended, is amended to read as follows:

"A. The Government of the United States of America and the Goverment of the Kingdom of Denmark emphasizes their common interest in assuring that any material, equipment or devices made available to the Government of the Kingdom of Denmark or any person under its jurisdiction pursuant to this Agreement shall be used solely for civil purposes.

"B. Except to the extent that the safeguards rights provided for in this Agreement are suspended by virtue of the application of safeguards of the International Atomic Energy Agency, as provided by Article V bis, the Government of the United States of America, notwithstanding any other provisions of this Agreement, shall have the following rights:

"(1) With the objective of assuring design and operation for civil purposes and permitting effective application of safeguards, to review the design of any

"(a) reactor and

"(b) other equipment and devices the design of which the Commission determines to be relevant to the effective application of safeguards,

which are to be made available under this Agreement to the Government of the Kingdom of Denmark or to any person under its jurisdiction by the Goverment of the United States of America or any person under its jurisdiction, or which are to use, fabricate, or process any of the following materials so made available: source material, special nuclear material, moderator material, or other material designated by the Commission;

"(2) With respect to any source or special nuclear material made available under this Agreement to the Government of the Kingdom of Denmark or to any person under its jurisdiction by the Government of the United States of America or any person under its jurisdiction and any source or special nuclear material utilized in, recovered from, or produced as a result of the use of any of the following materials, equipment or devices so made available:

"(a) source material, special nuclear material, moderator material, or other material designated by the Commission,

"(b) reactors, and

"(c) any other equipment or devices designated by the Commission as an item to be made available on the condition that the provisions of this paragraph B (2) will apply.

"(i) to require the maintenance and production of operating records and to request and receive reports for the purpose of assisting in ensuring accountability for such materials, and

"(ii) to require that any such materials in the custody of the Government of the Kingdom of Denmark or any person under its jurisdiction be subject to all of the safeguards provided for in this Article and the guarantees set forth in Article VII;

"(3) To require the deposit in storage facilities designated by the Commission of any of the special nuclear material referred to in paragraph B (2) of this Article which is not currently utilized for civil purposes in Denmark and which is not retained or purchased by the Government of the United States of America pursuant to Article II, transferred pursuant to Article II, or otherwise disposed of pursuant to an arrangement mutually acceptable to the Parties;

"(4) To designate, after consultation with the Government of the Kingdom of Denmark, personnel who, accompanied, if either Party so requests, by personnel designated by the Government of the Kingdom of Denmark, shall have access in Denmark to all places and data necessary to account for the source and special nuclear material which are subject to paragraph B (2) of this Article to determine whether there is compliance with this Agreement and to make such independent measurements as may be deemed necessary;

"(5) In the event of non-compliance with the provisions of this Article or the guarantees set forth in Article VII and the failure of the Government of the Kingdom of Denmark to carry out the provisions of this Article within a reasonable time, to suspend or terminate this Agreement and to require the return of any materials, equipment and devices referred to in paragraph B (2) of this Article;

"(6) To consult with the Government of the Kingdom of Denmark in the matter of health and safety.

"C. The Government of the Kingdom of Denmark undertakes to facilitate the application of the safeguards provided for in this Article."

ARTICLE IX

Article VII of the Agreement for Cooperation is amended to read as follows:

"The Government of the Kingdom of Denmark guarantees that:

"(1) Safeguards provided in Article VI shall be maintained.

"(2) No material, including equipment and devices, transferred to the Government of the Kingdom of Denmark or authorized persons under its jurisdiction by purchase or otherwise pursuant to this Agreement and no special nuclear material produced through the use of such material, equipment or devices, will be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purposes.

"(3) No material, including equipment and devices, transferred to the Government of the Kingdom of Denmark or authorized persons under its jurisdiction pursuant to this Agreement will be transferred to unauthorized persons or beyond the jurisdiction of the Government of the Kingdom of Denmark, except as the Commission may agree to such a transfer to another nation or group of nations, and then only if, in the opinion of the Commission, the transfer of the material is within the scope of an Agreement for Cooperation between the Government of the United States of America and the other nation or group of nations."

ARTICLE X

Article VIII of the Agreement for Cooperation, as amended, is amended to read as follows:

"This Agreement shall enter into force on July 25, 1955 and remain in force until July 24, 1973, inclusively, and shall be subject to renewal as may be mutually agreed."

ARTICLE XI

Article IX of the Agreement for Cooperation is amended to read as follows:

"The Parties reaffirm their hope and expectation that this Agreement for Cooperation will lead to consideration of further cooperation extending to the design, construction, and operation of power-producing reactors. Accordingly, the Parties will consult with each other from time to time concerning additional cooperation with respect to the production of power from atomic energy in Denmark."

ARTICLE XII

Article X of the Agreement for Cooperation is amended to read as follows:

"For the purposes of this Agreement:

"(1) 'Atomic weapon' means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

"(2) 'Byproduct material' means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

"(3) 'Commission' means the United States Atomic Energy Commission.

"(4) 'Equipment and devices' and 'equipment or devices' means any instrument, apparatus, or facility, and includes any facility, except an atomic weapon, capable of making use of or producing special nuclear material, and component parts thereof.

"(5) 'Parties' means the Government of the United States of America, including the Commission on behalf of the Government of the United States of America, and the Government of the Kingdom of Denmark. 'Party' means one of the above 'Parties'.

"(6) 'Person' means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency, or government corporation but does not include the Parties to this Agreement.

"(7) 'Research reactor' means a reactor which is designed for the production of neutrons and other radiations for general research and development purposes, medical therapy and diagnosis, or training in nuclear science and engineering. The term does not cover power reactors, power demonstration reactors, or reactors designed primarily for the production of special nuclear material.

"(8) 'Restricted Data' means all data concerning (1) design, manufacture, or utilization of atomic weapons, (2) the production of special nuclear material, or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the category of Restricted Data by the appropriate authority.

"(9) 'Safeguards' means a system of controls designed to assure that any material, equipment and devices committed to the peaceful uses of atomic energy are not used to further any military purpose.

"(10) 'Source material' means (1) uranium, thorium, or any other material which is determined by the Commission or the Government of the Kingdom of Denmark to be source material, or (2) ores containing one or more of the foregoing materials, in such concentration as the Commission or the Government of the Kingdom of Denmark may determine from time to time.

"(11) 'Special nuclear material' means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission or the Govern-

ment of the Kingdom of Denmark determines to be special nuclear material, or (2) any material artificially enriched by any of the foregoing."

ARTICLE XIII

This Amendment shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such Amendment and shall remain in force for the period of the Agreement for Cooperation, as hereby amended.

In witness whereof, the undersigned, duly authorized, have signed this Amendment.

Done at Washington, in duplicate, this ——— day of ———, 1968.

For the Government of the United States of America:

DONOVAN Q. ZOOK,
Director, Office of Atomic Energy Affairs, International Scientific and Technological Affairs, Department of State.

WILLIAM L. YEOMANS,
Assistant Director for Agreements and Liaison, Division of International Affairs, U.S. Atomic Energy Commission.

For the Government of the Kingdom of Denmark:

ANKER K. A. HANSEN,
Scientific Counselor, Embassy of Denmark.

Initialed May 21, 1968.

ATOMIC ENERGY COMMISSION,
Washington, D.C., June 6, 1968.

Hon. JOHN O. PASTORE,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR SENATOR PASTORE: Pursuant to Section 123c of the Atomic Energy Act of 1954, as amended, there are submitted with this letter:

a. A proposed amendment to the "Agreement for Cooperation Between the Government of the United States of America and the Government of Ireland Concerning Civil Uses of Atomic Energy";

b. A copy of a letter from the Commission to the President recommending approval of the amendment; and

c. A copy of a letter from the President to the Commission containing his determination that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and approving the amendment and authorizing its execution.

The proposed amendment has been negotiated by the Department of State and the Atomic Energy Commission pursuant to the Atomic Energy Act of 1954, as amended. It will revise and extend the Agreement for Cooperation between the United States of America and Ireland which was signed at Washington on March 16, 1956, as amended by the agreements signed on February 13, 1961, and on August 7, 1963, and which is scheduled to expire on July 8, 1968.

The main objective of the amendment is to extend the present research-type agreement and the amended term will be for an additional 10 years The ceiling quantity of U-235 in enriched uranium which may be transferred to Ireland is raised from the current level of 6 kilograms to 25 kilograms in order to provide flexibility in meeting future needs for enriched material over the life of the agreement, particularly, in the event Ireland acquires a research reactor, with respect to management of the fuel cycle. Article IV of the amendment further provides that (a) uranium fuel transferred to Ireland may be enriched to more than 20% in U-235 when the Commission finds there is a technical or economic justification for such a transfer and (b) fuel transfers will no longer be confined to lease arrangements.

Since provision is made for the transfer of highly-enriched fuel, the standard United States' comprehensive safeguards rights have been incorporated in the agreement by Article VII of the amendment. The Parties have agreed that, prior to the transfer to Ireland of materials and facilities subject to bilateral safeguards, the International Atomic Energy Agency will be requested to assume safeguards responsibilities respecting such materials and facilities.

Article VI of the amendment reflects the "Private Ownership" legislation of 1964 respecting privately-arranged transfers of special nuclear material. Arrangements for the transfer of special nuclear material and performance of services with respect thereto may be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other Party. Such arrangementss would be in addition to those between the Governments allowed under the current agreement, and would be subject to the policies of Ireland and the United States concerning such transactions, as well as applicable laws, regulations, and license requirements.

In developing the amendment, the opportunity was taken to bring other articles of the present agreement into conformity with those of more recent agreements. For example:

a. Definitions for terms which are listed in the agreement but are currently defined only by cross-reference to the Atomic Energy Act of 1954, as amended, have been incorporated in the agreement pursuant to Article I of the amendment.

b. Article III of the amendment updates and expands the formulation of language specifying areas of information which may be exchanged. Information may be exchanged on health and safety aspects related to all the areas of information in paragraph 1 of Article III of the agreement rather than just to research reactors, as is presently the case. Article III also updates paragraph 2 of the same article of the agreement to provide that the disclaimer respecting use and suitability of information transferred to Ireland be extended also to materials, equipment and devices.

c. Provisions of the agreement respecting transfers of various materials, including special nuclear material other than that used as fuel, are consolidated into Article V of the amendment.

The amendment will enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for entry into force.

Cordially,

GLENN T. SEABORG,
Chairman.

MAY 31,1968.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The Atomic Energy Commission recommends that you approve the proposed amendment to the "Agreement for Cooperation Between the Government of the United States of America and the Government of Ireland Concerning Civil Uses of Atomic Energy", determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution. The Department of State supports the Commission's recommendation.

The proposed amendment, which has been negotiated by the Department of State and the Atomic Energy Commission pursuant to the Atomic Energy Act of 1954, as amended, would extend the Agreement for Cooperation between the United States of America and Ireland which was signed in Washington on March 16, 1956, as amended by the agreements signed on February 13, 1961, and on August 7, 1963.

The present agreement is scheduled to expire on July 8, 1968, and the proposed amendment would extend the agreement for ten years. The ceiling quantity of U-235 in enriched uranium which may be transferred to Ireland would be raised from the current level of six kilograms to twenty-five kilograms in order to provide flexibility in meeting future needs over the life of the agreement, particularly in programming fuel cycle operations of research reactors. Such transfers would not be confined to lease arrangements as is now provided. Further, the present agreement limits fuel enrichment to 20% in U-235.

Article IV of the proposed amendment, however, provides for the transfer of uranium enriched to more than 20% in U-235 for use as fuel when the Commission finds there is a technical or economic justification for such a transfer.

As a consequence of the provision for the transfer of highly-enriched fuel, Article VII of the amendment would incorporate in the agreement the standard, comprehensive United States' safeguards rights. Pursuant to Article VIII of the proposed amendment, prior to the transfer to Ireland of materials or facilities subject to bilateral safeguards, the International Atomic Energy Agency will be requested to assume safeguards responsibilities respecting such materials and facilities. This formulation, rather than the usual requirement of a prompt request to the Agency, has been used because Ireland is not now a member of the Agency.

Proposed Article VI would reflect the "Private Ownership" legislation of 1964 permitting arrangements for the transfer of special nuclear material and performance of services with respect thereto to be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other Party. Such arrangements would be in addition to those between the Governments allowed under the current agreement and would be subject to the policies of Ireland and the United States concerning such transactions, as well as applicable laws, regulations, and license requirements.

As is normally done in extending the Agreements for Cooperation, the opportunity has been utilized to bring other provisions of the current agreement with Ireland into conformity with those of recent agreements and amendments. For example, proposed Article I of the amendment would incorporate definitions for terms which are listed in the same article of the agreement but are currently defined only by cross-reference to the Atomic Energy Act of 1954, as amended. Proposed Article III would update and expand the formulation of language specifying types of information which may be exchanged; and it would also extend to materials, equipment and devices the disclaimer in Article III of the current agreement concerning accuracy, suitability, and completeness of information transferred. Proposed Article V would consolidate provisions of the agreement respecting transfers of various materials, including special nuclear materal other than that used in fueling.

Following your approval, determination, and authorization, the proposed amendment will be formally executed by appropriate authorities of the Government of the United States of America and the Government of Ireland. In compliance with Section 123c of the Atomic Energy Act of 1954, as amended, the amendment will then be placed before the Joint Committee on Atomic Energy.

Respectfully yours,

GLENN T. SEABORG,
Chairman.

THE WHITE HOUSE,
Washington, June 5, 1968.

Hon. GLENN T. SEABORG,
U.S. Atomic Energy Commission, Washington, D.C.

DEAR DR. SEABORG: In accordance with Section 123a of the Atomic Energy Act of 1954, as amended, the Atomic Energy Commission

has submitted to me by letter dated May 31, 1968, a proposed amendment to the "Agreement for Cooperation Between the Government of the United States of America and the Government of Ireland Concerning Civil Uses of Atomic Energy" and has recommended that I approve the proposed amendment, determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution.

Pursuant to the provisions of Section 123b of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby:

(a) approve the proposed amendment and determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security of the United States of America;

(b) authorize the execution of the proposed amendment on behalf of the Government of the United States of America by appropriate authorities of the Department of State and the Atomic Energy Commission.

Sincerely,

LYNDON B. JOHNSON.

AMENDMENT TO AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF IRELAND CONCERNING CIVIL USES OF ATOMIC ENERGY

The Government of the United States of America and the Government of Ireland,

Desiring to amend the Agreement for Cooperation Between the Government of the United States of America and the Government of Ireland Concerning Civil Uses of Atomic Energy, signed at Washington on March 16, 1956, as amended by the Agreements signed on February 13, 1961, and on August 7, 1963,

Agree as follows:

ARTICLE I

Article I of the Agreement for Cooperation is amended to read as follows:

"For the purposes of this Agreement:

"(a) 'Atomic weapon' means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

"(b) 'Byproduct material' means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

"(c) 'Commission' means the United States Atomic Energy Commission.

"(d) 'Equipment and devices' and 'equipment or devices' means any instrument, apparatus, or facility, and includes any facility, except an atomic weapon, capable of making use of or producing special nuclear material, and component parts thereof.

"(e) 'Parties' means the Government of the United States of America, including the Commission on behalf of the Government of the United States of America, and the Government of Ireland. 'Party' means one of the above 'Parties'.

"(f) 'Person' means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency, or government corporation but does not include the Parties to this Agreement.

"(g) 'Research reactor' means a reactor which is designed for the production of neutrons and other radiations for general research and development purposes, medical therapy and diagnosis, or training in nuclear science and engineering. The term does not cover power reactors, power demonstration reactors, or reactors designed primarily for the production of special nuclear material.

"(h) 'Restricted Data' means all data concerning (1) design, manufacture, or utilization of atomic weapons, (2) the production of special nuclear material, or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the category of Restricted Data by the appropriate authority.

"(i) 'Safeguards' means a system of controls designed to assure that any material, equipment and devices committed to the peaceful uses of atomic energy are not used to further any military purpose.

"(j) 'Source material' means (1) uranium, thorium, or any other material which is determined by the Commission or the Government of Ireland to be source material, or (2) ores containing one or more of the foregoing materials, in such concentration as the Commission or the Government of Ireland may determine from time to time.

"(k) 'Special nuclear material' means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission or the Government of Ireland determines to be special nuclear material, or (2) any material artificially enriched by any of the foregoing."

ARTICLE II

Article II of the Agreement for Cooperation is amended to read as follows:

"1. Subject to the provisions of this Agreement, the availability of personnel and material, and the applicable laws, regulations, and license requirements in force in their respective countries, the Parties shall cooperate with each other in the achievement of the uses of atomic energy for peaceful purposes.

"2. Restricted Data shall not be communicated under this Agreement, and no materials or equipment and devices shall be transferred, and no services shall be furnished, under this Agreement, if the transfer of any such materials or equipment and devices or the furnishing of any such services involves the communication of Restricted Data.

"3. This Agreement shall not require the exchange of any information which the Parties are not permitted to communicate."

ARTICLE III

Article III of the Agreement for Cooperation is amended to read as follows:

"1. Subject to the provisions of Article II, the Parties shall exchange unclassified information with respect to the application of atomic energy to peaceful uses and the problems of health and safety connected therewith. The exchange of information provided for in this Article shall be accomplished through various means, including reports, conferences, and visits to facilities, and shall include information in the following fields:

"(a) Design, construction, operation and use of research reactors, materials testing reactors, and reactor experiments;

"(b) The use of radioactive isotopes and source material, special nuclear material, and byproduct material in physical and biological research, medicine, agriculture, and industry; and

"(c) Health and safety problems related to the foregoing.

"2. The application or use of any information (including design drawings and specifications), and any material, equipment and devices, exchanged or transferred between the Parties under this Agreement shall be the responsibility of the Party receiving it, and the other Party does not warrant the accuracy or completeness of such information and does not warrant the suitability of such information, material, equipment and devices for any particular use or application."

ARTICLE IV

Article IV of the Agreement for Cooperation is amended to read as follows:

"1. As may be agreed, the Commission will transfer to the Government of Ireland or authorized persons under its jurisdiction, uranium enriched in the isotope U-235 for use as fuel in defined research applications, including research reactors, materials testing reactors, and reactor experiments, which the Government of Ireland decides to construct or operate, or authorizes private persons to construct or operate in Ireland. Contracts setting forth the terms, conditions, and delivery schedule of each transfer shall be agreed upon in advance.

"2. The net amount of U-235 in enriched uranium transferred under this Article during the period of this Agreement shall not at any time exceed twenty-five (25) kilograms. This net amount shall be the gross quantity of such contained U-235 in uranium transferred to the Government of Ireland during the period of this Agreement less the quantity of such contained U-235 in recoverable uranium which has been resold or otherwise returned to the Government of the United States of America during the period of this Agreement or transferred to any other nation or group of nations with the approval of the Government of the United States of America.

"3. Within the limitations contained in paragraph 2 of this Article, the quantity of uranium enriched in the isotope U-235 transferred under this Article and under the jurisdiction of the Government of Ireland for the fueling of reactors or reactor experiments shall not at any time be in excess of the quantity thereof necessary for the loading of such reactors or reactor experiments, plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of such reactors or reactor experiments.

"4. The enriched uranium supplied hereunder may contain up to twenty percent (20%) in the isotope U-235. All or a portion of the foregoing special nuclear material may be made available as uranium enriched to more than twenty percent (20%) by weight in the isotope U-235 when the Commission finds there is a technical or economic justification for such a transfer for use in research reactors, materials testing reactors, and reactor experiments, each capable of operating with a fuel load not to exceed eight (8) kilograms of the isotope U-235 contained in such uranium.

"5. When any source or special nuclear material received from the United States of America requires reprocessing, such reprocessing shall be performed at the discretion of the Commission in either Commission facilities or facilities acceptable to the Commission, on terms and conditions to be later agreed; and it is understood, except as may be otherwise agreed, that the form and content of any irradiated fuel elements shall not be altered after removal from a reactor and prior to delivery to the Commission or the facilities acceptable to the Commission for reprocessing.

"6. Special nuclear material produced as a result of irradiation processes in any part of fuel leased hereunder shall be for the account of the leasee and, after reprocessing as provided in paragraph 5 of this Article, shall be returned to the lessee, at which time title to such material shall be transferred to the lessee, unless the Government of the United States of America shall exercise the option, which is hereby granted, to retain, with a credit to the lessee based on the prices in the United States of America referred to in paragraph 7 of this Article, any such special nuclear material which is in excess of the needs of Ireland for such material in its program for the peaceful uses of atomic energy.

"7. With respect to any special nuclear material not owned by the Government of the United States of America produced in reactors while fueled with materials obtained from the United States of America by means other than lease which is in excess

of the needs of Ireland for such material in Ireland's program for the peaceful uses of atomic energy, the Government of the United States of America shall have and is hereby granted (a) a first option to purchase such material at prices then prevailing in the United States of America for special nuclear material produced in reactors which are fueled pursuant to the terms of an Agreement for Cooperation with the Government of the United States of America, and (b) the right to approve the transfer of such material to any other nation or group of nations in the event the option to purchase is not exercised.

"8. Some atomic energy materials which the Commission may be requested to provide in accordance with this Agreement are harmful to persons and property unless handled and used carefully. After delivery of such materials, the Government of Ireland shall bear all responsibility, insofar as the Government of the United States of America is concerned, for the safe handling and use of such materials. With respect to any source or special nuclear material or reactor materials which the Commission may, pursuant to this Agreement, lease to the Government of Ireland or to any private individual or private organization under its jurisdiction, the Government of Ireland shall indemnify and save harmless the Government of the United States of America against any and all liability (including third party liability) for any cause whatsoever arising out of the production or fabrication, the ownership, the lease, and the possession and use of such source or special nuclear material or reactor materials after delivery by the Commission to the Government of Ireland or to any private individual or private organization under its jurisdiction."

ARTICLE V

Article V of the Agreement for Cooperation, as amended, is amended to read as follows:

"1. Materials of interest in connection with the subjects of agreed exchange of information as provided in Article III and subject to the provisions of Article II, including source material, heavy water, byproduct material, other radioisotopes, stable isotopes, and special nuclear material for purposes other than fueling reactors and reactor experiments, may be transferred between the Parties for defined applications in such quantities and under such terms and conditions as may be agreed when such materials are not commercially available.

"2. Subject to the provisions of Article II and under such terms and conditions as may be agreed, specialized research facilities and reactor materials testing facilities of the Parties shall be made available for mutual use consistent with the limits of space, facilities, and personnel conveniently available when such facilities are not commercially available.

"3. With respect to the subjects of agreed exchange of information as provided in Article III and subject to the provisions of Article II, equipment and devices may be transferred from one Party to the other under such terms and conditions as may be agreed. It is recognized that such transfers will be subject to limitations which may arise from shortages of supplies or other circumstances existing at the time."

ARTICLE VI

Article VII of the Agreement for Cooperation is amended to read as follows:

"1. With respect to the application of atomic energy to peaceful uses, it is understood that arrangements may be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other Party for the transfer of equipment and devices and materials other than special nuclear material and for the performance of services.

"2. With respect to the application of atomic energy to peaceful uses, it is understood that arrangements may be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other Party for the transfer of special nuclear material and for the performance of services with respect thereto for the uses specified in Articles IV and V of this Agreement and subject to the limitations of Article IV, paragraph 2, of this Agreement.

"3. The Parties agree that the activities referred to in paragraphs 1 and 2 of this Article shall be subject to the limitations in Article II and to the policies of the Parties with regard to transactions involving the authorized persons referred to in paragraphs 1 and 2."

ARTICLE VII

Article VIII of the Agreement for Cooperation is amended to read as follows:

"1. The Government of the United States of America and the Government of Ireland emphasize their common interest in assuring that any material, equipment or devices made available to the Government of Ireland or any person under its jurisdiction pursuant to this Agreement shall be used solely for civil purposes.

"2. Except to the extent that the safeguards rights provided for in this Agreement are suspended by virtue of the application of safeguards of the International Atomic Energy Agency, as provided in Article VIII bis, the Government of the United States of America, notwithstanding any other provisions of this Agreement, shall have the following rights:

"(A) With the objective of assuring design and operation for civil purposes and permitting effective application of safeguards, to review the design of any

"(1) reactor and

"(2) other equipment and devices the design of which the Commission determines to be relevant to the effective application of safeguards,

which are to be made available under this Agreement to the Government of Ireland or any person under its jurisdiction by the Government of the United States of America or any person under its jurisdiction, or which are to use, fabricate, or process any of the following materials so made available: source material, special nuclear material, moderator material, or other material designated by the Commission;

"(B) With respect to any source or special nuclear material made available under this Agreement to the Government of Ireland or any person under its jurisdiction by the Government of the United States of America or any person under its jurisdiction and any source or special nuclear material utilized in, recovered from, or produced as a result of the use of any of the following materials, equipment or devices so made available:

"(1) source material, special nuclear material, moderator material, or other material designated by the Commission,

"(2) reactors, and

"(3) any other equipment or devices designated by the Commission as an item to be made available on the condition that the provisions of this paragraph 2 (B) will apply,

"(i) to require the maintenance and production of operating records and to request and receive reports for the purpose of assisting in ensuring accountability for such materials, and

"(ii) to require that any such materials in the custody of the Government of Ireland or any person under its jurisdiction be subject to all of the safeguards provided for in this Article and the guarantees set forth in Article IX;

"(C) To require the deposit in storage facilities designated by the Commission of any of the special nuclear material referred to in paragraph 2 (B) of this Article which is not currently utilized for civil purposes in Ireland and which is not retained or purchased by the Government of the United States of America pursuant to Article IV, transferred pursuant to Article IV, paragraph 7 (b), or otherwise disposed of pursuant to an arrangement mutually acceptable to the Parties;

"(D) To designate, after consultation with the Government of Ireland, personnel who, accompanied, if either Party so requests, by personnel designated by the Government of Ireland, shall have access in Ireland to all places and data necessary to account for the source and special nuclear materials which are subject to paragraph 2 (B) of this Article, to determine whether there is compliance with this Agreement and to make such independent measurements as may be deemed necessary;

"(E) In the event of non-compliance with the provisions of this Article or the guarantees set forth in Article IX and the failure of the Government of Ireland to carry out the provisions of this Article within a reasonable time, to suspend or terminate this Agreement and to require the return of any materials, equipment and devices referred to in paragraph 2 (B) of this Article;

"(F) To consult with the Government of Ireland in the matter of health and safety.

"3. The Government of Ireland undertakes to facilitate the application of the safeguards provided for in this Article."

ARTICLE VIII

The following new article is added directly after Article VIII of the Agreement for Cooperation:

"ARTICLE VIII BIS

"1. The Government of the United States of America and the Government of Ireland, recognizing the desirability of making use of the facilities and services of the International Atomic Energy Agency, agree that prior to the transfer to Ireland of any materials or facilities subject to safeguards under this Agreement the Agency will be requested to assume responsibility for applying safeguards to such materials and facilities. It is contemplated that the necessary arangements will be effected without modification of this Agreement through an agreement to be negotiated among the Parties and the Agency which may include provisions for suspension of the safeguards rights accorded to the Government of the United States of America by Article VIII of this Agreement, during the time and to the extent that the Agency's safeguards apply to such materials and facilities.

"2. In the event the Parties do not reach a mutually satisfactory agreement on the terms of the trilateral arrangement envisaged in paragraph 1 of this Article, either Party may, by notification, terminate this Agreement. In the event of termination by either Party, the Government of Ireland shall, at the request of the Government of the United States of America, return to the Government of the United States of America all special nuclear material received pursuant to this Agreement and still in its possession or in the possession of persons under its jurisdiction. The Government of the United States of America will compensate the Government of Ireland or the persons under its jurisdiction for their interest in such material so returned at the Commission's schedule of prices then in effect in the United States of America."

Article IX of the Agreement for Cooperation is amended to read as follows:

"The Government of Ireland guarantees that:

"(a) Safeguards provided in Article VIII shall be maintained.

"(b) No material, including equipment and devices, transferred to the Government of Ireland or authorized persons under its jurisdiction by purchase or otherwise pursuant to this Agreement and no special nu-

clear material produced through the use of such material, equipment or devices, will be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose.

"(c) No material, including equipment and devices, transferred to the Government of Ireland or authorized persons under its jurisdiction pursuant to this Agreement will be transferred to unauthorized persons or beyond the jurisdiction of the Government of Ireland, except as the Commission may agree to such a transfer to another nation or group of nations, and then only if, in the opinion of the Commission, the transfer of the material is within the scope of an Agreement for Cooperation between the Government of the United States of America and the other nation or group of nations."

ARTICLE X

Paragraph 1 of Article XI of the Agreement for Cooperation, as amended, is amended by deleting the word "ten" and substituting in lieu thereof the word "twenty".

ARTICLE XI

This Amendment shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such Amendment and shall remain in force for the period of the Agreement for Cooperation, as hereby amended.

In witness whereof, the undersigned, duly authorized, have signed this Amendment.

Done at Washington, in duplicate, this ——— day of ———, 1968.

For the Government of the United States of America:

DONOVAN Q. ZOOK,
Director, Office of Atomic Eneregy Affairs, International Scientific and Technological Affairs, Department of State.

WILLIAM A. BURKE,
Chief, European Branch, Division of International Affairs, U.S. Atomic Energy Commission.

For the Government of Ireland:

NOEL DORR,
First Secretary, Embassy of Ireland.

Initialed at Washington, D.C., May 31, 1968.

GUN CONTROL LEGISLATION

Mr. HRUSKA. Mr. President, I have supported the need for improved firearms legislation for a number of years. I worked hard for Senate approval of S. 1853 and S. 1854, the amendments which I introduced to the National Firearms Act of 1934 and the Federal Firearms Act. The fact that 21 other Senators and I had our own solution to the firearms problem did not and does not mean that we oppose all others. After the Senate, in its wisdom, saw fit to reject the content of S. 1853 and S. 1854, I voted in favor of the control provisions of title IV of the omnibus crime bill.

Times change, and sometimes they change rapidly. The changing force can be an event which transpires in a split second. A few weeks ago, gun control legislation was passed which satisfied a majority of Members of Congress. Now additional legislation has been introduced. We are faced with a call for more gun controls.

Mr. President, if the majority of the Senate feels it is necessary to pass gun control legislation such as the President suggests, I will not object. Indeed, I will support it. On the question of Federal licensing or registration, I will keep an open mind.

When the Senate considered the question of a mail-order ban on long guns, it was rejected by a vote of 53 to 29. Clearly, in the considered judgment of the Senate, after extensive debate, this was the best way to handle the problem. Now the Senate must consider whether that judgment is still valid.

Because of our efforts to find effective legislation, it has been charged that some Senators, including me, supported groups and organizations other than our constituents. Such charges need no answer. It is well known that I have consistently sought to represent not only my State, but the best interests of the country. In my efforts, I have had wide support from all over the Nation and from persons in all walks of life.

In the past week, public opinion has crystalized. It is reasonable for Congress to review its work in the light of changing circumstances. This is a natural and vital part of the democratic process.

The new proposals on licensing and registration, however, raise a number of constitutional, substantive, and administrative questions. I hope that these questions will be answered in the light of calm reason. Hearings will be necessary to give them adequate consideration. If there is a need for such a regulatory system, it must be shown by facts and reasoning, rather than by emotion and forensics.

One fact is immediately obvious. The first step in improving control over firearms should be the immediate signing of the Omnibus Crime Control Act. Congress has proved its support for the bill's provisions, now the President must do likewise.

Let me emphasize a point that I made earlier this year on the Senate floor. Gun legislation will not eliminate murder, rape, or assault. The purpose of the legislation is to deny to those who would misuse firearms the use of legal channels of commerce.

Congress, several weeks ago, passed strict legislation designed to do this. The key to the effectiveness of that act is effective law enforcement. The President has asked, in addition, that Congress extend the ban on mail-order sales to include long guns. Since he is responsible for the enforcement of the law, and he feels this addition is necessary, I will not object.

The President made a wise gesture last week when he called on the Governors of the 50 States to review and improve their own gun control laws. I heartily concur in this action. In the final analysis it is on the States that the responsibility for enforcement of these laws must rest.

The President also called on the Commission on the Causes and Prevention of Violence to study uniform State laws on the subject. As a member of the Commission, I welcome his comments. This is a proper and constructive area of inquiry, one in which I hope the Commission will act.

IMPROVEMENT OF RIO GRANDE RIVER FLOODWAY

Mr. YARBOROUGH. Mr. President, I have on two previous occasions asked for and received unanimous consent to have printed in the RECORD resolutions of various local growing bodies located in the valley of Texas concerning the Rio Grande River floodway improvement plan as proposed by Commissioner Fridkin of the International Boundary and Water Commission. The plan was proposed by the IBWC as a result of the flooding last September caused by Hurricane Beulah.

I ask unanimous consent that the resolution of the Hidalgo and Cameron County Water Control and Improvement District No. 9 in support of the IBWC plan for floodway improvement, dated February 17, 1968, and signed by Harold V. Hansen as president and director; Tom Solether, director; Hannis Tuberville, director; William R. Powell, director; Garland F. Smith, general attorney; W. D. Parish, general manager; W. A. Heller, assessor and collector; and attested by Tom Solether as assistant secretary, together with the letter of transmittal dated February 27, and signed by W. D. Parish, general manager, be printed in the RECORD.

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

HIDALGO AND CAMERON COUNTIES WATER CONTROL AND IMPROVEMENT DISTRICT,
Mercedes, Tex., February 27, 1968.

Hon. RALPH YARBOROUGH,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: I am forwarding herewith a Resolution by the Board of Directors of this District endorsing the plan for modifying and improving the Rio Grande floodway below Mission, Texas, as proposed by the International Boundary and Water Commission.

I am sure you are familiar with the damages that occurred all along the Rio Grande below Falcon Reservoir. McAllen and Harlingen were especially hard hit, with losses running into the millions of dollars.

I feel that the plan of floodway improvement as proposed by the International Boundary and Water Commission is a good plan and construction should be commenced at the earliest possible date. Harlingen is quite vulnerable at this time with the control weir in the floodway at Mercedes knocked out. There is a very good possibility that flows below Falcon Reservoir will exceed the river channel capacity and require the use of the floodway system during the next few months.

I know that you are very much interested in the problems in this area and that you are kept well informed on those problems by our mutual friend, Garland Smith, at Weslaco. We will certainly appreciate anything you can do to keep this project moving along.

Very truly yours,

W. D. PARISH,
General Manager.

RESOLUTION OF HIDALGO AND CAMERON COUNTIES WATER CONTROL AND IMPROVEMENT DISTRICT NO. 9

Whereas, Hurricane Beulah, which struck the Rio Grande Valley of Texas in September of 1967, caused extensive flooding and pointed up the inadequacies and defects in the existing drainage and floodway systems in the area; and

Whereas, the IBWC has, since Hurricane Beulah, made an extensive study of the problems involved in altering and improving the existing drainage and floodway system; and

Whereas, said organization did during the

month of January, 1968, at Bayview, Texas, present its proposed plan for alteration and improvement of the existing floodway system, which proposal has been studied by the officers of Hidalgo and Cameron Counties Water Control and Improvement District No. 9, insofar as it affects the lands lying within said District, and said officers are of the opinion that said proposed plans are practical and should be put into effect;

Now therefore, be it resolved that the Board of Directors of Hidalgo and Cameron Counties Water Control and Improvement District No. 9 go on record as approving the proposed plan presented by the IBWC for alteration and improvement of the existing floodway system in the Lower Rio Grande Valley of Texas, and the Secretary of the District is hereby requested to forward a copy of this Resolution to the Governor of the State of Texas, a copy to the interested legislators representing this area in Congress, a copy to the IBWC, and to place a copy of said Resolution on the records of the District.

SIGN THE ANTICRIME BILL

Mr. BENNETT. Mr. President, as the deadline draws nearer and nearer, it is becoming more and more clear that the President is considering vetoing the anticrime bill which cleared Congress earlier this month.

I speak today in support of that bill and urge the President to sign it as quickly as possible so that it can soon begin to reduce the ever-increasing crime rate that seems to be sweeping the land.

As former Vice President Richard M. Nixon said the other day:

> Seventy thousand serious crimes are committed in this country every week; the nation needs action on the crime-control front; and the President's procrastination on the issue is wholly unjustifiable.

Mr. Nixon continued:

> If the President is interested in vigorous national action against crime, he will sign this bill.

Mr. President, I concur in the remarks of Mr. Nixon, and I, too, join many other Senators in urging the President to act quickly on the bill.

The proposed legislation is probably the most significant anticrime measure to come before Congress in a good many years. It cleared the Senate after some 3 weeks of debate and discussion. Like all legislation and other things, it is not perfect, but it is a beginning for our police officers and for Americans as they attempt to bring to an end the tremendously costly crime wave in this country.

FOOD FORTIFICATION

Mr. HARTKE. Mr. President, a recent development in the field of nutrition promises to aid significantly the efforts to solve the pressing problem of hunger throughout the world. By increasing the quality of food through the fortification of cereal products, it is possible to improve nourishment levels substantially without increasing the agricultural output. Thus, hunger problems can be partially alleviated before major agricultural improvements can be made.

Mr. Chester Bowles, Ambassador to India, wrote in the American Reporter of May 6, 1968, of the possibilities of such fortification, and Mr. James Iwan, of the U.S. Department of Agriculture, described its use in India in the May issue of Cereal Science Today. I ask unanimous consent that the two articles be printed in the RECORD.

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

[From American Reporter, May 6, 1968]

THE CRITICAL IMPORTANCE OF A BALANCED DIET

(By Chester Bowles)

Nineteen sixty-eight will be remembered as the year of the "Great Agricultural Breakthrough".

In many parts of the world and particularly in India, an awakened peasantry is eagerly turning to new hybrid seeds, fertilizers, pesticides and more efficient use of irrigation water. The result is a dramatic increase in foodgrain production.

In 1953 the average Indian consumed about 1,500 calories a day. This year the amount will rise to 2,100 calories.

It would be a serious mistake, however, to assume from this comparison that India's food problems have been solved. As employment opportunities increase, additional calories will be required to provide more energy for daily tasks. Moreover, as incomes rise there will be increased demand for the better grades of rice, wheat and other foodgrains.

Another factor in the food situation which has not received adequate attention is the importance of a "balanced diet". In addition to foodgrains, a healthy person requires proteins from foods such as soybeans, eggs, fish, poultry; also fats from milk products and nuts; and other minerals and vitamins found in fresh fruits and vegetables.

This means that even if an individual eats enough foodgrains to provide a high level of caloric intake, he may still be subject to malnutrition if the essential elements in his diet are not available.

Mortality statistics point to such relatively minor diseases such as measles, chicken pox and whooping cough for the tragically large number of Indian children who die before they are six. But these statistics obscure the fundamental fact that most of these children lacked a balanced diet which rendered them highly vulnerable to what would otherwise not have been a severe illness.

For those malnourished youngsters who survive the hazards of early childhood, the problem is no less grave. Undernourished children do not grow as strong or as tall as they should.

An even more serious result is the debilitating mental effect which is often irreparable. The consequent loss of a most important economic asset—a nation's human resources—is irreplaceable.

A promising new means of preventing malnutrition is the "fortification" of foods. This involves the scientific enrichment of commonly consumed foods to provide the necessary fats, vitamins, proteins, and carbohydrates. This can be achieved without affecting the taste, colour or odour of the original food, and without significantly increasing its cost.

India has taken dramatic steps forward in this field. Among these is the fortification of bread produced by nine new modern bakeries. Already more than one million loaves per year of this highly nutritious bread is available in many cities and towns. This is the largest effort of the kind any place in the world.

This bread is fortified with six nutrients, including lysine, a protein component which significantly increases the protein value of bread. I am delighted to learn that the Indian Government is now exploring possibilities of fortifying a wide range of other foods including rice, wheat, salt and tea.

A second important means of combating malnutrition is through the development of low-cost protein foods. India is already among the world's leading producers of protein-rich oilseeds such as groundnut and cottonseed. After extracting the oil, the meal can be processed into edible-grade protein concentrates. This in turn can be incorporated into a wide variety of high protein products: biscuits, sweets, soups, beverages and baby foods.

The Indian Government is also producing thousands of tons of a new groundnut-based children's food called Bal Ahar, which is being distributed by CARE through school-feeding programmes which now reach several million children daily.

Thus India has taken the lead in the development of nutrition programmes that provide not only adequate calories but also the balanced intake of proteins, fats, minerals and vitamins. This effort will not only help make many crores of Indian people healthy and strong, it will provide the techniques which can benefit hundreds of millions of men, women and children all over the world.

India is proving that malnutrition, so long a critical obstacle to rapid economic development, is an evil that can be met and overcome.

[From Cereal Science Today, May 1968]

FORTIFIED BREAD TAKES HOLD IN INDIA—MODERN BAKERIES, INDIA, LTD., STARTS UP WORLD'S LARGEST LYSINE FORTIFICATION PROGRAM

(By James L. Iwan, U.S. Department of Agricultural Development Service, Washington, D.C.)

The concept of fortification of cereal foods is being introduced to the Indian diet through the combined efforts of the Governments of India, Canada and Australia and the technical assistance of the U.S. Agency for International Development. The people of India can now buy bread fortified with vitamins, minerals and the essential amino acid lysine at no appreciable increase in price for a standard loaf.

Modern Bakeries (India) Ltd., a Government of India enterprise, inaugurated its first bakery unit in Bombay on January 2, 1968. Startup of its production of enriched loaves marked the creation of the largest lysine fortification program in the world.

The Governments of Canada and Australia cooperated under the Colombo Plan to provide India with automatic baking equipment and the training of personnel in its use. Sufficient equipment was donated to establish ten public-sector bakery lines. Besides the unit in Bombay, with a 72,000 400-g.-loaves-per-day capacity, bakeries will also open this year in Madras, Ahmenabad, Cochin and Delhi, each having a 36,000 400-g.-loaves-per-day capacity. India will soon be producing 80 million loaves of fortified bread yearly.

This new "Modern" Bread is probably the most nutritious bread available in Southeast Asia, of such quality that it is essentially converted into a new commodity particularly beneficial to infants and pregnant and lactating women.

The entire output of bread from the Modern Bakeries is being fortified with Vitamin A, Vitamin B complex (riboflavin, thiamine, niacin), iron, and lysine. Fortification is at U.S. levels for thiamine, riboflavin, niacin and iron (ferrous sulfate), plus 8,000 I.U. Vitamin A per kg. of flour and 0.10% lysine based on flour.

There is no attempt at self-deception in the Modern Bakeries project, and it is recognized that only 1–2 percent of the population will be able to buy and benefit from lysine-fortified bread at this stage. However, there are already reports from India of the great demand for the new product. Shelves are empty before noon each day in the government milk booths where bread is sold. Small

bakery competition is keen and rival bakers have been known to take the wax wrappers from Modern Bread, insert their own standard unfortified loaf and sell it for the "real thing." Speculators have even been buying up loaves of the enriched bread and reselling it at higher prices. Such fierce competition as is now raging should cause other bakeries to fortify their bread, increasing the supply of the high-quality cereal product.

The benefits to be derived from a high-protein quality bread were immediately recognized by the Indian Government, and the output from the trial runs during December was sent to the Koyna Region which had been hit by an earthquake. It has also been reported recently that Modern Bread is being supplied to hospitals in Bombay and is included in school lunch programs.

Leaders in India have long realized the need, not only for more food, but for higher quality food, permitting better utilization of the existing supply. In the words of Jawaharlal Nehru, "It is of vital importance to enrich low-grade foods; develop new types of protective foods from indigenous food resources in conformity with time-honored tastes and dietary patterns; apply traditional methods scientifically and adapt them to get foods of better nutritional value. . . ." This is what must happen in "developing" countries, and "developing" areas of "developed" nations.

Although Modern Bread is being sold in urban areas only, reports from India state that commercial bread is found in even the poorest sections of Indian cities, sometimes being sold by the slice rather than by the loaf. American observers are encouraged by Modern Bakery surveys which indicate an apparently rapid change in Indian eating habits, with a real demand for wheat products developing.

Modern Bakeries proposes to continue its experimentation, and is now conducting research on the possibilities of manufacturing a less expensive, but no less wholesome and nutritious bread, by blending flours made from millet, corn, groundnuts, soybeans, tapioca and any other feasible sources.

WHERE FUN IN HUNTING ENDS AND SENSELESS KILLINGS BEGIN

Mr. YARBOROUGH. Mr. President, in an article published on Sunday, May 21, 1968, the Dallas Morning News presented evidence which, in my opinion, indicates the importance of the bill S. 2984 which I introduced on February 16. S. 2984 would provide for the regulation of the importation of endangered species or parts thereof.

The article, written by Roger Caras, points out the pressing nature of the problem of the importation of these species. It deals specifically with the threatening extinction of the rare species of big cats from the wilds of the world due to the demand for furs. Mr. Caras points out that in supplying these furs to the fashion world we are also depriving the natural world of wild cats which should be allowed to exist for study, pleasure, and to maintain the balance of nature.

The article presents noteworthy and important statistics taken from the International Union for the Conservation of Nature and Natural Resources in Switzerland.

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 Dallas Morning News Sunday magazine, May 21, 1968]

THE TRUE PRICE OF FUN FURS

(By Roger Caras)

There is a grave on Cape Sable in Florida, where the body of a young man lies buried. The date on the marker is 1905, the name inscribed is Guy Bradley. Three years later another grave was dug in Florida's sandy soil—this time to receive the body of Columbus McLeod. Both young men were game wardens murdered by poachers seeking egret feathers—then in demand as adornments for women's hats and dresses.

Is it hard to believe that a feather for Grandma's hat was so important to her that men had to be murdered to assure her of a supply? It really shouldn't seem extraordinary, because the whole thing has started up again.

Just last year, a game warden in East Africa—father of six children— was speared to death in a dry riverbed by a poacher hunting leopards.

In a very real way, this murderer was in the "employ" of every woman who wears a "fun fur" today. During the month of the murder a fashion column proclaimed, "The rage for spotted furs continues." Another paper noted, "Not an animal can call his skin his own this season . . ." The rarer and more expensive a fur is, the more frantic the demand.

What is the result of all this going to be? The International Union for the Conservation of Nature and Natural Resources in Switzerland is the clearing house for data on endangered species collected all over the world. Here's what they have to say:

Spanish lynx: "Rare and decreasing—population unknown but there may be 150–200 . . . suffers constant persecution."

Caspian tiger: "No longer exists in Central Asia . . . estimates between 50 and 80 . . . perhaps 15–20 in Iran."

Amur tiger: "In the wild state already quite rare and continuing to decline. Unless measures are taken will soon become extinct."

Javan tiger: "A possible 20–25 in all Java."

Chinese tiger: "Has become very rare in recent years."

Bali tiger: "Estimated at three or four at most."

Barbary leopard: "Difficult to evaluate; around 50–100 in Morocco."

Asiatic cheetah: "The last definite report of cheetah in India was 1951—probably now extinct in Jordan—not seen in Israel in 100 years."

In another 50 years, the wild cats of the world will almost be exterminated unless the pressure is taken off them immediately. The jaguar and ocelot, will vanish from Central and South America, the cheetah from Africa, the tiger from Asia and the leopard from almost all the world.

Ten thousand leopards are taken out of Africa each year—on license. The wildlife experts have determined this to be the absolute maximum amount of attrition the species can bear and still maintain itself. However, another 60,000 (!)—30,000 of them females—are taken by poachers, leaving thousands of unweaned cubs to die of starvation.

It is fatuous to argue that buying a coat harms no one, since the animals are already dead. As soon as a fur coat goes off the rack the retailer orders another from the wholesaler—and the whole ugly trail goes right back down to the trader and poacher. When you buy *one* leopard coat you are ordering the death of *six* leopards.

Fun fur? Fun for *whom?*

WHERE FUN ENDS AND MURDER BEGINS

I am not suggesting that it is wrong to wear furs. If you want to wear a fun fur made from rabbit or lamb, or a mink coat or a mutation fox, you are not doing harm to anyone except a farm-raised animal. I eat meat and I wear leather shoes, both products derived from animals intended for slaughter from the moment of birth. I do most heartily protest, however, when a person's need for self-adornment impinges upon my rights and the rights of my children to live in a world where wild animals can still exist for study and for pleasure.

The wild cat furs are not even practical. They are not warm (almost all come from animals with coats suited to tropical environments) and they are not durable.

Not only the great cats—approximately 1,000 other species of animals are in danger of extinction at this moment. Between 1851 and 1900, at least 31 mammals were exterminated by man—a species every 1.6 years. Between 1901 and 1944, 40 more were exterminated—nearly a species a year. In another 100 years there may not be a single major species left!

We are destroying the critical balance of nature for all time, to satisfy the egos of a small group of affluent people.

No furrier can know whether the skin in your cat is legal or has been poached. A government tag means nothing. Throughout most of Africa and Asia today bribery is rampant, as it always is in underdeveloped areas. It takes a small bribe to get an official tag put on a skin marked for export.

So, the next time you examine a $15,000-or-so leopard, cheetah or jaguar coat—add, to the price, "plus death and destruction to man and animal alike." For that, truly, is the price of a "fun fur."

"STUDENT POWER"—A COMMENCEMENT ADDRESS BY SENATOR SYMINGTON

Mr. PELL. Mr. President, on June 8, 1968, the distinguished senior Senator from Missouri [Mr. SYMINGTON] gave one of the best received and most excellent graduation speeches at the Madeira School commencement that it has been the good fortune of young people anywhere to hear.

We are often told we are old "fogies"—or even worse, young "fogies"—and that we are out of communication with the youth of our Nation. But, I can assure Senators that when Senator SYMINGTON gave this speech, he was in complete communication with the young people at the ceremony. In fact, I was told, that never had they been moved more by a speaker than they were by him.

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

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

STUDENT POWER

(Address by Senator STUART SYMINGTON, Democrat, of Missouri, commencement, the Madeira School, Greenway, Va., June 8, 1968)

It is a privilege to be here at Madeira with you today, and to have this opportunity, along with your faculty, your family, and your friends, to extend congratulations upon reaching "another rung" in the ladder of your education; and to wish you all success in your next endeavor.

Most of you will be entering college next fall.

In so doing you will have an opportunity to participate in an ever-increasing phenomenon—"student power;" and it is about that new power, along with its connotations, that I would speak briefly this afternoon.

Students at Columbia University riot, take over the administration building, and set up headquarters in the President's office.

Students at Berkeley demonstrate in protest against the Vietnam war; and also for more voice in college affairs.

Students in Paris are involved in "violent clashes" with police, resentful of the fact that, in effort to establish France as the leader of a "Third Power," General de Gaulle lost touch with the problems of his own people.

Students in Tokyo, after their sad recent experience rightly apprehensive about militarism, resent United States policy in Southeast Asia, and protest bitterly against the presence of American military bases on Japanese soil.

Students in Czechoslovakia lead protests in effort to achieve that individual freedom, for their parents and for themselves, which we "take for granted" in this country.

These are but a few examples of the scores of student-led protests that have occurred in recent months, all around the globe.

What do these protests mean?

For one thing, they mean that "student power" is a strong and vibrant force, to be acknowledged and reckoned with in all societies, but probably most in the United States, because in numbers alone, students constitute an ever-increasing factor in our society.

In 1940, 1,500,000 were enrolled in the colleges and universities of the United States. In the mid-1950's there were 2,600,000. Today that figure has jumped to 7,000,000.

With this increase in numbers has come an increase in power, primarily vocal power. The so-called "silent generation" has indeed come to life. Perhaps it is fair to say that the old axiom "children should be seen and not heard" has been replaced with "out of the mouth of babes . . ."

Secondly, yours should be the generation of more affluence, more economic security than any other in history. As a result, higher education is no longer a goal beyond the grasp of most youth. It is expected.

For a variety of reasons, not all students are able to attend the college or university of their first choice. But through an expanded system of higher education, university branches, additional small colleges and private institutions, accompanied by an increasing number of grants and scholarships to ease the financial burden, more than ever before they can look forward to some measure of advance education.

There are still many who work their way through college; but their number is proportionally decreasing; and it is a fact that, despite the increased competition both on entering, and during college, today opportunities for gaining more education are greater and more easily attained.

This is as it should be. Because your grandfather and grandmother may have had to walk five miles to school in sun, rain or snow, is no reason you should do the same.

Improvement in higher education, along with the opportunity to participate in that improvement, should continue as the other facets of our society advance—industry, science, agriculture, the arts and professions.

Those students who have been exposed to diverse points of view not previously taught in the classroom now find themselves with both the time, and the beginning knowledge, to question the very institutions of which they find themselves a part—the world organization, their own society and its government, their school, their community, even their family.

Such questioning often leads to demands for change—and these demands have recently exhibited themselves in the form of these protests.

It is important to recognize the power of lawful protest designed to stir the conscience of society, in effort to make the dream of America a reality; and to ensure that words and promises do not paste over the existence of poverty, of inequality of opportunity, of substantial dissatisfaction with specific government policies.

Within the limits of the law which protects that right for all, the right of dissent is basic to the workings of our democracy. As Madison noted in "The Federalist Papers," there are many factions within our society; but the goal of a democracy is not to eliminate them, rather to provide the framework within which the members of those factions can present their opinions, and arrive at understanding for the good of all concerned.

Here in the United States we know that student protests can be constructive. We know also that student riots and violence are destructive.

As students, you all realize, I am sure, that if you are to be a conscience of the Establishment, you can do so more effectively within the structure of our democracy; because no nation is more tolerant of the protest or the mass demonstration than is the United States.

The function of a mass demonstration is to make a point, to arouse enthusiasm for a cause, to encourage others to join that cause, and to demonstrate a collective opinion of the need for change.

A mass student demonstration, however, accompanied by terror, injury to others, looting and vandalism, does not accomplish any of the above. Actually it causes a backlash reaction on the party of the very Establishment which previously might have been in sympathy with the particular cause.

There is no student President of the United States. Students do not serve in the Cabinet or the Congress. Members of the so-called Establishment serve in these positions; and it is they whom the student power leaders should seek to influence, through sincere forms of protest conducted within the boundaries of the democratic system; not by acts of violence.

As but one example, many of the people of this country, along with many leaders of this country, identify with, and support, the peaceful and thoughtful protestors against our present policy in Vietnam. But those who burn draft cards, who attempt to storm the Pentagon, who desecrate the American flag, should not be tolerated. They do irreparable harm to the very cause for which they demonstrate.

Not only do such acts of violence harm the cause itself; they also harm the innocent victims of the civil disobedience.

Do those who burn, and loot, consider the poor whom they have made homeless and without food?

Do those who succeed in shutting down colleges and universities, or otherwise disrupt the academic life, consider the rights of the students who want to complete their education?

It would seem that many of the holders of student power have not effectively utilized all the avenues within the law to effect the changes they desire, in our foreign policy as well as our domestic structure. With the acceptance of power—in your case student power, comes necessary acceptance of responsibility; responsibility to wield that power not only in criticism of the existing structure, but also to encourage positive steps, so as to bring about a change in the policies being criticized.

Student power seeks greater liberty in determining college curricula and campus regulations, more liberty for those of their generation who have not gained the opportunities promised, more freedom to influence the decisions of our Government.

But liberty, in itself, is not possible without some degree of restraint.

Liberty for all would be liberty for none; in other words, chaos for all. That would be the system represented by the black flag of anarchy, which recently appeared ever more frequently in the streets of Paris.

As a Justice of the Supreme Court recently observed: "The rule of law is the essential condition of individual liberty, as it is of the existence of the state."

American society is unique, in that it has so many institutions for registering dissent, and demands for change. And we are glad to possess these alternatives to violence, the channels which should be used by all citizens, including our campus citizens.

It is relatively simple to find fault with some of the standards and conditions which exist in our nation today. It is easy to paint signs, wear buttons, march in parades; or for that matter to withdraw completely, as do the hippies and the flower children.

Nevertheless these activities, alone, will not result in any lasting change in the faults of the system against which the protestors demonstrate.

Being against something is only a beginning. Being for something to take its place is essential to any constructive change.

Student power can indeed make a meaningful contribution to our society; and with that premise, may I urge you students to work for such power being translated into constructive action.

Before you support the easy, flash-in-the-pan method of violence and "anti" demonstrations, consider the avenues open for putting your ideas to work within the flexible borders of our democratic society.

How many of you have worked, or plan to work, actively for the candidates you believe would best express your views?

How many of you plan, or have volunteered, to work in community action, or similar programs, in an attempt to tackle the problems of our urban areas?

How many have volunteered to tutor those students in our ghettoes who have not had the opportunity to keep pace with others of their same age and grade?

How many of you can say you have made an effort to gain a friend of another race?

How many of you have taken the time to let your representatives at the local, state and national level know of your views on particular issues?

How many of you have welcomed foreign students into your home, or on your campus, or in your communities in effort to further the world peace for which so many demonstrate?

How many of you plan to take an active part in campus activities; and thus help achieve the right to increased student participation in matters affecting curricula and regulations?

How many of you have taken the time to acquaint yourselves with all sides of major issues before taking a stand?

As we have noted, peaceful mass demonstrations and protests have their place in a democratic society. But they are only a small part of any exercise of student power; a power can be only as strong, and effective, as the individuals who are willing to work to correct the policies and the inequities which they criticize.

In the final analysis, it is the individual himself or herself, who can better our society, and lay the foundation for needed change, not the masses who demonstrate and carry placards.

Our nation is now faced with serious and growing problems, many brought on by the telescoping of time and space along with the electronic tubes of this nuclear age; and the platform of our nation's security and well-being, as I see it, is supported by three legs—one political, one military, the third economic.

And if we are honest with ourselves, we know what the strength of all these three legs has been seriously reduced in recent years. That fact, in itself, is food for your serious thought, because the world to come is your world.

In closing, may I quote one paragraph from an extraordinary address of last Satur-

day by Mr. George Kennan, diplomat, historian, educator, Pulitzer Prize winner, delivered at Williamsburg in this State of Virginia.

"In the case of the radical students it is plain what we have to do, here, not really with those rapidly-changing complaints and demands—some justifiable, some silly—with which they come at us but with some deep emotional discomfort, approaching at times a mass hysteria, the roots of which reach far back into the environment of home and school: into the disintegrated family, the bored over affluent parents, the timid secularism of parental and school authority, the television set, the over-crowded school room, and the false freedom of the automobile. To correct these conditions will indeed require a revolution—a revolution in the social and intellectual and spirtual environment of American childhood and early youth—but a thoughtful and orderly and constructive sort of a revolution—not the kind they picture."

That is how Mr. Kennan sees it.

American society needs your criticisms, and your lawful protests. But even more important, it needs your creativity, your constructive energies, in order not only to improve the educational system of which you are the products, but also the day-to-day society which you will soon enter.

As contributing student citizens, therefore, and later as adult citizens, taking your place in the stream of American life, may I again urge that you consider not only what you are against, but also what you are for.

Then, hopefully, let us all work together to achieve the results we know in our minds and hearts are wise and right for the future of our country.

Perhaps these thoughts are a bit serious, especially in that this is such a joyous day for you.

But these are serious times. And today a very sad day for those who admire courage, and capacity, and compassion—and patriotic urge.

Nevertheless, I would hope that what I have presented in no way suggests that you should avoid your special avocations in such fields of pleasure as the humanities and the arts. And above all, and no matter what, do be optimistic, about yourself, and your country.

There are problems enough for all of us. Let us not be downhearted, however. Perhaps, in effort to cherish a sense of humor as well as a sense of balance, we would do well to remember the last two lines of a poem by Edwin Arlington Robinson:

"The shame I win for singing is all mine;
The gold I miss for dreaming is all yours."

Thank you and the best of luck.

FIFTY-SIX HAWAII RESIDENTS HONORED AT CENTENNIAL CELEBRATION

Mr. FONG. Mr. President, a signal honor has been conferred by Japan on 56 residents of Japanese ancestry in Hawaii in conjunction with the current centennial celebration of Japanese immigration to Hawaii.

The coveted Order of Merit—a decoration from Emperor Hirohito—was awarded to these outstanding members of the Japanese community in recognition of their special contributions to their adopted country and their role in improving relations between Japan and the United States.

The ceremony at which the awards were made by Consul General Yoshio Yamamoto last Friday, June 14, was the initial event in an elaborate centennial program which was officially opened the following day when Their Imperial Highnesses Prince and Princess Hitachi arrived from Japan to participate in the observance.

I extend to each recipient of the award my warmest congratulations and best wishes on the well-deserved honor bestowed by a grateful government.

Seven persons received the Fifth Order of Merit with the Order of the Sacred Treasure, the most important of the four orders to be awarded on that occasion.

The recipients were:

Rev. Kikujiro Kondo, 2457 Liliha St., retired minister.

Tetsuo Toyama, 2513 Stream Drive, magazine editor.

Rev. Kashu Higa, 1441 Lakona Walk, minister.

Kaoru Ota, 982 Prospect St., former president of the United Japanese Society, soda factory owner.

Tokuyoshi Awamura, 247 N. King St., factory owner.

Kumaji Furuya, 1429 Lalamilo St., retired retail store executive.

The late Yoshio Koike, principal of Japanese language school.

SIXTH ORDER OF MERIT

The next highest award, that of the Sixth Order of Merit with the Order of the Sacred Treasure, was presented to 39 Islanders.

They are:

Teiichi Sugimoto, 1965 Dillingham Blvd., painting contractor.

Mrs. Sae Tachikawa, 1203 Rycroft St., principal, Tachikawa Girls' School.

Mrs. Sei Soga, 720 11th Ave., widow of the president of Hawaii Times newspaper.

Futoshi Ohama, 1389 Alewa Drive, retired principal, Palama Japanese Language School.

Katsuichi Wakimoto, 1636 Olona Lane, retired, Hawaiian Memorial Park salesman.

Rev. Yoshio Hino, 524 Kalihi St., retired minister, Honpa Hongwanji Mission.

Bishop Tenran Mori, 1641 Palolo Ave., Paolo Higashi Hongwanji.

Sadasuke Terasaki, 3319–A Maunaloa Ave., retired Hawaii Hochi editor.

Seiichi Tsuchiya, 12 N. School St., Commercial Times owner.

Akira Furukawa, 734 10th Ave., Hawaii Times reporter.

Rev. Kunio Ota, 2330 Palolo Ave., retired minister, Jodo Mission.

Ichiro Sato, 419 N. King St., owner of Komatsuya Travel Agency.

Dr. Ryuichi Ipponsugi, 3750 Pahoa Ave., dentist.

Dr. Zensuke Kanashiro, 1322 Matlock Ave., dentist.

Masai Honda, 2555 Rooke Ave., retired managing editor, Hawaii Hochi.

Kinzo Sayegusa, 1077 Kinau St., retired importer.

Ryuichi Moribe, 1812 Nuuanu Ave., importer.

Dr. Yokichi Uyehara, 3080 Kahaloa Ave., physician.

Bishop Mitsumyo Tottori, 1710 Liliha St., Shingon Buddhist Mission.

Tsurumatsu Haida, 3623 Kumu Place, officer, Yuai Junji Kai.

Shikazo Hayashi, 3928 Pili Place, retired businessman.

Mrs. Sunao Tamura, 3944 Gail St., widow of the Rev. Paul Tamura.

Sawajiro Ozaki, 2415 Pauoa Road, retired businessman.

Sanzo Okumura, 2985 Koali Road, landlord.

Mrs. Haru Tanaka, 63–A Ilima St., teacher, Wahiawa Japanese Language School.

Mrs. Kinu Miyasaka, 1733–A Huli St., teacher, Fort Gakuen.

Mrs. Shinayo Mizukami, 414 Ehako Place, teacher, Palama Gakuen.

Usaku Morihara, Honaunau, Hawaii, owner, Kona store.

Yoshio Shinoda, 23 Kanoa St., Hilo, Hawaii, Japanese Language School principal, father of Dr. Minoru Shino, vice chancellor of the East-West Center.

Dr. Zenko Matayoshi, 59 Hoku St., Hilo, founder of a Hilo hospital.

Minezo Nakahara, Paauilo, Hawaii, store owner.

Koichi Taniguchi, 1062 Kinoole St., Hilo, founder, supermarket chain.

Dr. Seiihci Ohata, Lower Paia, Maui, retired physician.

Yakichi Watanabe, 440 Kea St., Kahului, Mauri, retired teacher.

Hikoji Koijima, Paia, Maui, teacher, Japanese language school.

Toshio Morinaga, Kaunakakai, Molokai, retired pineapple company worker.

Junokichi Senda, 4450 Hardy St., Lihue, Kauai, retired photo studio owner.

Masaji Toyofuku, Hanapeep, Kauai, retired bakery owner.

Torao Iseri, 3126 Okahi St., Lihue, Kauai, Hawaii Times representative.

RISING SUN ORDER

The Seventh Order of Merit with the Order of the Rising Sun, was presented to seven persons:

Yosaku Fukumoto, 2424 Kapiolani Blvd., retired businessman.

Noriyasu Kagesa, 2945 Kalei Road, retired owner, Rainbow Garden Teahouse.

Giichi Wakamoto, Kaneohe, Hawaii Times reporter.

Shuji Mikami, 3223–B Herbert St., retired businessman.

Kiyoichi Kimura, 715–A Birch St., owner, New Orleans Cafe.

Ichiro Teshima, 2148 Algaroba St,. former Kona resident, retired.

Kazuso Miyake, Waimea, Kauai, retired foreman, Amfac lumber department, Hanapepe.

SEVENTH ORDER OF MERIT

The Seventh Order of Merit with the Order of the Sacred Treasure was presented three residents:

Mrs. Toku Fukushima, 1707–A Nuuanu Ave., retired dancing school teacher.

Mrs. Mitsu Namiki, 1424 Kohou St., music teacher.

Mrs. Matsu Hayashi, Holualoa, Kona, Hawaii, language school teacher, widow of Dr. H. S. Hayashi.

HAWAII ACTS TO AID INNOCENT VICTIMS OF CRIME

Mr. YARBOROUGH. Mr. President, the 1967 general session of the State Legislature of Hawaii passed an act which provided for "compensation to victims of crime and indemnifying citizens in connection with crime prevention."

All of us know that crime is the No. 1 issue we face. Thirty percent of all Americans are afraid to go out alone at night in their own neighborhoods. Among women, the figure rises to 40 percent.

It is unfortunate enough that citizens are scared off of the streets of American cities, but it is even worse that victims of crime may be dealt an economic blow that will set them back for life. Innocent victims of violent crimes suffer painful injury, loss of money, medical expenses, and lost wages through missed days of work.

I have introduced a bill, S. 646, which provides for a system of compensation. Since I introduced the first bill to compensate the innocent victims of crime, the States of California, New York, and Hawaii have now taken action. It is time to enact this bill so that the Federal Government can take the leadership among

all States in a truly total attack on the problems of crime by helping to compensate the innocent victims for their loss.

I ask unanimous consent that Act No. 226 of the 1967 General Session of the State Legislature of Hawaii be printed in the RECORD.

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

[From the 1967 General Session, State Legislature of Hawaii, Act No. 226]

COMPENSATION TO VICTIMS OF CRIME AND INDEMNIFYING CITIZENS IN CONNECTION WITH CRIME PREVENTION

Provides for compensating victims of certain crimes and indemnifying citizens for personal injuries and property damages suffered in preventing crime or apprehending criminals. Establishes, within the department of social services, a criminal injuries commission composed of 3 members, 1 of whom shall be an attorney, appointed by the Governor and compensated at the rate of $55 per day of service but not more than $7,200 annually in the case of the chairman, and $50 per day of service but not more than $6,600 annually for the other members. Designates the attorney general as legal advisor to the commission. Authorizes the commission to receive applications for compensation; hold hearings; take testimony; administer oaths or affirmations; exercise powers of subpoena, compulsion of attendance of witnesses and production of documents, and examination of witnesses as are conferred upon circuit courts; receive evidence, whether or not admissible in a court of law; appoint physicians to examine applicants for compensation; allow reasonable attorney's fees to be paid out of an award of compensation to applicants' attorneys; and order payment of compensation in an amount not to exceed $10,000. Orders and decisions of the commission are conclusive, except for the right of appeal to the supreme court on the ground that an order or decision exceeded the commission's authority or jurisdiction. For the purposes of the Act, a person is deemed to have intentionally committed an act or omission even if legally incapable of forming a criminal intent because of age, insanity, drunkenness, or otherwise.

Compensation to Victims or Dependents: Payment of compensation for injuries or death to victims of specified violent crimes may be payable to the victim, any person responsible for the maintenance of the victim if the injury causes pecuniary loss or expenses to the person, or for dependents of a deceased victim. Compensation may be reduced to the extent the commission finds that a share of the responsibility for the crime causing the injury or death is attributable to the victim, because of provocation or otherwise. No order for compensation shall be made: (1) except after an arrest or report to the police, whether or not any person is prosecuted or convicted of a crime; and (2) if the victim is a relative of the offender or a spouse living with the offender or as a member of the offender's household, except for actual and reasonable expenses incurred as a result of the injury or death. The items for which the commission may order payment of compensation are: (1) actual and reasonable expenses; (2) loss of earning power; (3) pecuniary loss to surviving dependents; (4) pain and suffering; and (5) other directly caused pecuniary loss. If a person is convicted of an offense that was the basis of an order or payment of compensation, the commission may institute a derivative action against the person for damages, the amount reccovered to belong to the State to the extent of the compensation paid under the order.

Compensation to Private Citizens: Payment of compensation for injuries or property damage to private citizens in the course of preventing commission of a crime, apprehending a person who has committed a crime or materially assisting a peace officer engaged in prevention or attempted prevention of a crime or apprehension or attempted apprehension of a person who has committed a crime may be payable to the private citizen or to any person responsible for the maintenance of the private citizens if the injury causes pecuniary loss or expenses to the person. The items for which the commission may order payment of compensation are: (1) actual and reasonable expenses; (2) loss of earning power; (3) pain and suffering; and (4) pecuniary loss to the private citizen directly resulting from damage to his property.

The method of payment of compensation awarded is to require the commission to report annually to the Governor and the director of finance, require the director of finance to transmit the report, within 3 days of each legislative session, and a tabulation of compensation awarded to the committee on ways and means of the Senate and the committee on appropriations of the House of Representatives, and provide for appropriation of funds to pay the compensation award in the same manner as payment of other claims for legislative relief. Effective July 1, 1967. (SSCR 58, 315, 744; HSCR 900)

VOICES FOR RESPONSIBILITY

Mr. FANNIN. Mr. President, last week I addressed the Senate on the need for calmness and responsibility in these particularly troublous times.

I am happy to say that some voices of responsibility are being raised across America. One of the most encouraging came to my attention this week from the pages of the Phoenix Gazette.

Miss Barbara Mitchell, a high school senior from Chandler, Ariz., makes some responsible observations to those in her age group, and those of her race, which I think deserve wide attention. She calls for responsibility and letting the criminal know that he will be punished.

The same sentiments came last week from the court of general sessions in Washington, D.C., about the same time Miss Mitchell's letter appeared. Judge Alfred Burka put his finger squarely on the problem when he noted that the April rioting in Washington "apparently resulted from a breakdown, lack of respect, or lack of fear of officers of the law."

He said:

It seems that the public has come to believe that what is done in a group is all right, although the same act committed by an individual would be punished.

Whom do we have to thank for this attitude but those within our society today who preach that an individual is almost solely the product of his environment and that society must bear the blame for his environment.

I think that America is fed up with this kind of reasoning, or what passes for reasoning, and will demand that law-enforcement officials enforce the law. The people will demand that there be no privileged class that regards itself above the law. They are saying it is time that we return our Nation to its foundation built upon respect for law and order.

In this connection, still another article, published last week in the National Observer, does a much-needed job of putting into perspective the relationship between violence and respect for law and justice in this land.

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

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

[From the Phoenix (Ariz.) Gazette, June 10, 1968]

LETTERS TO THE EDITOR: THEY'RE NOT RIOTERS—THEIR ACTS ARE LISTED UNDER CRIME HEADINGS

TO THE EDITOR OF THE GAZETTE:

I am a senior in high school. I am also a Negro. For the past few years, Negroes my age have been rioting. I think it's time for someone my age to speak out against it and show that not all Negro teen-agers are for violence in order to get something. Lots of people, both black and white, feel this way, only they don't put their feelings into words. Well, I've put my feelings into words and I hope you can use them, if only to show people all Negro teen-agers aren't for violence.

I'm tired of this rioting bit and I think it's time for someone to do something about it. I only hope other teen-agers feel the same way.

It's now the early part of June and in a little while summer will officially be here. Most people are looking forward to summer as a time when children are out of school and they can leave their jobs and go on vacation. But people in some cities aren't thinking of summer as a time for vacationing. They will think of it as a time when the world will take notice and the United States will do something about the conditions under which they exist. These people are Negroes and they live in such cities as Chicago, Detroit and Newark. They can live in any city, for that matter.

How will the world take notice? By their rioting. Or doing what they call rioting. Frankly, I can't see burning down your neighbor's house as rioting. Or, for that matter, stealing from a friend's store or shooting and injuring a friend or killing a friend. But some people can see it as rioting and they do it. I don't think much of Negroes rioting. As a matter of fact I don't see what they stand to gain by doing it. From my viewpoint, I don't think Negroes will stand to gain anything by rioting. But they will gain one thing—disrespect from the people they think they are rioting against.

I ask you: What can a Negro gain from stealing, burning, shooting and killing but disrespect? The Negroes who riot think they will gain better housing, better jobs, better living conditions, fairer treatment and equal rights if they riot. They don't think about all the property they destroy by burning or all the people they injure and kill by shooting. They don't think of the people who are homeless with no food to eat, no clothes to wear and no place to stay because they burned a house. They don't think of the people they put out of business because they looted and then burned a store. They only think that they, the rioters, have gained an inch when in reality they have lost two.

The law calls someone who destroys property by burning an arsonist; someone who gets things by stealing a thief; someone who sits upon a rooftop and starts shooting, a sniper; and someone who kills, a murderer. The law puts these names under one heading: criminal. Well, I think it's time for the law to do something about these people who destroy things. And if they don't do it soon before it gets worse than it has been, to these people there soon won't be any law.

Miss BARBARA MITCHELL.

CHANDLER.

[From the Washington Evening Star, June 11, 1968]

RIOT CASES APPRAISAL: JUDGE CITES LACK OF FEAR

(By Donald Hirzel)

A judge in the Court of General Sessions said yesterday the April rioting here resulted from an "apparent breakdown, lack of respect, or lack of fear of officers of the law."

Judge Alfred Burka also said individuals tend to obey that law but the public apparently has come to accept group violation of the law.

In speaking of the lack of fear on the part of rioters, Burka said: "It seems that the public has come to believe that what is done in a group is all right, although the same act committed by an individual would be punished."

He made the comments while conducting the second group sentencing of persons arrested during the riot. The first was conducted last week.

Yesterday, one man was sentenced to a straight jail term with work release and eight others were given suspended sentences.

DIDN'T EXPECT ARREST

As in the group sentencing last week, most of the defendants said they had no thought of being arrested, and the few who did were willing to take their chances because everybody else was looting.

Burka asked each of the defendants if he would have gone on the street if he thought he might be arrested or shot, and all said that under those circumstances they would have stayed home. Yesterday's responses were the same as those expressed last week.

Also, as in last week's cases the defendants held jobs (one was a student) and lacked serious arrest records.

The man receiving a 36-day jail term with work release, which means he will work during the day and spend his nights in jail was Edgar Winston, 36, of the 700 block of Somerset Street NW. He pleaded guilty to attempted burglary 2 (looting) and petty larcency.

He was arrested on April 4, the first night of rioting, released the next day and then rearrested for a curfew violation.

OTHERS GIVEN SENTENCES

Others sentenced were: Phillip S. Miller, 25, of the 5000 block of 10th Street NE, who received a suspended 360-day sentence for unlawful entry and petit larceny. He was placed on probation for two years.

Stanley B. Roberts, 21 of the 200 block of Oakwood Street SE received a suspended 360-day term for receiving stolen property and was placed on probation for two years.

Richard O'Neal, 36 of the 1100 block of G Street NE, received a suspended 720-day sentence for unlawful entry and attempted petit larceny, placed on probation for two years.

William B. Thomas, 19 of the 1100 block of K Street NE received a suspended 720-day sentence for unlawful entry and attempted petit larceny. He was placed on probation for two years.

George Daniel, 27, of the 4100 block of New Hampshire Ave. NW, received a suspended 360-day term for attempted burglary 2 and petit larceny and was fined $100 to be paid within a year. He was placed on unsupervised probation for one year.

Reginald Pitt, 18 of the 5500 block of 8th Street NW, a high school student, was given a suspended 360-day jail term and placed on probation for two years for attemped burglary 2 and petit larceny.

Robert Spearman, 50, of the 1200 block of Holbrook Terrace NE, received a suspended 180-day sentence and placed on unsupervised probation for unlawful entry. An earlier charge of burglary 2 was dismissed.

Charles M. Little Jr., 32, of the 1900 block of T Street SE, was given a suspended 180-day jail term and placed on probation for one year after pleading guilty to petit larceny.

[From the National Observer, June 10, 1968]

THE SICK-SOCIETY CLICHE: VIOLENCE ROOTED DEEP IN THE UNITED STATES—BUT SO IS REVERENCE FOR THE LAW

Violence, one commentator observed, has become "a political norm, an everyday occurrence, a real American way of life." It is becoming commonplace "to kill political figures in broad daylight in sight of their relatives, before the television cameras, and in the presence of large numbers of people."

It was not surprising to hear that commentary last week from the New York correspondent of Izvestia, the Soviet government newspaper. What was new was that millions of Americans—sadly, reluctantly, numbed by grief—were echoing it.

In the wake of the assassination of Sen. Robert F. Kennedy, people were asking once again, Why? Why in America? When an assassin's bullet felled President John F. Kennedy 4½ years ago, the same questions were asked. But it was easier then to be satisfied with the answer: Every society has its sick. Lee Harvey Oswald was one of ours.

Now such an answer no longer satisfies great numbers of Americans. For what other society that claims to be civilized could match this known death roll among its public figures in five years?

Medgar Evers, June 12, 1963; John F. Kennedy, Nov. 22, 1963; Malcolm X, Feb. 21, 1965; George Lincoln Rockwell, Aug. 25, 1967; Martin Luther King, April 4, 1968; Robert F. Kennedy, June 6, 1968.

Accordingly, Americans began to look inward, at themselves and their society, in their search for answers to the questions Why? Why in America? And many of them concluded the country is "permeated with violence," "filled with hatred," "striken by fear," or guilt, or hypocrisy. There's a sickness in the land, it was stated, a malignancy that threatens to destroy the nation.

THE EXPLANATIONS HEARD

The explanations for this turn of events—if indeed, a turn it is—were many:

"A turning away from religion" (Rabbi Dr. Abraham Heschel, a noted Biblical scholar); a glorification of violence in the mass media (psychiatrist Fredric Wertham); an atmosphere of permissiveness (the Rev. Robert McNamara, a Fordham University sociologist); the growing complexity of life and helplessness of the individual (the Rev. Avery Dulles of the Jesuits' Woodstock College); the war in Vietnam (Sen. Eugene McCarthy); a conspiracy against champions of the poor (the Rev. Ralph Abernathy, leader of the Poor People's campaign in Washington); criminal-coddling court decisions (Georgia Gov. Lester Maddox).

It was duly noted that six of the last 20 Presidents have been targets of assassins: Bullets claimed the lives of Lincoln in 1865, Garfield in 1881, McKinley in 1901, and Kennedy in 1963; in addition attempts were made on Franklin D. Roosevelt in 1933 and Harry S. Truman in 1950. In 1912, former President Theodore Roosevelt was shot as he campaigned for election.

THE BIG QUESTION

Is something indeed wrong with America that assassins can rise in its midst and strike down its leaders?

In attempting to answer that question, it is necessary to establish some relevant facts. First, the United States is the only major civilized nation where arms can be purchased openly by almost anyone. An April 1968 Harris poll found that slightly more than half the households in the nation own one or more guns.

Second, its leaders expose themselves to the public—and potential assassins—far more than in most nations. It's a tradition of an "open" society.

Third, the United Nations demographic yearbook pegs the United States homicide rate slightly higher than the all-country average. This country is far surpassed by Mexico and most Latin American nations, plus Ceylon and many countries in Asia. Even so, the murder rate here exceeds that of all Western European countries and Japan.

DISTINCTIONS TO BE MADE

Here a distinction has to be made between crimes against public figures and homicide in general. Other types of violent acts might also be noted—vigilantism, for example, in which the United States has something of a tradition, and mass rioting and mass murder of racial and class dissidents, in which the nation has never competed with many European and other countries.

These distinctions are important because discussions of violence in America all too often are resolved with a knowing reference to "our lawless tradition," by which it is implied that Americans always have regarded taking the law into their own hands as legitimate means of resolving disputes. It cannot be denied, of course, that guns won freedom from Britain, tamed the frontier, and cowed the Indians; nor that the slave revolts, Civil War, labor strife, gangsterism, and the chain of Negro murders and lynchings in the South even into the 1960s reflect significant strains in American history.

But political assassination goes back little more than 100 years in the United States; it can hardly be attributed to a legacy of frontier days. Similarly, it is hard to trace today's purse-snatchings or drug-induced holdups to the fact that outlaw cowboys used to snare stage coaches in the wild West.

Indeed, it is possible to argue that Americans are among the most law-abiding citizens in the world. They pay their taxes, obey traffic rules, keep contracts, return lost property, and support statutes with a fidelity that is hard to match.

HONORING ELECTION RESULTS

Similarly, Americans honor election results; political transitions are smooth, amicable. Americans have no tolerance for politicians who would stuff ballot boxes or buy votes. Following the counting of votes come handshakes and pledges of support, not recriminations and firing squads.

Moreovor, assassination attempts in the United States, unique among the nations of the world, bespeak wild irrationality more often than political conspiracy. Charles Julius Guiteau, who slew James A. Garfield, was a disappointed office seeker, not an ideolog. Leon Czolgosz, assassin of William McKinley, was an anarchist, probably insane. President Kennedy, who alarmed the right wing, was silenced by a fanatic of the left. George Lincoln Rockwell, hated by the left, was killed by a rightist. Both he and Malcolm X were killed not by their enemies but by their former friends.

These acts were essentially apolitical, divorced from the central issues that divided Americans and gave rise to rancor in public debate. There are exceptions, to be sure: John Wilkes Booth, Lincoln's assassin, and the Puerto Rican nationalists who stormed Blair House in hopes of killing President Truman had essentially political grievances. Booth sought to avenge the South, the Puerto Ricans, to obtain independence from U.S. rule. And it may, indeed, have been Robert Kennedy's sympathy for Israel that turned against him the young Arab immigrant now charged with the murder.

THE RISING RATE OF HOMICIDE

This is not to say that violence in America is rare. The point is made only to suggest that it is treacherous and frequently misleading to seek a reflection of historical forces in the acts of deranged individuals. Demonstrably, there is violence in the country. The Justice Department reports that 12,200 Americans came to violent deaths last year at the hands of their fellow citizens, and the rate is increasing twice as fast as the population.

The homicide rate is driven upward by a disproportionate murder rate among urban Negroes. Today, according to sociologist Lee N. Robins, writing in the current issue of Trans-action, homicide is the second leading cause of death among Negro males, 15 to 25 years of age.

Consider this, too: Many, perhaps most, Americans experienced shock, horror, and dismay upon hearing that Martin Luther

King had been murdered. In fact, however, hadn't people been speculating for years that he would die a violent death?

Americans sense something has happened to the social climate in the country. It's not that they are more apt to condone, much less commit, violent acts. It's partly that they recognize there are fewer restraints against their commission. Psychiatrist Leonard Duhl, special assistant to the Secretary of the Department of Housing and Urban Development, is an authority on the effects of urban life on mental health. He argues:

"A society that has leadership and runs by a set of rules that everybody accepts can contain the sickest people. What's happening in our society is that the old rules are breaking down, people don't accept them any more, and we lack not only new rules to replace them but, in its absence, the leadership to keep us going until we develop new rules.

"The Kennedys and the Dr. Kings engender bitterness and become objects of hostility in the same way that you sometimes find psychiatrists are resented for the adverse diagnoses they give their patients. People become defensive, they attack those who diagnose."

In France, it might be said, the old rules also are breaking down, as evidenced by the recent general strike that brought national economic life to a standstill. Then, not only in America are old rules disintegrating.

Here, however, it is happening faster than anywhere else. Technology, mobility, and a civil-rights revolution are creating problems only dimly understood. To cite but one problem: Since 1940 some 3,000,000 Negroes have migrated from the rural South to the urban North. Is it surprising that sociologists now speak of "social dislocation"?

There are other factors that must also be taken into account. One is the mass media. The immediacy of television not only creates new wants in the viewer (a process that, no doubt, has accelerated the Negro revolution), it evokes strong emotions of all sorts in the public at large.

People recognize today's public figures instantly—and personally: their voices, their accents, their expressions, their words.

What's more, in an open political system like ours, where candidates can cross the continent in under six hours, almost any American can come within shooting range of a candidate for national office in the course of an election campaign.

SOPPING UP THE VIOLENCE

Experts have long differed on whether the glorification of violence in the mass media inspires acts of violence that wouldn't otherwise be committed. (Indeed, they are even at odds on the question of whether aggression is instinctive or environmentally induced.) The fact remains, however, that most Americans can sop up the violence of the media all their lives without being driven to crime. Perhaps what distinguishes the lunatic fringe is not its exposure to toy pistols at an early age but its access, when older, to real pistols—and to the public figures they hold responsible for their frustrations, as well as a lack of a climate of restraint.

Surely there is hate in American society. In which society has it been banished? But it is probable that divisiveness in America has been greater in other recent times, the 1930s, for example. Franklin D. Roosevelt, who was called names far more intemperate, was shot at but once, shortly before his inauguration, when he was comparatively noncontroversial. His assailant, Joseph Zangara, was an anarchist. Lyndon Johnson, the man who arouses the most passionate emotions in the land, has not been targeted by an assassin.

It is not collective hate that kills America's leaders; it is fringe elements acting for a variety of strange reasons. That may seem small comfort indeed at a moment of national grief, but it does make a difference in the way people regard society. The mantle of collective guilt ill-fits Americans. And they deceive not only themselves but the world when they assign to society or "the system" the responsibility for acts against which the great mass of citizens recoil in horror and shame.

"Tonight," a choked President Johnson told a nationwide television audience last week as Robert Kennedy lay in coma, "this nation faces once again the consequences of lawlessness, hatred, and unreason in its midst. It would be wrong, it would be self-deceptive, to ignore the connection between lawlessness and hatred and this act of violence.

"It would be just as wrong and just as self-deceptive to conclude from this act that our country itself is sick, that it has lost its balance, that it has lost its sense of direction, even its common decency.

"Two hundred million Americans did not strike down Robert Kennedy last night any more than they struck down President John F. Kennedy in 1963 or Dr. Martin Luther King in April of this year. But those awful events give us ample warning that in a climate of extremism, of disrespect for law, of contempt for the rights of others, violence may bring down the very best among us."

—MARK R. ARNOLD.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess will not extend beyond 1 p.m. today.

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

Thereupon (at 12 o'clock and 42 minutes p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 12:46 p.m., when called to order by the Presiding Officer (Mr. CASE in the chair).

THE OMNIBUS CRIME CONTROL BILL

Mr. McCLELLAN. Mr. President, yesterday I made some remarks regarding the omnibus crime control bill, including some suggestions about the inadvisability of the President vetoing the measure. In support of my position, I asked to have printed in the RECORD a number of editorials and other supporting data.

Today, by way of addition to the material that I placed in the RECORD yesterday, I ask unanimous consent to have printed in the RECORD an editorial entitled "Crime Bill Is Okay," published in the Arkansas Democrat of Monday, June 10, 1968, and a letter dated June 7, 1968, addressed to me as subcommittee chairman, from Hon. Homer L. Kreider, president judge, Court of Common Pleas, Dauphin County, Pa.

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

CRIME BILL IS OKAY

The crime bill that was approved 368 to 17 in the House last week in the momentum of emotionalism following the assassination of Sen. Kennedy is an acceptable piece of legislation.

Many objections being raised to it are unrealistic and unwarranted. President Johnson, for instance, is mad because the gun-control provision is not more strict. The bill prohibits the sale by mail-order of handguns and the over-the-counter sale of handguns to persons under 21 and to non-residents of the state in which the store is situated. This is a limited kind of bill but the wonder of it is that any kind of gun-control bill was passed, considering the fact that the last time that even a committee of Congress acted favorably on gun-control legislation was 1938. Actually, whatever control of the ownership of guns is needed beyond this bill probably should be worked out by the states.

There's a lot of groaning and moaning going on about the way that the bill overrules the precedents established in the Supreme Court's Mallory and Miranda decisions. The Mallory decision involved a confessed rapist who was freed because he had been held in jail overnight without being arraigned. Since then, the idea of speedy arraignment has been carried to such extremes that one man accused of manslaughter was freed by a court because detectives questioned him for five minutes before he was arraigned. The bill would permit suspects to be detained as long as six hours before being arraigned.

The Miranda decision is more widely known. In this case, a precedent was established that voluntary confessions could not be accepted unless the person who made them was apprised of all of his rights and furnished a lawyer. Among the hundreds of people freed because of this technicality are a mother who killed her 4-year-old son, an arsonist who burned up 12 persons, a 14-year-old boy who shot his mother 10 times, and a factory worker who killed his wife and five children. All voluntarily confessed their guilt; all went free.

The bill would not change the requirements to determine if a confession were voluntary but only leaves it up to the trial judge to make the decision; if the trial judge says it's okay, then the appeal court couldn't overrule the decision of the lower court on this single point.

What has been charged is that in overturning the precedents set in these two controversial decisions, (the Miranda case was decided, 5 to 4), the legislative branch of government is tampering with the judicial branch and tearing away at the constitution. This hardly seems correct, however, when you consider what Article III, Section 2 of the constitution says: "The Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make."

The most serious objection we think anyone could take to the bill is the provision that permits the tapping of telephones in certain instances for 48 hours without a court order. Our hope was that wiretapping would have been permitted only on court orders and then only for such crimes as treason and murder.

But the bill's accomplishments outweigh its imperfections. Sen. John L. McClellan, who was instrumental in passing it, will be praised for his work by the public, which in a recent Gallup Poll (before the assassination) showed that it considered lawlessness the third most important problem in the nation following the Vietnam war and race relations. We hope that President Johnson will sign the bill. It will give the public a sense of accomplishment it can use in these mournful days. Improvements in the law can be made later.

COURT OF COMMON PLEAS, DAUPHIN COUNTY, PA.,

June 7, 1968.

Hon. JOHN J. MCCLELLAN,

Chairman, U.S. Senate Judiciary Subcommittee, Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: I congratulate you on the magnificent battle you have waged through the years for the protection

of the decent law-abiding citizens of this country and the successful culmination of your campaign in the passage by the Senate of Titles II and III of the Omnibus Crime Control and Safe Streets Act. This was a monumental achievement and you deserve the heart-felt thanks of the long-suffering citizens of this Nation. I am sure they deeply appreciate this outstanding accomplishment in the face of what appeared at first to be insurmountable obstacles.

My contact with a large number of persons in all walks of life, including some too timid to write letters to their representatives in Congress, convinces me that the common-sense of the American people will ultimately prevail and that meanwhile they will continue to insist that they receive the protection in law to which they and their children are justly entitled.

The overwhelming majority by which the House voted last Wednesday (317-to-60) to concur in the Senate Amendments and send the Bill to the President, should be clear notice that the American people want affirmative and remedial action now.

Sincerely,

HOMER L. KREIDER.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Senate again stand in recess subject to the call of the Chair, with the understanding that the recess not extend beyond 1 p.m. today.

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

Thereupon (at 12 o'clock and 49 minutes p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 1 p.m., when called to order by the Presiding Officer (Mr. RIBICOFF in the chair).

EXTENSION OF AUTHORITY OF EXPORT-IMPORT BANK IN ORDER TO IMPROVE THE BALANCE OF PAYMENTS

The PRESIDING OFFICER. Under the order of yesterday, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 16162) to enable the Export-Import Bank of the United States to approve extension of certain loans, guarantees, and insurance in connection with exports from the United States in order to improve the balance of payments and foster the long-term commercial interests of the United States.

The Senate proceeded to consider the bill.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of 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.

Mr. BYRD of Virginia. Mr. President, this legislation was reported to the Senate by the Committee on Banking and Currency. It was, I thought, a very far-reaching piece of legislation. It radically changed the method of doing business for the Export-Import Bank. As reported to the Senate, S. 3218 provided that it shall be the policy of the Congress that the Export-Import Bank make loans or guarantees of loans to the extent of $500 million, which in certain cases could run up to $2 billion, even though there was no reasonable assurance that this money would be repaid.

The form in which this legislation reached the Senate, to me, was completely and totally unacceptable. I could not imagine the Senate passing legislation providing that it is the policy of Congress that the Export-Import Bank should make loans and guarantees and insurance of export-import transactions which, in the judgment of the Bank, do not meet the test of reasonable assurance of repayment. Yet, that is what the Senate was called upon to adopt.

I first protested this bill about 3 weeks ago. I called the attention of the Senate to the proposed legislation in a speech on the floor of the Senate, pointing out that it would radically change the policy regarding the Export-Import transactions, and also pointing out that it is an open-ended proposal which provides that all losses of the Export-Import Bank beyond $100 million would be borne by the general treasury.

I could not accept and I could not vote for S. 3218 in the form in which it came to the Senate.

Then, last week the House of Representatives made substantial changes in this proposal. During the consideration of this matter in the Senate yesterday, and after I had talked with both the majority leader and the minority leader, the managers of the bill recommended, and the Senate agreed, to substitute H.R. 16162, the House bill, for S. 3218, the Senate bill.

This was saying, in a way, that the Senate and the managers of the bill voted to scrap S. 3218 as reported by the committee.

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

Mr. BYRD of Virginia. I am glad to yield to the distinguished Senator from Tennessee.

Mr. GORE. Mr. President, I congratulate the Senator upon the change worked in the bill, largely as a result of his efforts.

I wonder what justification was advanced for the declaration of a policy that a loan be made even though the evidence of repayment was absent.

Mr. BYRD of Virginia. I thank the distinguished Senator from Tennessee for his kind comments.

In regard to his question, the committee report indicates that the Export-Import Bank, in the belief of some, has not been liberal enough in its policies and in regard to making loans.

The Bank has had a very good loan record. I think the managers of the Bank should be congratulated on the management that has given these funds. After all, the funds are the taxpayers' funds and the Bank has been proceeding on the basis, in making loans, that the test of reasonable reassurance of repayment must be met.

Then, it was felt that in order to change that policy, it was necessary for Congress to enact legislation. It was proposed that it be the policy of the Congress that the Export-Import Bank make these loans and other guarantees even though the test of reasonable reassurance of repayment is not met, the purpose being to liberalize the credit policies of the Bank.

However, as the able Senator from Tennessee knows, the Bank is already the bank of last resort for so many of the borrowers. The proposed bill would have the Bank involved in even riskier loans than the Bank has been involved in in the past. It seemed to me that it went too far. As a Member of Congress, it seemed to me that none of us would want to be in the position of directing the Bank to make these loans even though there was no reasonable assurance of repayment. The Bank would come back to Congress in perhaps 5 years or 2 years and say, "We have lost $500 million of the taxpayers' money," or whatever the amount might be, "and we want you to make it up."

Congress could hardly refuse to make it up because Congress itself, were it to approve the original bill, would have directed the Bank to make those loans, even though there is no reasonable assurance of repayment. Thus, I think it is a very undesirable piece of legislation.

The bill now before the Senate is greatly improved, and was further improved yesterday. It specifies that before a loan can be made, it must offer sufficient likelihood of repayment.

In querying the Senator in charge of the bill yesterday, to differentiate between "offer sufficient likelihood of repayment" and the present term of "test of reasonable assurance of repayment," as to where the difference lies, I frankly could not get clear in my mind how those two terms differed. In my judgment, they do not differ substantially, if at all.

So, for that reason, I am inclined to go along with the legislation as it has been amended by the Senate, not only in adoption of the House bill, but also in adoption of the amendment offered by the Senator from Illinois [Mr. DIRKSEN], which places a limit on the amount of money the Federal Treasury will bear of any losses the Export-Import Bank might incur. It places a limit of $100 million as the part the Federal Treasury would bear.

The purpose of this legislation is to expand export transactions, in the hope that our balance-of-payments position will be improved. This is a worthy objective.

But, I submit, if we are going into very high-risk loans where the chance of repayment is small, then that cannot possibly help our balance of payments, because the money is going out, it is not coming in.

All in all, I think that the Senate did a good day's work yesterday in scrapping Senate bill 3218, substituting H.R. 16162, and adopting the amendment offered by the Senator from Illinois, which I was pleased to support.

I was also pleased that the Senate adopted the amendment submitted by the Senator from Virginia which specifies that the Export-Import Bank shall submit quarterly to the Congress details of

all loans that it makes under the particular section that the Senate will be called upon to vote shortly.

It seems to me it is important for Congress to have this information, so that it will know how properly to legislate in the future. It should also be helpful in protecting the taxpayers of this country.

Mr. President, I reserve the remainder of my time.

Mr. MUSKIE. Mr. President, yesterday, in the discussion of the pending measure, the distinguished Senator from Iowa [Mr. MILLER] put a question to me in these words. He said:

I should like to know whether in the last three or four years there have been, let us say, 100 applications, or perhaps 50, which would have been approved under the new policy, or even 25, so that we will have an idea of the volume we are talking about. The Senator's illustrations will be most helpful, but I should like to know how many of the applications we are talking about occurred over a 2-, 3-, or a 4-year period.

I suggested to the Senator yesterday that I doubted very much that there was that kind of specific information available, especially in view of the fact that I had asked for similar information. Nevertheless, I asked the agency to undertake to respond to the Senator's question, and I have here a five-page memorandum which I think might be helpful not only to the distinguished Senator from Iowa but to Senators as a whole as they read the RECORD.

So I should like to ask unanimous consent that the memorandum be included in the RECORD at this point.

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

EXPORT-IMPORT BANK OF THE UNITED STATES,
Washington, D.C., June 18, 1968.

Memorandum to Senator Muskie.

From: B. Jenkins Middleton, Vice President, Program Planning and Information.

Subject: Response to question of Senator Miller during floor debate on S. 3218 (see page 17417 of the Congressional Record for June 17, 1968.)

During the floor debate on S. 3218 Senator Miller made the following request:

"I should like to know whether in the last three or four years there have been, let us say, 100 applications, or perhaps 50, which would have been approved under the new policy, or even 25, so that we will have an idea of the volume we are talking about. The Senator's illustrations will be most helpful, but I should like to know how many of the applications we are talking about occurred over a 2-, 3-, or a 4-year period."

During the colloquy on this subject, Senator Muskie indicated that such a list might be difficult to obtain for two principal reasons: First, the submission by Eximbank of a list of transactions which it has not fully considered but which it believes might be approved under the new program might be considered as an advance approval of these transactions; and second, any such list which might be compiled would not present a true picture since "in many cases the applications never come to the Bank because of the awareness of the Bank's existing policy". Eximbank concurs in these statements by Senator Muskie.

Moreover, a mere statement of the number of "applications" received by the Bank over the past 2 to 4 years which might have been approved had the export expansion facility under consideration been in existence would not be meaningful. "Applications" run the gamut from requests for so-called "special buyer credit limits" under short-term export credit insurance policies which have been as small as $5,000 to applications for direct credits to foreign purchasers in amounts which, under Eximbank's normal programs, may range as high as $100 million or more. Moreover, an "application" which is turned down may take the form of a telephone call.

Earlier in the debate, prior to Senator Miller's request, Senator Muskie submitted for the record a series of examples of transactions which might have been assisted under the proposed export expansion facility (see Congressional Record, page 17412). We believe that this type of illustrative example is more helpful to an understanding of the potential nature and volume of business which could be done under the new program than would be a listing of the number of applications which might be involved. Perhaps the following additional examples will be responsive to the substance of Senator Miller's request.

The proposed export expansion facility will permit assistance to export transactions involving a number of countries where political and economic risk factors now preclude Eximbank from offering medium-term guarantees or insurance under its regular operations. Perhaps the outstanding example in this category is Indonesia, which is potentially an important market for U.S. products. It is the fifth largest country in the world, with a population of over 100 million. Indonesia has been going through a period of debt readjustment. Eximbank has an exposure in that country of some $80 million. The Bank has not been receiving payments under these credits for some time, but it has worked out an arrangement with the Indonesians for the resumption of payments and lengthening of repayment periods. This has been done in cooperation with other Western creditors of Indonesia, and the Soviet Union has worked out a parallel arrangement.

There is growing confidence in the chances for Indonesian recovery. Nevertheless Eximbank does not feel that under its "reasonable assurance of repayment" standard it can resume the extension of loans, guarantees, and insurance for exports to that country until further progress is evident and it becomes clear that payments on existing debts will be resumed. In the meantime, however, both the Japanese and some of our Western competitors have resumed their export credit, guarantee, and insurance operations for exports to Indonesia. Eximbank does not wish to be left behind in this resumption of normal commercial activity, but feels that the new authority is necessary for early resumption of its activity there.

Nigeria, like Indonesia, is a country for which the Bank is not currently able to provide export credit support. With the new authority a resumption of Eximbank activity involving exports to that country may become possible.

There are also instances in which Eximbank's existing commitments are so large in relation to the foreign exchange position and prospects of the borrowing country that the Bank's Board has deemed it prudent to limit new undertakings in support of export sales. Brazil, for example, is a country in which the readjustment process has been under way for a considerably longer period than is the case with Indonesia, but which also has a large external debt which requires servicing. Eximbank's exposure in Brazil has been around $700 million for some time. While the Bank has been willing to make new commitments in Brazil in the amount of repayments being received on its outstanding commitments, up to the present time Eximbank has not been willing to increase this exposure. Other exporting countries, however, have a far smaller exposure in Brazil, and with the improving prospects for the country they have been vigorous in their support of exports destined for the Brazilian market. With the new authority, Eximbank will be in a far better position to offer our own exporters the same kind of support which is being extended to our foreign competitors.

Other countries where Eximbank feels it is near the limit of the exposure it should take on under its existing authority are the Dominican Republic, Turkey, and Bolivia.

The new facility can also serve to assist transactions involving a number of foreign airlines, some of which are owned by countries which are financially weak and others of which are privately owned and only marginally profitable. Potential sales opportunities in this category exist in Bolivia, Chile, Honduras, Guatemala, and Brazil.

On occasion the proposed fund could be used for direct loans to foreign borrowers in order to assist in financing projects where it is important for the U.S. to be the initial supplier so as to affect the future development of an important market abroad. This is particularly true of projects involving sophisticated technologies. Possibilities of this type are projects involving the construction of facilities for nuclear power plants and satellite communications ground stations in countries where the amount of credit required is large in relation to the country's foreign exchange resources, the borrowing entity is not a first-class credit risk, or the level of Eximbank's outstanding commitments is already high.

There are also a number of rapidly developing countries—Korea, Taiwan, Israel, and Iran come immediately to mind—which are no longer heavily dependent on concessionary aid-type assistance but whose current import requirements for capital equipment *on normal commercial terms* are greater than the Bank can meet under its normal standards. It may nevertheless be desirable to preserve for the United States the benefits of trade relationships which have been established with these countries as a result of previous AID and Export-Import Bank financing. There exists today a considerable volume of medium-term business in such areas, involving railroad rolling stock and other transportation equipment, highway construction equipment, and a variety of industrial machinery, which might be lost to the U.S. without the proposed facility.

Most of the examples cited thus far have involved "country problems"—that is, problems with the debt capacity and foreign exchange capability of the country itself which are relevant whether the actual borrower within the country is public or private. But even where there is no "country problem" there may be problems involving the creditworthiness of the individual buyer. As an example, for several years Eximbank has had guarantees outstanding to several U.S. commercial banks covering repetitive shipments of automobile components and knocked-down automobiles to a company in a middle eastern country. The guarantees have been issued at the request of two American automobile manufacturers. The foreign buyer assembles the automobiles and sells them. The aggregate liability of the Bank under these guarantees has been about $2 million. The guarantees protect the U.S. commercial banks against defaults on account of both the commercial risks—such as the possible bankruptcy of the buyer—and the political risks which are inherent in credit transactions with foreign countries. The risk of inconvertibility is probably the most important potential cause of loss of a political nature.

In this particular case the foreign buyer has a good reputation and a good record of servicing his debts. However, the assets of the company consist primarily of plant and equipment, and the assets of the principal owner, who has guaranteed the debt obligations of the company, are largely tied up in the company and in real estate—in other

words, in assets which cannot be readily liquidated. As is so often the case with companies abroad, the balance sheets and income statements of the buyer are not readily understandable to American financial analysts. Eximbank therefore considers its present exposure of some $2 million to be marginal even under the present statutory standard, which requires that transactions supported by the Bank offer "reasonable assurance of repayment."

Now, however, the two American automobile manufacturers, who rely heavily upon export sales to support their manufacturing facilities in this country, are seeking to increase their sales to and through this particular foreign buyer. They have accordingly asked Eximbank to increase its liability under its guarantees of these transactions to an aggregate of some $12 million. The Bank does not believe it can do this under its present authority. However, in view of the buyer's reputation and other favorable factors the Bank is inclined to the view that there may be a "sufficient likelihood of repayment to justify the Bank's support in order to actively foster the foreign trade and long-term commercial interest of the United States"—the standard proposed by the bill, as amended. This, then, is another concrete example of a case in which the proposed authority may make a very real contribution to our exports, our commercial interests, and our balance of payments.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of 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.

Mr. BYRD of Virginia. Mr. President, as one who has taken a keen interest in the pending legislation for more than 3 weeks, I wish to speak a few concluding words.

In the form that the bill was submitted to the Senate by the committee, it was to my mind completely unacceptable. I could not support the committee's recommendation.

Yesterday, however, the Senate took a series of actions which greatly improve the legislation, which eliminate the more objectionable features, which would give protection to the taxpayers which the original version did not give, and which, in addition, knock out of the bill a congressional policy statement which to my mind it would have been unthinkable for Congress to have adopted.

So, Mr. President, with the changes that have been made by the Senate, I feel that this is now a proposal I can support. I still have some doubt as to its wisdom, and I have doubt as to the need for it; but I think the new phraseology with respect to policy and the safeguards that have been written into the measure insofar as the handling of moneys from the general Treasury is concerned makes the proposal acceptable.

Mr. TOWER. Mr. President, I rise in support of H.R. 16162, companion bill to S. 3218, designed to improve the U.S. balance-of-payments situation through facilities of the Export-Import Bank.

Under this bill, $500 million of the Bank's present authorization would be set aside as a separate fund, or category, for loans to which the present law's limitation of "reasonable assurance of repayment" would not apply. The new criteria under H.R. 16162 would be "sufficient likelihood of repayment."

It was my intention to offer as an amendment to the Senate version of the bill language similar to that appearing in H.R. 16162 relating to sufficient likelihood of repayment. Since we have now substituted H.R. 16162 for the Senate bill, the substance of my amendment will be incorporated into the final version of the bill.

Mr. President, the U.S. balance of payments has been running a deficit for 17 of the last 18 years. After World War II, these deficits began and, until the mid-1950's, have run about $1 billion a year. Many have felt that a modest deficit in our balance of payments was both a necessary and a desirable means of providing the dollars needed for European economic recovery, but, by 1959, our payments deficit had risen to more than $3.5 billion annually.

By 1961, there was no longer a shortage of dollars abroad. Foreign monetary authorities became reluctant to hold increasingly large amounts of their international reserve assets in dollars. Such a situation posed a real and continuing threat to the strength of the dollar, and, as a result, the U.S. Government began taking action to improve our balance-of-payments situation.

More specifically, since 1965, the United States has witnessed a substantial increase in this deficit. This situation has been brought about primarily because of a sharp increase in our imports, our increased military expenditures abroad in support of the Vietnam war, outflows of capital for private investment, and, to a lesser extent, because of a widening gap in the travel account. During the fourth quarter of last year our balance-of-payments deficit increased sharply as a result of the British devaluation of the pound in November of 1967. As confidence in the pound and the dollar declined, foreign deposits were withdrawn from the United States, followed by a burst of speculative buying of gold. Measures were immediately taken by the United States to free our gold stock. In order to sustain international confidence in the dollar, the United States must take additional steps which are necessary to reduce our balance-of-payments deficit.

A major factor in the total balance of payments picture is U.S. exports to foreign governments. Last year the United States exported some $30 billion worth of products, the highest in our country's history. The trade surplus from that commerce contributed about $3.5 billion to our payments balance. However, there are indications that if our foreign trade is not further stimulated, the trade surplus this year will be sharply reduced rather than raised.

Mr. President, the Export-Import Bank has been a powerful force in furthering American exports over the years. I believe that our present trade situation and balance-of-payments position justify an aggressive posture by the Bank in its operations under existing statutory authority. It should be possible to adopt such a posture without jeopardizing in any way the well-deserved reputation of the Bank as a basically sound lending institution. I am convinced that such a reputation can be preserved while, at the same time, the Eximbank continues to offer adequate support to our exporters.

Under present statutory authority, the Export-Import Bank is limited to credits offering "reasonable assurance of repayment."

This special fund called for by H.R. 16162 would be created in the belief that loans issued will improve our balance of payments and will foster the long-term commercial interest of the United States.

The Senate is mindful, I am sure, of the extraordinarily important role that the Export-Import Bank has played for many years in financing the exports of the United States into areas where credit risks were somewhat higher. Time and again, the Bank has inaugurated new techniques and introduced new principles of international finance. Such new ideas, techniques, and innovations have been followed, for the most part, by all the great exporting nations of the free world. Japan has even given the name "Export-Import Bank" to its financing facility.

Testimony before the Senate Banking and Currency Committee was implicit in its praise and appreciation for the fiscal responsibility of the Bank. Also evident was the notion that the time has come when the Eximbank could do much more to promote U.S. exports if a very reasonable modification could be made in the statutory authorizations of the Bank.

Mr. President, our trade surplus last year fell to less than $3.6 billion, a decrease from the $6.6 billion in 1963. Inherent, of course, in all business transactions is financing; the strong arm of financial encouragement is sorely needed to aid the efforts to increase our exports. Private financing still continues to carry the major burden of financing the exports of the United States, however, domestic pressures on our private financial institutions are so severe today that they cannot respond in the international field to the degree necessary. Private banks likewise are unable to respond in those areas where credit risks are somewhat greater—yet these are precisely the areas where the United States can increase its exports.

Mr. President, the Export-Import Bank continues to operate as one of the oldest of our Government's international credit facilities in existence. Though the Eximbank has built up substantial reserves, the Bank is heavily committed in many underdeveloped and developing countries. And naturally, as the Bank's credit commitments increase in a particular nation, its risks of taking large and sudden losses as the result of general political or economic developments in that country also increase.

Therefore, a certain private credit risk in a given country may be quite good, but, because of the large credit commitments the Bank has in that country, the Board of Directors of the Bank may have considerable difficulty in determining that in that particular case there is a "reasonable assurance of repayment." The borrower who may be a private concern may have a most adequate credit responsibil-

ity, and yet the Bank could not make a favorable determination as to his loan.

Mr. President, it should also be pointed out that a foreign government credit facility or central bank which is not so heavily committed as the Eximbank in a particular importing country is often willing and able to guarantee credits of a much lower quality for the sole reason that it has a small extension of risk at that particular time. The situation now faced by the Export-Import Bank is usually just the opposite, and it is unable to embark upon such an arrangement.

Even if the United States were not faced with serious balance-of-payment problems, competition in the world marketplace alone would, I believe, warrant our support of H.R. 16162. The passage of this legislation will encourage acceptance of our exports in difficult markets; it will aid in establishing our products in new markets and expanding markets where the potential for repeat sales is high; and it will assist in the maintenance of existing export markets.

The basic for expanded authority for the Eximbank has been under consideration for years. H.R. 16162 is an outgrowth of recommendations of the Action Committee on Export Financing of the National Export Expansion Council as well as the Export Expansion Act introduced in the Senate in 1965.

I wish to emphasize, Mr. President, that the desired results of this legislation can very well be accomplished without turning the Bank into a soft loan agency. It is clear that in the days ahead, there is more need for the Bank to act as an accelerator rather than as a brake. If H.R. 16162 is administered by the Bank as intended by the legislative history thus far existing, this new facility of the Eximbank can quickly become a forceful and useful addition. Because I believe that it is of the utmost importance to solve our balance-of-payments problem and to foster the long-term commercial interests of the United States, I feel that the Export-Import Bank in the past warrants confidence in a new and challenging future role for the Export-Import Bank of the United States.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MUSKIE. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. MUSKIE. 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. 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.

The hour of 2 p.m. having arrived, the Senate, pursuant to the order of yesterday, will now proceed to vote on the passage of H.R. 16162.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD, of West Virginia. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from Oregon [Mr. MORSE] are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alaska [Mr. GRUENING], the Senator from Arizona [Mr. HAYDEN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], and the Senator from New Mexico [Mr. MONTOYA] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Alaska [Mr. GRUENING], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Oregon [Mr. MORSE] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Oregon [Mr. HATFIELD] is necessarily absent, and if present and voting, would vote "yea."

The result was announced—yeas 88, nays 0, as follows:

[No. 187 Leg.]

YEAS—88

Aiken	Griffin	Murphy
Allott	Hansen	Muskie
Anderson	Harris	Nelson
Baker	Hart	Pastore
Bayh	Hartke	Pearson
Bennett	Hickenlooper	Pell
Bible	Hill	Percy
Boggs	Holland	Prouty
Brewster	Hollings	Proxmire
Brooke	Hruska	Randolph
Burdick	Jackson	Ribicoff
Byrd, Va.	Javits	Russell
Byrd, W. Va.	Jordan, N.C.	Scott
Cannon	Jordan, Idaho	Smathers
Carlson	Kuchel	Smith
Case	Lausche	Sparkman
Church	Long, La.	Spong
Clark	Magnuson	Stennis
Cooper	Mansfield	Symington
Cotton	McClellan	Talmadge
Curtis	McGee	Thurmond
Dirksen	McGovern	Tower
Dodd	McIntyre	Tydings
Dominick	Metcalf	Williams, N.J.
Eastland	Miller	Williams, Del.
Ellender	Mondale	Yarborough
Ervin	Monroney	Young, N. Dak.
Fannin	Morton	Young, Ohio
Fong	Moss	
Gore	Mundt	

NAYS—0

NOT VOTING—11

Bartlett	Hayden	McCarthy
Fulbright	Inouye	Montoya
Gruening	Kennedy	Morse
Hatfield	Long, Mo.	

So the bill (H.R. 16162) was passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. KUCHEL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 1082, S. 3218, be taken from the calendar and indefinitely postponed.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MANSFIELD. Mr. President, I rise to commend the distinguished Senator from Maine [Mr. MUSKIE] for the exemplary manner in which he managed the Export-Import Bank measure just adopted unanimously by the Senate. His abilities as a legislator, his clear and convincing arguments for the measure compelled its overwhelming success. But, even more, its passage represents another outstanding achievement in the abundant record already compiled by Senator MUSKIE. The Senate is deeply in his debt.

Joining Senator MUSKIE to assure this overwhelming success was the Senator from Texas [Mr. TOWER]. During his years in the Senate and as a member of the Banking and Currency Committee he has contributed immensely. His cooperation on this, as on so many proposals, has been greatly appreciated.

Other Senators also joined to assure swift and efficient action. Notable were the efforts of the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], and the Senator from Virginia [Mr. BYRD]. And we all may be proud of another fine achievement.

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 amendment of the Senate to the bill (H.R. 15856) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1216, and that the rest of the calendar be considered in sequence.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will proceed to state the items on the calendar, beginning with Calendar No. 1216.

AMENDMENT OF THE SECURITIES EXCHANGE ACT OF 1934

The Senate proceeded to consider the joint resolution (S.J. Res. 160) to amend the Securities Exchange Act of 1934 to authorize an investigation of the effect on the securities markets of the operation of institutional investors which had been reported from the Committee on Banking and Currency, with an amendment, strike out all after the resolving clause and insert:

That section 19 of the Securities Exchange Act of 1934 is amended by adding at the end thereof the following:

"(e)(1) The Commission is authorized and directed to make a study and investigation of the purchase, sale, and holding of securities by institutional investors of all types in-

cluding, but no limited to, banks, insurance companies, mutual funds, employee pension and welfare funds, and foundation and college endowments, in order to determine the effect of such purchases, sales, and holdings upon (A) the maintenance of fair and orderly securities markets, (B) the stability of such markets, both in general and for individual securities, (C) the interests of the issuers of such securities, and (D) the interests of the public, in order that the Congress may determine what measures, if any, may be necessary and appropriate in the public interest and for the protection of investors. The Commission shall report to the Congress, on or before December 31, 1969, the results of its study and investigation, together with its recommendations, including such recommendations for legislation as it deems advisable.

"(2) For the purposes of the study and investigation authorized by this subsection, the Commission shall have all the power and authority which it would have if such investigation were being conducted pursuant to section 21 of this Act. The Commission is authorized to appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and to pay, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, such personnel as the Commission deems advisable to carry out the study and investigation authorized by this subsection, but no such rate shall exceed the per annum rate in effect for a GS–18.

"(3) In connection with the study authorized by this subsection, the Commission shall consult with representatives of various classes of institutional investors, members of the securities industry, representatives of other government agencies, and other interested persons. The Commission shall also consult with an advisory committee which it shall establish for the purpose of advising and consulting with the Commission on a regular basis on matters coming within the purview of such study.

"(4) There is authorized to be appropriated not to exceed $875,000 for the study and investigation authorized by this subsection."

The amendment was agreed to.

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

The preamble as agreed to, as follows:

Whereas there has been a very significant increase in the amount of securities held and traded by institutional investors both in absolute terms and in relation to other types of investors; and

Whereas such an increase may have an impact upon the maintenance of fair and orderly securities markets, upon the issuers of securities traded in such markets, and upon the interests of investors and the public interest: Now, therefore, be it.

BILL PASSED OVER

The bill (S. 839) for the relief of the village of Orleans, Vt., was announced as next in order.

Mr. MANSFIELD. Over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

ROLLO OSKEY

The bill (S. 1164) for the relief of Rollo Oskey was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any statute of limitations or lapse of time, jurisdiction is hereby conferred upon the United States District Court for the District of Minnesota to hear, determine, and render judgment upon any claims of Rollo Oskey, of Saint Paul, Minnesota, against the United States arising out of an accident which occurred on March 7, 1958, when a United States vehicle operated by a member of the United States Air Force collided with a vehicle owned and operated by the said Rollo Oskey.

SEC. 2. Suit upon any such claims may be instituted at any time within one year after the date of the enactment of this Act. Proceedings for the determination of such claims and review thereof, and payment of any judgment thereon, shall be in accordance with the provisions of law applicable to cases over which the court has jurisdiction under section 1346(b) of title 28 of the United States Code. Nothing in this Act shall be construed as an inference of liability on the part of the United States.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1239), explaining the purposes of the bill.

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

PURPOSE

The purpose of the bill is to waive the 2-year statute of limitations and confer jurisdiction on the U.S. District Court for the District of Minnesota to consider the claim of Rollo Oskey for damages against the United States as the result of a motor vehicle accident on March 7, 1958. Suit must be brought within 1 year from the date of enactment.

STATEMENT

Identical bills, S. 724 of the 88th Congress, and S. 1987 of the 89th Congress, were reported favorably by the committee.

The facts in the case are contained in Senate Report 1196 of the 88th Congress on S. 724, and are as follows:

"The accident giving rise to the claim is described as follows in the Department of the Air Force report on a similar bill, S. 2510, of the 87th Congress: On March 7, 1958, M. Sgt. Franklin O. McCombs, a member of the U.S. Air Force assigned to the Air Force Reserve Officers' Training Corps unit at the University of Minnesota, was operating a General Services Administration truck on assigned mission in Minneapolis, Minn. Sergeant McCombs testified that he approached a certain intersection and seeing that the traffic light was green proceeded to cross the intersection. About the same time an automobile owned and operated by the claimant, Mr. Oskey, entered the same intersection from the right of the Government truck and collided into the right side and right fender of the truck. The collision resulted in both property damage and personal injury. Mr. Oskey required hospital care for 8 days and physiotherapy treatment for 7 months. The report also states that there is no substantiation of Sergeant McCombs' version of the accident, nor could Mr. Oskey support his contention that he entered the intersection on a green light.

"On March 31, 1959, Mr. Oskey and his insurer filed a joint administrative claim for $4,517.95, of which $786 was for property damage and the remainder for pain and suffering and miscellaneous expenses. It is further stated in the Air Force report that certain documents to support the amount of the claim were not submitted as requested and that 'therefore, the case was held in abeyance for several months before it was finally concluded that no such evidence would be forthcoming.'

"The claim was finally returned without adjudication on February 1, 1960, with the statement that authority to settle claims administratively under the Tort Claims Act was limited to $2,500. It is observed in the Department's report that—'Precisely why such disposition was not made earlier is not clear.'

"It is apparent that upon receipt of the claim there was an inadvertent failure to recognize that the amount of Mr. Oskey's claim precluded its being handled administratively. Had the claimant been advised promptly of that fact and of the further fact that his remedy lay in filing suit under the Tort Claims Act, he would have had an additional 10 months in which to seek advice of counsel. That was the period from March 31, 1959, when the claim was filed, to February 1, 1960, when the claim was returned without adjudication. As it was, Mr. Oskey, in all good faith, spent the time in exchanging correspondence with various claims officers regarding certain details of this claim. He did not know either that the Department actually had no administrative jurisdiction over a claim in the stated amount or that the statute of limitations was running against him. In a communication in the committee files, the claimant's attorney characterizes the claimant and his situation as follows:

"'Mr. Oskey had a matter of only 20 and some days in which to file a suit, and not being a sophisticated individual and being an elderly man, and also not being a lawyer and trained in claims work as the gentlemen from the Air Force were, and being in continuous negotiation with Government agencies including the Air Force for nearly 2 years, he was not aware that his claim was being extinguished by a statute of limitations.'

"Since it would have been both possible and proper to have returned Mr. Oskey's claim to him immediately upon its receipt, it does not seem fair to penalize him for the Department's mistake in retaining a claim it could not settle under administrative procedures. The proposed legislation would give Mr. Oskey an additional 12 months in which to file his suit, and that seems to be no more than a fair exchange, in a sense, for the 10 months of his statutory period that he lost because it was not determined promptly that the amount of the claim exceeded the Department's statutory authority.

"The Department suggests the probability that even if Mr. Oskey had filed a timely suit he would not have prevailed because the position of the cars at the time of the collision 'clearly shows that the Government vehicle entered the intersection first.' In this connection, there is in the committee files a photocopy of the official police accident investigation report which states that the Government vehicle entered the intersection against a red light. Hence, granting permission to the claimant to file suit would not necessarily be an empty gesture.

"Records available to the committee indicate that Mr. Oskey was diligent to the best of his abilities in pursuing his claim. Under all the circumstances, the committee feels that the claimant should have his day in court and, therefore, recommends favorable consideration of the bill."

In agreement with the committee's action of the 88th and 89th Congresses, it is recommended that the bill, S. 1164, be considered favorably.

YVONNE DAVIS

The bill (S. 2026) for the relief of Yvonne Davis was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any funds in the

Treasury not otherwise appropriated, to Yvonne Davis of Old Town, Maine, the sum of $561.05. Such sum represents the amount of hospital and medical expenses incurred by the said Yvonne Davis in connection with an ear operation performed on her in a civilian hospital in Bangor, Maine, after having been erroneously advised by medical personnel at Dow Air Force Base, Maine, that she was, as a dependent parent of a member of the Armed Forces, entitled to hospital and medical care in civilian facilities at the expense of the United States.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1240), explaining the purposes of the bill.

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

PURPOSE

The purpose of the bill is to authorize and direct the Secretary of the Treasury to pay the sum of $561.05 to Yvonne Davis, of Old Town, Maine, representing the amount of hospital and medical expenses incurred by the claimant in connection with an ear operation performed on her in a civilian hospital in Bangor, Maine, after having been erroneously advised by medical personnel at Dow Air Force Base, Maine, that she was entitled to hospital and medical care in civilian facilities at the expense of the United States.

STATEMENT

The facts of the case are contained in the report of the Department of the Air Force, and are as follows:

"Mrs. Davis is the dependent mother of a member of the Women's Army Corps (WAC), Specialist, Fourth Class Deborah F. Davis, WA8120775, Headquarters Company, WAC, Fort Myer, Va. As such a dependent parent (residing in a dwelling place provided by the member), she was entitled to hospitalization and medical care in facilities of the uniformed services, subject to the availability of space and facilities and capabilities of the medical staff. At the time involved, the Dow Air Force Base Hospital did not have an otolaryngologist on its staff, and, therefore, lacked the surgical capability required to perform an operation of the type needed by Mrs. Davis, the operation being a stapedectomy. As a parent, she was not entitled to any care from civilian sources under either the original Dependent's Medical Care Act or under the 1966 amendments. However, in an outpatient visit to the Air Force Hospital, Dow Air Force Base, November 28, 1966, Mrs. Davis was advised by an Air Force medical officer that she was entitled to obtain hospitalization and medical care from civilian sources at U.S. expense. Thereafter, her civilian physician had her admitted to the Eastern Maine General Hospital, Bangor, Maine, and she underwent a stapedectomy operation at that hospital December 12, 1966.

"Whether the circumstances related would justify a private law to reimburse Mrs. Davis is, of course, a matter of legislative discretion. The stapedectomy, while necessary to prevent a further loss of hearing, may not have been desired by Mrs. Davis if she had been properly advised that she was not entitled to medical care at the expense of the Government. However, since she had been advised to have the operation by her civilian physician and since it could not be performed at the Dow hospital, it can be argued that there was no reasonable alternative to obtaining the operation, if at all, from civilian sources. On the other hand, she might well have decided to make arrangements for the operation where she could have been accommodated on a space-available basis.

"In view of her clear reliance on the erroneous information given to her by an Air Force medical officer, the Department of the Air Force believes that the uncertainty in the case should be resolved in favor of Mrs. Davis and the Department would, therefore, have no objection to an award to her in the amount of $536.05. This award reflects the $561.05 in medical and hospital costs incurred by Mrs. Davis reduced by $25 representing the contribution she would have been required to make to such costs by law had she, in fact, been a dependent of a member of the uniformed services eligible for medical and hospital care in civilian facilities at Government expense."

Inasmuch as Mrs. Davis was erroneously informed by an Air Force medical officer as to her eligibility for medical and hospital care in civilian facilities at Government expense, the committee is of the opinion that she should be reimbursed for her expenses involved.

The committee is in agreement with the Department of the Air Force that in view of Mrs. Davis' reliance on the erroneous information given her by an Air Force medical officer, the case should be resolved in her favor, and accordingly, the committee recommends that the bill, S. 2026, be considered favorably.

AILI KALLIO

The bill (S. 2036) for the relief of Mrs. Aili Kallio was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay to Mrs. Aili Kallio, out of any money in the Treasury not otherwise appropriated, a sum of money to be determined as provided in section 2 of this Act, in full settlement of any claim she may have against the United States because of failure to receive merchantable title to a tract of land containing 24 acres more or less, located within the southeast quarter southwest quarter, section 19, township 51 north, range 32 west, Michigan Meridian, Baraga County, Michigan, by deed recorded on the land records of Baraga County, Michigan: *Provided,* That prior to such payment Mrs. Kallio shall convey by deed in form acceptable to the Secretary of the Interior all her right, title, and interest in the above described property to the heirs of William Owen.

SEC. 2. The Secretary of the Interior, after taking into consideration such appraisals as he deems necessary or appropriate, shall determine the fair market value of the property described in section 1, as of the effective date of this Act, and shall notify the Secretary of the Treasury of said sum which shall be paid as provided in the first section of this Act.

SEC. 3. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by an agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1241), explaining the purposes of the bill.

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

STATEMENT

The Department of the Interior has no objection to the enactment of this legislation.

The property described in the bill is part of the original allotment of one William Owen, deceased allottee No. 262 of the L'Anse Reservation, Mich. William Owen died testate July 10, 1918, and his will was approved by the President on September 20, 1921. Mr. Owen willed his entire estate to his surviving wife, Emeline Owen, who subsequently died February 27, 1919. When the will of William Owen was approved, the Assistant Commissioner of Indian Affairs notified the special agent in charge of the Mackinac Agency (now L'Anse) that approval of the will by the President removed the restrictions on the lands and that they were no longer under the supervision of the Indian Office.

In 1923, Margaret Duggan, as administratrix of the estate of Emeline Owen, conveyed the land described in the bill, together with other lands, to Edward Sicotte for a consideration of $1,100. This transaction was approved by the Baraga County Court. This action was taken by Mrs. Duggan after the Assistant Commissioner had advised the special agent in charge that approval of William Owen's will by the President removed the restrictions on the lands. However, the Solicitor subsequently held that approval of a will by the President of an Indian who died after February 13, 1914, did not effect the removal of restrictions on Indian lands (Solicitor's opinion of February 11, 1944, M-33441). Mrs. Kallio, in 1934, prior to the Solicitor's opinion, purchased the land described in the bill from Mrs. Sicotte for a consideration of $850. Mrs. Kallio has stated that she first became aware of the default in the title when she attempted to sell the land in 1965.

There are 14 heirs to this parcel of land. The majority of the heirs refuse to convey their interests in this land in order to assist in clearing the title. At the same time, since the original conveyance was made in good faith upon advice from the Bureau of Indian Affairs that the property was no longer restricted, the present record titleholder should not, after having paid consideration and having acted in good faith, be penalized by being required to forfeit her right to the land without reimbursement.

The property in question is located approximately 2½ miles north and east of L'Anse, Mich. It fronts a paved, all-weather county road. There are no improvements on the land; however, there are 10 acres of cleared, idle cropland and 13.5 acres of timberland. Government appraisers, as of July 1967, have estimated the fair market value of the land to be $2,000. Mrs. Kallio, in a written statement, has acknowledged her willingness to accept this amount.

After a review of the facts of the case as set forth in the report of the Department of the Interior and in a report directed to the Honorable Philip A. Hart, the sponsor of this legislation, from the Minneapolis area office of the Department of the Interior, the committee is of the opinion that the bill should be approved. Accordingly, it is recommended that the bill, S. 2036, be considered favorably and so reported to the Senate.

CLARA B. HYSSONG

The bill (H.R. 1655) for the relief of Clara B. Hyssong 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. 1242), explaining the purposes of the bill.

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

PURPOSE

The purpose of the proposed legislation is to relieve Clara B. Hyssong of liability to

the United States in the amount of $1,448.40 representing a portion of the amount of sums paid to her in the period January 1957 through November 1962 as widow's benefits under title 38 of the United States Code, which were held to have been in violation of the provisions of that title relating to income limitation for income in addition to the pension payments. The bill further provides for a refund of any amounts paid in connection with the liability referred to above.

STATEMENT

The facts concerning this claim are set forth in the House report of H.R. 1655 and are as follows:

"On August 13, 1953, Mrs. Hyssong was awarded death pension at the then statutory rate of $48 per month on the basis of a reported annual income not in excess of $1,400, the income limitation under the pension law pertaining to a widow without a child. On September 29, 1953, she was notified of the award, informed that pension was not payable if the annual income limitation of $1,400 was exceeded, and advised to notify the Veterans' Administration if her income increased to the extent of exceeding the stated limitation.

"In a letter of October 3, 1953, the widow advised the Veterans' Administration that she was 'somewhat confused' as to how much she could earn and still receive pension. By letter of October 7, 1953, Mrs. Hyssong was again informed of the statutory $1,400 income limitation, and of the importance of advising the Veterans' Administration of any increase in income which would exceed the stated amount.

"This bill was the subject of a subcommittee hearing on April 13, 1967. At that hearing the testimony established that the income which is referred to in this bill was earned by Mrs. Hyssong as an employee of the Handley Library, Winchester, Va. When she was employed by the library, she sought to determine how much she could earn and still be entitled to her widow's pension. The fact that she contacted the Veterans' Administration has been referred to above and has been noted in the Veterans' Administration report on the bill. Ultimately, she consulted with an individual who was a Veterans' Affairs adviser and was advised that she could only earn $120 a month and that if she limited her income to this amount, she would not exceed the limitations set by the Veterans' Administration.

"In her initial employment with the library, she had been compensated at the rate of $150 a month. Upon receiving this advice, she contacted the officials of the library board and requested that her salary be adjusted so that she would receive only $120 a month. The individual who gave her the advice concerning her salary was assumed to be a representative of the Veterans' Administration but subsequent investigation established that he was an employee of the State of Virginia and not of the Veterans' Administration. However this may be, she clearly relied on this advice to her detriment, with the result that the Veterans' Administration has ruled that she was erroneously paid the widow's benefits referred to in this bill with the consequence that she has been held to be obligated to the United States to refund the amount she received over the 5-year, 11-month period and this amount is $3,578.40.

"The committee feels that Mrs. Hyssong sought in good faith to comply with the regulations of the Veterans' Administration and further sought to adjust her income in reliance on advice of an individual whom she felt spoke with knowledge and authority concerning these regulations. However, when it is considered that the library board benefited to the extent of $30 a month by reason of the reduction of income received by Mrs. Hyssong as her monthly salary, the committee feels that since the reduction did not benefit Mrs. Hyssong, she in equity should receive this amount. This is beyond the power of Congress to adjust but it can be reflected by providing for a reduction in the amount received in the bill equal to the aggregate of that amount. Accordingly, it is recommended that the amount relieved by the bill be reduced to $1,448.40 and, with this amendment, it is recommended that the bill be considered favorably."

The committee has considered the recommendation of the House of Representatives and recommends that the bill, H.R. 1655, be considered favorably.

CAPT. DAVID CAMPBELL

The bill (H.R. 2270) for the relief of Capt. David Campbell 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. 1243), explaining the purposes of the bill.

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

PURPOSE

The purpose of the proposed legislation is to relieve David Campbell, captain, U.S. Air Force (72056A) of liability to the United States in the amount of $3,292.36, the amount of an overpayment of his pay and allowances as a member of the U.S. Air Force in the period beginning April 5, 1961, and ending August 31, 1964, because of an administrative error. The bill would authorize the refund of any amounts paid or withheld by reason of the liability.

STATEMENT

The Department of the Air Force, in reporting to the committee, states that it has no objection to favorable consideration of the bill.

The facts of the case are contained in House Report No. 965, as follows:

"Lieutenant Campbell was a midshipman in the Naval Reserve Officer Training Corps, U.S. Naval Reserve, from September 16, 1957, until his honorable discharge on June 1, 1959. He enlisted in the U.S. Air Force as an aviation cadet on May 19, 1960. On April 5, 1961, he was commissioned as a second lieutenant in the Air Force. He has been on continuous active duty with the Air Force since May 19, 1960. While an Air Force cadet, he was properly paid 50 percent of the basic pay of an officer in pay grade O–1 with 2 or less years' service as prescribed in 37 U.S.C. 201(e). H.R. 2270 states the overpayments commenced on April 5, 1960. Air Force records show they commenced April 5, 1961, the date he was commissioned as a second lieutenant. At that time, his pay date was erroneously established as September 16, 1957. Thus he was given credit for pay purposes for continuous military service from the date he entered naval service. Lieutenant Campbell states the midshipman service credit was originally started at Harlingen Air Force Base when he went from cadet to officer status. Upon his transfer to McGuire Air Force Base in May 1961, the finance officer checked on this service and found it to be proper. In December 1961, upon his arrival at Chateauroux Air Force Base, the finance officer disagreed with the findings of the previous finance officer. Lieutenant Campbell states he then voluntarily took a reduction in pay. This committee feels that it is significant to note that the officer stated that in mid-1962 the finance officer at Chateauroux told him he had received confirmation from Washington that he was entitled to the credit. He then was given a check for the backpay. From then until he left Chateauroux Air Force Base in 1964 he received credit for the midshipman service. This review and the resulting assurance by finance personnel that he was entitled to the credit served to compound the error and misled Lieutenant Campbell. Normally an officer would be entitled to rely upon a determination of this type. However, following his arrival at James Connally Air Force Base (in July 1964), the finance officer there disagreed with second Chateauroux determination. After contacting the Air Force Accounting and Finance Center at Denver, Connally Air Force disallowed the credit.

"In its report the Air Force stated that the sequence of events related by Lieutenant Campbell is similar to that revealed by Air Force records. Commencing on April 5, 1961, he was paid on the basis of the September 16, 1957, pay date. His pay record for the period January 1, 1962, through June 30, 1962, shows that an adjustment in pay was made. During that period he was first paid on the basis of his proper pay date (May 19, 1960). However, these entries were lined out and entries made to show payment for the entire period based on the erroneous September 16, 1957, pay date. The record also shows a $676.06 payment for the last pay date in June. This apparently represents basic pay, flight pay, and allowances for the last half of June, plus a lump-sum payment of back pay due to retroactive reestablishment of the erroneous September 16, 1957, pay date. Thereafter, he was paid on the basis of the September 16, 1957, pay date. Air Force records contain no explanation for the adjustments made during this period; however, the committee feels that these facts serve to corroborate the statements of Lieutenant Campbell concerning the assurances that he was entitled to pay on the basis of the pay date which was subsequently ruled to have been erroneous.

"Lieutenant Campbell was assigned to James Connally Air Force Base in July 1964. That base obtained a verified statement of service from Headquarters, U.S. Air Force, which shows a pay date of May 19, 1960. Effective September 1, 1964, his basic pay and flight pay were reduced to reflect the correct pay date. At the request of James Connally Air Force Base, the Air Force Accounting and Finance Center (AFAFC) audited Lieutenant Campbell's pay records. The audit showed overpayments totaling $3,168.36 were made from April 5, 1961, through March 31, 1964 (the latest pay record available at AFAFC). The base later determined additional overpayments totaling $124 were made from April 1, 1964, through August 31, 1964. Therefore, erroneous payments totaling $3,292.36 were made from April 5, 1961, through August 31, 1964.

"In view of all of the facts outlined above and in the departmental report, the Department of the Air Force stated that it would have no objection to favorable consideration of the bill. It further noted that it had found no evidence of lack of good faith on Lieutenant Campbell's part. In this connection, the Department of the Air Force stated as follows:

" 'The Department of the Air Force does not have authority to waive Lieutenant Campbell's indebtedness. There is no evidence of lack of good faith on his part. The overpayments were the result of administrative error on the part of Air Force personnel.

" 'Based upon a review of the circumstances of this case the Department of the Air Force interposes no objection to favorable consideration of the bill.' "

After a review of the circumstances of this case, the committee concurs in the views of the House Committee on the Judiciary that this is a proper subject for legislative relief, and accordingly recommends that the bill, H.R. 2270, be considered favorably.

DEAN P. BARTELT

The bill (H.R. 2455) for the relief of Dean P. Bartelt 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. 1244), explaining the purposes of the bill.

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

PURPOSE

The purpose of the proposed legislation is to relieve Dean P. Bartelt, of Madison, Wis., of liability in the amount of $102.36 based upon an overpayment of travel allowance while he was a member of the U.S. Army.

STATEMENT

The Department of the Army in its report to the House Judiciary Committee on the bill outlined the hardship involved in this case and indicated that it would have no objection to legislative relief.

On November 13, 1962, Dean P. Bartelt, then an Army enlisted man, received permanent change of station orders from Fort Wainwright, Alaska, to Fort Eustis, Va. The orders authorized his travel and dependents' travel by privately owned vehicle via the Alaskan Highway. He complied with these orders and was reimbursed for his travel of 5,255 miles to Fort Eustis, Va. (via Seattle, Wash.) and for his dependents' travel of 5,226 miles to Williamsburg, Va. (also via Seattle, Wash.). He was honorably discharged as a sergeant from the Army on July 8, 1965. On January 13, 1965, the Army Finance Center informed him that the U.S. General Accounting Office had determined that the maximum mileage allowable was 4,398 miles (via Edmonton Alberta, Canada) for him and 4,377 miles (via Edmonton, Alberta, Canada) for his dependents. These limitations on allowable mileage resulted in an indebtedness to the United States of $102.36, the amount of this bill.

The Department of the Army outlined the basis for the erroneous payment and the hardship in the case and on the basis of these circumstances and equities indicated that it had no objection to the bill. In its report, to the House Judiciary Committee, the Army stated:

"The Department of the Army generally does not oppose a bill of this nature when a former serviceman has received in good faith an erroneous payment made through administrative error. The payments for excessive travel performed pursuant to permanent change of station orders from Fort Wainwright, Alaska, to Fort Eustis, Va., resulted from the failure of administrative personnel of the Department to compute correctly the mileage for such travel. Sergeant Bartelt accepted the erroneous payments in good faith and apparently had no reason to suspect any irregularity until notified of the indebtedness on January 13, 1965, 2 years after the travel was performed. In a letter submitted to this Department, Mr. Bartelt explained that when he reported for duty at Fort Eustis, Va., on January 20, 1963, he learned that his household goods had been destroyed by a warehouse fire in Seattle, Wash. Although he received $2,497.61 from the United States in March 1964, in settlement of the loss, he and his family experienced personal and financial hardship in the intervening months. In 1963 he also incurred hospital and doctor bills of almost $1,000 because of the birth of a child in the summer, followed by a hysterectomy performed on his wife in October. He has a monthly net income of only $391.78 to support his wife and two young children, with average monthly expenditures of $416.68. In view of these equitable considerations, the Department of the Army has no objection to the bill."

The committee has carefully weighed this matter and agrees that this is a proper subject for legislative relief. The man actually performed the travel for which he was paid and the action by Government personnel led him to believe that he had been paid correctly. The delay in uncovering the error and asserting the claim on the part of the Government has served to accentuate the hardship experienced by this former Army member. In view of this demonstrated hardship, it is recommended that the bill be considered favorably.

CHARLES C. BEAURY

The bill (H.R. 2688) for the relief of the estate of Charles C. Beaury 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. 1245), explaining the purposes of the bill.

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

PURPOSE

The purpose of the proposed legislation is to relieve the estate of Charles C. Beaury of indebtedness to the United States in the amount of $288, representing the unpaid balance of a claim by the Government against the decedent based upon the loss of a piece of registered mail.

STATEMENT

The bill, as originally introduced in the House of Representatives, authorized the payment of $508 to Mr. Charles C. Beaury, a sum representing the amount of his liability to the Government as the result of the loss of money contained in a registered letter which apparently was stolen from his mail vehicle.

The bill, as passed by the House, was amended, the effect of which would be to relieve Mr. Beaury's estate or widow of any further liability to the United States arising out of the loss of $508. The Post Office Department advised the House Judiciary Committee that they would have no objection to the favorable consideration of this proposal in the lesser amount due to the fact that Mr. Beaury died on April 13, 1967. Of the original claim to the Government, Mr. Beaury, before his death, had repaid $220 leaving outstanding an indebtedness to the Government of $288. The bill, as passed by the House, would relieve the estate of Mr. Beaury of repaying this amount to the Government growing out of the loss of the registered letter which contained a remittance of $508 in currency from a contract station.

In a supplemental report submitted to the House Judiciary Committee, the Post Office Department advised that Mr. Beaury died after an extended illness and left little by way of estate; that his widow is working in a clerical capacity in order to support two surviving dependent children; that in view of this it would invoke an extreme hardship on the estate to repay the amount owed to the Government, and for that reason the Department would not oppose the enactment of the bill in the reduced amount.

The committee is in agreement with the action of the House in amending the bill so as to relieve the estate of the repayment of the $288 and, accordingly, recommends favorable consideration of H.R. 2688, without amendment.

BILL PASSED OVER

The bill (H.R. 4820) for the relief of Sylvan H. Miller was announced as next in order.

Mr. KUCHEL. Over.

Mr. MANSFIELD. Over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

DONALD E. CRICHTON

The bill (H.R. 4961) for the relief of Donald E. Crichton 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. 1247), explaining the purposes of the bill.

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

PURPOSE

The purpose of the proposed legislation is to relieve Donald E. Crichton, U.S. Air Force, retired (AF 17179390), of liability to the United States in the amount of $1,550.12, representing overpayments resulting from an administrative error in fixing a pay date in order to provide for the payment of longevity pay as a member of the Air Force. The bill provides for a refund of any amounts repaid or withheld by reason of the liability.

STATEMENT

The Department of the Air Force, in its report to the committee, states that it is not opposed to enactment of this legislation.

The facts of the case are contained in House Report No. 957 as follows:

"M. Sgt. Donald E. Crichton (AF 17179390) served as an enlisted member in the Navy from January 12, 1943, through December 6, 1945, and in the Navy Reserve from April 12 through October 16, 1947. From October 17, 1947, through October 26, 1949, he served as an enlisted member in the Army. He enlisted in the Air Force on October 27, 1949, and served on continuous active duty until his retirement January 31, 1966. On February 1, 1966, he became entitled to retired pay at the rate of $223.97 a month. On December 1, 1966, this was increased to $232.26.

"When he enlisted in the Air Force, Sergeant Crichton's pay and allowances were based on a pay date of January 12, 1943. This pay date gave him credit for continuous military service from the date of his first enlistment in the Navy. In 1964, prior to his pending retirement, the Air Force reviewed Sergeant Crichton's military records. This review showed that during his first Navy enlistment, Sergeant Crichton had 69 days' lost time which was not creditable for pay purposes. The review also showed that from December 7, 1945, through April 11, 1947, he had no military service. Based on the review of his records, a statement of service was issued showing his correct pay date as July 26, 1944. The pay date on which his pay was then computed (Jan. 12, 1943) was determined to be erroneous. It gave him credit for 1 year, 6 months, and 15 days more service than the pay date listed on the statement of service.

"The Air Force Accounting and Finance Center (AFAFC) made a complete audit of Sergeant Crichton's pay account. The audit established that from the date he enlisted in the Air Force his pay had been based on the erroneous pay date. As a result, he received overpayments of base pay, fly pay, reenlistment bonus, and accrued leave totaling $1,560.46. The overpayments were made from October 27, 1949, through January 31, 1966. The audit also shows that he was underpaid $10.34 on his reenlistment bonus on July 16, 1960. Applying the underpayment against the overpayments reduced his total indebtedness to $1,550.12.

"Early in December, AFAFC asked the accounting and finance officer at his duty sta-

tion to collect the overpayments from Sergeant Crichton's active duty pay. However, he retired before collection could be initiated. Following his retirement, AFAFC notified Sergeant Crichton directly of the indebtedness. He was advised that unless he voluntarily made restitution, the indebtedness would be collected by monthly deductions from his retired pay. Deducations at the rate of $55.99 were initiated from his retired pay beginning November 1, 1966. However, this collection action was suspended March 20, 1967, at the request of the sponsor of this legislation, pending consideration of H.R. 4961 by the 90th Congress.

"The Department of the Air Force in its report to the committee noted that the overpayments which are the subject of this bill occurred over a 16-year period. The Air Force investigation disclosed no evidence of lack of good faith on the part of this retired sergeant. As a retired enlisted man, it appears that repayment of this substantial amount which accrued over a period of 16 years would impose an unfair hardship upon him. Under the particular circumstances of this case, the committee feels that the legislative relief is merited and recommends that the bill be considered favorably."

The Committee on the Judiciary concurs in the views of the House committee and recommends that the bill, H.R. 4961, be considered favorably.

BILL PASSED OVER

The bill (H.R. 5199) for the relief of James E. Denman was announced as next in order.

Mr. MANSFIELD. Over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

MRS. E. JUANITA COLLINSON

The bill (H.R. 5854) for the relief of Mrs. E. Juanita Collinson 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. 1249), explaining the purposes of the bill.

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

PURPOSE

The purpose of the proposed legislation is to relieve Mrs. E. Juanita Collinson, of Rock Island, Ill., of liability to pay the United States the amount of $579.13, representing overpayments of compensation which she received through administrative error in the period from November 4, 1962, and ending May 2, 1964, while an employee of the Department of the Army at the Rock Island Arsenal, Ill.

STATEMENT

Records of the Department of the Army disclosed that on January 15, 1961, Mrs. E. Juanita Collinson, who previously was employed at the Rock Island Arsenal as a GS-6, supervisory stock control clerk, had her grade changed to GS-5, supervisory stock control clerk. Under applicable regulations, her salary was to continue unchanged until January 15, 1963. The change in grade was due to reevaluation of her job using a new evaluation guide. Effective November 4, 1962, Mrs. Collinson was promoted to GS-6 and her yearly salary increased to $6,225 (GS-6, step 8 rate). It should have remained at $5,885 (the salary for GS-6, step 6, and GS-5, step 9), the rate of her earlier GS-6 position. This error occurred because her salary as a GS-6 was used as the base instead of her salary as a GS-5. Because of the erroneous November 4, 1962, increase, Mrs. Collinson received additional erroneous salary increases on January 12, 1964, and July 12, 1964. The January 12, 1964, increase should have been to $6,110 per year (GS-6, step 6 rate) under the Federal Salary Reform Act of 1962 (Public Law 87-793, 76 Stat. 841), but was recorded as $6,460 (GS-6, step 8 rate). The July 12, 1964, increase should have been to $6,430 per year (GS-6, step 6 rate) under the Federal Employees Salary Act of 1964 (Public Law 88-426, 78 Stat. 400), but was recorded as $6,800 (GS-6, step 8 rate). These errors were discovered in October 1964 and correct entries were made on October 23, 1964. Overpayment collection action was initiated in December 1964 by informing Mrs. Collinson to make arrangements for repayment. Mrs. Collinson was erroneously informed that the amount of the overpayments to be collected was $208.96 for the period May 3, 1964, to October 23, 1964, whereas the true amount was $788.09 (base pay and overtime) for the period November 4, 1962, to October 23, 1964. Mrs. Collinson has repaid the amount originally stated to be due; i.e., $208.96 for the period May 3, 1964, to October 23, 1964. The outstanding balance due is $579.13 for the period November 4, 1962, to May 2, 1964.

The committee is impressed by the fact that Mrs. Collinson endeavored in good faith to repay the amount she had been advised was the amount of the overpayment; that is, $208.96. However, it now appears that she owes an additional amount of $579.13. The assertion of this additional indebtedness, as is noted in the departmental report, is a financial hardship to Mrs. Collinson. Mrs. Collinson is a widow and is now more than 60 years of age. In the past she supported her father and furnished financial assistance to her sister who was in a nursing home and to the sister's two minor children. As a result, her ability to save money was severely limited. The imposition of this liability at this point in time as she approaches retirement is a clear hardship for this widow.

The Department of the Army, in its report to the chairman of the House Judiciary Committee, emphasizes that the overpayment resulted from errors by Department of the Army personnel and through no fault of Mrs. Collinson, and the payments were received by Mrs. Collinson in good faith. Accordingly, the Department of the Army has no objection to favorable consideration of this proposed legislation.

The committee is in agreement with the Department of the Army that this legislation should be favorably considered, inasmuch as the committee has on a number of occasions favorably reported legislation, such as the instant case, wherein the overpayments resulted from governmental error, there was good faith on the part of the claimant, and repayment would impose an undue financial hardship upon the claimant. Inasmuch as all these elements are present, the committee recommends favorable consideration of H.R. 5854, without amendment.

The committee has been advised that an attorney has rendered services in connection with this matter, and therefore the bill carries the customary limitation upon attorney's fees.

CLAUD FERGUSON

The bill (H.R. 6305) for the relief of Claud Ferguson was considered, ordered to a third reading, read the third time, and passed.

LESTER W. HEIN AND SADIE HEIN

The bill (H.R. 6890) for the relief of Lester W. Hein and Sadie Hein 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. 1251), explaining the purposes of the bill.

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

PURPOSE

The purpose of the proposed legislation is to pay Lester W. and Sadie Hein, of Independence, Mo., $4,510.39 in settlement of their claims against the United States for compensation for damages sustained on August 7, 1960, when a National Guard 5-ton wrecker assigned to the Missouri National Guard crashed into their drive-in restaurant.

STATEMENT

The House Judiciary Committee, in its report No. 851, states the facts of the case as follows:

"The collision which gave rise to the claim embodied in this bill occurred during the time that the 110th Engineer Battalion of the Missouri National Guard was returning to its home station in Kansas City, Mo., from Camp Ripley, Minn., by motor convoy on August 7, 1960. At approximately 10:30 in the morning, the brakes of the 5-ton wrecker operated by a member of the Missouri National Guard failed as the vehicle approached an intersection on bypass Route 71 and 23d Street in Independence, Mo. There were a number of civilian cars stopped at a stoplight at the intersection and the driver of the wrecker quickly decided to turn off the highway and onto the property of Mr. and Mrs. Hein. The Heins operated a drive-in restaurant at that location known as Tasty Delight. The driver was unable to stop the wrecker and it hit the building and did serious property damage.

"In the 89th Congress, the Senate passed a bill, S. 574, providing relief in a manner similar to this bill. In the report accompanying that bill, Senate Report 92, 89th Congress, first session, the Senate committee stated that a Maj. C. D. VanKirk, of the headquarters of the 110th Engineer Battalion, made an investigation of the accident and found that the driver was experienced and used good judgment under the difficult circumstances in which he found himself. This committee agrees with the conclusions of the Senate committee in connection with the other bill when it stated that the damage suffered by Mr. and Mrs. Hein was caused by personnel of the National Guard acting within the scope of their employment. In this connection, it is pertinent to note that the accident occurred in 1960 prior to the enactment of amendments to section 715 of title 32, United States Code. These amendments in effect made it possible to apply the standards and procedures of the Military Claims Act to claims based on National Guard activities and from the facts before the committee, it appears that the claim of Mr. and Mrs. Hein would have been cognizable under the amended section. The amendments were added by Public Law 86-740, approved September 13, 1960.

"The Senate report in 1965 indicated the original claim in this case was for a loss of $16,113.56. This included the loss of business suffered by the Heins in the period from August 7, 1960, to December 11, 1960, when they were unable to operate the drive-in restaurant due to the damage caused by the wrecker. A firm of certified public accountants determined the loss of business in the period to be $5,887.81. The damage suffered by the claimants was compensated in part by insurance carried by them which resulted in a payment of $7,092.78.

"The committee has inquired into the basis of the uncompensated loss, in addition to the loss of business, which is the subject of this bill. The equipment of the Tasty Delight Restaurant damaged in the collision

could not be duplicated by the Heins. Instead a larger fountain had to be purchased. The original equipment was custom made, and their original supplier was out of business. Furthermore, custom-built equipment would have cost more. This necessitated an enlargement of the building. Secondly, the bottles broken in the accident released ice cream topping and other substances into the septic system which ultimately caused a clogging of the system which, some time after the accident, required work on the septic tank. Initially, it was felt that a cleaning of the septic tank would correct the situation, but this was not possible, and the consequent work and excavation caused additional expense. Among the papers submitted to the committee is an itemization of the work associated with the septic tank, and this totaled $1,687.80.

"In addition to the itemized material submitted to the committee, the committee recognizes that there are other elements of damage which are perhaps best recognized in the figure computed by the firm of accountants and summarized as loss of business over the period that the restaurant could not operate. However, after much study of this case, it was concluded that the damage suffered would not be capable of complete computation but rather would have to be approximated. The figure originally stated in the bill was $9,020.78 and the committee felt that the loss should be compensated at an amount approximately half that amount. Accordingly, the figure recommended by the committee is $4,510.39 which, in the light of all the factors, the committee has concluded would provide full compensation for the uncompensated loss occasioned by the accident involving the National Guard wrecker. Accordingly, it is recommended that the bill amended to provide for payment of $4,510.39, be favorably considered."

The committee, after a review of all of the foregoing, concurs in the action of the House of Representatives and recommends that the bill, H.R. 6890, be considered favorably.

WILLARD HERNDON RUSK

The bill (H.R. 8088) for the relief of Willard Herndon Rusk was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar for the time being.

CONSTRUCTION AT MILITARY INSTALLATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1210, H.R. 16703. I do this so that the bill may be the pending business.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 16703) to authorize certain construction at military installations, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services, with an amendment, strike out all after the enacting clause and insert:

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment for the following projects:

INSIDE THE UNITED STATES

UNITED STATES CONTINENTAL ARMY COMMAND

(First Army)

Fort Belvoir, Virginia: Operational and training facilities, research, development, and test facilities, and medical facilities, $2,175,000.

Fort Dix New Jersey: Training facilities, and utilities, $2,449,000.

Fort Eustis, Virginia: Operational and training facilities, and troop housing, $3,312,000.

Fort Hamilton, New York: Utilities, $160,000.

A. P. Hill Military Reservation, Virginia: Troop housing, $501,000.

Fort Knox, Kentucky: Research, development, and test facilities, and medical facilities, $727,000.

Fort Lee, Virginia: Training facilities, and troop housing, $2,021,000.

(Third Army)

Fort Benning, Georgia: Training facilities, maintenance facilities, research and development, and test facilities, troop housing, and utilities, $4,126,000.

Fort Bragg, North Carolina: Maintenance facilities, and medical facilities $618,000.

Fort Gordon, Georgia: Hospital facilities, $21,362,000.

Fort Jackson, South Carolina: Operational facilities, and medical facilities, $1,661,000.

Fort McPherson, Georgia: Operational facilities, $596,000.

Fort Rucker, Alabama: Operational facilities, $2,298,000.

(Fourth Army)

Fort Bliss, Texas: Training facilities, $465,000.

Fort Hood, Texas: Maintenance facilities, $877,000.

Fort Sam Houston, Texas: Operational facilities, $1,226,000.

Fort Polk, Louisiana: Training facilities, $1,690,000.

Fort Sill, Oklahoma: Research, development, and test facilities, and medical facilities, $581,000.

Fort Wolters, Texas: Maintenance facilities, and troop housing, $1,021,000.

(Fifth Army)

Fort Carson, Colorado: Troop housing, $270,000.

Fort Benjamin Harrison, Indiana: Hospital facilities, $4,320,000.

Fort Riley, Kansas: Troop housing, $245,000.

Fort Sheridan, Illinois: Troop housing, $1,111,000.

Fort Leonard Wood, Missouri: Training facilities, $462,000.

(Sixth Army)

Hunter-Liggett Military Reservation, California: Maintenance facilities, and troop housing, and utilities, $2,975,000.

Fort Irwin, California: Utilities, $52,000.

Fort Lewis, Washington: Training facilities, and utilities, $1,871,000.

Presidio of San Francisco, California: Troop housing, $1,666,000.

(Military District of Washington)

Fort McNair, District of Columbia: Troop housing, $167,000.

UNITED STATES ARMY MATERIEL COMMAND

Aeronautical Maintenance Center, Texas: Maintenance facilities, $3,656,000.

Atlanta Army Depot, Georgia: Operational facilities, $107,000.

Burlington Army Ammunition Plant, New Jersey: Utilities, $164,000.

Fort Detrick, Maryland: Research, development, and test facilities, $6,433,000.

Dugway Proving Ground Utah: Operational facilities, $1,787,000.

Joliet Army Ammunition Plant, Illinois: Utilities, $2,188,000.

Lake City Army Ammunition Plant, Missouri: Utilities, $472,000.

Lexington Army Depot, Kentucky: Maintenance facilities, $75,000.

Fort Monmouth, New Jersey: Operational facilities, and troop housing, $1,307,000.

New Cumberland Army Depot, Pennsylvania: Operational facilities, $638,000.

Picatinny Arsenal, New Jersey: Research, development, and test facilities, $337,000.

Pine Bluff Arsenal, Arkansas: Utilities, $169,000.

Pueblo Army Depot, Colorado: Maintenance facilities, $846,000.

Red River Army Depot, Texas: Maintenance facilities, $372,000.

Redstone Arsenal, Alabama: Research, development, and test facilities, $3,255,000.

Rock Island Arsenal, Illinois: Production facilities, $432,000.

Sacramento Army Depot, California: Maintenance facilities, $855,000.

Savanna Army Depot, Illinois: Maintenance facilities, $464,000.

Sierra Army Depot, California; Training facilities and troop housing, $170,000.

Sunflower Army Ammunition Plant, Kansas: Utilities, $460,000.

Tooele Army Depot, Utah: Operational facilities, and maintenance facilities, $2,283,000.

Volunteer Army Ammunition Plant, Tennessee: Utilities, $1,028,000.

White Sands Missile Range, New Mexico: Research, development, and test facilities, $1,435,000.

Fort Wingate Army Depot, New Mexico: Utilities, $162,000.

Yuma Test Station, Arizona: Maintenance facilities, $736,000.

UNITED STATES ARMY AIR DEFENSE COMMAND

CONUS, various locations: Operational and training facilities, maintenance facilities, supply facilities, medical facilities, administrative facilities, troop housing, community facilities, utilities, and real estate, $227,460,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Fort Huachuca, Arizona: Maintenance facilities, research, development, and test facilities, troop housing, and utilities, $8,948,000.

Fort Ritchie, Maryland: Utilities, $167,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York: Cadet housing, $16,000,000.

ARMY MEDICAL SERVICE

William Beaumont General Hospital, Texas: Hospital facilities, $17,545,000.

Walter Reed Army Medical Center, District of Columbia: Research, development, and test facilities, $2,856,000.

MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Bayonne Naval Supply Center, New Jersey: Supply facilities, and utilities, $812,000.

Oakland Army Terminal, California: Supply facilities, $312,000.

UNITED STATES ARMY, ALASKA

Fort Richardson, Alaska: Utilities, $112,000.

UNITED STATES ARMY, HAWAII

Fort Shafter, Hawaii: Administrative facilities, $312,000.

Tripler Army Hospital, Hawaii: Utilities, $621,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY, PACIFIC

Japan, various: Maintenance facilities, and utilities, $909,000.

Korea, various: Maintenance facilities, $377,000.

Okinawa, various: Utilities, $129,000.

UNITED STATES ARMY FORCES, SOUTHERN COMMAND

Canal Zone, various: Training facilities, troop housing, and utilities, $300,000.

UNITED STATES ARMY MATERIEL COMMAND

Kwajalein Atoll: Research, development, and test facilities, and housing, $3,925,000.

UNITED STATES ARMY SECURITY AGENCY

Various locations: Operational facilities, troop housing, and utilities, $5,386,000.

UNITED STATES ARMY, EUROPE

Germany, various: Operational facilities, maintenance facilities, and supply facilities, $17,384,000.

Various locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, $55,000,000: *Provided*, That within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Various locations: Utilities, $2,200,000.

SEC. 102. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1969, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 103. (a) Public Law 89–188, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

(1) Under the subheading "CONTINENTAL UNITED STATES, Less Army Materiel Command (First Army)" with respect to "Fort Devens, Massachusetts", strike out "$11,964,000" and insert in place thereof "$13,258,000".

(2) Under the subheading "CONTINENTAL UNITED STATES, Less Army Materiel Command (First Army)" with respect to United States Military Academy, West Point, New York", strike out "$18,089,000" and insert in place thereof "$20,635,000".

(3) Under the subheading "CONTINENTAL UNITED STATES, Less Army Materiel Command (Second Army)" with respect to "Fort Knox, Kentucky", strike out "$15,422,000" and insert in place thereof "$15,511,000".

(4) Under the subheading "CONTINENTAL UNITED STATES, Less Army Materiel Command (Third Army)" with respect to Fort Campbell, Kentucky", strike out "$1,992,000" and insert in place thereof "$2,092,000".

(5) Under the subheading "CONTINENTAL UNITED STATES, Less Army Materiel Command (Third Army)" with respect to "Fort Stewart, Georgia", strike out "$2,317,000" and insert in place thereof "$2,872,000".

(6) Under the subheading, "CONTINENTAL UNITED STATES, Less Army Materiel Command (Fifth Army)" with respect to "Fort Benjamin Harrison, Indiana", strike out "$4,017,000" and insert in place thereof "$4,513,000".

(7) Under the subheading, "CONTINENTAL UNITED STATES, Less Army Materiel Command (Fifth Army)" with respect to "Fort Leonard Wood, Missouri", strike out "$16,536,000" and insert in place thereof "$16,848,000".

(8) Under the subheading, "CONTINENTAL UNITED STATES, Less Army Materiel Command (Sixth Army)" with respect to "Presidio of Monterey, California", strike out "$3,046,000" and insert in place thereof "$3,249,000".

(9) Under the subheading, "CONTINENTAL UNITED STATES, Less Army Materiel Command (Military District of Washington)" with respect to "Fort Myer, Virginia", strike out "$5,409,000", and insert in place thereof $5,631,000".

(10) Under the subheading, "UNITED STATES ARMY, HAWAII" with respect to "Schofield Barracks, Hawaii", strike out "$3,175,000" and insert in place thereof "$3,884,000".

(b) Public Law 89–188, as amended, is amended by striking out in clause (1) of section 602 "$254,399,000" and "$311,260,000", and "$260,925,000" and "$317,786,000", respectively.

SEC. 104. (a) Public Law 89–568, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101 as follows:

(1) Under the subheading, "UNITED STATES CONTINENTAL ARMY COMMAND (First Army)" with respect to "Fort Eustis, Virginia", strike out "$957,000" and insert in place thereof "$1,110,000".

(2) Under the subheading, "UNITED STATES CONTINENTAL ARMY COMMAND (Third Army)" with respect to "Fort Jackson, South Carolina", strike out "$4,072,000" and insert in place thereof "$5,565,000".

(3) Under the subheading "UNITED STATES ARMY MATERIEL COMMAND" with respect to "Atlanta Army Depot, Georgia", strike out "$237,000" and insert in place thereof "$470,000".

(b) Public Law 89–568, as amended, is amended by striking out in clause (1) of section 602 "$57,473,000" and "$132,188,000" and inserting "$59,352,000" and "$134,067,000", respectively.

SEC. 105. (a) Public Law 90–110 is amended under the heading "INSIDE THE UNITED STATES" in section 101, as follows:

(1) Under the heading "INSIDE THE UNITED STATES" and under the subheading, "UNITED STATES ARMY AIR DEFENSE COMMAND" with respect to "CONUS various locations," strike out the words "Operational facilities and utilities, $64,846,000" and insert in place thereof "Operational facilities, utilities and real estate, $64,846,000".

(2) Subsection 106(a)(2), Public Law 90–110, amending Public Law 88–390, as amended, in section 101 under the subheading "CONTINENTAL ARMY COMMAND (Military District of Washington, District of Columbia)" with respect to "Fort Myer, Virginia," having inserted erroneous figures, is amended by striking out "$4,052,000" and "$4,330,000" and inserting in place thereof "$4,524,000" and "$4,802,000", respectively.

(3) Under the subheading "OUTSIDE THE UNITED STATES (United States Army, Pacific)" with respect to "Korea", strike out "$2,810,000" and insert in place thereof "$2,850,000".

(b) Public Law 90–110 is amended by striking out in clause (1) of section 802 "$100,480,000" and "$385,712,000" and inserting in place thereof "$100,520,000" and "$385,752,000".

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment for the following projects:

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Air Station, Brunswick, Maine: Ground improvements, $75,000.

Naval Shipyard, Boston, Massachusetts: Maintenance facilities, and utilities, $2,645,000.

Naval Schools Command, Newport, Rhode Island: Troop housing, $1,151,000.

Navy Public Works Center, Newport, Rhode Island: Utilities, $2,874,000.

Naval Air Station, Quonset Point, Rhode Island: Operational facilities, and maintenance facilities, $1,152,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut: Operational facilities, $1,225,000.

FOURTH NAVAL DISTRICT

Naval Air Station, Lakehurst, New Jersey: Operational facilities, and troop housing, $1,284,000.

Naval Air Test Facility, Lakehurst, New Jersey: Operational facilities, $770,000.

Naval Air Propulsion Test Center, Trenton, New Jersey: Utilities, $152,000.

Navy Ships Parts Control Center, Mechanicsburg, Pennsylvania: Administrative facilities, $645,000.

Naval Supply Depot, Mechanicsburg, Pennsylvania: Administrative facilities, and utilities, $802,000.

Naval Shipyard, Philadelphia, Pennsylvania: Operational facilities, maintenance facilities, and utilities, $6,030,000.

Naval Station, Philadelphia, Pennsylvania: Troop housing, $2,581,000.

Naval Supply Depot, Philadelphia, Pennsylvania: Utilities, $327,000.

DISTRICT OF COLUMBIA NAVAL DISTRICT

Naval Academy, Annapolis, Maryland: Ground improvements, $2,000,000.

Naval Ordnance Station, Indian Head, Maryland: Research, development, and test facilities, $1,376,000.

Naval School, Explosive Ordnance Disposal, Indian Head, Maryland: Training facilities, $134,000.

Naval Air Test Center, Patuxent River, Maryland: Operational facilities, research, development, and test facilities, and administrative facilities, $4,822,000.

Naval Weapons Laboratory, Dahlgren, Virginia: Research, development, and test facilities, $468,000.

FIFTH NAVAL DISTRICT

Naval Training Center, Bainbridge, Maryland: Utilities, $50,000.

Fleet Anti-Air Warfare Training Center, Dam Neck, Virginia: Troop housing, and utilities, $1,213,000.

Naval Amphibious Base, Little Creek, Virginia: Troop housing, and utilities, $1,582,000.

Naval Shipyard, Norfolk, Virginia: Maintenance facilities, and utilities, $4,869,000.

Fleet Operations Control Center, Norfolk, Virginia: Operational facilities, $888,000.

Naval Station, Norfolk, Virginia: Troop housing, $1,959,000.

Naval Air Station, Norfolk, Virginia: Operational facilities, and maintenance facilities, $7,441,000.

Naval Supply Center, Norfolk, Virginia: Operational facilities, $601,000.

Atlantic Fleet Anti-Submarine Warfare

Tactical School, Norfolk, Virginia: Training facilities, $205,000.

Navy Public Works Center, Norfolk, Virginia: Utilities and ground improvements, $1,950,000.

Naval Radio Station, Northwest, Virginia: Administrative facilities, and medical facilities, $175,000.

Naval Air Station, Oceana, Virginia: Operational facilities, troop housing, and utilities, $3,020,000.

Naval Weapons Station, Yorktown, Virginia: Maintenance facilities, $156,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida: Maintenance facilities, $3,379,000.

Naval Air Station, Jacksonville, Florida: Maintenance facilities, $1,085,000.

Naval Station, Mayport, Florida: Community facilities, $550,000.

Naval Air Station, Key West, Florida: Operational facilities, $97,000.

Naval School, Underwater Swimmers, Key West, Florida: Training facilities, $100,000.

Naval Hospital, Key West, Florida: Utilities, $140,000.

Naval Training Center, Orlando, Florida: Training facilities, $2,416,000.

Naval Auxiliary Air Station, Ellyson Field, Florida: Supply facilities, $79,000.

Navy Mine Defense Laboratory, Panama City, Florida: Research, development, and test facilities, $7,411,000.

Naval Air Station, Pensacola, Florida: Operational and training facilities, maintenance facilities, troop housing, and real estate, $8,041,000.

Naval Communications Training Center, Pensacola, Florida: Troop housing, $866,000.

Navy Public Works Center, Pensacola, Florida: Utilities, $3,100,000.

Naval Auxiliary Air Station, Saufley Field, Florida: Operational and training facilities, and maintenance facilities, $700,000.

Naval Auxiliary Air Station, Whiting Field, Florida: Operational and training facilities, maintenance facilities, and utilities, $626,000.

Naval Air Station, Albany, Georgia: Operational facilities, $181,000.

Naval Supply Corps School, Athens, Georgia: Troop housing, $1,372,000.

Naval Air Station, Glynco, Georgia: Training facilities, $141,000.

Naval Auxiliary Air Station, Meridian, Mississippi: Operational and training facilities, maintenance facilities, troop housing, and utilities, $1,204,000.

Naval Shipyard, Charleston, South Carolina: Training facilities, maintenance facilities, and utilities, $4,160,000.

Naval Station, Charleston, South Carolina: Administrative facilities, and troop housing, $1,487,000.

Naval Weapons Station, Charleston, South Carolina: Maintenance facilities, supply facilities, and utilities and ground improvements, $4,734,000.

Fleet Ballistic Missile Submarine Training Center, Charleston, South Carolina: Training facilities, $2,540,000.

Fleet Training Center, Charleston, South Carolina: Training facilities, $180,000.

Naval Schools, Mine Warfare, Charleston, South Carolina: Training facilities, $1,639,000.

Naval Hospital, Charleston, South Carolina: Hospital and medical facilities, $13,356,000.

Naval Air Station, Memphis, Tennessee: Troop housing, $2,366,000.

Navy Training Publications Center, Memphis, Tennessee: Administrative facilities, $289,000.

EIGHTH NAVAL DISTRICT

Naval Support Activity, New Orleans, Louisiana: Troop housing, $400,000.

Naval Ordnance Missile Test Facility, White Sands, New Mexico: Research, development, and test facilities, $698,000.

Naval Auxiliary Air Station, Chase Field, Texas: Operational and training facilities, maintenance facilities, troop housing, and utilities, $5,106,000.

Naval Hospital, Corpus Christi, Texas: Hospital and medical facilities, $8,000,000.

Naval Auxiliary Air Station, Kingsville, Texas: Operational and training facilities, $721,000.

NINTH NAVAL DISTRICT

Naval Training Center, Great Lakes, Illinois: Training facilities, $1,199,000.

Navy Public Works Center, Great Lakes, Illinois: Utilities, $667,000.

Naval Ammunition Depot, Crane, Indiana: Operational facilities, and production facilities, $150,000.

ELEVENTH NAVAL DISTRICT

Naval Air Facility, El Centro, California: Maintenance facilities, $2,223,000.

Naval Shipyard, Long Beach, California: Operational facilities, and maintenance facilities, $10,398,000.

Naval Undersea Warfare Center, Pasadena, California (San Clemente Annex): Research, development, and test facilities, troop housing, and utilities, $2,119,000.

Pacific Missile Range, Point Mugu, California: Operational and training facilities, at Naval Missile Center; and utilities on San Nicolas Island, $159,000.

Naval Construction Battalion Center, Port Hueneme, California: Training facilities, $94,000.

Naval Weapons Station, Seal Beach, California: Supply facilities, $465,000.

Naval Amphibious Base, Coronado, California: Training facilities, maintenance facilities, troop housing, and utilities $5,798,000.

Naval Air Station, Imperial Beach, California: Maintenance facilities, troop housing, utilities, and real estate, $5,674,000.

Naval Air Station, Miramar, California: Maintenance facilities, $390,000.

Naval Air Station, North Island, California: Maintenance facilities, and utilities, $17,630,000.

Naval Station, San Diego, California: Operational facilities, and troop housing, $3,313,000.

Fleet Anti-Submarine Warfare School, San Diego, California: Utilities, $90,000.

Fleet Training Center, San Diego, California: Utilities, $1,200,000.

Naval Training Center, San Diego, California: Troop housing, $2,569,000.

Naval Hospital, San Diego, California: Ground improvements, $123,000.

TWELFTH NAVAL DISTRICT

Naval Weapons Station, Concord, California: Troop housing, and utilities, $771,000.

Naval Schools Command, Mare Island, California: Training facilities, $183,000.

Naval Air Station, Moffett Field, California: Operational and training facilities, troop housing, and utilities, $1,871,000.

Naval Supply Center, Oakland, California: Utilities, $123,000.

Naval Air Station, Moffett Field, California: Maintenance facilities, and utilities at Hunters Point Division; and maintenance facilities, research, development, and test facilities, and utilities at Mare Island Division, $8,595,000.

Naval Auxiliary Air Station, Fallon, Nevada: Operational and training facilities, $120,000.

THIRTEENTH NAVAL DISTRICT

Naval Ammunition Depot, Bangor, Washington: Utilities, $63,000.

Naval Shipyard, Bremerton, Washington: Maintenance facilities, and utilities, $1,640,000.

Naval Torpedo Station, Keyport, Washington: Maintenance facilities, and utilities, $918,000.

Naval Air Station, Whidbey Island, Washington: Operational facilities, $2,430,000.

FOURTEENTH NAVAL DISTRICT

Naval Shipyard, Pearl Harbor, Oahu, Hawaii: Maintenance facilities, and utilities, $2,330,000.

Naval Air Station, Barbers Point, Oahu, Hawaii: Ground improvements, $30,000.

Naval Communication Station, Wahiawa, Oahu, Hawaii: Medical facilities; and, at Naval Radio Station, Lualualei, troop housing, $817,000.

Pacific Missile Range Facility, Barking Sands, Kauai, Hawaii; Operational facilities, $854,000.

SEVENTEENTH NAVAL DISTRICT

Naval Arctic Research Laboratory, Barrow, Alaska: Operational facilities, $285,000.

VARIOUS LOCATIONS

Various Naval and Marine Corps Air Activities: Operational facilities, $1,337,000.

MARINE CORPS FACILITIES

Marine Corps Supply Activity, Philadelphia, Pennsylvania: Administrative facilities, $200,000.

Marine Corps Development and Education Command, Quantico, Virginia: Training facilities, $466,000.

Marine Corps Base, Camp Lejeune, North Carolina: Operational and training facilities, $213,000.

Marine Corps Air Station, Cherry Point, North Carolina: Maintenance facilities and utilities, $3,413,000.

Marine Corps Air Facility, New River, North Carolina: Operational facilities, supply facilities, administrative facilities, troop housing, and utilities, $1,966,000.

Headquarters Fleet Marine Force, Atlantic, Norfolk, Virginia: Administrative facilities, $70,000.

Marine Corps Supply Center, Albany, Georgia: Maintenance facilities, $188,000.

Marine Corps Air Station, Yuma, Arizona: Operational and training facilities, maintenance facilities, administrative facilities, and troop housing, $3,565,000.

Marine Corps Supply Center, Barstow, California: Utilities, $60,000.

Marine Corps Air Facility, Santa Ana, California: Maintenance facilities $2,220,000.

Marine Corps Base, Camp Pendleton, California: Operational and training facilities, medical facilities, administrative facilities, and utilities, $1,838,000.

Marine Corps Recruit Depot, San Diego, California: Troop housing, $2,788,000.

Marine Barracks, Bremerton, Washington: Troop housing, $764,000.

OUTSIDE THE UNITED STATES

MARINE CORPS FACILITIES

Camp Smedley D. Butler, Okinawa: Utilities, $38,000.

Marine Corps Air Station, Iwakuni, Japan: Maintenance facilities, $501,000.

TENTH NAVAL DISTRICT

Naval Station, Roosevelt Roads, Puerto Rico: Supply facilities, and utilities, $1,568,000.

ATLANTIC OCEAN AREA

Naval Station, Keflavik, Iceland: Operational facilities, $138,000.

EUROPEAN AREA

Naval Activities, United Kingdom Detachment, Greenock, Scotland: Community facilities, $440,000.

PACIFIC OCEAN AREA

Naval Communication Station, North West Cape, Australia: Administrative facilities, and supply facilities, $1,544,000.

Naval Air Station, Agana, Guam, Mariana Islands: Utilities, $55,000.

Naval Air Station, Atsugi, Japan: Maintenance facilities, and administrative facilities, $995,000.

Fleet Activities, Sasebo, Japan: Operational facilities, $137,000.

Fleet Activities, Yokosuka, Japan: Administrative facilities, $63,000.

Naval Ordnance Facility, Yokosuka, Japan: Maintenance facilities, $29,000.

Naval Air Facility, Naha, Okinawa: Maintenance facilities, $251,000.

Naval Station, Sangley Point, Republic of the Philippines: Operational facilities, $92,000.

Naval Magazine, Subic Bay, Republic of the Philippines: Community facilities, $69,000.

Navy Public Works Center, Subic Bay, Republic of the Philippines: Utilities, $138,000.

VARIOUS LOCATIONS

Various Naval Air Activities: Operational facilities, $293,000.

SEC. 202. The Secretary of the Navy may establish or develop classified Navy installation and facilities by acquiring, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $1,509,000.

SEC. 203. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Navy, or his designee, shall notify the Committee on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1969, except for those public works projects concerning which the Committee on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 204. (a) Public Law 89–188, as amended, is amended in section 201 under the heading "INSIDE THE UNITED STATES" as follows:

(1) Under the subheading "BUREAU OF SHIPS FACILITIES (Naval Shipyards)" with respect to Naval Shipyard, Bremerton, Washington, strike out "$1,692,000" and insert in place thereof "$2,211,000".

(2) Under the subheading "NAVAL WEAPONS FACILITIES (Field Support Stations)" with respect to Naval Station, Adak, Alaska, strike out "$5,000,000" and insert in place thereof "$5,931,000".

(3) Under the subheading "NAVAL WEAPONS FACILITIES (Fleet Readiness Stations)" with respect to Naval Ammunition Depot, Charleston, South Carolina, strike out "$1,355,000" and insert in place thereof "$1,489,000".

(4) Under the subheading "MEDICAL FACILITIES" with respect to Naval Hospital Corps School, Great Lakes, Illinois, strike out "$1-696,000" and insert in place thereof "$2,-431,000".

(b) Public Law 89–188, as amended, is amended in section 201 under the heading "OUTSIDE THE UNITED STATES" and subheading "MARINE CORPS FACILITIES" with respect to Camp Smedley D. Butler, Okinawa, by striking out "$841,000" and inserting in place thereof "$1,125,000".

(c) Public Law 89–188, as amended, is amended by striking out in clause (2) of section 602 "$236,590,000", "$34,607,000" and "$322,296,000" and inserting respectively in place thereof "$238,909,000", '$34,891,000", and "$324,899,000".

SEC. 205. (a) Public Law 89-568 is amended in section 201 under the heading "INSIDE THE UNITED STATES" as follows:

(1) Under the subheading "NAVAL SHIP SYSTEM COMMAND (Naval Shipyards)" with respect to Naval Shipyard, Bremerton, Washington, and Naval Shipyard, San Francisco Bay, California, strike out "$1,928,000" and "$2,782,000", respectively, and insert respectively in place thereof "$3,128,000" and "$3,412,000".

(2) Under the subheading "NAVAL AIR SYSTEMS COMMAND (Field Support Stations)" with respect to Naval Air Station, Cecil Field, Florida, and Naval Air Station, Lemoore, California, strike out "$619,000" and "$251,000", respectively, and insert respectively in place thereof "$876,000" and "$502,000".

(3) Under the subheading "NAVAL AIR SYSTEMS COMMAND (Research, Development, Test, and Evaluation Stations)" with respect to Naval Air Test Center, Patuxent River, Maryland, strike out "$283,000" and insert in place thereof "$432,000".

(4) Under the subheading "MEDICAL FACILITIES" with respect to Naval Hospital, Chelsea, Massachusetts, strike out "$9,300,-000" and insert in place thereof "$10,300,-000"; and with respect to Naval Submarine Medical Center, New London, Connecticut, strike out "$4,957,000" and insert in place thereof "$6,101,000".

(b) Public Law 89–568 is amended in section 201 under the heading "OUTSIDE THE UNITED STATES" and subheading "NAVAL SHIP SYSTEMS COMMAND" with respect to Atlantic Undersea Test and Evaluation Center, West Indies, by striking out "$1,371,000" and inserting in place thereof "$1,798,000".

(c) Public Law 89–568 is amended by striking out in clause (2) of section 602 "$114,138,000", "$9,948,000" and "$137,874,-000" and inserting respectively in place thereof "$118,769,000", $10,375,000", and "$142,932,000".

SEC. 206. (a) Public Law 90–110 is amended in section 201 under the heading "INSIDE THE UNITED STATES" as follows:

(1) Under the subheading "FIFTH NAVAL DISTRICT" with respect to Naval Amphibious Base, Little Creek, Virginia, strike out "$6,-072,000" and insert in place thereof "$6,220,000".

(2) Under the subheading "SIXTH NAVAL DISTRICT" with respect to Naval Hospital, Key West, Florida, strike out $243,000" and insert in place thereof "$370,000".

(b) Public Law 90–110 is amended in clause (2) of section 802 by striking out "$414,833,000" and "$461,132,000" and inserting respectively in place thereof "$415,-108,000" and "$461,407,000".

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment, for the following projects:

INSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Duluth Municipal Airport, Duluth, Minnesota: Operational facilities, $494,000.

Logan Field, Billings, Montana: Utilities, $46,000.

McChord Air Force Base, Tacoma, Washington: Utilities, $695,000.

NORAD Headquarters, Colorado Springs, Colorado: Utilities, $900,000.

Perrin Air Force Base, Sherman, Texas: Troop housing, $1,136,000.

Peterson Field, Colorado Springs, Colorado: Operational and training facilities, $369,000.

Phelps-Collins Airport, Alpena, Michigan: Operational facilities, $51,000.

Richards-Gebaur Air Force Base, Kansas City, Missouri: Utilities, $146,000.

Stewart Air Force Base, Newburgh, New York: Operational facilities, $50,000.

Tyndall Air Force Base, Panama City, Florida: Operational facilities and troop housing, $954,000.

AIR FORCE LOGISTICS COMMAND

Griffiss Air Force Base, Rome, New York: Utilities, $196,000.

Hill Air Force Base, Ogden, Utah: Operational and training facilities, administrative facilities, and utilities, $1,058,000.

Kelly Air Force Base, San Antonio, Texas: Maintenance facilities, administrative facilities, and utilities, $999,000.

Lynn Haven POL Annex, Panama City, Florida: Operational facilities, $71,000.

McClellan Air Force Base, Sacramento, California: Operational facilities, maintenance facilities, and utilities, $1,397,000.

Newark Air Force Station, Newark, Ohio: Operational facilities, administrative facilities, $665,000.

Robins Air Force Base, Macon, Georgia: Operational and training facilities, maintenance facilities, and administrative facilities, $924,000.

Tampa Air Force POL, Tampa, Florida: Operational facilities, $53,000.

Tinker Air Force Base, Oklahoma City, Oklahoma: Operational facilities and maintenance facilities, and administrative facilities, $3,445,000.

Wright-Patterson Air Force Base, Dayton, Ohio: Research, development and test facilities, $2,454,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tullahoma, Tennessee: Research, development, and test facilities, $4,089,000.

Brooks Air Force Base, San Antonio, Texas: Research, development and test facilities, $350,000.

Edwards Air Force Base, Muroc, California: Maintenance facilities and utilities, $656,000.

Eglin Air Force Base, Valparaiso, Florida: Operational and training facilities, research, development, and test facilities, and supply facilities, $3,681,000.

Holloman Air Force Base, Alamogordo, New Mexico: Operational facilities, research, development, and test facilities, troop housing and utilities, $2,808,000.

Kirtland Air Force Base, Albuquerque, New Mexico: Utilities, $360,000.

Laurence G. Hanscom Field, Bedford, Massachusetts: Research, development, and test facilities and real estate, $2,184,000.

Patrick Air Force Base, Cocoa, Florida: Maintenance facilities, $476,000.

Eastern Test Range, Cocoa, Florida: Research, development, and test facilities and utilities, $560,000.

Western Test Range, Lompoc, California: Research, development, and test facilities, $1,766,000.

Satellite Tracking Facilities: Research, development, and test facilities, $1,773,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Rantoul, Illinois: Medical facilities, administrative facilities, troop housing, and utilities, $1,478,000.

Craig Air Force Base, Selma, Alabama: Training facilities, $415,000.

Keesler Air Force Base, Biloxi, Mississippi: Troop housing, $919,000.

Lackland Air Force Base, San Antonio, Texas: Operational facilities, troop housing and community facilities, and utilities, $1,-615,000.

Laredo Air Force Base, Laredo, Texas: Operational facilities, maintenance facilities, troop housing, and utilities, $1,157,000.

Laughlin Air Force Base, Del Rio, Texas: Utilities, $107,000.

Lawry Air Force Base, Denver, Colorado: Utilities, $281,000.

Mather Air Force Base, Sacramento, California: Training facilities, $900,000.

Moody Air Force Base, Valdosta, Georgia: Training facilities, $513,000.

Randolph Air Force Base, San Antonio, Texas: Operational facilities and real estate, $1,074,000.

Reese Air Force Base, Lubbock, Texas: Training facilities, $101,000.

Sheppard Air Force Base, Wichita Falls, Texas: Hospital facilities and troop housing, $3,708,000.

Vance Air Force Base, Enid, Oklahoma: Operational facilities, $165,000.

Webb Air Force Base, Big Spring, Texas: Operational and training facilities, $2,796,000.

Williams Air Force Base, Chandler, Arizona: Operational facilities and utilities, $545,000.

AIR UNIVERSITY

Gunter Air Force Base, Montgomery, Alabama: Utilities, $87,000.

Maxwell Air Force Base, Montgomery, Alabama: Operational facilities and maintenance facilities, $652,000.

AERONAUTICAL CHART AND INFORMATION CENTER

Aeronautical Chart and Information Center, Saint Louis, Missouri: Administrative facilities, $456,000.

ALASKAN AIR COMMAND

Elmendorf Air Force Base, Anchorage, Alaska: Operational and training facilities and maintenance facilities, $2,940,000.

Various locations: Maintenance facilities, troop housing, and utilities, $2,068,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland: Operational facilities, $35,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma: Operational facilities and maintenance facilities, $1,672,000.

Dover Air Force Base, Dover, Delaware: Operational and training facilities, and maintenance facilities, $7,671,000.

McGuire Air Force Base, Wrightstown, New Jersey: Operational facilities and utilities, $1,172,000.

Norton Air Force Base, San Bernardino, California: Operational facilities, maintenance facilities, and real estate, $1,403,000.

Travis Air Force Base, Fairfield, California: Maintenance facilities, and utilities, $1,067,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii: Operational facilities, administrative facilities, and utilities, $278,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Shreveport, Louisiana: Training facilities, $291,000.

Beale Air Force Base, Marysville, California: Operational facilities and utilities, $498,000.

Columbus Air Force Base, Columbus, Mississippi: Operational and training facilities, maintenance facilities, and troop housing, $5,791,000.

Davis-Monthan Air Force Base, Tucson, Arizona: Operational facilities, maintenance facilities, supply facilities, troop housing, and utilities, $5,456,000.

Ellsworth Air Force Base, Rapid City, South Dakota: Operational facilities and maintenance facilities, $1,151,000.

Francis E. Warren Air Force Base, Cheyenne, Wyoming: Administrative facilities, $53,000.

Fairchild Air Force Base, Spokane, Washington: Operational facilities, maintenance facilities, and administrative facilities, $210,000.

Grand Forks Air Force Base, Grand Forks, North Dakota: Maintenance facilities, $400,000.

Grissom Air Force Base, Peru, Indiana: Utilities, $70,000.

K. I. Sawyer Municipal Airport, Marquette, Michigan: Maintenance facilities, $560,000.

Loring Air Force Base, Limestone, Maine: Operational facilities, $59,000.

Malmstrom Air Force Base, Great Falls, Montana: Troop housing, $560,000.

Matagorda Air Force Range, Matagorda Island, Texas: Real estate, $607,000.

Minot Air Force Base, Minot, North Dakota: Administrative facilities and utilities, $639,000.

Offutt Air Force Base, Omaha, Nebraska: Operational facilities, administrative facilities and utilities, $2,369,000.

Pease Air Force Base, Portsmouth, New Hampshire: Utilities, $194,000.

Vandenberg Air Force Base, Lompoc, California: Utilities, $404,000.

Westover Air Force Base, Chicopee Falls, Massachusetts: Operational facilities, $150,000.

Wurtsmith Air Force Base, Oscoda, Michigan: Operational and training facilities, maintenance facilities, supply facilities, troop housing, and utilities, $2,731,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas: Operational facilities and administrative facilities, $354,000.

Blytheville Air Force Base, Blytheville, Arkansas: Operational facilities, $1,641,000.

Cannon Air Force Base, Clovis, New Mexico: Training facilities, maintenance facilities, and utilities, $479,000.

England Air Force Base, Alexandria, Louisiana: Operational facilities and hospital facilities, $3,949,000.

Forbes Air Force Base, Topeka, Kansas: Operational facilities, $702,000.

George Air Force Base, Victorville, California: Operational facilities, administrative facilities, and utilities, $1,152,000.

Homestead Air Force Base, Homestead, Florida: Operational facilities, $75,000.

Langley Air Force Base, Hampton, Virginia: Training facilities, maintenance facilities, and utilities, $537,000.

Lockbourne Air Force Base, Columbus, Ohio: Operational facilities, maintenance facilities, and utilities, $1,090,000.

Luke Air Force Base, Phoenix, Arizona: Operational and training facilities, maintenance facilities, administrative facilities, troop housing, and utilities, $2,006,000.

MacDill Air Force Base, Tampa, Florida: Operational facilities, $542,000.

McConnell Air Force Base, Wichita, Kansas: Operational facilities, maintenance facilities, and utilities, $1,116,000.

Mountain Home Air Force Base, Mountain Home, Idaho: Operational facilities, maintenance facilities, and troop housing $2,710,000.

Myrtle Beach Air Force Base, Myrtle Beach, South Carolina: Operational facilities and maintenance facilities, $254,000.

Nellis Air Force Base, Las Vegas, Nevada: Operational and training facilities, maintenance facilities, supply facilities, hospital facilities, administrative facilities, and troop housing, $9,668,000

Pope Air Force Base, Fayetteville, North Carolina: Operational facilities, $257,000.

Seymour-Johnson Air Force Base, Goldsboro, North Carolina: Operational facilities, $99,000.

Shaw Air Force Base, Sumter, South Carolina: Operational facilities, maintenance facilities, and utilities, $614,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado: Training facilities, and administrative facilities, $530,000.

AIRCRAFT CONTROL AND WARNING

Various locations: Operational facilities, maintenance facilities, and utilities, $777,000.

OUTSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Various locations: Maintenance facilities, $278,000.

AIR FORCE SYSTEMS COMMAND

Eastern Test Range: Research, development, and test facilities, and utilities, $647,000.

Western Test Range: Utilities, $118,000.

Satellite Tracking Facilities: Research, development, and test facilities, $558,000.

PACIFIC AIR FORCES

Okinawa: Operational and training facilities, maintenance facilities, supply facilities, community facilities, and utilities, $2,170,000.

Various locations: Operational and training facilities, maintenance facilities, supply facilities, administrative facilities, and utilities, $4,180,000.

STRATEGIC AIR COMMAND

Goose Air Base, Canada: Utilities, $84,000.

UNITED STATES AIR FORCE IN EUROPE

Germany: Operational facilities, maintenance facilities, and utilities, $522,000.

United Kingdom: Operational facilities, maintenance facilities, supply facilities, administrative facilities, troop housing, and utilities, $6,326,000.

Various locations: Operational facilities and maintenance facilities, $1,121,000.

UNITED STATES AIR FORCES SOUTHERN COMMAND

Albrook Air Force Base, Canal Zone: Operational facilities and administrative facilities, $326,000.

Howard Air Force Base, Canal Zone: Operational facilities, $140,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Various locations: Operational facilities and utilities, $1,184,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $54,001,000.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $10,000,000: *Provided*, That the Secretary of the Air Force, or his designee, shall notify the Committees on Armed Services of the Senate and the House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1969, except for those public work projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 304. Section 9 of the Air Force Academy Act, as amended (68 Stat. 49), is further amended by striking out in the first sentence the figure "$141,797,000" and inserting in place thereof the figure "$141,978,000".

SEC. 305. (a) Public Law 89–188, as amended, is amended in section 301 under the heading "INSIDE THE UNITED STATES" and subheading "STRATEGIC AIR COMMAND", with respect to Barksdale Air Force Base, Shreveport,

Louisiana, strike out "$3,015,000" and insert in place thereof "$3,744,000".

(b) Public Law 89–188, as amended, is amended by striking out in clause (3) of section 602 the amounts "$215,631,000" and "$339,377,000" and inserting in place thereof "$216,360,000" and "$340,106,000", respectively.

SEC. 306. (a) Public Law 89–568, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 301, as follows:

(1) Under the subheading "Air Force Logistics Command", with respect to Robins Air Force Base, Macon, Georgia, strike out "$154,000" and insert in place thereof "$210,000".

(b) Public Law 89–568, as amended, is amended by striking out in clause (3) of section 602 the amounts "$109,786,000" and "$200,702,000" and inserting in place thereof "$109,842,000" and "$200,758,000", respectively.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities and equipment, for defense agencies for the following projects:

INSIDE THE UNITED STATES

DEFENSE ATOMIC SUPPORT AGENCY

Sandia Base, New Mexico: Utilities, $35,000.

Manzano Base, New Mexico: Utilities, $28,000.

Naval Ordnance Laboratory, White Oak, Maryland: Research, development, and test facilities, $1,697,000.

DEFENSE COMMUNICATIONS AGENCY

Headquarters, Defense Communications Agency, Building 12, Navy Department Service Center, Arlington, Virginia: Operational and administrative facilities, $575,000.

DEFENSE INTELLIGENCE AGENCY

Headquarters, Defense Intelligence Agency, Arlington Hall Station, Virginia: Utilities, $290,000.

DEFENSE SUPPLY AGENCY

Defense Depot, Memphis, Tennessee: Supply facilities, $120,000.

Defense General Supply Center, Richmond, Virginia: Supply facilities, $415,000.

Defense Depot, Tracy, California: Supply facilities and administrative facilities, $2,937,000.

Defense Depot, Ogden, Utah: Utilities, $195,000.

Defense Electronics Supply Center, Dayton, Ohio: Supply facilities, $134,000.

Defense Logistics Services Center, Battle Creek, Michigan: Administrative facilities, $2,500,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland: Training facilities and troop housing, $2,121,000.

OUTSIDE THE UNITED STATES

DEFENSE ATOMIC SUPPORT AGENCY

Johnston Island: Operational facilities, $649,000.

SEC. 402. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $70,000,000: *Provided,* That the Secretary of Defense, or his designee, shall notify the Committees on Armed Services of the Senate and the House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including real estate actions pertaining thereto.

TITLE V

SEC. 501. The Secretary of each military department may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, which are necessary outside the United States in connection with military activities in Southeast Asia, or in support of such activities, in the total amount as follows:

Department of the Army, $142,808,000.

Department of the Navy, $54,700,000.

Department of the Air Force, $17,617,000.

SEC. 502. The Secretary of Defense, in connection with construction projects undertaken in South Vietnam pursuant to section 501 above, shall furnish to the Committees on Armed Services of the Senate and House of Representatives such reports as were heretofore furnished pursuant to section 401(c) of Public Law 89–367 (80 Stat. 36, 37).

TITLE VI

MILITARY FAMILY HOUSING

SEC. 601. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and trailer court facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Secretary, Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

Family housing units—

(a) The Department of the Army, five hundred units, $9,750,000:

Fort Gordon, Georgia, two hundred units.

Fort Leavenworth, Kansas, one hundred units.

Fort Hood, Texas, two hundred units.

(b) The Department of the Navy, seven hundred and fifty units, $15,725,000:

Marine Corps Air Station, Yuma, Arizona, one hundred units.

Naval Complex, Oahu, Hawaii, one hundred and fifty units.

Pacific Missile Range Facility, Kauai, Hawaii, fifty-six units.

Naval Air Test Center, Patuxent River, Maryland, one hundred units.

Naval Auxiliary Air Station, Fallon, Nevada, forty-four units.

Naval Complex, Newport, Rhode Island, one hundred units.

Naval Auxiliary Air Station, Chase Field, Texas, one hundred units.

Naval Air Station, Whidbey Island, Washington, one hundred units.

(c) The Department of the Air Force, seven hundred and fifty units, $17,375,000:

George Air Force Base, California, two hundreds units.

Mountain Home Air Force Base, Idaho, two hundred and fifty units.

Holloman Air Force Base, New Mexico, three hundred units.

SEC. 602. Authorization for the construction of family housing provided in this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screen, ranges, refrigerators, and all other installed equipment and fixtures:

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) and Puerto Rico shall not exceed $19,500, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(b) No family housing unit in the areas listed in subsection (a) shall be constructed at a total cost exceeding $35,000, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilites.

(c) When family housing units are constructed in areas other than those listed in subsection (a) the average cost of all such units shall not exceed $32,000, and in no event shall the cost of any unit exceed $40,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(d) Units constructed at George Air Force Base, California, shall not be subject to the limitations of subsections (a) and (b) of this section, but the average cost of such units shall not exceed $30,000, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 603. Nothing contained in this Act and nothing contained in section 603 of Public Law 90–110 (81 Stat. 279, 304) shall be deemed to affect the cost limitations provided in section 502(f) of Public Law 89–188 (79 Stat. 793, 813) with respect to construction of family housing units at the United States Military Academy, West Point.

SEC. 604. Except as provided in section 603 of this Act, and notwithstanding the limitations contained in prior Military Construction Authorization Acts on costs of construction of family housing, the limitations on such cost contained in section 602 of this Act shall apply to all prior authorizations for construction of family housing not heretofore repealed and for which construction contracts have not been executed by the date of enactment of this Act.

SEC. 605. The Secretary of Defense, or his designee, is authorized to construct, or otherwise acquire, in foreign countries, fourteen family housing units. This authority shall include the authority to acquire land and interests in land, and shall be limited to such projects as may be funded by use of excess foreign currencies when so provided in Department of Defense Appropriation Acts. The authorization contained in this section shall not be subject to the cost limitations set forth in secton 602 of this Act: *Provided,* That no family housing unit constructed or acquired pursuant to this authorization shall cost in excess of $50,000, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 606. The first sentence of section 515 of Public Law 84–161 (69 Stat. 324, 352) as amended, is amended by striking out "1968 and 1969" and inserting in lieu thereof "1969 and 1970", and by adding the following sentence at the end thereof: "As to any such housing facilities to be leased at or near Fort Leavenworth, Kansas, the numbered conditions set forth hereinabove shall not apply."

SEC. 607. Section 507 of Public Law 88–174 (77 Stat. 307, 326) as amended, is amended by striking out "1968 and 1969" and inserting in lieu thereof "1969 and 1970".

SEC. 608. Subsection 610(a) of Public Law 90–110 (81 Stat. 279, 305) is amended to read as follows:

"SEC. 610. (a) None of the funds authorized by this or any other Act may be expended for projects for the improvement of any single family housing unit, or for the improvement of two or more housing units when such units are to be converted into or used as a single family housing unit, the costs of

which exceed $10,000 per unit including costs of repairs undertaken in connection therewith, and including any costs in connection with (1) the furnishing of electricity, gas, water, and sewage disposal; (2) roads and walks; and (3) grading and drainage, unless such improvement in connection with such unit or units is specifically authorized by law. As used in this section, the term 'improvement' includes alteration, expansion, extension, or rehabilitation of any housing unit or units, including that maintenance and repair which is to be accomplished concurrently with an improvement project. The provisions of this section shall not apply to projects authorized for restoration or replacement of housing units damaged or destroyed."

SEC. 609. The Secretary of Defense or his designee is authorized to relocate one hundred units of relocatable housing to Fort Polk, Louisiana, from other military installations where the requirement for such housing shall have been terminated: *Provided*, That the Secretary of Defense shall notify the committees on Armed Services of the House of Representatives and the Senate, not less than thirty days prior thereto, of the proposed relocations and estimated costs.

SEC. 610. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

(a) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, rental guarantee payments, construction and acquisition of trailer court facilities, and planning, an amount not to exceed $48,740,000, and

(b) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payments to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed $537,960,000.

TITLE VII

HOMEOWNERS ASSISTANCE

SEC. 701. In accordance with subsection 1013(i) of Public Law 89–754 (80 Stat. 1255, 1292) there is authorized to be appropriated for use by the Secretary of Defense for the purposes of section 1013 of Public Law 89–754, including acquisition of properties, an amount not to exceed $11,800,000.

TITLE VIII

GENERAL PROVISIONS

SEC. 801. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 802. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, V, VI, and VII shall not exceed—

(1) for title I: Inside the United States, $365,981,000; outside the United States, $85,610,000; or a total of $451,591,000.

(2) for title II: Inside the United States, $226,165,000; outside the United States, $6,351,000; section 202, $1,509,000; or a total of $234,025,000.

(3) for title III: Inside the United States, $120,826,000; outside the United States, $17,654,000; section 302, $54,001,000; or a total of $192,481,000.

(4) for title IV: A total of $81,696,000.

(5) for title V: Southeast Asia support—Department of the Army, $142,808,000; Department of the Navy. $54,700,000; Department of the Air Force. $17,617,000.

(6) for title VI: Military family housing, 586,700,000.

(7) for title VII: Homeowners assistance, $11,800,000.

SEC. 803. Any of the amounts named in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum for projects inside the United States (other than Alaska) and by 10 per centum for projects outside the United States or in Alaska, if he determines in the case of any particular project that such increase (1) is required for the sole purpose of meeting unusual variations in cost arising in connection with that project, and (2) could not have been reasonably anticipated at the time such project was submitted to the Congress. However, the total costs of all projects in each such title may not be more than the total amount authorized to be appropriated for projects in that title.

SEC. 804. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, unless the Secretary of Defense or his designee determines that because such jurisdiction and supervision is wholly impracticable such contracts should be executed under the jurisdiction and supervision of another department or Government agency, and shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. Regulations issued by the Secretary of Defense implementing the provisions of this section shall provide the department or agency requiring such construction with the right to select either the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, as its construction agent providing that under the facts and circumstances that exist at the time of the selection of the construction agent, such selection will not result in any increased cost to the United States. The Secretaries of the military departments shall report semiannually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

SEC. 805. (a) As of October 1, 1969, all authorizations for military public works (other than family housing) to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, IV, and V of the Act of October 21, 1967, Public Law 90–110 (81 Stat. 279), and all such authorizations contained in Acts approved before October 22, 1967, and not superseded or otherwise modified by a later authorization are repeated except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts or land acquisitions in whole or in part before October 1, 1969, and authorizations for appropriations therefor; and

(3) notwithstanding the repeal provisions of section 606(a) of the Act of September 12, 1966 (80 Stat. 739, 755) or of section 805(a) of the Act of October 21, 1967 (81 Stat. 279, 308), authorizations for the following items which shall remain in effect until October 1, 1970:

(a) utilities in the amount of $843,000 at Fort Greely, Alaska, that is contained in title I, section 102 of the Act of September 16, 1965 (79 Stat. 796).

(b) maintenance facilities in the amount of $7,393,000 for Naval Shipyard, Boston, Massachusetts, that is contained in title II, section 201, under the heading "BUREAU OF SHIPS FACILITIES (Naval Shipyard)" of the Act of September 16, 1965 (78 Stat. 797) and amended in section 205 of the Act of September 12, 1966 (80 Stat. 747).

(c) hospital and medical facilities in the amount of $4,736,000 for Naval Hospital, Newport, Rhode Island, that is contained in title II, section 201, under the heading "MEDICAL FACILITIES" of the Act of September 16, 1965 (79 Stat. 801).

(d) maintenance facilities in the amount of $412,000 for Naval Air Station, Oceana, Virginia, that is contained in title II, section 201, under the heading "NAVAL AIR SYSTEMS COMMAND (Field Support Stations)" of the Act of September 12, 1966 (80 Stat. 744).

(e) administrative facilities in the amount of $236,000 for Naval Oceanographic Distribution Office, Ogden, Utah, that is contained in title II, section 201, under the heading "NAVAL SUPPLY SYSTEMS COMMAND" of the Act of September 12, 1966 (80 Stat. 745).

(f) medical facilities in the amount of $2-442,000 for Naval Training Center, location to be determined (Orlando, Florida), that is contained in title II section 201, under the heading "SERVICE SCHOOL FACILITIES" of the Act of September 12, 1966 (80 Stat. 745).

(b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing, including trailer court facilities, all authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and all authorizations for related facilities projects, which are contained in this or any previous Act, are hereby repealed, except—

(1) authorizations for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions or manufactured structural component contracts in whole or in part before such date;

(2) notwithstanding the repeal provision of section 606(b) of the Act of September 12, 1966 (80 Stat. 739, 755) or of section 805(b) of the Act of October 21, 1967 (81 Stat. 279, 308) the authorization for two hundred family housing units at the United States Military Academy, West Point, New York, that is contained in the Act of September 16, 1965 (79 Stat. 793, 811); and

(3) authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and authorizations for related facilities projects, as to which appropriated funds have been obligated for construction contracts before such date.

SEC. 806. None of the authority contained in titles I, II, III, IV, and V of this Act shall be deemed to authorize any building construction projects inside the United States (other than Alaska) at a unit cost in excess of—

(1) $36 per square foot for cold-storage warehousing;

(2) $9 per square foot for regular warehousing;

(3) $2,500 per man for permanent barracks;

(4) $9,200 per man for bachelor officer quarters; unless the Secretary of Defense or

his designee determines that, because of special circumstances, application to such project of the limitations on unit costs contained in this section is impractical: *Provided*, That notwithstanding the limitations contained in prior Military Construction Authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

SEC. 807. None of the funds authorized by this Act or by any military construction authorization Act hereafter enacted shall be expended for the construction of any waste treatment or waste disposal system at or in connection with any military installation until after the Secretary of Defense or his designee has consulted with the Federal Water Pollution Control Administration of the Department of the Interior and determined that the degree and type of waste disposal and treatment required in the area in which such military installation is located are consistent with applicable Federal or State water quality standards or other requirements and that the planned system will be coordinated in timing with a State, county, or municipal program which requires communities to take such related abatement measures as are necessary to achieve areawide water pollution cleanup.

SEC. 808. Titles I, II, III, IV, V, VI, VII, and VIII of this Act may be cited as the "Military Construction Authorization Act, 1969".

TITLE IX

RESERVE FORCES FACILITIES

SEC. 901. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For Department of the Navy: Naval and Marine Corps Reserves, $4,600,000.

(2) For Department of the Air Force:

(a) Air National Guard of the United States, $7,700,000.

(b) Air Force Reserve, $4,000,000.

SEC. 902. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 903. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1969".

Mr. MANSFIELD. Mr. President, this is by way of formality. The debate on the bill will start tomorrow and probably will continue through most of the week.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 o'clock noon tomorrow.

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

THE LAND AND WATER CONSERVATION FUND

Mr. RIBICOFF. Mr. President, the land and water conservation fund, which was set up in 1964, has been a responsible, effective first step in the vital preservation of our land resources. Every citizen will benefit from it. The debates in the Senate and the House of Representatives this year has reflected the awareness that land must be preserved for the benefit of present and future generations. It has not, however, reflected agreement on how best to achieve this important end.

We have been gratified at the tremendous response of the individual States to the Land and Water Conservation Fund Act of 1965. The program got off to a good start.

Then, during these first 4½ years of the fund's existence, Congress authorized acquisition of lands worth $450 to $500 million, while income from the fund's three main sources of revenue—the sale of surplus real property, the motorboat fuel tax, and admission and user fees—came to only about $278 million, about 63 percent of the predicted income. A crippling backlog of unfunded programs was the result.

Obviously, the commitments we have made have to be met. And future demands will have to be answered. But they will not be answered until we find new sources of revenue. In the meantime, land costs spiral upward at a rate of approximately 10 percent a year; potentially valuable sites are consumed by urban spread or highway sprawl; and local and State conservation programs suffer for lack of means to implement them.

By approving S. 1401 we have the unique opportunity to lighten the financial burden of the public as well as preserve some of our most beautiful natural resources from irresponsible development.

In my own State of Connecticut, for example, projects totaling over half a million dollars are pending in the Bureau of Outdoor Recreation for lack of funds. And the Department of the Interior warns that over the next 10 years, without even computing the meteoric rise of land costs, we can expect to be short $2.7 billion. Add to that an additional $1 billion increase in land value, and the old adage "time is money" takes on new meaning.

We should not ignore the recommendations of the President, the Department of the Interior, and the House and Senate committees shepherding the bill. We cannot ignore the interests of each of our constituents throughout this growing Nation.

We need a stable fund with resources which are consistent with our promises. And the most sensible way of achieving this end is through the supplemental use of earmarked revenue from a predictable source. This source is available in the lease receipts which come to the Treasury under the authority of the Outer Continental Shelf Land Act. These receipts have been averaging approximately $300 million a year, and projected revenue goes as high as $500 million annually for the next 5 years. Only a moderate portion of this amount need be used to maintain the fund at a steady $200 million a year—probably around $100 million.

We must keep in mind that these sums are available only upon appropriation by the Congress, and if any portion should remain unused for 2 years, it will revert back to the general Treasury fund, thus obviating the danger of a buildup of large sums earmarked for one purpose alone. At no point, then, is the legislative process circumvented.

We can put these earmarked funds to excellent use now in the land and water conservation fund, for this is one program that cannot be fully effective under the stop-and-go conditions of the regular appropriations process. In 5 years, the whole issue will come back to us and we can evaluate our experiment and revise it should we think it necessary.

Mr. President, now is the time for strong action. Halfhearted improvements will serve only to make a farce of our good intentions.

AMENDMENT OF TITLE I OF LAND AND WATER CONSERVATION FUND ACT OF 1965

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1401.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes, which was, strike out all after the enacting clause, and insert:

That (a) section 2, subsection (a), of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 460 1–5), except the fourth paragraph thereof, is repealed; said fourth paragraph is redesignated section 9 of said Act; and subsections (b) and (c) of said section 2 are redesignated (a) and (b), respectively.

(b) It is not the intent of the Congress by this repealer to indicate that Federal agencies which have under their administrative jurisdiction areas or facilities used or useful for outdoor recreation or which furnish services related to outdoor recreation shall not exercise any authority they may have, including authority under section 501 of the Act of August 31, 1951 (65 Stat. 290; 31 U.S.C. 483a), or any authority they may hereafter be given, to make reasonable charges for admission to such areas, for the use of such facilities, or for the furnishing of such services. Except as otherwise provided by law or as may be required by lawful contracts entered into prior to May 28, 1963, providing that revenues collected at particular Federal areas shall be credited to specific purposes, all fees so charged shall be covered into a special account under the Land and Water Conservation Fund and shall be available for appropriation, without prejudice to appropriations from other sources for the same purposes, for any authorized outdoor recreation function of the agency by which the fees were collected.

(c) Section 6, subsection (a), of said Act is amended by striking out the words "in substantially the same proportion as the

number of visitor-days in areas and projects hereinafter described for which admission fees are charged under section 2 of this Act".

(d) The provisions of subsections (a) and (c) of this section shall be effective March 31, 1969.

SEC. 2. The aforesaid section 2 of the Land and Water Conservation Fund Act of 1965 is further amended by adding at the end thereof the following new subsection:

"(c) OTHER REVENUES.—All revenues received on and after July 1, 1968, and prior to July 1, 1973, to the extent such revenues otherwise would be deposited in miscellaneous receipts of the United States Treasury, under the Outer Continental Shelf Lands Act of 1953 (67 Stat. 462; 43 U.S.C. 1331 et seq.), as amended (including the funds held in escrow under an interim agreement of October 12, 1956, between the United States and Louisiana, to the extent the United States is determined to be entitled to such escrow funds), but no more annually than an amount equal to the difference, to be determined by the Secretary of the Interior, between $200,000,000 and the total revenues and collections estimated to be covered into the fund pursuant to subsections (a) and (b) of this section, as amended."

SEC. 3. The first sentence of section 4, subsection (b), of the Land and Water Conservation Fund Act of 1965 is amended by deleting "for a total of eight years" and inserting in lieu thereof "until the end of fiscal year 1969".

SEC. 4. The Land and Water Conservation Fund Act of 1965 is further amended by adding thereto the following new section:

"SEC. 8. Not to exceed $30,000,000 of the money authorized to be appropriated from the fund by section 3 of this Act may be obligated by contract during each of fiscal years 1969 and 1970 for the acquisition of lands, waters, or interests therein within areas specified in section 6(a)(1) of this Act. Any such contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary of the Interior. Any such contract so entered into shall be deemed a contractual obligation of the United States and shall be liquidated with money appropriated from the fund specifically for liquidation of such contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless such acquisition is otherwise authorized by Federal law."

SEC. 5. (a) With respect to any property acquired by the Secretary of the Interior within a unit of the national park system or miscellaneous area, the Secretary may convey a freehold or leasehold interest therein, subject to such terms and conditions as will assure the use of the property in a manner which is, in the judgment of the Secretary, consistent with the purpose for which the area was authorized by the Congress. In any case in which the Secretary exercises his discretion to convey such interest, he shall do so to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but such conveyance shall be at not less than the fair market value of the interest, as determined by the Secretary; except that if any such conveyance is proposed within two years after the property to be conveyed is acquired by the Secretary, he shall allow the last owner or owners of record of such property thirty days following the date on which they are notified by the Secretary in writing that such property is to be conveyed within which to notify the Secretary that such owners wish to acquire such interest. Upon receiving such timely request, the Secretary shall convey such interest to such person or persons, in accordance with such regulations as the Secretary may prescribe, upon payment by him of, or agreement by him to pay, an amount equal to the highest bid price.

(b) Within a unit of the national park system or miscellaneous area in which exchange is authorized by law as a method for property acquisition, the Secretary may accept title to any non-Federal property or interest therein within such unit or area and in exchange therefor he may convey to the grantor of such property or interest any federally owned property or interest therein under his jurisdiction within any such unit or area, subject to such terms and conditions as he deems necessary. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor from funds appropriated for the acquisition of land for the area, or to the Secretary as the circumstances require.

(c) The proceeds received from any conveyance under this section shall be credited to the land and water conservation fund in the Treasury of the United States.

Mr. JACKSON. Mr. President, I move that the Senate disagree to the amendment of the House on S. 1401 and ask for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Washington.

Mr. LONG of Louisiana. Mr. President, I ask that the motion be divided.

The ACTING PRESIDENT pro tempore. The motion is subject to division.

Mr. LONG of Louisiana. Mr. President, I ask that we vote first on disagreeing to the House amendments.

The ACTING PRESIDENT pro tempore. And asking for a conference?

Mr. LONG of Louisiana. Yes.

The ACTING PRESIDENT pro tempore. Is it clear that the question is on the first part of the motion to disagree and ask for a conference?

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

There will be no further proceedings until the Senate is in order.

The Senator from Louisiana [Mr. LONG] was recognized.

Mr. LONG of Louisiana. Mr. President, I might say that Senators would be well advised to be present in the Chamber because we hope to set a very important procedural precedent here this afternoon. I do think that Senators would be well advised to be here and understand the issues we will vote on.

The Senator moved, in the usual procedure, that the Chair lay before the Senate a message from the House of Representatives on S. 1401. Then, he stated:

I move that the Senate disagree to the amendment of the House on S. 1401 and ask for a conference on the disagreeing votes of the two Houses thereon—

I asked for a division on that part.

Then the last part of the motion of the Senator was:

That the Chair be authorized to appoint conferees on the part of the Senate—

And proceeded to designate five conferees.

On that part, I propose to make a substitute motion. Therefore, I ask that we first agree to the first part of the Senator's motion which is that we disagree to the House amendments and ask for a conference on the disagreeing votes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the first part of the motion of the Senator from Washington. [Putting the question.]

The first part of the motion of the Senator from Washington [Mr. JACKSON] was agreed to.

Mr. LONG of Louisiana. Mr. President, I am prepared to make a substitute motion with regard to the second part of the Senator's motion: The Senator proposes that there be five conferees named, none of whom, I believe, represent the real controversial and important part of this measure which is in conference between the two Houses. That controversy between the two Houses was a hot controversy that was waged on the floor of the Senate for 2 weeks, as to whether certain funds, which most of us regard as being totally irrelevant to the land and water conservation fund, should be dedicated to that purpose. After considerable debate, we adopted two amendments, one by the Senator from Delaware [Mr. WILLIAMS], and the other by the Senator from Louisiana [Mr. ELLENDER]. The Williams amendment limited the amount of funds available. The Ellender amendment stated that certain funds would not be dedicated to this purpose.

The five conferees suggested by the Senator, while senior members of the committee, did not vote the Senate position on what is the controversial part of the bill.

Usually, when something of this sort happens, there would be some Member of the Senate on the committee who had voted the Senate position. Traditionally, a considerable number of conferees, usually a majority, would be named from the committee among committee members who had voted the majority position on what was in conference between the Senate and the House.

It has been my practice, as a committee chairman, usually to name a majority of the conferees, even if I had to reach down and pick the most junior member of the committee who voted the majority position of the Senate on a bill in conference. In some instances, when that was not the case, I, as chairman of the conferees, would name enough Senators who voted the Senate position so that together, on a vote, they would constitute a majority, with the firm intention to stand with the conferees named, in order to give the majority on the conference their support on what was the position of the Senate.

I followed that position when I named the conferees on medicare, when the Gore amendment carried some years ago, and the bill died in conference. As one who had voted against the amendment, I insisted on Members who had been appointed and who had supported the Gore amendment, to see that that amounted to a majority of the Senate in conference, even though we had not voted that way prior to it.

In this instance, we have a situation where the committee was unanimous and was strongly in opposition to the Senate position and took the attitude that the Senate amendment would, in effect, destroy the purposes of the bill and that the Senate amendment should be disagreed to overwhelmingly.

Now when the vote occurred, the committee was unanimous in its position contrary to the Senate. Mr. President, Senate precedents make it clear that the conferees are appointed to represent the Senate. When appointed to a committee, they are appointed to represent the Senate. I am looking at page 212 of Senate Procedures where it will be noted that while conferees can be appointed by the Presiding Officer, they should represent the Senate, and that if it is desired by the Senate, the Senate will elect its conferees.

It is also pointed out in the precedents that while ordinarily one would pick from the committee and one would appoint those members of the committee who met the proper specifications, that the conference should represent the majority will of the Senate as well as a proper proportion of the party representation in the Senate, if that is possible. I also point out that the precedents further spell out that one may go beyond the membership of a committee if that is necessary to represent the will of the Senate.

In this particular case, this Senator well knows that the Interior Department, which has strongly opposed the Ellender and Williams amendments—the Ellender amendment in particular—have not given up for one moment in their desire to prevail in this matter. They have been making great efforts to have various people associated with their position bring pressure to bear upon Senators, by mail, in editorials, and otherwise, to try to compel a change in the position voted on the Senate floor; after the bill was considered over a period of 2 weeks.

In other words, the administration and the executive branch have not given up on this issue.

That being the case, this is a situation where we have a right to ask that the conferees represent the majority position of the Senate. The five conferees suggested by the Senator, so far as I am concerned, can speak for their committee amendments in conference.

I would urge those whom I would suggest as conferees, to abide by the committee's and the Senate's position on the relatively noncontroversial committee amendments in disagreement between the Senate and the House, and that those conferees representing the committee should go along by the conferees who I would suggest in representing the Senate majority position on the controversial part which is in the conference.

Therefore, Mr. President, I feel it my duty to move as a substitute that the Senate elect the following conferees:

Mr. JACKSON, Mr. KUCHEL, Mr. ELLENDER, Mr. SMATHERS, and Mr. TOWER.

By doing that, we would then have two senior members on the committee and would have a majority of conferees who voted the Senate position.

The ACTING PRESIDENT pro tempore. Will the Senator from Louisiana please send the names to the desk so that they may be reported.

Mr. LONG of Louisiana. I send forward the five names I mentioned, Mr. President, and I move, as a substitute, that the Senate elect the just-mentioned five conferees to represent the Senate on this measure.

Permit me to say further that, as a chairman of a Senate committee, I am perfectly prepared to abide by the decision of the Senate. As a committee chairman, I have been urged time and again to appoint conferees who would be more in agreement with the views of the Senator from Louisiana, the chairman of the Committee on Finance, than in agreement with the Senate itself. I have found it tempting to do such a thing, but have resisted that temptation, feeling that while it was a very tempting thing to do, it was not appropriate to fail to provide adequate representation for the majority position of the Senate in conference. The Senate can decide whether a committee chairman, who prefers to name his conferees, not one of whom voted the Senate position in conference when the matter is challenged by those in the majority representing the will of the Senate, is entitled to have a majority of conferees.

I personally have been willing to negotiate about this matter, to consider some sort of compromise. I suggested that the conferees should be evenly divided between those Members who voted for the Senate position and those who did not. No suggestion was forthcoming.

This is nothing new to me, to contest a matter of this sort. Many years ago, when we debated the tidelands issue, when Senator O'Mahoney of Wyoming was the chairman of the Senate Committee on Interior and Insular Affairs, the Senate having voted contrary to the position taken by the chairman, the chairman proposed to name a majority of conferees, contrary to the Senate position. After it was objected to, and there was some consultation between those representing the contending sides, it was felt that those who had prevailed were entitled to have a majority representation. One of the senior members of the committee, at that time the Senator from Arizona, Mr. McFarland, who subsequently became majority leader, suggested that he should not serve on the committee on conference in order that one of the other members could serve who would then make the committee representative of the majority position of the Senate.

In my judgment, this is the position the Senate should take. In some respects it might conflict with the power a Senate committee chairman might have, and perhaps should have, but there is no doubt in the mind of this Senator that if we are to be a body that represents the views of the Senate and the democratic principles as the Senate is theoretically founded, and as set forth in the Senate rules and Senate procedure, then I think the Senate should select conferees the majority of whom will represent the will of the Senate.

The ACTING PRESIDENT pro tempore. The clerk will state the motion of the Senator from Louisiana.

The LEGISLATIVE CLERK. In lieu of the conferees to be appointed by the Chair, the Senator from Louisiana [Mr. LONG] proposes that the Presiding Officer appoint the following conferees: Senators JACKSON, KUCHEL, ELLENDER, SMATHERS, and TOWER.

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. JACKSON. Is the motion previously made by the junior Senator from Washington pending at the desk?

The ACTING PRESIDENT pro tempore. The first part has been adopted and agreed to.

Mr. JACKSON. The first part of the motion has been adopted and agreed to?

The ACTING PRESIDENT pro tempore. To disagree and send to conference.

Mr. JACKSON. The second part of the motion is pending. The first part was agreed to?

The ACTING PRESIDENT pro tempore. Yes.

Mr. JACKSON. The second part of the motion of the junior Senator from Washington is pending, but, in effect, a substitute has been offered?

The ACTING PRESIDENT pro tempore. The Senator from Louisiana has offered a substitute.

Mr. JACKSON. First, for the benefit of Members of the Senate, I think it should be made clear that more than just the dedication of a portion of the Outer Continental Shelf oil receipts is involved in the disagreement between the two Houses on S. 1401. The Senate disagrees to five other amendments. I will just name the amendments that are involved: I realize that to the Senator from Louisiana the Ellender amendment is the most important one, but the facts are as follows:

For example, the House deleted from the act the admission and user fee system we established in 1964 in Public Law 88–578, known as the Golden Eagle program. The House version deletes this provision of the law, while in the Senate version it is retained. This is an important difference between the two bills which must be resolved in conference.

Next we come to the amendment which concerns the Senator from Louisiana. This is the one on new sources of revenue. The House provides a 5-year, rather than a 3-year program as adopted on the Senate floor. Enough of the receipts from the Outer Continental Shelf operations are made available for appropriation under the House version to bring the income of the fund to a total of $200 million a year for this 5-year program, while the Senate voted a 3-year program with no source for the funds provided except general appropriations.

Third, with respect to the option authority, the House version does not contain the new section 9 the Senate added to the act. This would authorize $500,000 a year for the purchase of options of not less than 2 years for acquisition of property in any authorized area of the national park system.

Fourth, on the lease-back, sell-back provision, the House version does not have the protective language exempting our national parks and those national monuments of scientific significance from this authority as does the Senate bill.

Fifth, on exchanges, the House version restricts exchanges to units within the authorized outdoor recreation area itself and to areas where exchange is already authorized. The Senate version authorizes exchanges of lands within the same State, or States, for such in-holdings and extends this authority to include areas where it is not now available. Also, the House does not require public hearings in the area, as does the Senate version; nor does the House version contain the Morse amendment forbidding exchange of sustained-yield timberlands.

CONFEREES HISTORICALLY APPOINTED FROM LEGISLATIVE COMMITTEES

Mr. President, I think everyone in this body knows what the rules, and especially the traditions, are with reference to the appointment of conferees. We do draw them from the legislative committees which processed the legislation which is the subject of the conference. But, as long as my good friend from Louisiana has raised this question and makes a point of this specific issue, I think the Senate should know what the Senate did when the Outer Continental Shelf bill was up in the Senate, in the 83d Congress, in 1953. The Hill amendment had been adopted by the Senate and had been rejected by the House. The Hill amendment, it will be recalled, provided for the earmarking—and this is very important—of all receipts from the Outer Continental Shelf for educational purposes. What did the Senate do? The Senate appointed a majority of conferees who had been vigorously opposed to the Hill amendment. The conferees at that time—and this is on all fours with the issue raised by the Senator from Louisiana—were Senators Butler of Nebraska, Millikin, Cordon—all three opposed the Hill amendment—and Senators Murray and Anderson for the then minority.

So we find a situation in which the Senator from Louisiana—and he was on the Interior Committee in 1953—did not insist that there be a majority of conferees that went along with the Senate's view on this one particular issue.

Mr. LONG of Louisiana. Mr. President, will the Senator yield at that point?

Mr. JACKSON. Yes; I am happy to yield.

Mr. LONG of Louisiana. Is it not true that two out of five of those conferees had voted for the Hill amendment, and that no one raised the point about the Hill amendment with regard to that bill?

Mr. JACKSON. I am pointing out that in 1953, on the very substantive issue the Senator from Louisiana is raising on the floor now, a majority of the conferees were opposed to a major amendment in issue—a majority of them had fought against what became the Senate version.

Mr. LONG of Louisiana. But 40 percent of them were for the Hill amendment.

Mr. JACKSON. However, in the present bill as I pointed out, earmarking is only one of the issues involved. I have discussed five other issues of substance that are in disagreement.

If we are going to depart from the established system by selecting conferees from outside of the legislative committees that consider measures, we are going to be in a very sorry situation in the Senate. But if the Senate wants to establish such a precedent, this is an opportunity to do it.

I want to point out again that in 1953—and Senator ANDERSON is on the floor at this time—a majority of the conferees—that is, Senators Butler, Milliken, and Cordon, who had been floor manager of the bill, were opposed to the amendment the Senate had adopted, the Hill amendment. Nevertheless, they were appointed and comprised a majority of the Senate conferees.

In my judgment, procedures in the Senate are going to be in a sorry state if every time we have a difference of opinion over one item in a major bill we are going outside the legislative committee to select conferees. If Senators want to establish such a precedent, they will have an opportunity of doing it here on this particular motion by the Senator from Louisiana.

I must say again that the earmarking of funds is not by any means the only issue at stake here. There are at least 5 other points, which I have just specified, over which there are substantial differences between the House version and the Senate version.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. LONG of Louisiana. With regard to the 1953 precedent the Senator mentions, I am sure the Senator is aware, is he not, that there was no argument about the conferees? No point was raised. Thus, so far as establishing precedent is concerned, there was no argument one way or the other; but even assuming that this would be regarded as a precedent and that a precedent had been established, 5 members were senior members of the committee, and 40 percent were in favor of the majority position which took a view with regard to earmarking, contrary to the view of the majority of the conferees.

Mr. JACKSON. That is precisely what my motion would do. It would bring about the appointment of the senior members of the committee from both sides of the aisle. The Senator from Louisiana did not object to this procedure at the time the Outer Continental Shelf bill went to conference. We do not think he should object to the same procedure at this time.

Mr. LONG of Louisiana. Not one of them voted for the Ellender amendment or the Williams amendment, nor could he name a member of the committee who did.

Mr. JACKSON. I should point out that although he was not here for the vote on the floor, the Senator from Colorado [Mr. ALLOTT] has announced his opposition to the earmarking amendment in the bill and so advised me that he intends to support the Ellender amendment in conference.

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

Mr. JACKSON. I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, as long as my thoughts are being voiced by others, I think I should make them clear for myself.

In the consideration of this bill, there were several of us on the Committee on Interior and Insular Affairs who voiced our doubts as to the advisability of earmarking of funds. The reasons for that feeling are many, but I will say that from my own experience with earmarking in my State of Colorado, it has led us into great financial binds over the years.

We discussed the matter in committee, and as I recall, the Senator from New Mexico [Mr. ANDERSON] was generally in sympathy with that point of view. At least he had some doubts as to the advisability of earmarking such substantial amounts out of what has suddenly become a very large fund available to the Federal Government. As I recall it, in a little more than a year, this fund has grown to the neighborhood of $1.8 billion, close to $2 billion.

Of course, that is a luscious and attractive—I was going to say peach tree, but in deference to the Senator from Virginia I shall make it an apple tree—for people who want money to spend.

We discussed the matter at some length. The Senator from Washington is correct. I do not think there was any member of the committee who had any doubt about how I personally felt as to the advisability of doing this. I had raised this question repeatedly in connection with the original consideration of the bill when we were considering the methods of financing the land and water conservation fund. There is not a member of the committee present who will not agree with that.

What happened subsequently was this: Seeing that the committee was completely or almost completely of another mind—with the exception of possibly two or three members—I did not move the matter to a vote. I, however, did try to make the bill as palatable as possible and moved to cut down the amounts committed to the land and water conservation fund. After these cuts were agreed to, the bill was reported to the floor.

The day that the Ellender amendment came up for consideration on the floor of the Senate, having committed myself several months previously to an engagement out of the city, I was absent. So I did not vote on the Ellender amendment. If I had been here, I would have voted for the amendment, not for the reason, perhaps, that the Senator from Louisiana [Mr. LONG] wants the Ellender amendment agreed to, but for the general reason and proposition that I am simply opposed to earmarking funds, particularly in a national situation, as at present, where we need money so badly. I am not in favor of earmarking funds at any time; however, I wanted to make the RECORD perfectly clear that I would have voted for the Ellender amendment.

As it now stands, I say to the Senator from Louisiana that if I am on the con-

ference committee, I will uphold the position of the Senate. I regard that as my obligation; but I am less than enthusiastic about the proposition of earmarking funds out of the Outer Continental Shelf moneys.

Mr. LONG of Louisiana. I thank the Senator.

Mr. JACKSON. Mr. President, I now yield to the Senator from Idaho.

Mr. CHURCH. Mr. President, I ask the Senator from Washington whether the method for selecting the conferees for which he has moved is not the customary way that the Senate has appointed conferees for the many bills that are considered in conference each year?

Mr. JACKSON. The Senator is certainly correct; and, as I pointed out, in the 83d Congress in an identical situation when we were talking about the earmarking of funds from the Outer Continental Shelf revenues for educational purposes, we followed the same rule that I now propose. At that time we followed the seniority rule in the committee, although a majority of the conferees were opposed to the Hill amendment that the Senate had adopted. We have followed the same precedent here. My motion is to appoint conferees according to seniority on the committee, because this bill was taken up in the full committee, as the Senator knows. In addition, as I have pointed out, there are five other items in disagreement.

Recently when we had before the Senate the crime bill, there were disagreements on various matters, including gun control legislation. A majority of the Senators who were appointed as conferees, as I recall the situation, were opposed to gun control. But no objection was heard to the appointment of those conferees.

If the only issue was the earmarking of the oil receipts, the situation might be different; but there are other items of substantial nature in dispute.

Several Senators addressed the Chair.

Mr. JACKSON. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, I suggest to the Senator from Washington that he had no oppsition on his committee amendments. They were all agreed to, without exception, is the point I am raising here.

Mr. JACKSON. I know the Senate agreed with the committee, but it is what the House did on these other questions as well as the oil receipts issue which must be resolved in conference. What is the difference?

Mr. LONG of Louisiana. As a practical matter, with regard to the committee amendment, does the Senator have any doubt in his mind that he would have any difficulty in reaching agreement with those of us who support the Ellender amendment, or that he would be fully supported with regard to his committee amendments, which were not controversial? Did we even have a rollcall vote on any of them?

Mr. JACKSON. No, we did not; but we did have a rollcall on the Ellender amendment. However, the Ellender amendment is only one of the very substantial issues in disagreement. My motion for appointment of conferees follows the established precincts under the circumstances.

Mr. LONG of Louisiana. I would propose to the Senator from Washington that he had a unanimous position for his committee amendments, which were not controversial, here in the Senate, and I would be happy to work out any arrangement to assure him of 100-percent unanimous support for his position. With regard to that part of the bill which is the controversial part of what is in conference, from the Senate point of view, I would urge that the conferees represent the majority position of the Senate.

There is nothing new about this. Just this year, we had a major bill where the jurisdiction, in veterans' matters, fell both in the Committee on Banking and Currency and in the Committee on Finance.

Here is how we worked that one out: The Committee on Finance had the bill, but we appointed conferees——

Mr. JACKSON. Mr. President, the Senator's point is not on all fours with what we are talking about now. This is not a question of overlapping, concurrent, or conflicting committee jurisdiction. The Interior Committee has sole jurisdiction over the legislation before us. And because he is concerned with only one issue of difference between the Senate and House versions of the bill, the Senator from Louisiana is attempting to take control of our committee altogether with respect to this proposed conference.

Mr. LONG of Louisiana. Just a moment. We appointed half the conferees from the Committee on Finance, and half from the Committee on Banking and Currency. We agreed that on the points the Committee on Finance recommended, the Committee on Banking and Currency would support the members from the Committee on Finance, and on the points the Committee on Banking and Currency recommended, the Committee on Finance would support the judgment of the members from the Committee on Banking and Currency. There was never a moment of controversy.

As far as what the Senator from Washington has in conference from his committee, there will be no problem about his getting 100-percent unanimous support for his position in conference. All I am asking is that on the point which is extremely vital from the point of view of those of us who do not agree with his minority position, and what is really controversial, our views be respected and upheld in conference by all the Senate conferees. I believe we have a right to make such a request.

In my experience, whenever a controversy about a conference has come before the Senate, or there was some dispute about a matter, and those who had prevailed wanted to be sure their position was adequately supported in conference, it has always been arranged that they had supporters.

If it does not work out that way, I think we will be setting a precedent to favor committee chairmen. I would certainly like to reserve the right to have the full benefit of that precedent.

But on occasions when that point has been raised, it has been my experience, during 20 years in the Senate—and the precedents are in accord—that those who were in the majority, such as in this instance, when we had debated the bill for 2 weeks in the Senate, fully understood that they would be entitled to have sufficient strength in conference so that their position could be sustained.

Mr. JACKSON. Mr. President, I now yield again to the distinguished senior Senator from Idaho.

Mr. CHURCH. Under the customary procedures of the Senate, when conferees are chosen from the committee having jurisdiction of the bill, is it not the obligation of the conferees to do all possible to uphold the position of the entire Senate rather than the position that might have been previously taken by the committee?

Mr. JACKSON. That is correct. They are conferees on the part of the Senate, not conferees on the part of a committee.

Mr. CHURCH. Would not that obligation be binding on the conferees named by the Senate?

Mr. JACKSON. That is correct. The conferees must exercise their judgment while being dutybound to uphold the position of the Senate. We are dealing, in this instance, with several different items in disagreement. We must use our best judgment in resolving these differences.

Mr. CHURCH. Would not the effect of the amendment offered by the Senator from Louisiana be to take the matter away from the committee having jurisdiction of the bill?

Mr. JACKSON. The Senator is correct.

Mr. CHURCH. Can the Senator from Washington remember any instance during his service in the Senate when a committee was denied jurisdiction by reason of the appointment of other Senators to be the majority in the conference?

Mr. JACKSON. No. The last time, according to Senate Procedure, in the notation I have found on page 213, was in 1896. But I know of no instance at all where a committee was denied its control of a conference situation such as proposed by the Senator from Louisiana.

Mr. LONG of Louisiana. The Senator from Washington has just read a footnote. Would he mind reading the language of Senate Procedure itself? Do not read the footnote.

Mr. JACKSON. I am talking about the precedent.

Mr. LONG of Louisiana. That is a precedent.

Mr. JACKSON. I have the precedent. The Senator from Louisiana can speak on his own time. I shall read the first paragraph on page 211:

> It is the universal practice in the appointment of conferees for the Presiding Officer to name the Senators suggested to him by the Member in charge of the particular bill, the Senate already having agreed to an order in each instance, as follows:

Then the form is provided. This is the tradition as everyone is well aware. Of course the Senate can appoint any Senators it chooses.

Mr. LONG of Louisiana. The Senator seems to be reading from a different volume. I am sure, though, that he must be reading from Senate Procedure.

Would the Senator permit me to read the same paragraph he read in part?

It reads:

It is also almost the invariable practice to select managers from the Members of the committee which considered the bill * * * But sometimes in order to give representation to a strong or prevailing sentiment in the House the Speaker goes outside the ranks of the committee * * *

The last sentence reads:

Senators not members of the committee which reported a bill have been appointed as conferees thereon.

It is very clear in that one precedent.

Mr. JACKSON. What is that date?

Mr. LONG of Louisiana. The precedent goes back to 1896, but we have had precedents since then, as well. That precedent has been followed.

Mr. JACKSON. Does the Senator mean it has been followed quite regularly? In addition, it does not say that Senators not members of the committee actually controlled the conference.

Mr. LONG of Louisiana. It is very seldom that it needs to be followed. I believe that I can provide the Senator with other occasions when that precedent has been followed. But it is very seldom that it occurs. The Senator raises the point. It is very seldom that a controversial bill which is in conference involves a matter which the committee voted unanimously against the Senate bill.

I am pleased to learn that the distinguished Senator from Colorado [Mr. ALLOTT] would have voted for the Ellender amendment. That comes as news to me.

I would be pleased to include the Senator's name on my list of suggested conferees in view of the fact that he would have voted for the Senate position all the way. If that would make the Senator feel better, I would add the name of the Senator from Colorado [Mr. ALLOTT] to the list of conferees I have selected.

Mr. KUCHEL. Mr. President, does that mean that there is now the suggestion of six Senate conferees under the Long substitute?

The ACTING PRESIDENT pro tempore. The Chair is in doubt. Does the Senator from Louisiana wish to substitute the name of the Senator from Colorado [Mr. ALLOTT] for one of the other conferees?

Mr. LONG of Louisiana. I suggest that his name be added to the list.

The ACTING PRESIDENT pro tempore. So that there would be six conferees.

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. JACKSON. Mr. President, is this not a new precedent?

Mr. LONG of Louisiana. Mr. President, there is nothing new about this at all. I have seen it happen before.

Mr. JACKSON. Mr. President, I yield further to the Senator from Idaho.

Mr. CHURCH. Mr. President, I think it has been established by the colloquy had with the distinguished Senator from Washington that the effect of the motion offered by the Senator from Louisiana would be to take this bill and the conference on it away from the Committee on Interior and Insular Affairs that had jurisdiction over the legislation in the first place.

I asked the distinguished Senator from Washington if there were any precedents for doing this. He replied that the only precedent was in 1896, in the last century, and as I understand it, that only applied to naming other Senators to the conference committee.

What we are now being asked to do is to abandon a customary and universal practice of the Senate that has been adhered to faithfully throughout the whole course of the 20th century.

I do not know whether oil has that much influence, but I would hope that it does not against such well-established, customary rules of procedure as are followed by this distinguished body.

Mr. KUCHEL. Mr. President, I shall detain the Senate but a moment. I well remember the deliberations in the Committee on Interior and Insular Affairs on the problems involved in this matter.

My able friend, the Senator from Colorado, is correct. He did help guide the members of that committee in its consideration of S. 1401, and he helped bring to the floor of the Senate a far better bill than that which had been introduced.

If we are now going to adopt the substitute proposal of my able friend, the Senator from Louisiana, we might as well take the rulebook and the book on Senate Procedure and throw them in the ashcan.

There were divergent points of view among the members of the Committee on Interior and Insular Affairs on most of the matters of substance in the legislation now sought to be sent to a conference committee.

I ask my colleagues in the Senate to vote down the substitute with its recommendation for a new list of six Senate conferees and to approve the motion made by the Senator from Washington [Mr. JACKSON], the chairman of the committee. The motion of the Senator from Washington [Mr. JACKSON] is precisely in line with the way the Senate has consistently acted over many years.

Mr. LONG of Louisiana. Mr. President, I consulted with the Parliamentarian while the debate was going on, and he advised me that many times while he has been a servant of the Senate in one capacity or another, we had gone beyond the committee membership to name a conferee or conferees on a conference committee, members who were interested in the matter in controversy and who were supporting the prevailing position of the Senate.

There is nothing new about it. While we have been discussing the matter on the floor, I have had senior Members of the Senate tell me that they have seen it happen while they have been Members. We did it on a supplemental bill this year. There is nothing new about it. It is just that when we have a controversy where there is some difficulty in naming a majority of the conferees to represent a majority position of the Senate, we go beyond the committee if need be to find the conferees we want. Usually we work those things out. I have helped to work them out many times.

No one has protested more than the Senator from Louisiana in years gone by when some of us, who were then junior members of the committee, would fight to make our position prevail on the Senate floor only to see the amendment or amendments thrown out in conference.

I remember on one of our very controversial social security bills, I fought as diligently as I knew how, along with other Senators. The matter went to conference, and I saw it disagreed to on the motion of a Senate conferee before we had been there for 5 minutes and before the House conferees had been officially appointed by the House.

I was very much upset because one of the amendments was mine.

I came back and I said then that the Senate conferees virtually threw the Senate amendments in the trash can before they got to the House side of the rotunda. The Senate amendments were not considered at all.

When one is on the prevailing side, he has a right to ask that his side be adequately represented in order to be sure that if the House can be prevailed upon to accept his position, his position will be agreed to.

The conferees I have suggested are Senators who have served and who presently serve on the committee.

The Senator from Florida [Mr. SMATHERS], whom I have suggested, served with distinction on the Committee on Interior and Insular Affairs for a number of years and is highly regarded by members of that committee. I have served with him and have the highest regard for him. If if would make the Senator feel any better, I would be glad to serve as a conferee, but it is not my amendment that is in controversy; it is that of the Senator from Louisiana [Mr. ELLENDER].

May I say that as a senior member of the Appropriations Committee, the Senator from Louisiana [Mr. ELLENDER] has every right to be considered in the appointment of conferees with regard to his amendment, because, as a member of the Appropriations Committee, he has an even more compelling need to think about the earmarking of Federal revenues than does one who does not serve on the Appropriations Committee.

Aside from the fact that this happens to be money that passes through the Interior Department to reach the Treasury, there would be no jurisdiction in the committee even to talk about what happens to this source of revenue. It would be a matter within the jurisdiction of the Appropriations Committee to say whether Federal revenues are going to be earmarked for one purpose or another. It would be appropriate for the Senator from Louisiana, who offered the amendment, and who the Senate agreed should be on the committee.

The Senator can dispose of this matter as he wishes. I suppose that as a committee chairman, I should be tempted, and other committee chairmen and senior members should be tempted, to vote for a position to let them represent the Senate, even though they voted for everything that was in conference between the Senate and the House. In this instance, all that is really in confer-

ence is the Williams and Ellender amendments. There would be no problem whatever.

Let me make this suggestion to the Senator: I believe I could persuade the three conferees I have suggested to vote with the Senator on everything that is in conference other than the Ellender amendment and the Williams amendment, which happen to be the will of the Senate, and contrary to those the Senator has suggested. If he wanted to work on that basis, I would suggest someone else. The Senator knows what he wants to do. He wants to kill those two amendments, the Ellender amendment in particular. The matter was debated for approximately 2 weeks. The Senator went in with a majority of votes, and after it was debated a couple of weeks, he did not have that majority.

I urge the Senator to let us have conferees at least half of whom could be relied upon to take a position in support of the Ellender amendment.

Mr. KUCHEL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. AIKEN. Mr. President, will the Chair state the question?

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Louisiana as a substitute for the second part of the motion of the Senator from Washington.

The clerk will read the names of the conferees now suggested to be appointed by the Senate.

The ASSISTANT LEGISLATIVE CLERK. Mr. JACKSON, Mr. KUCHEL, Mr. ELLENDER, Mr. SMATHERS, Mr. ALLOTT, and Mr. TOWER.

Mr. CLARK. Mr. President, has debate been closed?

The ACTING PRESIDENT pro tempore. No.

Mr. CLARK. Mr. President, I ask recognition.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. CLARK. Mr. President, I was strongly opposed to the Ellender amendment, and I supported wholeheartedly the position taken by the Senator from Washington in connection with this bill.

Over the years that I have been in the Senate, I have been insistent on many occasions that the precedents set forth in the manual prepared by our late dear friend Charles Watkins and our present eminent Parliamentarian, Floyd Riddick, should be applied.

It is only sound sense that the conferees for the Senate should, as a majority, represent the view of the Senate on matters in disagreement with the House. The conferees represent the Senate. They do not represent the committee. This has been established by precedent after precedent.

Approximately a month or 6 weeks ago the same question arose, when I spoke on the floor and suggested to my able and dear friend, the Senator from Alabama [Mr. HILL], that he had appointed conferees whose views were not in conformity with those of the Senate. He is chairman of the Subcommittee on Appropriations, where the matter in dispute was involved. They went to conference. The Senate conferees yielded. They took the position of the House conferees.

The bill came back to the floor of the Senate, and we defeated the conference report. At that point it was suggested that the same conferees go back again. I raised what I hoped was more or less diplomatic parliamentary language and the suggestion that the gentlemen should think several times before they go to conference and support a matter in dispute with the House, in which they are on the House side and not on the Senate side.

At that point the conferees, I thought with great graciousness, resigned. Other conferees were appointed. I believe this was salutary and wise and was done in a very gentlemanly and orderly way.

I cannot reverse my position, which I believe to be one of principle, and now vote not to put on this conference committee enough Members of the Senate as conferees who supported the Ellender amendment. Even though I strongly disagree with the Ellender amendment, I shall support the position of the Senator from Louisiana.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Louisiana as a substitute for the second part of the motion of the Senator from Washington for the Senate to elect the conferees. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, on this vote I have a live pair with the distinguished Senator from Oregon [Mr. HATFIELD]. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Arkansas [Mr. FULBRIGHT] the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Minnesota [Mr. MONDALE], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

I also announce that the Senator from Hawaii [Mr. INOUYE], and the Senator from Oregon [Mr. MORSE] are absent on official business.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Alaska [Mr. GRUENING], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Oregon [Mr. MORSE] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Oregon [Mr. HATFIELD], and the Senator from New York [Mr. JAVITS] are necessarily absent.

The Senator from New Jersey [Mr. CASE] is detained on official business.

If present and voting, the Senator from New York [Mr. JAVITS] would vote "nay."

The pair of the Senator from Oregon [Mr. HATFIELD] has been previously announced.

The result was announced—yeas 13, nays 69, as follows:

[No. 188 Leg.]

YEAS—13

Clark	Hartke	Stennis
Curtis	Holland	Talmadge
Eastland	Hollings	Williams, Del.
Ellender	Long, La.	
Hart	Sparkman	

NAYS—69

Aiken	Fong	Mundt
Allott	Gore	Murphy
Anderson	Griffin	Muskie
Baker	Hansen	Nelson
Bayh	Hayden	Pastore
Bennett	Hickenlooper	Pearson
Bible	Hill	Pell
Boggs	Hruska	Percy
Brewter	Jackson	Prouty
Brooke	Jordan, N.C.	Proxmire
Burdick	Jordan, Idaho	Randolph
Byrd, Va.	Kuchel	Ribicoff
Byrd, W. Va.	Magnuson	Russell
Cannon	Mansfield	Scott
Carlson	McClellan	Smith
Church	McGee	Spong
Cooper	McGovern	Symington
Cotton	McIntyre	Thurmond
Dirksen	Metcalf	Tydings
Dodd	Miller	Williams, N.J.
Dominick	Monroney	Yarborough
Ervin	Morton	Young, N. Dak.
Fannin	Moss	Young, Ohio

PRESENT AND GIVING LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mr. Tower, for.

NOT VOTING—16

Bartlett	Inouye	Mondale
Case	Javits	Montoya
Fulbright	Kennedy	Morse
Gruening	Lausche	Smathers
Harris	Long, Mo.	
Hatfield	McCarthy	

So the motion of Mr. LONG of Louisiana, to the second part of the motion of the Senator from Washington, was rejected.

The ACTING PRESIDENT pro tempore. Now the question recurs on the second part of the motion of the Senator from Washington that the Chair be authorized to appoint the conferees.

The motion was agreed to.

Mr. KUCHEL. Mr. President, I move that the vote by which the motion was agreed to be reconsidered.

Mr. JACKSON. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Chair appoints the following conferees: Mr. JACKSON, Mr. ANDERSON, Mr. BIBLE, Mr. KUCHEL, and Mr. ALLOTT.

The Chair lays before the Senate the pending business.

AN APPEAL TO HANOI

Mr. BROOKE. Mr. President, I rise today to speak as soberly and carefully as I can about the current situation in Vietnam and the negotiations in Paris. In doing so I am well aware that I am breaking the silence which most of us in this body have adopted in recent weeks, a silence reflecting a responsible concern not to jeopardize the vital effort to substitute diplomacy for warfare in Southeast Asia. We have prayed that by withholding comment on the war during this crucial period we might facilitate the progress of the peace discussions.

Unfortunately, it appears that the North Vietnamese have misconstrued our silence, just as they seem to have misjudged the earnest overtures for a peaceful settlement made by our President. They have responded to America's unilateral deescalation of the war by rapidly increasing their own military efforts. They have punctuated the talks in Paris with intensified terror attacks in Saigon. Apparently they have come to the conference table with little disposition to conduct serious negotiations at this time and with an intent to use the diplomatic forum for propaganda.

In an outrageous denial of fact, the North Vietnamese even refuse to acknowledge the presence of their forces in South Vietnam. What is worse, Hanoi continues to operate under the illusion that its bargaining position can be improved by calculated acts of the utmost brutality against the civilian population of the South. In hopes of undermining the Government of South Vietnam and of disrupting its relations with its principal ally, the North Vietnamese regime is following its established doctrine of escalating the war while talking.

This policy was enunciated by Hanoi's Deputy Chief of Staff, General Vinh, in a speech to the fourth congress of the Vietcong:

> We will take advantage of the opportunities offered by the negotiations to step up further our military attacks. The decisive factor lies on the battlefield. In fighting while negotiating, the side which fights more strongly will compel the adversary to accept his conditions.

The North Vietnamese are compounding the tragedy of the war by a fundamental misunderstanding of the relation between the terrorism which they are instigating in South Vietnam and the willingness of the allies to seek a negotiated settlement. Contrary to the dogma which prevails in Hanoi, a hundred nights of a hundred rockets in Saigon will not bring concessions. Nothing could be more certain to harden the will of the South Vietnamese Government and its allies, for there could be no more discouraging evidence of the character of their adversaries.

So far as the United States is concerned, I believe it is imperative that we disabuse the North Vietnamese of their misguided notion that increased terror attacks will compel us to accept their conditions for peace. As the Citizens Committee for Peace With Freedom in Vietnam has stated:

> One of the greatest threats to successful negotiations is that Hanoi may under-estimate America's resolve.

I fear that this is exactly what is happening.

If the just peace for which we all yearn is to come, Hanoi's misperception of our determination must give way to an accurate appreciation of American purpose and will. That purpose remains to assist the South Vietnamese in defending their right to determine their own political order. That will remains sufficient to the task.

Beneath the long and noisy debate in this country, there is a bedrock solidarity to American opinion on the war in Vietnam. It is essential for Hanoi to recognize that Americans want a fair peace and that they will accept nothing less.

The American public will not give way before the horrors being perpetrated by the People's Army of North Vietnam and the Vietcong. Precisely the opposite will occur. For example, in the wake of the Tet offensive on the cities, Louis Harris reported that support for the U.S. war effort had soared from 61 percent to 74 percent. A similar tendency is fully predictable if the PAVIN and Vietcong persist in their current tactics. This is the habitual response of the American people in time of trial. They will do what has to be done.

Hanoi should not infer from the growing concern over our needs at home that we will withdraw from necessary commitments abroad. Another recent Harris poll indicates that a solid majority of Americans favor spending what is required in Vietnam.

This rockbottom sturdiness in American opinion is the political reality with which Hanoi must reckon. Should Ho Chi Minh still doubt that the United States has the will to bear its burdens, he should pay particular attention to the tax increase which Congress has already approved.

Hanoi should not delude itself into thinking that the start of negotiations has created expectations in this country of an early settlement or that the United States has no choice but to continue the talks, however fruitless they may prove. Quite the contrary is true. The American people have adopted a highly skeptical attitude toward the Paris discussions and are prepared for the contingency of their failure. In fact, polls reveal that most Americans doubt that the talks will end the war, and a substantial majority expect them to drag on for a long time. Moreover, while 88 percent of those surveyed by Harris are strongly in favor of a negotiated settlement and 68 percent are prepared to see a neutralist solution to the war, a firm majority are opposed to the imposition of any coalition regime on South Vietnam.

What this means to me, and what I think it should mean to Hanoi, is that the American public is fully prepared to seek a compromise settlement in which all South Vietnamese, including those presently members of the NLF, will have an opportunity to take part in the political life of their country. But there is no inclination to reward force by guaranteeing the National Liberation Front a political role which it has not won through political processes.

The new Cabinet in Saigon gives the South Vietnamese Government its widest popular base to date, collectively representing more than half the total votes in the recent national elections. Premier Tran Van Huong has displayed his own enlightened view of the need to end the war by discouraging talk of reprisals against Hanoi for the bloody assaults on Saigon. He has noted, simply and compassionately, that the innocent people who die in any such retaliatory attacks are also Vietnamese. The question is "Where is the leader in Hanoi who will voice the same humane attitude toward the innocent civilians under attack in Saigon?"

If the North Vietnamese are actually intent upon peace in the region, they should be looking toward direct discussions with Saigon. The fundamental question, obviously, will have to be the role of the National Liberation Front in the future Government of South Vietnam. For my part, I believe there is a reasonable basis for including the members and adherents of the Front in the political processes of the South. That basis is the principle of one man, one vote, a principle which can be implemented through the constitutional procedures already established in South Vietnam. This is the view of the Citizens Committee for Peace With Freedom in Vietnam, a distinguished group of Americans founded by our respected former colleague, Senator Paul Douglas, and numbering among its members both President Eisenhower and President Truman.

The committee has spoken for most Americans in its declaration that—

> Any representation of the National Liberation Front in the political structure of South Vietnam should occur as a result of a free political choice expressed by the South Vietnamese themselves.

The electoral procedures of South Vietnam provide for all parties to be represented on the boards which process the ballots, adequate arrangements exist, or can be designed, to insure fair access to the voters for any candidates sponsored by the Front or its sympathizers.

It is my considered judgment that, once the North Vietnamese and their associates in the NLF give convincing evidence of their willingness to move toward serious negotiations, the Government of South Vietnam should make clear that it is prepared to accept the NLF or a successor organization into the political life of the country. The exact terms of their participation may well be the subject of protracted discussions, but those are the discussions which should be undertaken as soon as possible.

The people of the United States and of most other countries have taken President Johnson's unilateral deescalation and peace initiative as a genuine and far-reaching step toward political settlement of the war. In return it is assumed that the North Vietnamese will themselves demonstrate a sincere willingness to reach an agreement. So far, in more than a month of talks, they have failed to do so. Should they continue in their present course, the consequences could be extremely grave.

Neither we nor our adversaries should lightly countenance a collapse of the negotiations. If this occurs, the invaluable channels of diplomacy could be discredited for years to come and both the allies and the North Vietnamese could face a longer and more horrible war. Given present moods and trends, such a development could only confirm the suspicions that Hanoi is seeking to exploit negotiations for propaganda advantage rather than for an honest peace. It will reinforce the painful experience of the Laos accord of 1962, an accord which the North Vietnamese have violated from the beginning. Indeed, as Prince Souvanna Phouma has recently disclosed, Hanoi already had troops in

Laos at the time of the 1962 agreement, and assured the Prince that they would be removed if he did not make an issue of their presence at Geneva. Yet large numbers of North Vietnamese are still in Laos today. The knowledge that North Vietnam has reneged on its private bargains as well as its public ones is not designed to enhance mutual trust. It is bound to make the Paris discussions more difficult, and if they are terminated because of North Vietnam's total disregard for their serious purpose, to make their resumption less likely.

An outcome of this sort in Paris is bound to weaken the influence of those of us in the United States who have long favored a negotiated end to hostilities. James Reston is certainly right in noting that the callous behavior of the North Vietnamese to date is "not only breaking the spirit of accommodation and adding greatly to the bloodshed, but hardening the American negotiating position, which is precisely the opposite of what Hanoi intended." It threatens to discredit future arguments that America should take the first steps to moderate the war, in the expectation that North Vietnam would reciprocate.

Mr. President, it is my sad conviction that we are in one of the most dangerous and precarious periods of the entire war. Should the negotiations fail, I fear that there will be tremendous pressure on the U.S. Government, both from its electorate and its allies, to resume escalation. There are likely to be not only calls for the bombing limitations to end, but also overwhelming demands for an all-out assault to close Haiphong. Under some circumstances, a frustrated and impatient public might even insist on such harsh measures as strikes against the dikes in North Vietnam, an action which would be a radical and lamentable departure from America's consistent effort to limit the conflict. Already I am hearing from colleagues and constituents vehement arguments that every rocket that falls on Saigon should be matched by a bomb on Hanoi.

Of even greater danger to world peace would be the possibility of a wider, as well as a more intense, war. In some quarters there may arise new proposals for interdicting the Ho Chi Minh trail by sending ground troops into Laos. The occupation of the demilitarized zone might become a real issue. And I am deeply apprehensive that the scare stories one has heard so often about an impending invasion of the North might cease to be mere fantasy. With the growing capacity of the Army of South Vietnam, there may even be those who will urge Saigon to establish a beachhead above the DMZ with U.S. naval and air support.

Should these contingencies develop in the aftermath of a debacle in Paris, both the Allies and the North Vietnamese would be dealing with a vastly altered military and political situation. Hanoi must know that, having sent 100,000 of its best troops south, North Vietnam is in several respects more vulnerable to a renewed war above the 17th parallel. Moreover, it now has at stake in the South a greater investment of men and materiel than ever before. Northern troops now comprise the bulk of the main force units in South Vietnam, and Northerners are serving as "fillers" for badly depleted Vietcong units which cannot sustain their former rate of recruitment in the South. Thus, resumption of even fiercer warfare in the North and South must be judged, by any rational assessment, a costly prospect for all parties.

If Hanoi is to make a balanced appraisal of the negotiations in Paris, it must understand some central truths about the domestic political trends in the United States. The present administration is ready and willing to get on with the hard business of negotiating an equitable peace in Vietnam. In this effort it has the general support of the American people. It has the general support of Congress. No successor administration will be prepared to accept an inequitable peace, and with a fresh mandate it will be capable of prolonged negotiations, if necessary. In short there is nothing for North Vietnam to gain by procrastination, and much for it to lose.

By making the personal and political sacrifice announced in his speech of March 31, President Johnson has effectively neutralized the political constraints under which American leaders normally function. He has gained unprecedented freedom of maneuver and has sought to use it in the interests of peace. But make no mistake about it, the President's options do not lead only to the conference table. He is still Commander in Chief of the Armed Forces of the United States.

No President could have a stronger incentive than Lyndon Baines Johnson to conclude the war in Vietnam. No moment will be more opportune for Hanoi to negotiate than now.

Mr. President, Hanoi's present strategy can prolong the war. It cannot bring peace. Without a reasonable measure of reciprocity by North Vietnam, it is difficult to conceive of further concessions by the allies.

The people of Vietnam, the people of America, and, indeed, the people of all the world, want peace. They need peace. They deserve peace. The decision rests with Hanoi.

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

Mr. BROOKE. I yield.

Mr. MURPHY. Just as a matter of classification, is it not a fact that the National Liberation Front is in actuality the hard-core Communist element in South Vietnam which is directly connected with the Communist element in Hanoi?

Mr. BROOKE. There is no question that there is a relationship between the National Liberation Front and the Hanoi government.

Mr. MURPHY. I interrupted to ask the question because quite often, in dealing with terms, I am afraid that everyone does not always understand every implication.

I congratulate my distinguished colleague for the objective, enlightening, and noteworthy remarks he is making.

I thank the Senator for permitting the interruption.

Mr. BROOKE. I thank the Senator from California.

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

Mr. BROOKE. I yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I did not hear the beginning of the Senator's speech, but I have listened with great interest to the last 10 or 15 minutes of his remarks. I think his speech was well worthwhile, not only worthwhile making but worthwhile publicizing.

It is important, I believe, to try to impress on the North Vietnamese that this country wants peace, but is not going to stay its hand forever, particularly in the face of the renewed attacks which the North Vietnamese are making in South Vietnam at the present time.

I congratulate my distinguished colleague. I am happy that he made the speech.

Mr. BROOKE. I thank the distinguished Senator from Colorado. I am glad that he emphasized the position of the American people. I think it is important that not only Hanoi but the world understand the American position at this time.

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

Mr. BROOKE. I yield.

Mr. ALLOTT. I congratulate the distinguished Senator from Massachusetts on his speech, which contains, I think, some very valuable new thoughts. The primary one, of course, is that Hanoi will never be in a more advantageous position to wage a peace at the conference table than it will be in the few months before the end of this year.

Another thought which strikes me is that, as I have felt for a long time and have stated many times, I do not believe that we would ever negotiate a peace which did not reflect the status of the battlefield. With that the Senator may not entirely agree, but at the beginning of his speech, before I was called from the floor for a few minutes, the Senator quoted a dispatch from Hanoi which said that this was their belief, and said it in almost exactly these words, that they intend to continue and even escalate the war as long as they are negotiating, and that to them negotiation is only another instrument in the prolongation and the waging of the war. I am sure the Senator agrees that that is their position, as matters now stand.

The Senator's very brilliant speech brought to my mind the fact that during the course of the last 2 or 3 years I have talked with many people who were bitterly and emotionally opposed to the Vietnam war. Of course, that is their right and privilege. Many of us have had second thoughts about the means and the mechanisms by which we became involved in that war to the extent which we have.

But in the emotional reactions of the people who are so bitterly opposed to the war there constantly recurs the theme of the cruelty and suffering that has come upon the South Vietnamese people because of the war. I ask the Senator, has he ever seen a better example of a scorched-earth policy than the war-

fare the Vietcong and the North Vietnamese have waged against Saigon during the last few weeks?

Mr. BROOKE. My answer is "No."

Mr. ALLOTT. I was sure the Senator would agree. I make this statement simply to call the attention of the American people, and particularly those who somehow have got stars in their eyes with regard to who the Vietcong are, whom they represent, and what they are trying to do: That here is one of the most brutal, inhuman, continuing policies of scorched earth and brutality against people that we have seen, perhaps, in our lifetime.

When we think about where we are going and with whom we are negotiating and what we ought to do in the future, I think we must constantly remember those days beginning with the Tet offensive, and the days up to the present hour, during which the Vietcong have brutally sought the destruction of Saigon and its terrified citizenry. The Vietcong know that this destruction has to be ultimate and final if they are to be successful in their efforts to dominate this war-ravaged country.

I appreciate very much the remarks of the Senator, and I appreciate his yielding to me.

Mr. BROOKE. Mr. President, I am very grateful to the distinguished Senator from Colorado. He certainly has pinpointed what the North Vietnamese and the Vietcong have been doing in South Vietnam since the negotiations have commenced. Obviously, they are of the erroneous opinion that they will compel the negotiations to go their way by an escalated waging of the war and by terrorism and acts of brutality, as the Senator has pointed out, against the South Vietnamese people.

I think this is a misconception and a misinterpretation of our purpose and our will. And I think that unquestionably they must realize—and I hope soon—that our Nation intends to stand up to its commitment in Vietnam and that we will not be compelled to negotiate any unfair or unjust peace.

I think that the statement to which the Senator refers is a clear indication of their intent and their doctrine that the battlefield is the important place from which to win at the negotiating table. And this is unfortunate, for certainly the time for them to negotiate is now. The conditions and the climate for negotiations are better now than perhaps they will be at any other time in the foreseeable future. And as I have tried to point out in the speech—and I think it is accurate—President Johnson's position is unique in American history and in the history of the world. He does have freedom at this time by virtue of the fact that he will not be a candidate for reelection.

So I am very hopeful that Hanoi will harken to this appeal and get on with serious negotiations in Paris. I hope that Hanoi will undertake deescalation rather than an escalation of the war, and will not threaten us with their present course of action, including acts of brutality against their own people.

I thank the distinguished Senator from Colorado for his contribution.

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

Mr. BROOKE. I yield.

Mr. MURPHY. Mr. President, I agree with the distinguished Senator from Massachusetts. President Johnson has performed in a manner the like of which has not existed in history.

On several occasions he has done more than some people have thought was in the best interest of the United States in order that we achieve peace. I think that in the minds of all honest and serious-minded people there can be no question of that. However, the entire conduct of the war in Vietnam has been that of contrived confusion.

At this present juncture, although a cessation of bombing in the North was permitted as part of our invitation and hopeful aspiration to achieve a complete cessation of the fighting so that we might talk in a peaceful atmosphere, we find once again that, advantage has been taken of us.

Now we find that because of the cessation of bombing the area north of the 19th parallel, there has been a great concentration of aircraft in this area and that our airmen are forced to fly missions today under extremely hazardous conditions—conditions unparalled in history.

It is also known now that there were three, and possibly four, enemy airfields which were continually kept out of commission by our airstrikes.

I am told now that with the cessation of the bombing, these airfields are being rebuilt and are being manned and staffed by the very latest Russian fighting planes and Russian medium bombers. It may be that the great destruction and, in my judgment, the needless destruction taking place today may be the result of the gracious action on the part of our President to seek the peace.

I wonder if the distinguished Senator feels as I do, that maybe the time has come in these negotiations that we should begin to negotiate on the same basis that we have negotiated successfully with Communist nations in the past. Maybe the time has come for us to show our strength.

It worked for President Truman in Greece. It worked for President Eisenhower in Lebanon. It has worked in two or three other areas of the world. It seems, however, that every time we choose to negotiate from the standpoint of friendship, which is in keeping with the American character, we are misunderstood.

Maybe the time has come when the President should take a firmer position and say: "Gentlemen, I have come with clean hands and with an absolutely honest intent. You have taken advantage of it. You have used it to waste time and to create world propaganda against the United States, and to create needlessly a situation in which American boys are being killed. So, as of a given date, the bombing will resume."

If it is the choice of the North Vietnamese Government in Hanoi to fight while they talk, then they must accept our actions on those same terms. I am afraid that at one point we either have to accede to what they are proposing, which is unthinkable, or say: "Now the game is over. We are now going to go back to conducting the war in a warlike manner."

Mr. BROOKE. Mr. President, in response to the distinguished Senator from California, it is not my purpose at this time to advocate a resumption of the bombing in North Vietnam. I shudder to think that that should ever have to be done again.

The purpose of my remarks on the Senate floor today is to attempt to avoid a resumption of the bombing in Vietnam, a resumption of our escalation in the war.

Hopefully, we would be able to get on with serious negotiations. But I think that the Senator very clearly points out the danger of the present course of action of the Hanoi government; that, as the distinguished Senator has suggested, there may very well be a call for a resumption of the bombing of North Vietnam. There may be a call for the mining of the Haiphong harbor. There may be a call for an interdiction of the Ho Chi Minh Trail, and so on. The conflict could grow and grow.

As I tried to point out, it could grow into a much wider and broader war. The character of the war would be changed from that which we have steadfastly adhered to.

This is the danger that Hanoi faces by its present course of action.

Mr. MURPHY. Mr. President, one of the current sayings in Saigon at this time is: "The bombs are falling on Saigon. Why aren't they falling on Haiphong?"

The people have been saying this for a long time. Also, having listened to the remarks of the Senator, I point out that the last time I was in Vietnam, during the election, the terrorists, in order to scare the people of South Vietnam and keep them from going to the polls, killed more people than have been killed by the terrorists' bombing of Saigon in this present effort.

In 1 week before the election, terrorists killed nearly 1,000 people. I believe now that the number is still under a thousand. While the casualties may number a thousand, not that many have been killed so far.

It is a strange, unfortunate situation, and I believe much of it has not been discussed in public. That is why I am pleased that the Senator has made his remarks today, to call attention to the fact, once again, that we in the United States carry out the stated policy of the people and the last four administrations of the United States, to guarantee the self-determination of small nations. I do not know what is wrong with that. It is an ideal that all nations should adopt. Yet, in carrying out this policy, we have been painted as imperialists.

I listened one day to the Russian ambassador to the United Nations. For an hour and a half, he blamed the United States for every problem that existed in the world for the last 30 years. Obviously, he was not telling the truth, and he knew that. But those of us who have watched the developments know that

being truthful has no relationship to accomplishing the ends of the Communist basic ideology. This one aspect of the situation makes it very difficult for us to perform successfully while being truthful.

I am pleased that the Senator has made his remarks, because it will attract a great deal of light and understanding as to exactly what is happening in Paris today.

Mr. BROOKE. Again, I believe the distinguished Senator from California has made a very rich contribution in this colloquy. All the actions that he has mentioned, have resulted from a misreading of the American position by the Hanoi Government.

I am hopeful that the discussion which we have begun will continue, and that Hanoi will get a correct reading of the American position.

Mr. MURPHY. We must bear in mind, also, that the people of Hanoi are not as well informed as the people of the United States.

While I was in Vietnam, for instance, I saw Communist propaganda tracts taken from prisoners—some of who were 14 years of age—in which some of our colleagues were quoted out of context. The point was to prove that the people of the United States were going to call off the war and that the United States was just as divided as the people of Paris were when they called off the war. This was not so, but this was what was being said.

The North Vietnamese government insists that they are winning militarily, when we have it on the best authority that they cannot possibly win militarily. They know this, but they do not think their people know it. Every time we stop bombing or make a gesture, they use this as proof that the Hanoi government is doing the right thing and that they are going to win.

Again, I congratulate the distinguished Senator from Massachusetts for bringing light to the matter. I hope that more of our colleagues, as time goes on, will consider this matter in the calm, thoughtful, and well-considered atmosphere in which the Senator from Massachusetts has prepared his remarks.

Mr. BROOKE. I thank the Senator from California.

This statement today is an appeal to Hanoi, and I hope and believe they will hear the message. We cannot expect that all the North Vietnamese will be informed. Certainly, they are not as well informed as the American people, with our system of government and with our media of communication. But the leaders of the Hanoi government and the negotiators who will reconvene tomorrow in Paris certainly will know of this appeal and will get the message and, hopefully, will give it due consideration.

My remarks are not intended, as I have said in response to a question of the Senator from California, to advocate any stepped-up or escalated maneuvers of the war. I believe we went to the negotiating table in all earnestness, in all sincerity, and in all good faith. I believe we have lived up to the agreement under which we went to the negotiating table. Certainly, there have been no claims that we have not. On the contrary, I believe it is Hanoi that has not lived up to the agreement.

If this is their intent and their strategy, based upon a misconception of the American will, then they should reread the American will and understand it. If they do, then, hopefully, negotiations can begin in earnest, and this war can be brought to a successful conclusion.

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

Mr. BROOKE. I am delighted to yield to the distinguished Senator from Kentucky.

Mr. COOPER. Mr. President, I note that in the first sentence of the speech of the distinguished Senator from Massachusetts, he said:

> I rise today to speak as soberly and carefully as I can about the current situation in Vietnam and the negotiations in Paris.

In his characteristic way and with his good judgment, the Senator from Massachusetts has spoken soberly and carefully about the matter. I believe that a speech of this type at this time requires such an approach and the deep concern that the Senator from Massachusetts has shown.

For a long time I had urged the President to take a step which, hopefully, would lead to negotiations, and I was glad when he took that magnificent step. Of course, like everyone else, I had hoped that the negotiations would proceed expeditiously and that some progress would be made. It is obvious that little progress has been made thus far, but I believe this was to be expected in the early days of talks.

I believe it is correct that we must view the situation in the context of the President's proposal and the response received after a few days from Hanoi, when Hanoi suggested that negotiations would take place in two phases. In the first phase the question of whether there should be a complete cessation of bombing, and in the second, an agenda for negotiations.

President Johnson has taken the first step. Perhaps North Vietnam believes it might negotiate under better conditions with the election of a new President. I agree with the Senator from Massachusetts that a new President would have to make a decision which might be exceedingly difficult, to take a step beyond that which President Johnson already has taken.

One step which I hope may occur after the negotiators reconvene tomorrow would be to enter into private talks. The public talks have been accompanied by propaganda, as expected. It seems to me very difficult to make any progress in public talks.

It is difficult to be optimistic in these circumstances, but I believe that it is most important to pursue negotiations and to maintain our efforts to reach a political settlement.

I would hope that Hanoi would hear the voice of the Senator from Massachusetts, as he has spoken today; that when the negotiators reconvene, they will enter into private negotiations; and that we will give more time to determining whether a way can be found to talk purposefully and to reach the negotiations rather than to make a choice to resume the bombing of North Vietnam. It may not be a very popular approach for some, but our country must make the effort to look at the issue as a whole, to stick with our objectives, to act justly and properly, as I believe we have, to see if the North Vietnamese will actually enter into fruitful negotiations. I believe we have to continue the effort.

Again I wish to say that I appreciate very much the Senator's measured, sober, and careful approach which was indicated in his first sentence, and which he followed throughout the speech.

Mr. BROOKE. I thank my colleague, the very distinguished member of the Committee on Foreign Relations. I am very much encouraged by his contribution and what he has said. I certainly share with the distinguished Senator from Kentucky his opinion. I think the American people are patient, and I think they have faith. I think patience has its own limitations, to be sure.

Five weeks is a long time, and yet we did not expect, perhaps, that negotiations would have been concluded in 5 weeks; but we could reasonably expect they would have started within 5 weeks. I do not think it is impatient to call out at this time for some act of serious negotiation on the part of the Hanoi government.

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

Mr. BROOKE. I yield.

Mr. MURPHY. I would think that the Hanoi government, if they came to the conference table in good faith, could quickly ask for and establish conditions for a ceasefire. This is our first hope. I think the Senator from Kentucky will agree with that.

Mr. COOPER. Of course, I do.

Mr. MURPHY. We must not forget the situation in Korea, which still goes on. We have a treaty there and it is going into the eighth year. Now, we must stop deluding ourselves at some point about the good faith, the good desire, and the promises of the Hanoi government.

The only thing that disturbs me, and I know it disturbs the Senator from Kentucky, and many other colleagues, is, How do we explain the casualty list when it is said, "All right, we tried and we tried as hard as the best interests of the United States would permit?"

Mr. President, you come to the point where it must be said, "I believe we can try a little further, but I must finally make the hard decision," and as the President said the other day, bite the bullet and face reality.

I think this is a time that is approaching. I am not so sure it would not be effective.

I look back at the years when we had great military superiority, not to make war in the world, but to guarantee the peace. We enjoyed many peaceful years because the troublemakers were afraid to move against us. Now, this is beginning to change. The more we permit it to erode and the more vacuums we permit to come into being, the more trouble there will be for the future, not only for our country but for the entire free world.

Mr. BROOKE. I think it is unreason-

able for Hanoi to expect that we can stay at the conference table for an unlimited period of time during which more and more military and civilian casualties are sustained. We have had some of our highest casualty rates in the period since negotiations started. Something is basically wrong when the casualty rates increase after negotiations commence.

As I said earlier, I think the American people are patient, and that they have faith and confidence. However, all of these virtues have their limitations. I think it is time now for Hanoi to show good faith on its part by some serious act of negotiation. I am hopeful that they will proceed in that direction.

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

Mr. BROOKE. I yield to the distinguished Senator from Wyoming.

Mr. HANSEN. Mr. President, I would like to add my words of commendation to the Senator from Massachusetts for the very excellent words of advice and warning he has given those in this country and other nations in the world today. I think he is to be complimented on his understanding of the situation in Southeast Asia.

I am aware of the fact that a little more than a year ago, as I recall, the Senator made a rather extended visit to that faraway part of the world in order to gain a first-hand understanding of the situation over there.

We have all been benefited very greatly by his observations. I hope Hanoi will ponder well his words in the Senate this afternoon because I think he has spelled out clearly and unmistakably something of the determination of this country and something of the patience of this country, which is not beyond limit, and that we are all trying to exercise in this difficult period of time. His words will serve to guide us as we work toward achieving a settlement that can result in a diminution of the struggle and a minimizing of the loss of life.

We will be misunderstood if Hanoi should make any other conclusion regarding our participation at this time.

I just wanted to add my words to those already expressed to the distinguished Senator for the very important contribution he is making toward a better understanding of the position of America today.

Mr. BROOKE. I thank the distinguished Senator for his kind and generous remarks and for stating his position on this most important matter.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. MURPHY. Mr. President, I yield the floor to the Senator from Colorado.

Mr. MANSFIELD. Mr. President, will the Senator yield to me in order that I may propound a unanimous-consent request?

Mr. DOMINICK. I am happy to yield to the distinguished majority leader. But first I had told the distinguished Senator from Kentucky I would yield to him.

CONSTRUCTION AT MILITARY INSTALLATIONS

The Senate resumed the consideration of the bill (H.R. 16703) to authorize certain construction at military installations, and for other purposes.

AMENDMENT NO. 854

Mr. COOPER. Mr. President, I call up the amendment I submitted earlier today to H.R. 16703.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. COOPER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 135, between lines 12 and 13, insert a new section as follows:

"SEC. 808. None of the funds authorized to be appropriated by this Act may be obligated or expended for the construction, procurement, or deployment of any antiballistic missile system, or for the acquisition of any real estate for any such system, prior to the fiscal year beginning July 1, 1969."

On page 135, line 13, strike out "SEC. 808" and insert in lieu thereof "SEC. 809".

Mr. HART. Mr. President, the Senator from Kentucky [Mr. COOPER] and I prepared the amendment to H.R. 16703, the Military Construction Authorization bill for fiscal year 1969.

Briefly, the amendment would postpone for 1 year the authorization for real estate acquisition and construction of the first Sentinel tactical site facilities, thus reducing the authorization by $227.3 million.

In offering this amendment, the Senator from Kentucky and I are mindful of the many other Senators who, over the past months, have repeatedly questioned the wisdom of proceeding with this system at this time. I pay tribute to the effective work of—among others—the Senator from South Dakota [Mr. MCGOVERN], the Senator from Pennsylvania [Mr. CLARK], the Senator from Wisconsin [Mr. NELSON], the Senator from New Jersey [Mr. CASE], the Senator from Oregon [Mr. MORSE], the Senator from Alaska [Mr. GRUENING], the Senator from Idaho [Mr. CHURCH], the Senator from New York [Mr. JAVITS], the Senator from Illinois [Mr. PERCY], and the Senator from Ohio [Mr. YOUNG].

Senator COOPER and I would welcome their cosponsorship of this amendment as we would welcome the support of others of our colleagues.

Mr. President, the Hart-Cooper amendment provides, in effect, that no funds authorized for construction of the Sentinel antiballistic missile system deployment shall be obligated or expended in fiscal year 1969. We desperately need a last clear chance to evaluate the pros and cons of beginning nuclear missile defenses deployment. The additional year will give us that last clear chance.

What makes this postponement particularly timely is that the Chinese missile program is at least 1 year behind the schedule which we anticipated last fall, when Secretary McNamara announced the commencement of thin defense deployment. But that is only one of the five principal reasons for supporting the amendment and I would like to address myself at this point to those five persuasive considerations:

First, we can afford to wait. The grounds presented for deployment last September depended on the timing of a potential future Chinese missile threat—a timing which has been reevaluated repeatedly since then. It now appears from a Defense Department communication of June 11 that there has been "at least a 1-year slip in the Chinese ICBM program beyond what we expected when we made the deployment decision."

Second, Sentinel is not ready for deployment. Important components have not been adequately tested. Deployment will tend to divert resources from needed additional research; a delay may therefore result in a more effective system. In sum, by postponing the deployment, the ABM program will benefit if it ultimately develops that deployment is in the national interest.

Third, Sentinel would hamper prospects for United States-Soviet Arms Control Agreement. Sentinel deployment will clearly cause the U.S.S.R. to react to some degree by developing countermeasures. At the very least it will make more remote the possibilities of serious negotiations with the Soviets over strategic armaments. A worse possibility is that a U.S. ABM deployment will open a Pandora's box of dangerous new armament programs which will decrease U.S. security rather than enhance it, at enormous added cost to both sides.

Fourth, important dollar savings may be realized. The cost of the system as presently planned is likely to soar beyond the present official figure of $5.5 billion. In addition, in the time saved alternative and less costly means of providing security may be developed, whether in the arms control area or by such means as providing protection for Minuteman ICBM's with increased site hardening. Thus a decision to spend $1 billion now could mean wasting not only that amount but in the long run $5.5 billion and probably much more.

Fifth, Sentinel's effectiveness is in grave doubt. Few Senators would argue against the acquisition of a missile defense system if they could be assured it would perform the tasks for which it was intended. If a defense system could be built which would save lives in the event of nuclear attack the expenditure of many times the funds now requested might be well justified. But the testimony of many military and technical experts provides more than adequate justification for the belief that such a system does not now exist, nor is it likely to exist in the future. The best that can now be offered is a "thin" defense system—the proposed Sentinel—which would have no capability against a large Soviet attack, only a "marginal" capability for a very short period of time against a possible

Chinese ICBM attack, and none against a Chinese attack using nuclear weapons other than ballistic missiles or concentrating even a small ICBM force on one or two of our major urban centers.

Mr. President, in view of the most serious questions about the effectiveness of a thin defense deployment, the costs of such a system at a time when we cannot afford to waste millions and billions, and the probable adverse effect of deploying Sentinel now upon the prospects for achieving important arms control agreements with the Soviets, there is surely ground for a last look before we leap. And delay is doubly wisdom when we consider that there is really no need for us to rush ahead now to meet any Chinese threat. Our original timetable last fall was actually in anticipation of a Chinese intercontinental missile capability—only projected for the 1970's—and it now appears that there has been at least a 1-year slippage in the originally expected timetable for Chinese missile development.

I will not further belabor the importance of a postponement in a program which may entail such great waste of our assets and add new burdens to the progress of indispensable nuclear arms control measures. I would conclude my remarks only by noting that the whole question of missile defense deployment requires an agonizing last appraisal by the Congress and the administration to be elected to office this November, for the ominous importance of this question has been underlined by our most respected leaders since the question of ABM deployment was raised last year. Thus, the distinguished minority leader warned us in January of 1967 against commencing any antiballistic missile race with the Soviet Union. As Senator DIRKSEN stated on a nationwide program:

> When I think in terms of antimissiles and then, of course, they are defensive weapons. But if they have enough to annihilate us and we have enough to annihilate them, then what real difference does it make how many we have and how many they have? Because you are looking at coannihilation. That only means that more work had to be done in the general disarmament field and in controls, in the hope that this thing can be kept from escalating to a point where no country can afford that kind of an expenditure.

The next major warning came from Secretary McNamara himself. In the historic speech in which he announced in 1967 that there are marginal reasons for believing that a thin defense deployment may be prudent, he warned in the most dramatic terms aganst the continuance of a mad nuclear race whose ultimate result can only be bankruptcy or annihilation for the nuclear nations of the world.

Soon after that announcement it was ex-President Eisenhower, speaking in the magazine of the United Nations Association—VISTA, January 1968—who warned us of the dangers implicit in any commencement of "thin" missile defense deployment. As he stated it:

> I wouldn't call it a form of excessive arms, *if* I though it would be effective. But I tend to agree with McNamara when he minimized the need for the thing. If it's a "thin" defense, as they now describe it, it won't appreciably improve our defensive posture. And, anyway, it's still axiomatic that the best defense is a perfect offense. We've got *that*.

And it was only a few days ago that President Johnson once more expressed our great hopes for substituting firm nuclear arms control agreement with the Soviet Union for the present reckless pace of the nuclear arms race. His most recent comments bring to mind the President's statement on February 17, 1967, on transmitting to us the report of the Arms Control and Disarmament Agency; there he spoke of the limited antiballistic missile system around Moscow and warned that our hard-won accomplishments in arms control "can be swept away overnight by still another costly and futile escalation of the arms race", since "decisions may be made on both sides which will trigger another upward spiral."

These are sobering warnings, Mr. President, from men as knowledgeable and wise as the distinguished minority leader, Secretary McNamara, former President Eisenhower, and President Johnson. When it comes to commencing another upward sweep in the nuclear arms race, it is surely national wisdom to exhaust every last avenue first. If, as I hope, the pending amendment is adopted by the Congress, we must use the coming year for a last vital attempt to defuse the nuclear arms race with sober measures of nuclear arms control and restraint. We here, our children, and all mankind will be the gainers if by postponing the evil day we can make progress which will substitute the security of arms limitation and peace for the relentless perils of nuclear escalation.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I have discussed the unanimous-consent request which I am about to propound with the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], the chairman of the Committee on Armed Services, the Senator from Georgia [Mr. RUSSELL], the chairman of the subcommittee handling the pending bill, the Senator from Washington [Mr. JACKSON], the ranking minority member of the Committee on Armed Services, the Senator from Maine [Mrs. SMITH], as well as the Senator from Kentucky [Mr. COOPER], the Senator from Missouri [Mr. SYMINGTON], the Senator from Michigan [Mr. HART], and others.

I ask unanimous consent that beginning at 1 o'clock on Monday next there be a time limitation of 30 minutes on the pending amendment, the time to be equally divided between the Senator from Kentucky [Mr. COOPER] and the distinguished chairman of the subcommittee, the Senator from Washington [Mr. JACKSON].

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that on other amendments there be a 1-hour limitation of time, to be equally divided between the proposer of the amendment and the manager of the bill, and that there be a 2-hour limitation on the bill.

The PRESIDING OFFICER. Is there objection?

Mr. MURPHY. Mr. President, may I make an inquiry of the distinguished majority leader?

Mr. MANSFIELD. I yield.

Mr. MURPHY. Has the distinguished majority leader any idea at this particular time as to how many amendments there will be to the bill?

Mr. MANSFIELD. As far as I know, there is only one. There may be others, but at this time I am not aware of any.

Mr. WILLIAMS of Delaware. Do I understand there will be a limitation of 30 minutes to each side on any other amendment?

Mr. MANSFIELD. The Senator is correct.

Mr. President, may I say for the information of the Senate—and the Senator from Delaware will be interested in this fact, as well as other Senators—that if the House passes the conference report on the tax bill on Thursday, it is the hope, the desire, and the wish of the joint leadership that it will be possible to take up that conference report in the Senate on Friday.

Mr. WILLIAMS of Delaware. I agree completely with the majority leader on that plan and think that the earlier we act on the tax bill the better it will be. I see no reason why we cannot act on Friday next.

Mr. MANSFIELD. That is our hope. The joint leadership is very desirous that if at all possible the conference report can be considered at that time. I thank the Senator from Colorado [Mr. DOMINICK].

The PRESIDING OFFICER. The Chair inquires of the Senator from Montana whether he wishes the unanimous-consent agreement in the usual form?

Mr. MANSFIELD. In the usual form; yes, indeed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, later reduced to writing, is as follows:

> *Ordered*, That effective at 1 o'clock p.m., Monday, June 24, 1968, during the further consideration of the bill (H.R. 16703), to authorize certain construction at military installations, and for other purposes, debate on any amendment (except pending amendment No. 854 offered by the Senator from Kentucky [Mr. COOPER] on which debate shall be limited to 30 minutes, to be equally divided and controlled by the Senator from Kentucky and the Senator from Mississippi [Mr. STENNIS], motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the Senator from Mississippi [Mr. STENNIS]: *Provided*, That in the event the Senator from Mississippi is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him. *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.
>
> *Ordered further*, That on the question of the final passage of the said bill debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any

Senator during the consideration of any amendment, motion, or appeal.

Mr. COOPER. Mr. President, I ask unanimous consent that other Senators who wish to cosponsor my amendment may be permitted to do so.

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

Mr. COOPER. Mr. President, I also ask unanimous consent that the name of the Senator from Wisconsin [Mr. NELSON] be added as a cosponsor.

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

Mr. DOMINICK. Mr. President, I believe I took the floor at a strategic moment because although the amendment of the Senator from Kentucky was not reported in full, I believe I know what he was talking about, and that it dealt with the ABM system and the question of whether there should be deployment or whether we should reserve the money for further development.

Mr. President, I wish to address myself to this subject for a short time this afternoon. I am a member of the Armed Services Committee. I have attended most of the briefings, particularly those in connection with the ABM system. In addition, I have had several private briefings from the Department of Defense and other intelligence sources. The material I am going to discuss today obviously cannot come from any classified source and, therefore, cannot be in as much detail as I should like to give.

Along with a number of others in the Senate, in our committee, in the Defense Appropriations Subcommittee, and, I believe, in the country at large, we are somewhat concerned over the defense posture which the United States exhibits at this time with respect to our two principal sources of danger; namely, Red China and the Soviet Union.

Mr. President, on this very date, 1 year ago, Red China detonated its first hydrogen bomb. This was only 2½ years after they had detonated their first nuclear device in late 1964. I might add, parenthetically, that they detonated that device far more rapidly than any of our experts had forecast and that they are, at this point, in terms of hydrogen development, apparently ahead of France which has been working in the area for a considerable period of time. We also know that Red China has been devoting a substantial part of its resources to the development of a missile delivery system. Our experts calculate that they will have an initial ICBM capability in the early 1970's.

We do not know why the Red Chinese are seeking to develop an ICBM system. We do not know, because we are unable to get in there or to get the proper intelligence sources, to be able to talk and communicate with their leaders on this very important item.

Perhaps Red China is to attain the international prestige of being a nuclear power. Of greater concern, however, is the alternate possibility that Red China seeks the power to blackmail her neighbors into submission to Chinese Communist influence. I hope not. But I can find little comfort in the actions of Communist China against its neighbors in recent years, or in the utterances of its leaders against the United States.

One of this country's most distinguished China scholars, Prof. Richard L. Walker, director of the Institute of International Relations at the University of South Carolina, has said:

> It is doubtful whether ever in history a group of leaders has carried on as protracted and intense a campaign of international hatred as Mao Tse Tung and his colleagues have carried on against the United States.

One of the many examples which Professor Walker offered was this quote from Chou En-lai in his report to the National Peoples' Congress:

> U.S. imperialism has done all the evil things it possibly can. It is the most arrogant aggressor ever known to history, the most ferocious enemy of world peace and the main prop of the forces of reaction in the world. Peoples and nations all over the world who want to make revolutions and liberate themselves, all countries and people that want to win their independence and safeguard their sovereignty and all countries that want to defend world peace, must direct the sharp edge of their struggle against U.S. imperialism.

That is patently ridiculous but it indicates the vocal and articulate utterances of the leaders of Red China and their attitude both toward international law and toward the United States.

The Maoist regime, like the Nazi regime in pre-World War II Germany, seeks to uproot and destroy religion. Like the Nazi regime, it seeks to wipe out the humanizing traditions and culture of the past. Like the Nazi regime, it carries its excesses to the point of lunacy. Like the Nazi regime, it glorifies the role of force through countless preachments such as Mao's famous statement that "power grows out of the barrel of a gun."

The list of aggressive acts against her neighbors by Communist China since Mao Tse-tung came to power is long and deplorable. It includes Red China's intervention in Korea, her genocidal annexation of Tibet, her two attacks on India, her attempted coup in Indonesia, her support for the Vietcong and the North Vietnamese in Vietnam, her support for the Pathet Lao movement in Laos, support for the Thailand independence movement, support for the Malayan National Liberation Army, support for the Hukbalahap movement in the Philippines and her support for the communist insurgents in Burma.

These do not seem to be the actions of a peace-loving nation who deserves the respect and friendship of the other peaceful nations of the world.

Red China's acts of aggression have not been restricted to her neighbors. Peking's subversive activities have extended to Africa. Such activities have succeeded in installing pro-Peking regimes in the island of Zanzibar on the east coast of Africa and in the Brazzaville Congo on the west coast. Such activities have been the subject of protests and denunciations and warnings by the governments of at least a dozen African countries. These protests and denunciations have come from the Governments of Burundi, Niger, the Ivory Coast, Dahomey, Upper Volta, Malawai, the Central African Republic, Kenya, and Ghana. Several protests have charged Peking with organizing insurgent armies against them. I think there is a direct relationship between the sorry record of Red China and the problem that confronts us today in Vietnam. If there is one point on which Far Eastern experts, both doves and hawks, agree it is that Red China has been using all its influence with Hanoi to keep the Vietnam war going. There is reason to believe that if Hanoi ever does agree to a reasonable settlement, it will be despite Peking's advice and against Peking's pressure.

The fanatical doctrinal commitment to the destruction of America which characterizes all the speeches and statements of the Communist Chinese leaders is something that bears no relationship to traditional politics or normal human psychology. One can only comprehend it by entering into the realm of political psychopathology—the realm inhabited by Adolf Hitler and Joseph Stalin and the other tyrannical madmen who have bloodied the pages of history. For this reason, I do not believe that this Nation can afford to depend on the assumption that the actions of such madmen will be rational. I believe that we owe it to ourselves and to the people of this Nation to provide reasonable defense against irrationality.

The thin ABM system now being created would provide such a defense against the possibility of attack by the Red Chinese in the next decade.

There are many experts who feel that the thin system does not go far enough and there is strong support for a system having greater mobility. One such system is the U.S. Navy's seaborne antiballistic missile intercept system—SABMIS.

Advocates of the SABMIS intercept system contend that by placing this ABM in ships off the Soviet and Chinese coasts, enemy missiles could be intercepted shortly after they are fired and before they have time to break into a shotgun scatter of real and decoy hydrogen bombs. Thus, enemy missiles would be destroyed before they could get anywhere near the United States and release their multiple warheads which would have been aimed at individual targets.

It may very well be that our future security will demand the employment of such a system, but certainly this issue is not now before us.

In addition our experience with the Soviet Union provide no more comfort than have our experiences with the Red Chinese. In 1961, we had a rude awakening when the Soviet Union broke the 1958 moratorium on nuclear testing and began a massive series of 300 atmospheric nuclear tests. It is now apparent that the purpose of those tests was to explore in depth the development of antiballistic missiles. It has recently been revealed that during the 1961–62 tests, the Russians detonated nuclear devices in such a way as to destroy two incoming missiles. Unclassified information which has now come to light reveals that the Soviet Union has proceeded at a steady pace to continually build its nuclear capability. The strategic military balance in terms of nuclear capability between the United States and the Soviet Union has been almost completely reversed during the past 8 years. For example, in 1962, the United States had a delivery capability ranging between 25,000 and 50,000 megatons. At that time,

the corresponding figures for the Soviet Union ranged between 6,000 and 12,000 megatons—in other words, we had a more than 2-to-1 superiority. Last year, we reached the point at which the high estimate of Soviet capability surpassed our own. It is now estimated that we have a total megaton delivery capability of between 8,000 and 29,000 megatons.

That is considerably less than in 1962, I should add. At the same time, the Soviet's delivery capability is estimated at between 16,000 and 37,000 megatons. This is almost three times what they had in 1962.

While building its offensive delivery capability, the Soviet Union has also proceeded in the development of an antiballistic-missile system in depth. The Soviets have deployed the long-range Galosh antiballistic missile and also the Griffon, the latter being a short-range antiballistic missile. These systems are in the process of construction and they comprise regional defense against a missile attack as well as spot defenses around some of their cities.

Fortune magazine of June of last year reported that the Soviet Union is rapidly deploying new ICBM's in hardened, dispersed sites, and that the extensive antiballistic-missile defense system being installed east of the Urals and in the southwestern area is designed to afford protection, not only against intercontinental ballistic missiles but also against our Polaris submarine missile and our high-flying B-52's.

While improving their defensive and offensive strategy, the Soviet Union has also produced more sophisticated offensive weapons. In addition to the normal ICBM, the Soviets have developed a fractional orbital bomb and also a multiple independently targeted reentry vehicle to operate from outer space. Their system for employing all three of these systems has been given the name Scrag. According to presently available unclassified information, Scrag can be configured as an intercontinental ballistic missile carrying a 50 megaton warhead. It can also be configured as a suborbital missile carrying a 40 megaton warhead. And in its third configuration as an orbital weapon, it can carry multiple warheads with a combined yield of about 30 million tons of TNT. By comparison, one ICBM-Scrag—I am talking about the Soviet system—equals more than five of our Titan II's or 50 of our Minuteman missiles. One orbital Scrag is the equivalent of 20 to 30 of our Minutemen missiles.

The Soviet Union has gone forward also in the development of strategic aircraft. Last July, they exhibited six new tactical fighter aircraft and six additional improved versions of existing fighters. Heretofore, the Russian tactical fighters had been short legged and designed to operate within a very limited range. Now, however, the newer aircraft have had their range considerably extended, indicating the Soviet Union's aim to expand their strategic operational range.

With the increase in the Soviet's nuclear capability, and their delivery capability, it is essential that we look at our own position. Our deterrent strategy, in order to be realistic, must insure the ability of our own ICBM's to launch a second strike. In order to have this insurance, we must provide some defense against offensive weapons. The thin antiballistic system will at least provide some insurance—and I emphasize the word "some"—that our second strike capability will exist, will survive an attack, and will be a deterrent in the event the Soviet militarists should gain control over Soviet policy.

Mr. President, this is a change in position for me. In 1963, when the distinguished Senator from South Carolina called a secret session of the Senate to urge at that time the deployment of an antiballistic missile system, I listened with great care to the information which he gave, and I listened with great care to counter arguments. I also had done a considerable amount of work from intelligence sources in connection with the Soviet threat, the capability of our own system to defend against it, and whether or not this would be the time to deploy it.

At that time it did not seem to me we were sufficiently advanced, nor did it seem to me that we had lost our strategic superiority in the process of trying to say we had a realistic deterrent. Since 1963, however, it seems to me that our situation has drastically changed. I pointed out some of the figures that led me to that conclusion. As we know, we also have an improved capability for a proposed system to be deployed under our military construction bill.

Taking those things together, I think we should examine the realism of our theory of preventing a first strike by the Soviets through a deterrent philosophy.

If we put ourselves in the place of the Soviets and if we take into consideration the fact that they really do have an intent to dominate this world, through one form or another, it would seem to me that our present defense situation is not nearly as strong as the American people would like if they really knew the facts about it. And it seems to me that if the Soviets were looking at it, they would feel our deterrent capability was not as strong as has been portrayed, particularly by Secretary McNamara in some of the speeches he has made in the past. We do not now have a fractional orbital bomb. We do not now have a capability of intercepting such a bomb. The Russians now have a fractional orbital bomb, and they now have at least a viable antiballistic missiles system which has worked on tests and which is now currently deployed.

Under those situations, it would seem to me it is in the interest of our people and our country to try to maintain our deterrent capability by insuring that we would still have the opportunity of at least launching a second strike in the event the militarists gained control of the Soviet Union and made a second strike in order to incapacitate our country and its military defenses.

It is for those reasons that I have discussed this matter today. I realize there may be some room for disagreement, but I think the room for disagreement lies in the overall intent of the Soviets and the possibility of the militarists gaining control, as opposed to whether or not we should move forward at this time in order to make some improvement in our defense structure and in order to reinforce the credibility of our deterrent philosophy.

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

Mr. DOMINICK. I am happy to yield.

Mr. THURMOND. I compliment the distinguished Senator from Colorado for the splendid address he has just delivered on the Sentinel antiballistic missile system. This is a matter in which I have long been interested, having begun work on it as far back as 1957.

General Taylor, the former Chief of Staff of the Army, was vitally interested in this subject at that time, and a section of his book, I believe, was devoted to the subject of this system.

There has been some controversy about it, and there still is. Some people take the position that massive retaliation—that is, the ability to bring the enemy to his knees with a strong offense—is all that is needed. But it has been my position all along that we ought to have the best defense available also, in order to save as many American lives as possible in the event of an all-out attack.

It has been estimated by competent officials that if we should have an all-out attack, if we had an adequate antiballistic missile system, it would save some 80 to 100 million lives. I have felt that we could not take a chance if that condition existed, and this is what the experts say.

Mr. DOMINICK. If I might interrupt at that point, without intending to disturb the Senator's train of thought, it is interesting to me that when someone comes out in favor of a defense missile of this kind, his position is turned around by some of its opponents, who say we are militarists because we are trying to achieve a defense capability in the United States. That, to my way of thinking, is a most ridiculous argument, but I have seen it over and over again in newspapers and magazines, and have heard it advanced by people who are fundamentally opposed to an antiballistic missile system, for reasons that I do not clearly understand.

Mr. THURMOND. That is exactly correct. One might understand, perhaps, why some people oppose offensive weapons but might not oppose defensive weapons, but it seems that the same people oppose both.

Mr. MURPHY. Mr. President, will the Senator yield for a brief comment at this point?

Mr. THURMOND. I yield.

Mr. MURPHY. For a number of years before I came to the Senate, I was very familiar with the fact that a double standard of judgment seems to apply in these matters. I wish, through means such as this dialog, that fact could be brought home not only to the American people but to the peoples around the world, in both the free and the totalitarian nations. Only in this way can the people gain an honest, true concept of the conditions and the problems which we face, and the reasons for the problems. A great deal of our difficulty, I believe, has to do with the double standard which has just been pointed out by the distinguished Senator from Colorado. It seems to arise all too often.

Mr. DOMINICK. I thank the Senator from California.

Mr. THURMOND. I thank the distinguished Senator.

There are some today who say they do not favor the system being presently advocated, called the thin system, designed for use against Red China. They think the Soviet Union is the chief enemy of the United States and of the free world.

I thoroughly agree that the Soviet Union is the chief enemy of the United States and the free world, but this thin system would be a step in the right direction. It would be progress toward a fuller system which we hope will be developed later, that would help protect us against the Soviet Union. That is really no excuse for voting against this system.

I recall one Senator who says he intends to vote against it because it ought to be directed against the Soviet Union. But if that Senator would reflect on the matter, he would see that this is a step in the right direction, and would help us to accomplish sooner the complete system which will be needed against the Soviet Union in the event that they should ever direct their missiles toward us here in the United States.

I do not see how we can afford to jeopardize the lives of American people for the sake of a few billion dollars. Some people say the system costs too much. It has been estimated by the former Secretary of Defense that the system would cost about $5 billion.

Suppose it does cost $5 billion or $10 billion. If it will save millions of lives of American citizens, it will certainly be worth the cost. Even the value of property that would be destroyed would many times exceed its cost. However, the most important consideration would be that it would save lives.

I congratulate the distinguished Senator from Colorado. At a later date I shall have more to say on this subject, but I am very pleased to hear that he supports this antiballistic missile system which I feel is so vital to the security of the people of this Nation.

Mr. DOMINICK. I thank the distinguished Senator from South Carolina. I know how hard and how long he has worked in this field, and what an able job he has done. Again I emphasize that every Cabinet member and indeed every knowledgeable person of whom I have heard emphasizes that our defense theory is one of deterrent—to try to have available weaponry with which we can prevent an attack upon us.

Unless we deploy some kind of a system of this nature, with the overwhelming power that the Soviet Union has, conceivably it could knock out our ICBM system so that we could not have a credible deterrent at all, because we could not retaliate.

With their fractional orbiting bombs and the new bombers and new fighters which they have developed, and with their nuclear capability in ICBM's, it seems to me that we must go forward if we want to be reasonable in the defense of our people and our country.

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

Mr. DOMINICK. I am happy to yield.

Mr. THURMOND. On that point I think the Senator is entirely correct. Some take the position that to deploy an antiballistic missile system would be provocative. In my judgment it would not be provocative, but, as the able Senator has said, it would be a deterrent, because if the enemy knows we can knock down their missiles, then they will be deterred from making an attack against us.

Why is the Soviet Union so against our building and deploying an antiballistic missile system, if its leaders do not feel it is highly to the advantage of the United States? The goal of the Soviet Union is to take over the United States, because if the United States falls, the rest of the free countries of the world will fall like ripe apples into a basket. We are the only Nation that can stop the Soviets from communizing the world, and they do not want us to build an antiballistic missile system. I think this in itself signifies the great importance that they place upon this weapon. They are attempting, in every way possible, to try to crystallize sentiment to prevent the United States from building and deploying an ABM system.

Mr. DOMINICK. Once again, I thank the Senator from South Carolina for bringing this matter to our attention.

I do not think we would necessarily want to follow along the path of the Soviet Union all the time, but since 1963—and, in fact, since long before that—they have been deploying their own antiballistic missile system across Russia; and as I said in my prepared remarks, it is not only a spot system designed to take care of certain cities, but a regional system which has the ability of hitting any missile that we or any other country might send in their direction, and destroying that missile prior to its hitting its target.

Mr. MURPHY. Mr. President, I am pleased to have been present in the Chamber today during the last two speeches and the discussions which followed. Strangely, they are related, each in a different way, to the remarks that I intend to make.

In the address of the distinguished Senator from Massachusetts, he pointed out the good faith on the part of our country and the bad faith on the part of the government of Hanoi that has been exhibited in the alleged negotiations in Paris.

We now come down to the hard material concerning military posture and capability. During the last few years our posture has changed completely. There was a time when peace in the world was guaranteed and absolute because of the Strategic Air Command.

Its strength was proved when the late President Kennedy demanded that the Russians get their missiles out of Cuba and in a hurry and they did. The fact that we had that capability, I am certain, was not the only deciding factor in the decision to take the missiles out, but it is true that Mr. Khrushchev overbid his hand. He had played poker a little too close to the chest. If he had made a mistake, he might have brought serious trouble to his country.

As long as this condition continued, we had some duty to perform in guaranteeing peace and safety to the world. But, as my colleague, the distinguished Senator from Colorado, has pointed out, as the capability, the power, and strength changes, our safety in this country also changes. And as the troublemakers become more powerful, the safety of the free world diminishes.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT OF NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

America's War on Poverty is fought on many fronts, with many weapons. Dozens of programs span the entire spectrum of human need. They range from increased social security benefits to financial aid for slum schools; from medical care for the poor and aged to a higher minimum wage for the Nation's workers.

In their varying ways, all these programs have helped to improve the conditions of life for millions of Americans in the past five years.

With the Economic Opportunity Act of 1964, the Nation mapped a concentrated poverty-fighting strategy around two basic concepts.

The first was that assistance to the poor would be most meaningful in the form of expanded opportunities—in jobs, education and training. Consequently, the programs of the Office of Economic Opportunity are designed to help a man increase his skill and earning power, and broaden his opportunity to participate in the mainstream of the country's economic and social life.

The second concept was that poverty can ultimately be defeated only by action at the local level—in the cities and towns and rural areas where it holds a paralyzing grip on people's lives. Programs and guidelines can be drawn up and administered in Washington and in regional and State headquarters. But their effectiveness depends on how they turn to action in the neighborhoods where the poor live.

This is the concept of Community Action. In principle, it means that the citizens of a community—government officials, welfare and other agency representatives, and members of the poor themselves plan and carry out comprehensive attacks on the causes and conditions of poverty in their area, tailoring a wide variety of special programs to the particular needs of that community.

The National Advisory Council on Economic Opportunity which the Congress established to review the operation of programs under the Economic Opportunity Act, focused its attention in its first year primarily on Community Action as an instrument to combat poverty. In its first report, which I am transmitting to the Congress today, the Council documents the effect of Community Action in practice.

The report tells what the anti-poverty program has meant to a Mexican American migrant worker who lived with his wife and eight children in a shack in Visalia, California. When he could find work, he earned less than $2,200 a year. When he could not, his family existed on welfare.

He had never gone beyond grade school. But when an adult education course was made available—through a Community Action Program—he enrolled, and earned the equivalent of a high school diploma.

He then signed up for another program and received on-the-job training as a butcher. Through still other programs he was able to get a low-interest loan for a decent home—and learn enough construction skills to help build the house himself and thus provide his equity with his own labor.

Locally organized counselling services gave him his first guidance in how to budget his newly-earned income, pay his debts, and start a savings account.

The effect on that man's life is nothing less than a shattering of the pattern of poverty and failure in which he and his children were born.

Not all the stories of success through these programs are as complete. For the great work we have undertaken to banish poverty from America must proceed against stubborn problems of long entrenchment.

But the great story of our day is that we *are* moving. The heartening success which has transformed the life of a migrant worker in Visalia is quietly reflected—at least in part—in the lives of millions of men and women and youngsters across this land.

Today there are about 1,000 Community Action Agencies operating in every part of the United States.

City and county government officials, school officers, health and welfare councils, and federally financed agencies are working with the poor for the first time to attack the roots of poverty. Neighborhood centers are being established and strengthened to provide greater access to social, health, welfare and other public services for those who need them most.

However difficult these accomplishments are to measure statistically, they have had great impact in terms of new hope, an increased sense of citizenship, and better days in the minds and the lives of many poor citizens.

I think it is vitally important that the American public understand what these programs have done and can yet do to break the cycle of poverty.

This report will contribute to that understanding. I am pleased to commend it to the attention of the Congress.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *June 18, 1968.*

NEGATIVE FAULT-FINDING WITH EVERYTHING AMERICAN

Mr. MURPHY. Mr. President, my remarks today have to do with the development of an attitude on the part of some Americans which I have watched with a great deal of disturbance and discouragement over the last few years. It seems that a strangely defensive, almost defeatist attitude seems to be developing in our country. Negative faultfinding with everything American is becoming the order of the day. Here in the freest, most progressive and productive society ever created, I am astonished to find that our schools and universities, our culture, our Armed Forces, our laws and civic leaders, our free enterprise system, and our social structure in general are routinely downgraded and often subjected to open attack.

The rules of the game played by America's detractors seem to require that they seek out and expose what are often minor imperfections, while they carefully avoid any mention of the positive, creative, and productive aspects of our society. Moreover, at the same time that America's difficulties are being magnified out of all proper proportion, many more basic faults in the social and economic structure of countries opposed to us are dismissed as transient and unimportant.

I am distressed to find that it is becoming fashionable in some circles, in fact in far too many circles, to speak of America as a "sick society." Certain political leaders and highly publicized opinionmakers seem to enjoy promoting the idea of a "mass guilt" for recent tragic events. A Presidential Commission has even suggested that this type of general condemnation is the main source of many of our problems.

I personally have never subscribed to the theory that 200 million Americans are responsible for the violence, lawlessness, and general breakdown of our legal, moral, and social system. On the contrary, I think such activities are completely unrepresentative and un-American. In fact, I have always had the feeling that a small group of troublemakers are seeking to use America's problems as an excuse for violent, undemocratic actions—actions which are in no way connected with potential solutions to our problems.

Rather than accept the "mass guilt" theory as a basis for increasing violence, I am strongly inclined toward the thinking of Eric Hoffer, the San Francisco longshoreman and philosopher. Mr. Hoffer has said that if in fact any mass guilt exists, it arises out of our cumulative failure to react violently enough to the growing violence around us. Mr. President, I am delighted that this prominent Californian has been named to President Johnson's new Commission on Violence.

I am sorry, however, to point out that the negative, fault-finding game continues—America's detractors are redoubling their efforts. Just a few days ago, Prof. Arthur Schlesinger, Jr., a former adviser to President Kennedy, declared on nationwide TV that the new Presidential Commission on Violence was not constituted in a serious manner, apparently because he disagreed with the political philosophies of some of the people named to the Commission. He demanded that our colleague, Senator HRUSKA, and Mr. Hoffer resign from the Commission, because, in his opinion, these two distinguished Americans had closed their minds to the matter which the Commission will investigate. Frankly, in this Senator's view, Mr. Schlesinger appears to be the one who is guilty of prejudgment and narrowmindedness.

Instead of talking so extensively and morbidly about "mass guilt" and a "sick society," I would suggest that attention be given to some of the real causes of our problems. Let us start, for instance, with the character and the background of some of the individuals charged with the horrible crime of political assassination. Lee Harvey Oswald's record shows he was discharged from the Marine Corps under highly questionable circumstances, which clearly sets him apart from that great body of fine, and I think representative, young Americans. By his own choice Oswald then went to live in the Soviet Union, a country whose ideologies are violently opposed to those of America, and this obviously sets him further apart from the great majority of ordinary, God-fearing, law-abiding American citizens. When he came back to the United States—and there were those who counseled against allowing him to return—he exhibited many antisocial attitudes and if I recall correctly, he actively attempted to drum up support for Castro's repressive regime in Cuba. I see no reason why 200 million Americans should be blamed for the actions of this unfortunate young man.

To date we know very little about what motivated the accused killer of Dr. Martin Luther King. But this much seems to be true, and this much has been alleged in the press: He is a habitual lawbreaker, an escaped convict, whose record clearly indicates he is an outcast, rather than a representative member of American society. However, something more is known of the man alleged to have taken our beloved colleague Senator Robert F. Kennedy from us. As it turns out, he is not an American at all. In fact, he has lived here only part of his life. His formative years were spent in the Middle East, where he was most likely exposed to intrigue and alien ideologies.

Although I do not wish to say anything which might prejudice the case being developed against Sirhan Sirhan, I think it appropriate to note that most Palestinian refugees are steeped in the politics of hate from early childhood. Schools for Palestinian refugees in particular, and for Arabs in general, I am afraid, emphasize hate for Israel and the West in the most undisguised and offensive manner. For instance, a typical math problem describes one Arab meeting 10 Israelis. The refugee child is told that the brave Arab kills eight Israelis and is asked how many Israelis are left. This sounds like an exaggeration, I am sure, but it is an accurate, although brief, description of a situation that has obtained in that part of the world for too many years.

Moreover, it is worth noting that we, the 200 million allegedly guilty people of America, provide much of the money to pay for such textbooks. Until the June

Arab-Israeli war of last year, the United States provided two-thirds of the budget for the United Nations Relief and Works Agency—UNRWA—which supports refugee programs, including refugee educational programs—and including the type of textbooks to which I have just referred. Although as of last June we had contributed $425 million out of UN RWA's budget of $625 million, to my knowledge we have never seriously tried to stop the hate propaganda generated in the schools and in other ways among the unfortunate refugees.

I regret to say Americans may have indirectly, and certainly unknowingly, subsidized the politics of hate in the Middle East. Yet, having lived in the United States for well over 50 years, I must note that hatred does not seem to be a normal characteristic of the individual American citizen. Certainly, we should insist that those who preach hate should pay their own bills. And from now on, we would vigorously oppose any of the distortions and lies which are told about us. Let us, for a change, insist that the truth be told about the 200 million people who live in the United States.

Mr. President, it is high time that the practitioners of political hatred abroad and the prophets of gloom in the United States be put in their proper place. We are most fortunate that two alleged assassins, James Earl Ray and Sirhan Sirhan, will be brought to trial. Hopefully, this will happen in the not-too-distant future, and it will afford us an opportunity to learn exactly what hatred or sickness motivated these two men—exactly what, if any, additional individuals or groups prompted or supported their unthinkable crimes. Once the evidence is presented and once the jury has reached its verdict, it is my sincere hope that he will have conclusive proof that 200 million Americans do not have to share any part of the guilt of these alleged assassins.

In the meantime, Mr. President, I feel that we owe a tremendous debt of gratitude to the often maligned and frequently impeded law enforcement agencies—local, State, Federal, and even international—which have done such a masterful job in apprehending these suspects. Operating in a calm, professional manner despite the atmosphere of unrest, distrust and confusion, which I regret to say is created at times by the actions of certain public figures, these men have performed in a magnificent manner.

I hope my colleagues in the Senate will join me in paying tribute to my long-time friends, Chief Thomas Reddin of the Los Angeles Police Department, Sheriff Peter Pitchess of Los Angeles County, and District Attorney Evelle Younger, for the careful, proficient, and yet swift manner in which they and their men have handled the Sirhan case. I further would ask my colleagues to join me in expressing our appreciation for the magnificent work done by the men of the Federal Bureau of Investigation, directed by that great American, Mr. J. Edgar Hoover.

We Americans also owe a debt of gratitude to law enforcement officers in other countries who were involved in this fine example of advanced police work and international cooperation. We must particularly single out the Royal Canadian Mounted Police, who untiringly screened thousands upon thousands of passport photos, and the men of the famed Scotland Yard, who patiently waited for an opportunity to apprehend the suspect.

Finally, I urge all Americans to support our law enforcement agencies at the local, State, and Federal levels. We must all realize and understand the complex problems involved in the maintenance of law and order. As I noted recently on the Senate floor, the effectiveness of our laws depends most upon good enforcement. Due process of the law is also a function of timely and just enforcement. Reestablishment of respect for the existing laws of the land, combined with public support for our police officials, may well be the most vital imperative of our time.

To sum up, Mr. President, I think it is time that we all stop acting like the character in my good friend Al Capp's Little Abner cartoon who is always walking around with a big black cloud over his head labeled "gloom." It is time to reemphasize those attributes of individual character—the pride, the charity, the kindness—for which our society has been renowned throughout the world. There is nothing in all of history to compare with the assistance and support America has extended to other nations. Never have a people been more charitable or well disposed toward others than have the people of our great country. This is the American tradition as it really is—not as the troublemakers and the prophets of turmoil would have us believe.

In the past, Americans have many times faced great challenges and seemingly insurmountable problems. In the past, Americans have always risen in unison and with determination to confront those challenges. They have attacked their problems with commonsense, inventiveness, faith, self-confidence, and have been very successful in finding solutions.

Today, our leaders must once again inspire our people to face adversity with the optimism, the creativeness, and the determination which are basic in the character and in the soul of every American citizen.

Today, we, the people of America, must vow to emphasize what is right, what is decent, what is good about our great country. Certainly, we face many complex problems today—but, to borrow some words from an old song, it is time to "accentuate the positive and eliminate the negative."

So let us try to convince America's detractors to concentrate their efforts in other areas of the globe more worthy of their attention and questionable talents.

Above all, let us agree to tell the truth, the whole truth, and nothing but the truth about this great country of ours and its 200 million citizens. I believe we have more to be proud of than we have to be ashamed of.

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

Mr. MURPHY. I yield.

Mr. FANNIN. Mr. President, I wish to commend the distinguished Senator from California for his excellent presentation of the problems facing this Nation today. Not only has he placed this matter in proper perspective but he has also related his own personal experiences in connection with the establishment of law and order in this great Nation of ours. The Senator has certainly reemphasized that it is a small minority causing the trouble.

I commend the Senator for his courage and determination in going to places of violence and trouble and investigating personally so that he could bring back a report to the Senate.

Mr. MURPHY. Mr. President, I wish to thank my distinguished colleague from Arizona for his kind remarks. I have been conscious of this problem of downgrading America for a long time. I saw it start some years ago in the motion picture industry. I saw the general overall plan to poke fun at anybody in a place of authority, as it began to lead into what has now become civil disobedience. It has brought us to the most unbelievable state where we find all sorts of alleged leading thinkers espousing an entirely new idea that, "If you do not like the law, you do not have to obey it."

Mr. President, I submit this is the most generous invitation to anarchy that could possibly be issued. I do not believe this country is quite ready for anarchy.

To the contrary, I believe our people have come to the realization that we must restore much that has been eroded away, that we must rebuild respect for law and order and get back to the sound foundations of the American tradition that made it possible for this great Nation to become the most dynamic, the freest, and most productive nation in the history of mankind.

I thank the Senator for his comments.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RESPONSE TO PEARSON AND ANDERSON'S COLUMN OF JUNE 18, 1968

Mr. DODD. Mr. President, this morning Pearson and Anderson continued their vendetta of hate and their campaign to destroy me. It was the 124th column which they have written attacking me.

This morning's column is as false and as baseless as the previous 123 were. Anyone who has studied the constant lying of Pearson and Anderson, as I have, is aware that there is a fascinating pattern to their lies.

Occasionally they get "caught up in their lies," as they did in their column about me last week when they contradicted two columns which Pearson had written back in 1964 which he had obviously completely forgotten.

This morning's Pearson and Anderson article clearly demonstrates the underhanded tactics they employ when charges which they have made are proven to be false.

Last Thursday they charged that I suppressed the Juvenile Delinquency Subcommittee studies of sex and violence on television.

Later that day I proved here on the Senate floor beyond any question that Pearson and Anderson were liars. I displayed the voluminous hearing records of my investigation into violence and sex on television, and I displayed a copy of the subcommittee report on this problem which was issued in 10,000 copies on October 27, 1964.

Now to be proven wrong, Pearson and Anderson this morning reluctantly conceded that the report was issued, but now insist that the real point is that I omitted the hardhitting material which was critical of the networks on TV violence.

In my further remarks, I shall conclusively demonstrate that this "fall-back" charge is equally as false as Pearson's first charge against me.

Once Pearson sees that I have caught him again he will undoubtedly make a further attempt to justify himself, and he will issue a third "fall-back" charge.

I do not believe any other public official in the United States could afford the risk of doing what I am doing in calling Pearson's bluff and demonstrating his lying schemes to the American public.

Pearson has made the mistake of attacking me so often and to such a degree that I am virtually immune to further attack and hence I am in a position where I can fight back, and fight back I will.

The point of Pearson and Anderson's column this morning is that I received a $2,000 or $3,000 contribution from NBC and then suppressed all derogatory information about NBC from the subcommittee report.

Let us look at the facts.

First, was there ever a contribution from NBC to me at any time?

The answer is unequivocally "No."

This morning NBC issued the following statement:

The statements in Drew Pearson's column are untrue. NBC has made no such contributions, directly or indirectly, to Senator Dodd or any other candidate.

This morning Peter Kenney, vice president of NBC, also issued the following statement here in Washington:

The statements in Drew Pearson's column about NBC contributions to Senator Dodd are untrue.

When I worked and voted in Connecticut, I made small personal contributions to Senator Dodd as one of his constituents. I made no contribution in 1964. I have never offered any contribution on behalf of NBC, and I know of no NBC contribution ever made to Senator Dodd.

Second, did I omit or suppress any critical material about NBC?

The answer here is a second unequivocal "No."

The hearing record is replete with my sharp and serious criticisms of NBC.

I wish that all of my colleagues would read this report which was printed in the RECORD last Thursday, and see for themselves that I did not "go light" on NBC, or any other network.

NBC was not the sole object of my criticisms. I was highly critical of the content of the programs of all of the networks.

Pearson and Anderson also charged this morning that I made no "stiff legislative recommendations."

It was my intention, and I believe it was the correct approach, to thoroughly publicize the results of our investigation and let the American public know the extent to which violence and sex are spread before their children during prime viewing time.

Once this point had been driven home it was up to the Federal Communications Commission to take appropriate action. They have it within their power to revoke the license of any station in this country. They have it within their power to refuse to renew a license to any station in America. They have it within their power to set up guidelines to which the stations should adhere or suffer the consequences.

There was clearly no reason for any further legislative action.

Finally, Pearson and Anderson charged that when I was facing censure charges by the Senate, NBC's law firm came to my defense. They insist that first, the Cahill firm offered to represent me free of charge, but that after Pearson had exposed the NBC connection, the firm submitted me a bill for their legal services.

First, the only reason I turned to the Cahill firm to defend me before the Senate was that it was recommended to me by a friend as being an extraordinarily capable firm. I was not even aware at the time that this firm represented NBC.

Second, the Cahill firm did offer to represent me without charge, as a public service. But from the very beginning they made it clear that I would be responsible for any expenses which they incurred. I willingly agreed and the firm has billed me for all their expenses. They have never billed me for their legal services.

In each article that Pearson and Anderson write, they weave a web of lies so numerous and so tight that it almost defies a response.

This is the technique of the "multiple untruth."

Not long ago a certain newspaper made the point that the greatest contribution to demagoguery in recent years is the technique of the "multiple untruth."

The Multiple Untruth—

Said the newspaper article—

places an unbearable burden of disproof on the challenger. The work of refutation is always inconclusive, confusing, and, most important of all, boring to the public.

This article explains, better than anything I have seen, what I have been up against in this unparalleled attack by Pearson and Anderson.

Pearson and Anderson are the most notorious character assassins and liars ever to creep into the American press.

The American press is aware of this fact, as is every Member of this body.

When will the 600-odd newspapers who regularly carry Pearson and Anderson's column wake up, realize what they are doing, and refuse to publicize this daily filth to their faithful readers?

Lastly, Mr. President, let me repeat that I shall have more to say about these two during the rest of this session of Congress. I am particularly reminded of the evil that they have perpetrated on our country with their vicious articles against our late, lamented colleague, Robert F. Kennedy. They should be ashamed of themselves. They should be kicked out of the Press Gallery into the sewer where they belong.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

SINEWS WITHOUT HEART

Mr. BYRD of West Virginia. Mr. President, the Senator from Alaska [Mr. BARTLETT] is absent from the Chamber, and I therefore ask unanimous consent that a statement by him entitled "Sinews Without Heart," be printed in the RECORD.

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

The statement of Senator BARTLETT, is as follows:

SINEWS WITHOUT HEART

I think in light of the events of recent years, months, and even days, it is entirely proper that we ask ourselves if our nation is "in grave danger of cutting out its heart and mind to strengthen its sinews."

I wish I could claim the eloquence of those words, but I cannot, for they belong to Dr. Barnaby Keeney, chairman for the National Endowment for the Humanities.

Dr. Keeney spoke those words when he made a very persuasive case for appropriating the full authorization for the National Foundation on the Arts and the Humanities.

Dr. Keeney said:

"The nature and development of human aspiration must be far better understood than it is now by all of us who make decisions for the Nation. We are a people which prides itself on material accomplishment, and we have reason for pride: We took and settled the wilderness. We have exploited the resources of the earth and of sea. We have explored the atmosphere, and now we venture into space.

"Yet we cannot sufficiently understand the people of our own country so that we can keep peace within it."

I strongly endorse those thoughts, for in building the strongest economy and military force in history, we have yet to solve the problem of finding peaceful ways for all our citizens to achieve their aspirations, or even a realistic portion of those aspirations.

As Dr. Keeney observed:

"We can assemble military power to destroy the captured citadel of Hue, but we

still cannot understand the character, the aspirations, and the needs of the simple peasants of Vietnam sufficiently to find a way to gain their enduring support against the Vietcong."

However, we should not be surprised that our scientific and military development has outstripped our knowledge of the humanities, for it is in the former areas where we have spent our money and exerted our national energy.

I have read figures that show in 1966 the federal government and private foundations spent 30 times as much on the sciences as on the humanities. The figures for funds for research were even more onesided, as the federal government spent 205 times as much on the sciences as on the humanities.

While man always neglects the humanities at the risk of losing his heart, the risk is probably greater today than at any time in our history. Congress can take a small but important step to redress this precarious imbalance by appropriating adequate funds for the National Foundation for the Arts and the Humanities.

ADJOURNMENT

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 tomorrow.

The motion was agreed to; and (at 5 o'clock and 29 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, June 19, 1968, at 12 o'clock noon.

EXTENSIONS OF REMARKS

SENATOR KENNEDY SPEAKS TO A NATION IN MOURNING

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 1968

Mr. EDMONDSON. Mr. Speaker, on June 8, 1968, Senator EDWARD M. KENNEDY paid tribute to his fallen brother, the late Senator Robert F. Kennedy, at St. Patrick's Cathedral, where the funeral was held.

I believe that these remarks by Senator EDWARD KENNEDY made to a nation stricken with grief will long stand and be cherished by America and the world. They are more than a beautiful eulogy. They are words that capture the spirit of idealism and courage, and I believe that they will remain a source of strength and inspiration for all who seek to reaffirm and rededicate themselves to those labors that must find strength in the qualities of idealism and courage.

The complete text of Senator EDWARD KENNEDY's remarks follow:

EDWARD SPEAKS FOR FAMILY, TELLS "WHAT WE FEEL"

On behalf of Mrs. Robert Kennedy, her children and the parents and sisters of Robert Kennedy, I want to express what we feel to those who mourn with us today in this cathedral and around the world.

We loved him as a brother and father and son. From his parents, and from his older brothers and sisters—Joe, Kathleen and Jack—he received inspiration which he passed on to all of us. He gave us strength in time of trouble, wisdom in time of uncertainty, and sharing in time of happiness. He was always by our side.

Love is not an easy feeling to put into words. Nor is loyalty, or trust or joy. But he was all of these. He loved life completely, and lived it intensely.

A few years back, Robert Kennedy wrote some words about his own father and they expressed the way we in his family feel about him. He said of what his father meant to him:

"What it really all adds up to is love—not love as it is described with much facility in popular magazines, but the kind of love that is affection and respect, order, encouragement, and support. Our awareness of this was an incalculable source of strength, and because real love is something unselfish and involves sacrifices and giving, we could not help but profit from it."

"Beneath it all, he has tried to engender a social conscience. There were wrongs which needed attention. There were people who were poor and who needed help. And we have a responsibility to them and to this country. Through no virtues and accomplishments of our own, we have been fortunate enough to be born in the United States under the most comfortable conditions. We, therefore, have a responsibility to others who are less well off."

This is what Robert Kennedy was given. What he leaves us is what he said, what he did and what he stood for. A speech he made to the young people of South Africa on their Day of Affirmation in 1966 sums it up the best, and I would read it now:

"There is a discrimination in this world and slavery and slaughter and starvation. Governments repress their people; and millions are trapped in poverty while the nation grows rich; and wealth is lavished on armaments everywhere.

"These are differing evils, but they are the common works of man. They reflect the imperfection of human justice, the inadequacy of human compassion, our lack of sensibility toward the sufferings of our fellows.

"But we can perhaps remember—even if only for a time—that those who live with us are our brothers, that they share with us the same short moment of life; that they seek—as we do—nothing but the chance to live out their lives in purpose and happiness, winning what satisfaction and fulfillment they can.

"Surely this bond of common faith, this bond of common goal, can begin to teach us something. Surely we can learn, at least, to look at those around us as fellow men. And surely we can begin to work a little harder to bind up the wounds among us and to become in our own hearts brothers and countrymen once again.

"Our answer is to rely on youth—not a time of life but a state of mind, a temper of the will, a quality of imagination, a predominance of courage over timidity, of the appetite for adventure over the love of ease. The cruelties and obstacles of this swiftly changing planet will not yield to obsolete dogmas and outworn slogans. They cannot be moved by those who cling to a present that is already dying, who prefer the illusion of security to the excitement and danger that comes with even the most peaceful progress. It is a revolutionary world we live in; and this generation at home and around the world, has had thrust upon it a greater burden of responsibility than any generation that has ever lived.

"Some believe there is nothing one man or one woman can do against the enormous array of the world's ills. Yet many of the world's great movements, of thought and action, have flowed from the work of a single man. A young monk began the Protestant Reformation, a young general extended an empire from Macedonia to the borders of the earth, and a young woman reclaimed the territory of France. It was a young Italian explorer who discovered the New World, and the 32-year-old Thomas Jefferson who proclaimed that all men are created equal.

"These men moved the world, and so can we all. Few will have the greatness to bend history itself, but each of us can work to change a small portion of the events, and in the total of all those acts will be written the history of this generation. It is from numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current that can sweep down the mightiest walls of oppression and resistance.

"Few are willing to brave the disapproval of their fellows, the censure of their colleagues, the wrath of their society. Moral courage is a rarer commodity than bravery in battle or great intelligence. Yet it is the one essential, vital quality for those who seek to change a world that yields most painfully to change. And I believe that in this generation those with the courage to enter the moral conflict will find themselves with companions in every corner of the globe.

For the fortunate among us, there is the temptation to follow the easy and familiar paths of personal ambition and financial success so grandly spread before those who enjoy the privilege of education. But that is not the road history has marked out for us. Like it or not, we live in times of danger and uncertainty. But there are also more open to the creative energy of men than any other time in history. All of us will ultimately be judged and as the years pass we will surely judge ourselves, on the effort we have contributed to building a new world society and the extent to which our ideals and goals have shaped that effort.

"The future does not belong to those who are content with today, apathetic toward common problems and their fellow man alike, timid and fearful in the face of new ideas and bold projects. Rather it will belong to those who can blend vision, reason and courage in a personal commitment to the ideals and great enterprises of American society.

"Our future may be beyond our vision, but is not completely beyond our control. It is the shaping impluse of America that neither fate nor nature nor the irresistible tides of history, but the work of our own hands, matched to reason and principle, that will determine our destiny. There is pride in that, even arrogance, but where is also experience and truth. In any event, it is the only way we can live."

This is the way he lived. My brother need not be idealized, or enlarged in death beyond what he was in life, to be remembered simply as a good and decent man, who saw wrong and tried to right it, saw suffering and tried to heal it, saw war and tried to stop it.

Those of us who loved him and who take him to his rest today, pray that what he was to us and what he wished for others will some day come to pass for all the world.

As he said many times, in many parts of this nation, to those he touched and who sought to touch him.

"Some men see things as they are and say why.

"I dream things that never were and say why not."