other. The narrator pours some water on each. The diapers are then picked up to show that the water soaked through the "similar disposable diaper."

NARRATOR. We have a most absorbing story for you about new softer disposable diapers. Take a similar disposable and new Chux. Pour the same amount of water on each. What happens? The other disposable absorbs some water. Chux absorbs it all because Chux concentrates thickness in the center where it's needed most. And of course Chux has a deep dry lining and water proof backing. New Chux—a most absorbing story.

Comment

The deception is that the implication derived from the comparison is fallacious. The comparison implies that similar disposable diapers do not have the keep-dry lining or water proof backing when in fact some of them do. It is this backing that prevents the diaper from allowing the water to pass through it.

A RESOLUTION ADOPTED BY THE AMERICAN LEGION POST NO. 73, LAKE CITY, S.C.

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. McMILLAN. Mr. Speaker and Members of the House. I insert in the CONGRESSIONAL RECORD a copy of a resolution adopted by the American Legion Post No. 73, Lake City, S.C.

I would like to state that the American Legion in my congressional district is very active and they give a great deal of time in studying the war in Vietnam, our Armed Forces, and our veterans in general.

The resolution follows:

RESOLUTION

Whereas, The Vietnam War has confronted the American Fighting Forces with a guerrilla type warfare which does not have clearly defined fronts or territories, and civilians and soldiers make up the enemy forces, and said enemy follow no traditional rules of war; and

Whereas, Our fighting men in Vietnam and elsewhere have been subjected to criticism, inquiries, trials, allegations and accusations because of their conduct in battle and under the stress of combat conditions and, in several cases, long after the alleged deeds have occurred and in many instances the accused are former members of the armed forces who are no longer subject to military laws; and

Whereas, Such attitudes toward our fighting men tends to create disunity and bring confusion for those who are serving in the armed forces and a lowering of the morale not only of our fighting men but the citizens of the United States including and especially Veterans Organizations such as the American Legion who know the horrors and mistakes that occur in wars; and

Whereas, When battle conditions exist, fighting men realize there is only the quick and dead and so many times they are called upon to act quickly under emergency conditions. Mistakes are always made in the horrors of war but we believe that our fighting men and armed forces who risk their lives should receive the backing of our leaders and nation. The courage of our brave fighting men is still the main guarantee and assurance of our continued freedom and liberty.

Now be it resolved, By the Wilbur Jones Post No. 73 of The American Legion, Department of South Carolina, Lake City, South Carolina at its regular meeting assembled on December 16, 1969, that our leaders cease the prosecution, trial and belittling of our fighting men who are our first line of defense and as an organization, we call upon our leaders to realize that our military morale and unity are being threatened and our military effectiveness is being weakened by certain acts against military men who were carrying out orders or facing the enemy in battle engagements or under the stress of war conditions.

And it be further resolved, That every benefit of doubt in all situations should be resolved in favor of our American Fighting Men and those charged with alleged violations should under all circumstances be assigned both military and civilian counsel to guarantee full protection of all their rights.

Further resolved, that our leaders weigh carefully any actions that threaten to demoralize and confuse the actions of our armed forces against a ruthless, cunning enemy of our way of life.

By ROBERT M. JOHNSTON,
Commander.

RENNIE W. BAIRD,
Adjutant.

SENATE—*Thursday, February 26, 1970*

The Senate met at 10 o'clock a.m. and was called to order by the President pro tempore (Mr. RUSSELL).

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

O Sovereign Lord, before whose divine majesty we know that we are weak and needy. Thou art holy and we are unholy. Thou art perfect and we are imperfect. Thou art strong and we are weak. Yet there are no other hands but human hands, no other minds but men's minds to do Thy work in the world. As Thy servant of old wrote, "If any man lacks wisdom, he should pray to God, who will give it to him; for God gives generously and graciously to all," so we pray that Thou wilt flood our minds with Thy light and truth, that our work may be Thy work, and that we may know and do Thy will.

In the Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, February 25, 1970, be dispensed with.

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

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, after the distinguished Senator from New York (Mr. JAVITS) has finished his remarks this morning, I ask unanimous consent that the transaction of routine morning business be conducted with statements by any Senator being limited to 3 minutes; and I further ask unanimous consent that it be in order to include in the morning business additional statements presented at the desk by each Senator personally and respectively.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

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

THE SITUATION IN LAOS

Mr. MANSFIELD. Mr. President, on yesterday, the distinguished Senator from Maryland (Mr. MATHIAS) raised some very pertinent questions about the situation in Laos, in which he made a reference to the use of Green Berets in various forms in the Laotian situation.

I expressed some surprise at the statement, even though the Senator from Maryland said his information was not definite. However, last night, in reading an article entitled "We Seek No Wider War in Laos," written by Mr. Arnold Abrams and published in the magazine Atlas, I note a reference to the use of Green Berets in Laos.

I ask unanimous consent that the article published in the magazine Atlas be printed in the RECORD.

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

WE SEEK NO WIDER WAR IN LAOS—DOES THAT SOUND FAMILIAR?

(NOTE.—The continuing conflict in Laos sporadically produces a rash of headlines in the U.S. press which are quickly forgotten. Some time ago, for instance, Senator J. W. Fulbright questioned America's ten-year involvement in Laos, but after some fulmination the issue faded. Arnold Abrams, a seasoned correspondent now writing for Hong Kong's highly respected Far Eastern Economic Review, raises the question anew with a sweeping and ominous examination of the unpublicized battles now taking place in the Laotian underbrush. No, U.S. officials assured Abrams, America seeks no wider war in Laos . . . and the writer was reminded of other words in other places.)

Despite blithe denials and bland interpretations by Vientiane officials, the war in Laos may be entering a decisive phase. U.S. Embassy officials insist—in private—that the decade-long struggle here is still an American "holding operation," a lowkey effort with limited objectives. But intensified fighting in the last six months may have triggered an escalatory cycle leading to another face-off between Washington and Hanoi. Government forces now wait anxiously to learn what post-dated price tag will be put on their late-summer offensive which pushed the enemy off the Plain of Jars for the first time in five years. However, thrusts by communist forces in other areas have to some extent dampened the government's success.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The expected enemy thrust could force a crucial decision on Washington: whether or not to increase American involvement in Laos when standing fast might be tantamount to backing off. An American plunge into another Asian quagmire is almost unthinkable at present, but Richard Nixon's willingness to concede control of a contested country to communist forces is equally hard to envision. U.S. policymakers had been hoping to avoid such a decision by keeping this conflict stalemated until a Vietnam settlement, involving Laos, could be reached. They managed that until last June, when a turnabout in enemy tactics drastically changed the course of this war. Now, with no Vietnam settlement in sight, time may be running out on American hopes in Laos.

Last June's enemy assault involved an estimated seven North Vietnamese battalions in a successful four-day siege against the government outpost of Muong Soui, straddling the Plain of Jars' western edge.

Moreover, the North Vietnamese didn't stop at Muong Soui. They pushed south and west, severing road links to the royal capital and probing at Long Cheng, northern nerve center of the CIA and operations base for General Vang Pao's so-called secret army.

The enemy's steamrolling drive shattered the morale of government forces and brought U.S. and Laotian officials to the verge of despair. In late summer the shaken officials decided to hit back hard. A secrecy-shrouded counter-offensive was launched, marked by fierce American aerial pounding and increased American logistical support. The government won back Muong Soui, regained the Plain of Jars.

Vientiane officials now try to play down the late-summer action, particularly the Americans' role. They talk of government troops "waltzing in" to the Plain of Jars, finding that the North Vietnamese had abandoned it, leaving behind large amounts of supplies.

These officials have no evidence to support that theory. Moreover, when pressed in a private interview, a top-ranking American official conceded that the September events "weren't exactly quite so simple." He admitted that "some pressure" had been applied to enemy encampments before government forces advanced. Some pressure? Could it be, he then was asked, that the pressure consisted of unusually intensive American air attacks? "Look," he said, "let's just say there was considerable pressure and leave it at that. I can't discuss this any further."

So now American officials and government forces await retribution. In the event of a strong enemy strike Vientiane undoubtedly is ready to accuse the other side of escalating the conflict.

U.S. officials deny the conflict is escalating and discount the possibility of Laos evolving into another Vietnam. They say the fighting will remain limited, largely because Washington and Hanoi both want it that way. Some of these officials resent the recent furor about Laos and the Senate subcommittee hearings that developed from it.

At the hearings' end, Senator J. W. Fulbright, chairman of the influential Senate Foreign Relations Committee, said that U.S. operations in Laos had been conducted without the knowledge or consent of Congress. He concluded that Washington's involvement in Laos was "most unusual and irregular—if not unconstitutional."

The American people have yet to be told by their government that their nation is militarily involved in Laos. American officials still seek to officially conceal U.S. violations of the 1962 Geneva Accord, which bars all forms of foreign military intervention in Laos. They contend that Hanoi's refusal to concede the presence of North Vietnamese troops here makes it diplomatically unfeasible for the U.S. to act otherwise.

Consequently, everyone in Vientiane, from the Russian ambassador to the mamasan of the legendary White Rose, knows what the Americans are doing here. But the American public remains ignorant of the fact that their government is arming, training, supplying, transporting and directing approximately 70,000 Laotian troops in a war which threatens to get out of hand.

Instead of setting the record at least partially straight, U.S. officials here do things like allowing Vang Pao to declare recently, before a sizable contingent of visiting journalists that his Meo forces fight with antiquated weapons, inadequate communications and inconsequential American support. As he was speaking, American F-4 Phantom jets roared overhead, several American observation planes were parked nearby and three cargo-laden American transport planes landed in quick succession at his official Sam Thong base. After denying he even received indirect U.S. military support, Vang Pao calmly climbed into an unmarked American helicopter, guarded by Laotian troops carrying American-made M-16 automatic rifles, and was flown back to his secret Long Cheng headquarters by a three-man American crew.

Vang Pao and official verbiage notwithstanding, American involvement in the Laotian conflict takes the following principal forms: in addition to 75 military advisers listed as embassy "attachés," about 300 men are employed in a variety of clandestine military activities supervised by the CIA. Although technically civilians, many CIA agents in Laos are former Special Forces soldiers recruited because of military expertise and Vietnam experience.

These ex-Green Berets train government troops, assist wide-ranging reconnaissance teams and plan guerrilla and psychological warfare operations. They wear combat fatigues and work out of three main camps, where they administer rigorous training in jungle warfare, guerrilla tactics, communications handling and weaponry. The CIA also maintains and largely controls Vang Pao's army of approximately 15,000 full-time troops. Official instructions to the contrary, CIA personnel occasionally accompany these forces on combat forays. More than 20 agents have been killed in Laos.

"These guys are tigers," says an American personally acquainted with many CIA agents in Laos. "They're tough, intelligent guys who know how to handle themselves. They're not afraid to mix it up out in the jungle." The American is a civilian engineer who befriended many agents while helping to build airstrips on several of their remote outposts. "They came to Laos because they were fed up with having their hands tied in Vietnam," he says. "Here they're doing things the way they want to and getting better pay for it as well."

Learning about these activities prompted Senator Fulbright to raise a key question about the CIA's role here: since its function ostensibly is to gather information, why is this agency running a war in Laos? "I don't approve of this kind of activity at all," Fulbright said, "but if it is in the national interest to do this, it seems to me it ought to be done by regular U.S. Army forces and not by an intelligence-gathering agency." He added that the National Security Act, which created the CIA, "never contemplated this function" for the agency.

The CIA mission chief in Laos is Lawrence Devlin, listed as a "political officer" in the U.S. Embassy. Unlike most political officers, however, Devlin flatly refuses to see reporters.

Cargo and military supplies—as well as personnel—are ferried throughout Laos by Air America and Continental Air Services, private charter firms under contract to the U.S. government. They are better known as the "CIA Airlines," and most of their pilots are ex-Air Force officers.

Another form of American air service in Laos constitutes the most direct U.S. involvement in the fighting. Under the euphemism of "armed reconnaissance flights," Thailand-based American jets and bombers have mounted aerial bombardments equal to the pounding taken by North Vietnam prior to the bombing halt in 1968. The Ho Chi Minh trail in southeast Laos has been the prime target of American air attacks, but enemy encampments and troops on the Plain of Jars came under heavy fire during the recent government offensive.

The sum total of American assistance here is reliably estimated at between $250 million and $300 million per year. Of that, only the technical aid budget—about $60 million—is made public. The rest, undisclosed, goes almost entirely for military purposes.

U.S. officials here stress that American money and manpower expenditures in Laos are minuscule compared to those in Vietnam. Washington is spending about $30 billion in Vietnam and has lost almost 40,000 servicemen there. Less than 200 U.S. personnel—mostly airmen—have been killed in Laos. A small conflict fought by volunteers may not be laudable, they say, but it beats a big bloody one by draftees.

Perhaps, but what happens when a little war threatens to escalate into a huge ugly one like Vietnam? As the *N.Y. Times'* Tom Wicker pointed out: ". . . In an ironic twist on the domino theory, anything that puts an end to those pressures in the South, including defeat for Hanoi as well as victory or a negotiated settlement, could cause North Vietnam to try either to recoup or keep up its momentum in Laos."

A top embassy official in Vientiane argues: "There is no chance of turning this into another Vietnam. We know the mistakes made in Vietnam and we have no intention of repeating them. Hanoi understands our position here. We seek no wider war."

Does it sound familiar?

Mr. MANSFIELD subsequently said: Mr. President, so that my previous reference in the RECORD to Green Berets possibly being in Laos may be clear, I was referring to former Green Berets or ex-Green Berets. That should be made clear; otherwise, what I said previously might be misconstrued. So far as I know no active members of the Special Services, sometimes known as Green Berets, are in Laos, although according to the article in Atlas magazine former Green Berets or ex-Green Berets are there. I hope the RECORD will be clear in this respect.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order heretofore entered, the distinguished Senator from New York (Mr. JAVITS) is now recognized for 15 minutes.

"NO" ON JUDGE CARSWELL'S CONFIRMATION

Mr. JAVITS. Mr. President, I have sought this time and appreciate its being made available to me by the leadership, to announce my position in respect to the confirmation of Judge Carswell to be a Justice of the Supreme Court of the United States.

I have approached the Carswell nomination as I did the Haynsworth nomination with a presumption in favor of the President's nominee. I considered this my duty both as a Senator and as a Republican. But I find that I cannot

vote to confirm Judge Carswell for essentially the same reasons that I could not vote to confirm Judge Haynsworth.

As with the Haynsworth nomination and with all nominations to the Supreme Court, I view the Senate's role of advise and consent as to require me to judge the nominee's fitness on the basis of character, philosophy, and professional attainment, and not on the basis solely of "name, rank, and serial number," as some would argue. The President is entitled to choose a conservative or strict constructionist for the Supreme Court. But this does not preclude me from making a substantive finding on the question of Judge Carswell's qualifications to sit on the High Court.

Many Senators voted against Judge Haynsworth's confirmation for reasons of conflict of interest, or because they strongly opposed his record in labor cases. My opposition, however, was based primarily on his insensitivity to the real meaning of equal protection when it comes to racial segregation. In announcing my decision on Judge Haynsworth, I stated that I had reached this conclusion because "his views on the application of the Constitution to the most critical constitutional question of our time—racial segregation—are so consistently insensitive to the centuries-old injustice which we as a Nation have caused our black citizens to bear, that I could not support the introduction of his judicial philosophy into the Nation's highest court." And that is the reason that I announce my opposition to Judge Carswell's confirmation today.

Indeed, the record in the case of Judge Carswell also contains statements and actions of the nominee as a private citizen which reinforce my impression that he will not as a Justice be diligent in extending equal protection of the law to all our citizens in civil rights cases.

G. HARROLD CARSWELL AS CITIZEN

At least three incidents involving Judge Carswell as a private citizen have been brought to light since this nomination was sent to the Senate. All three indicate an attitude toward black Americans which I find unacceptable. I believe the insensitivity which produced them is also reflected in Judge Carswell's decisions.

First, in chronological order, there is the 1948 speech strongly reaffirming the nominee's dedication to the doctrine of white supremacy. Granted that the speech was made in the heat of a political campaign, but the words themselves were particularly strong and repugnant to Americans concerned with equal justice:

> I believe that segregation of the races is proper and the only practical and correct way of life in our states. I have always so believed, and I shall always so act. I shall be the last to submit to any attempt on the part of anyone to break down and to weaken this firmly established policy of our people.
>
> If my own brother were to advocate such a program, I would be compelled to take issue with and to oppose him to the limits of my ability.
>
> I yield to no man as a fellow candidate, or as a fellow citizen in the firm, vigorous belief in the principles of white supremacy, and I shall always be so governed.

Granted that this speech was made 22 years ago, and was repudiated last month by Judge Carswell after it was revealed for the first time. And without any further support, this could have ended the matter. But when read in the light of subsequent events and in conjunction with some of Judge Carswell's most recent decisions, it cannot be rejected and must be held to shed some light on the philosophy of the judge. We should also remember that these sentiments were expressed by a man who in this very speech—delivered to an American Legion meeting—emphasizes his war record and his personal efforts to overcome the fascist doctrine of racial superiority; and that it was made at a time—1948—when the armed services were already being desegregated and the Nation was just embarking on the long and difficult road to ending racial discrimination.

Judge Carswell had been outside the South, had met and served with black Americans in the Navy, and had at least been exposed to life outside rural Georgia. The 1948 speech indicates to me that he had rejected these influences at that time; and I seriously question whether he has basically rejected them now, even though I do not challenge his sincerity in saying he rejects them.

Second, we come to the question of the Tallahassee Country Club. The facts are now well known: municipal golf course owned and operated by the city of Tallahassee, was turned over to a group of white citizens for a nominal sum—rent of $1 a year on a 99-year lease—at the very time that suits were pending all over the State of Florida demanding that such public recreational facilities be desegregated. Whatever the motives of the incorporators—and Judge Carswell is particularly vague on this point—the fact is that because the property was transferred to private ownership, the club was able to maintain a white-only policy and the black citizens of Tallahassee were denied access to the course.

Judge Carswell is listed in the corporate documents as an incorporator and a stockholder of the club. He held the position of U.S. attorney for the northern district of Florida at that time, 1956, and it is difficult for me to accept the proposition that he was not aware of the state of the law on this subject. Less than a year before, the Supreme Court had decided *Holmes* v. *City of Atlanta*, 350 U.S. 879, requiring that city to desegregate its municipal golf course, and a similar order was entered against the city of Pensacola by a judge in the very court in which Judge Carswell served as U.S. attorney exactly 2 weeks after the city of Tallahassee approved the transfer.

The circumstantial evidence that this transaction was a calculated attempt to avoid integration is simply overwhelming—and Judge Carswell's active participation, combined with his certainly imputed knowledge of the law is very damaging indeed. And so this incident, coming 8 years after his Georgia speech, appears to me to show continuance, rather than the opposite, of a private inclination to keep the races separate notwithstanding the law.

Finally, and most recently, we have learned since the hearings have been completed, that Judge Carswell, and his wife, transferred real property in 1966 with a restrictive racial covenant. It seems almost incredible to me that any lawyer, let alone a U.S. district judge would sign such a deed since a covenant contained in it was declared legally unenforceable almost 20 years before. *Shelly* v. *Kraemer*, 334 U.S. 1, which was decided in 1948 clearly established the nonenforceability of such a covenant and is a landmark case which should be familiar to all lawyers. It may be true that many old deeds contain the clauses, but it is most unusual that they should have been inserted after 1948.

The clause in question originated in 1963 when Judge Carswell's brother-in-law transferred the lot to him, and was incorporated in the instrument by which Judge Carswell sold the lot 3 years later. Why would a lawyer or a judge countenance such a clause, even with the knowledge that it is legally unenforceable?

G. HARROLD CARSWELL AS JUDGE

Now a few comments upon Judge Carswell's opinions as a judge. Again, I believe that as a Senator it is my duty to examine the philosophy and approach which a nominee brings to the High Bench, not with respect to the record of his being liberal or conservative, but merely from the point of view of enforcing the Constitution and the laws.

All of the foregoing details might be coincidental to the question of confirmation if they had not entered into the nominee's decisions as a judge. But on the contrary, I have found on reviewing Judge Carswell's reported cases, about the same pattern of delay and failure to come to grips with the racial crisis which I found in Judge Haynsworth's civil rights opinions.

For more than 10 years, during a critical period in the history of this Nation, Judge Carswell had the responsibility for overseeing the desegregation of schools in three Florida districts.

In Augustus against Board of Public Instruction of Escambia County, Judge Carswell first dismissed for lack of standing, that part of a suit filed by Negro pupils aimed at desegregating faculties. He was unanimously reversed by the fifth circuit which held that whether or not the pupils could be hurt by being taught by a segregated faculty was a question of such importance as should not be settled on a motion to strike without a hearing. Although this suit was originally filed in the spring of 1960, it was not until January of the following year that the first factual hearing was held.

Two months later, an order was issued requiring the school board to formulate a desegregation plan—a task for which they were given 3 months' time. Hearings on this plan were not held until August 1961, and it was not accepted until the following month—too late to be implemented during the new school year. The following July, the court of appeals again reversed Judge Carswell, finding the plan he had accepted to be ineffective and

remanding to the district court with instructions to devise and implement a new plan before September, if possible. Apparently ignoring the concern expressed by the circuit, Judge Carswell did not even set a hearing on the new plan until November, thus postponing the possibility of its taking effect until the 1963–64 school year.

When suit was filed in Leon County, which contains Judge Carswell's home city, Tallahassee, he accepted a plan almost identical to one on which he had been reversed by the fifth circuit in Escambia. In Steele against Board of Public Instruction of Leon County, he approved a weak plan allowing the automatic reassignment of all pupils to previously segregated schools and putting the burden on black students to apply for transfers. Affirmative desegregation was to be accomplished on a grade-a-year basis, in spite of the circuit's directive in Escambia, that unless complete desegregation could be accomplished by 1963, plans should provide for at least two-grades-per-year desegregation. Once again, he was reversed by the fifth circuit.

It is difficult to understand how Judge Carswell could ignore two reversals on these grounds and accept an essentially identical plan from a third district a year later, but that is exactly what Judge Carswell did. Youngblood against Board of Public Instruction of Bay County. In this 1964 case he accepted a plan which would not have brought about complete desegregation of the district until the fall of 1976. It was not until an exasperated fifth circuit court set a deadline of 1967 for complete desegregation throughout the circuit in Stout against Jefferson County Board of Education that Judge Carswell amended this and other weak plans which he had accepted.

It is exactly this kind of persistence in error which characterized Judge Haynsworth's decisions and which I also find unacceptable in this nominee. It seems to me that the Judge would have read the fifth circuit's remand in the Escambia case as requiring more than a token freedom-of-choice plan which would take a full 12 years to implement. But Judge Carswell seemingly chose to ignore that aspect of the decision and continued to accept plans in violation of the remand.

There are other indications of Judge Carswell's insensitivity to race problems scattered throughout his decisions. In 1961, for example, in correctly holding that a restaurant in a municipal airport could not maintain segregated facilities, he added a final paragraph subtly suggesting an evasive course of action.

> Nothing contained in this order shall be construed as requiring the City of Tallahassee to operate under lease or otherwise, restaurant facilities at the Tallahassee Municipal Airport (*Brooks* v. *City of Tallahassee*, 202 F. Supp. 56.)

This sentence which appears in the opinion reprinted in 6 Race Relations Reporter 1099, was deleted from the opinion later published in the Federal Supplement.

The nominee was also quick to dismiss without a hearing, charges raising constitutional questions. He dismissed for failure to state a cause of action, a suit filed by black citizens alleging a conspiracy on the part of private business and public officials to maintain segregated facilities. Due against Tallahassee Theatres, Inc., 1963. Five months before, the Supreme Court had decided the identical question of law in reversing convictions of black citizens seeking desegregated services. *Lombard* v. *Louisiana*, 373 U.S. 267. The fifth circuit, of course, found Judge Carswell's dismissal "clearly erroneous."

And in 1964, he dismissed for lack of standing, a suit to desegregate Florida State reform schools which had been filed by former inmates who were, at the time of filing, on probation. Singleton against Board of Commissioners of State Institutions. He was reversed again by the fifth circuit.

In 1968, he was again reversed for granting summary judgment in favor of defendants in a similar suit alleging bad faith in initiating prosecutions of civil rights workers. *Dawkins* v. *Green*, FD Supp. 772.

The hearing record on this nominee is replete with charges and countercharges involving Judge Carswell's attitudes toward civil rights litigants and their attorneys; and it even has been charged that he collaborated with local law-enforcement officials to rearrest demonstrators freed by his own court orders. I do not base my conclusion on these charges for I believe that the rest of the record is sufficient of itself to justify my own decision.

Clearly, Judge Carswell—on his personal record and his public record, at the very least—shows a desire to slow the movement toward equal opportunity for all Americans insofar as it can be established by law. My respect for the Supreme Court and my strong desire to see the cause of equal opportunity and civil rights advanced, make my consent to this nomination impossible.

Mr. President, I close, as I began, by saying that this is not a reflection—and I intend none—on Judge Carswell as a man. So far as I am concerned, there is no reason to go into that question at all. The fact is that I cannot cast my vote to confirm his nomination as a Justice of the Supreme Court of the United States. It is for the reasons I have stated: his insensitivity to the equal protection of the laws, and because I believe it is my duty in respect to our advice and consent responsibility, to be convinced that whatever may a judge's personal philosophy—liberal, conservative, strict construction, or liberal construction—he must be a man equal to the task of being a Supreme Court Justice, and I do not find that to be the case here.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement signed by four very distinguished members of the New York bar—Bruce Bromley, a former judge of the New York Court of Appeals; Francis T. P. Plimpton, president of the Association of the Bar of the City of New York; Samuel I. Rosenman, former president of the Association of the Bar of the City of New York; and Bethuel M. Webster, former president of the Association of the Bar of the City of New York—giving in fine reasoning their feeling why the vote should be "no" on the Carswell nomination.

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

STATEMENT ON THE CONFIRMATION OF JUDGE G. HARROLD CARSWELL AS AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The undersigned members of the Bar, in various sections of the United States, and of differing political affiliations, are deeply concerned about the evidence in the hearings of the United States Senate Judiciary Committee on the confirmation of Judge G. Harrold Carswell as an Associate Justice of the Supreme Court of the United States.

The testimony indicates quite clearly that the nominee possesses a mental attitude which would deny to the black citizens of the United States—and to their lawyers, black or white—the privileges and immunities which the Constitution guarantees. It has shown, also, that quite apart from any ideas of white supremacy and ugly racism, he does not have the legal or mental qualifications essential for service on the Supreme Court or on any high court in the land, including the one where he now sits.

The testimony has shown no express or implied repudiation of his 1948 campaign declarations in favor of "white supremacy" and of his expressed belief that "segregation of the races is proper and the only correct way of life in our State"—until his confirmation for the United States Supreme Court was put in jeopardy by their disclosure. On the contrary, it shows a continuing pattern of reassertion of his early prejudices.

That pattern is most clearly indicated by his activities in 1956 in connection with the leasing of a public golf course in his city to a private club, for the purpose of evading the Constitution of the United States and excluding blacks from its golf course.

We are most deeply concerned about this part of the testimony. He was then no longer the youthful, enthusiastic campaign orator of 1948 running on a platform of "white supremacy" and "segregation as a way of life." He was then a mature man, holding high Federal office.

Unfortunately, insufficient public attention has been paid by the media of public information and by the public in general to this episode.

The testimony as to the golf club is particularly devastating, not only because of the nominee's lack of candor and frankness before the Senate Committee in attempting to explain it, but because his explanation, if true, shows him to be lacking the intelligence of a reasonable man and to be utterly callous to the implications of the scheme to which he was lending himself.

The circumstances surrounding this golf club incident are extremely important, and should be made clear. By 1955, the Supreme Court of the United States had declared that it was unconstitutional for a city or state to segregate any of its public recreational facilities, such as golf courses. As a result of this decision, a common and well-publicized practice had grown up in the South, in order to keep blacks off municipal golf courses, by which the cities would transfer or lease the public facilities to a private corporation, which would then establish rules for exclusive use by whites. This was, of course, a palpable evasion—and universally understood so to be.

By 1956, many cases had already been filed in various cities of the South to invalidate these obvious subterfuges. Several lower United States Courts had already struck them down as unconstitutional. These cases were well publicized at the time when United

States Attorney Carswell, who had been, of course, sworn as a United States Attorney to uphold the Constitution and laws of the United States, became involved in the matter of the municipal golf club in Tallahassee, Florida, where he lived.

By the date the Tallahassee incident occurred, five lawsuits had already been started in different cities in the State of Florida to desegregate municipal recreation facilities, including, among others, golf clubs; and it was clearly evident that Tallahassee and its municipal golf club would soon be the target of such a suit.

Therefore, to circumvent the results of such a suit, some white citizens of Tallahassee incorporated a private club, to which the municipal golf course was thereupon leased for a nominal consideration. Affidavits, dated in February 1970, were submitted and read to the Senate Committee, signed by both blacks and whites who were residents of Tallahassee at the time, showing that it was generally understood that this transfer was being made solely for the purpose of keeping black citizens off the course.

One of these affidavits (TR 610)[1] was by a Negro lady, a public high school teacher for ten years, the business manager of Tallahassee's A & M Hospital for one-half year, and presently an Educational Specialist at the Federal Correctional Institution in Tallahassee. It said in part:

"Tallahassee was in a racial uproar over the bus boycott and other protests—bringing a reaction of fear to the white community. The word 'private' had increasingly become a code name for segregation.

"The Capital City Country Club incorporation proceedings were well-publicized and the racial overtones were necessarily clear to every knowledgeable citizen in the areas, and it would have been surprising to me if an intelligent man, particularly an incorporator was not aware of the repeatedly emphasized racial aspects of this case.

"We did not discuss this corporation widely at the time; had we not been so preoccupied with other protests, we would have undoubtedly moved against the Corporation in civil suit."

Another affidavit (TR 611) was signed by a white lady, "a life-long resident of Tallahassee whose family has been domiciled in the city for several generations," "the wife of the chairman of Florida's oldest bank, the Lewis State Bank of Tallahassee." It stated that: (1) the golf course had been developed and improved by a grant of $35,000 of WPA funds; (2) she refused to join in the new club "because we wanted no part in converting public property to private use without just compensation to the public, and because of the obvious racial subterfuge which was evident to the general public"; (3) that she had discussions at the time of the lease "with a variety of parties during that period on the subject of a golf course, the issue being of wide civic concern." She stated:

"I would have been surprised if there was any knowledgeable member of the community who was unaware of the racial aspect of the golf course transaction. The controversy appeared in the local newspaper of the time and a city commissioner was known to have raised questions about racial implications involved."

There was then received in evidence (TR 613) a clipping from page 1 of the local newspaper referred to, the Tallahassee Democrat, for February 15, 1956. This contemporaneous clipping corroborated the affidavits in showing the community discussion of the racial purpose of the lease. Reporting the fact that the lease had been entered into by the City Commission with the private club, it stated:

"The action came after a two-month cooling off period following the proposal's first introduction. At that time former City Commissioner H. G. Easterwood, now a county commissioner, blasted the lease agreement.

"He said racial factors were hinted as the reason for the move.

"Under the arrangement, the country club group would take over the operation of the course September 1. The lease is for 99 years, running through 2055, and calls for a $1.00 a year payment."

The then United States Attorney, now seeking to become an Associate Justice of the Supreme Court of the United States, became an incorporator and director of that private club to which the golf club was to be leased. Here was a high Federal public official, thoroughly cognizant of the decisions of the Federal courts, participating in a scheme to evade the Constitution.

The answer of Judge Carswell to the disclosure of this was that: (1) he thought that the papers he signed (with a subscription of $100) were for the purpose of fixing up the old golf club house; (2) that he at no time discussed the matter with anyone; and (3) that he never believed that the purpose of this transaction had anything to do with racial discrimination or keeping blacks off the course.

Some of the Senators at the hearings were as incredulous as we are. We think that a few short extracts of the Judge's testimony on this matter will give a clearer picture of the man who now seeks a seat on the Supreme Court of the United States—the final guardian of the individual rights of all of us:

Judge Carswell (in answer to a question by Senator Kennedy as to whether the Judge was testifying that the transaction was principally an effort to build a club house): "That is my sole connection with that. I have never had any discussion or never heard anyone discuss anything that this might be an effort to take public lands and turn them into private lands for a discriminatory purpose. I have not been privy to it in any manner whatsoever." (TR 65)

Senator Kennedy (TR 149): "Mr. Nominee, I think the document speaks for itself in terms of the incorporation of a club, a private club . . . I think, given the set of circumstances, the fact that they were closing down all recreational facilities in that community at that time because of various integration orders, I suppose the point that Senator Bayh is getting to and some of us asked you about yesterday is whether the formation of this club had it in its own purpose to be a private club which would, in fact, exclude blacks. The point that I think he was mentioning and driving at, and Senator Hart talked to, and I did in terms of questions, is whether, in fact, you were just contributing some $100 to repair of a wooden house, club house, or whether, in fact, this was an incorporation of a private club, the purpose of which was to avoid the various court orders which had required integration of municipal facilities.

"Now, I think this is really what, I suppose is one of the basic questions which is of some interest to some of the members and that we are looking for some response on."

Judge Carswell: "Yes sir, and I hope I have responded, Senator Kennedy. I state again unequivocally and as flatly as I can, that I have never had any discussions with anyone, I never heard any discussions about this."

Senator Bayh: "You had no personal knowledge that some of the incorporators might have had an intention to use this for that purpose?" (TR 500)

Judge Carswell: "I certainly could not speak for what anybody might have thought, Senator. I know that I positively didn't have any discussions about it at all. It was never mentioned to me. I didn't have it in my mind, that is for sure. I can speak for that." (TR 150)

Senator Bayh then asked whether there were then any problems in Florida relating to the use of public facilities and having them moved into private corporations. Judge Carswell answered:

"As far as I know, there were none there and then in this particular property.

Senator Bayh then asked whether Judge Carswell was not aware of other cases in Florida?

Judge Carswell: "Oh, certainly, certainly. There were cases all over the country at that time, everywhere. Certainly I was aware of the problems, yes. But I am telling you that I had no discussions about it, it was never mentioned to me in this context and the $100 I put in for that was not for any purposes of taking property for racial purposes or discriminatory purposes." (TR 151)

Senator Kennedy: "Did you have any idea that that private club was going to be opened or closed?"

Judge Carswell: "The matter was never discussed."

Senator Kennedy: "What did you assume?"

Judge Carswell: "I didn't assume anything. I assumed that they wanted the $100 to build a club house and related facilities if we could do it. . . ." (TR 153)

Senator Kennedy: "When you sent this and you put up the money, and you became a subscriber, did you think it was possible for blacks to use that club or become a member?"

Judge Carswell: "Sir, the matter was never discussed at all."

Senator Kennedy: "What did you assume, not what was discussed?"

Judge Carswell: "I didn't assume anything. I didn't assume anything at all. It was never mentioned."

Senator Kennedy: "Did you in fact sign the letter of incorporation?"

Judge Carswell: "Yes sir. I recall that." . . .

Senator Kennedy: "Did you generally read the nature of your business or incorporation before you signed the notes of incorporation?"

Judge Carswell: "Certainly I read it, Senator. I'm sure I must have. I would read anything before I put my signature on it, I think [sic]."

We cannot escape the conclusion that a man, in the context of what was publicly happening in Florida and in many parts of the South—which the nominee says he knew—and what was being discussed locally about this very golf club, would have to be rather dull not to recognize this evasion at once; and also fundamentally callous not to appreciate and reject the implications of becoming a moving factor in it. Certainly it shows more clearly than anything else the pattern of the Judge's thinking from his early avowal of "white supremacy" down to the present.

Particularly telling—as showing the continuing pattern of his mind which by the time of the golf club incident, if not before, had become clearly frozen—are the testimony and discussion of fifteen specific decisions in civil and individual rights cases by the nominee as a United States District Judge (TR 629, et seq.). These fifteen were, of course, only a few of the decisions by the nominee. A study of a much fuller record of his opinions led two eminent legal scholars and law professors to testify before the Senate Committee that they could find therein no indication that the nominee was qualified—by standards of pure legal capacity and scholarship, as distinguished from any consideration of racial prejudices—to be a Supreme Court Justice.

These specific fifteen cases are all of similar pattern: they involved eight strictly civil rights cases on behalf of blacks which were *all* decided by him against the blacks and all

[1] References are to the transcript of the hearings on the nomination before the Senate Committee on the Judiciary.

unanimously reversed by the appellate courts; and seven proceedings based on alleged violations of other legal rights of defendants which were all decided by him against the defendants and all *unanimously* reversed by the appellate court. Eight of these fifteen occurred in one year—1968.

These fifteen cases indicate to us a closed mind on the subject—a mind impervious to repeated appellate rebuke. In some of the fifteen he was reversed more than once. In many of them he was reversed because he decided the cases without even granting a hearing, although judicial precedents clearly required a hearing.

We do not dispute the Constitutional power or right of any President to nominate, if he chooses, a racist or segregationist to the Supreme Court—or anyone else who fills the bare legal requirements. All that we urge is that the nominee reveal himself, or be revealed by others, for what he actually is. Only in this way can the Senate fulfill its own Constitutional power to confirm or reject; only in this way can the people of the United States—the ultimate authority—exercise an informed judgment. That is the basic reason for our signing this statement, as lawyers, who have a somewhat special duty to inform the community of the facts.

We agree with Judge Carswell that a nominee for the Court should not ordinarily be compelled to impair his judicial independence by explaining his decisions to a Senate Committee. But this was no ordinary situation. It involved a consistent and persistent course of judicial conduct in the face of continual reversals, showing a well-defined and deeply ingrained pattern of thought.

We believe that—at the very least—the hearings should be reopened so that an official investigation can be made by independent counsel for the Committee, empowered as it is to subpoena all pertinent records, including the files of the Department of Justice and the records of Judge Carswell's court. So far, the evidence in opposition—compelling as it is—has been dug up solely by the energy and efforts of private citizens or groups, without power of subpoena. For example, the episodes of the 1948 pledge to "white supremacy" and the country club lease were both dug up by independent reporters.

Are there any other incidents like the golf club, or other public or private statements about "white supremacy"? Are there additional, but unreported, decisions in the files of Judge Carswell's court, not readily available to lawyers who can search only through the law books for cases which have been formally reported and printed? What information can be found in the files of the Department of Justice, unavailable, of course, to the opposition but readily subject to a Committee subpoena?

One vote out of nine on the Supreme Court is too important to rely on a volunteer investigation, on the efforts of private, public-spirited lawyers and reporters, although they have already uncovered evidence clearly indicating, in the absence of a more credible explanation, rejection of the nomination.

The future decisions of the Supreme Court will affect the lives, welfare and happiness of every man, woman and child in the United States, the effectiveness of every institution of education or health or research, the prosperity of every trade, profession and industry. Those decisions will continue to be a decisive factor in determining whether or not ours will, in the days to come, truly be "a more perfect Union," where we can "establish Justice, insure domestic Transquility, . . . promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity."

We urge that the present record clearly calls for a refusal to confirm by the Senate of the United States.

Signed: [2]

BRUCE BROMLEY,
Former Judge, Court of Appeals, State of New York.

FRANCIS T. P. PLIMPTON,
President, the Association of the Bar of the City of New York.

SAMUEL I. ROSENMAN,
Former President, the Association of the Bar of the City of New York.

BETHUEL M. WEBSTER,
Former President, the Association of the City of New York.

ORDER FOR ADJOURNMENT UNTIL 10 O'CLOCK A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

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

(Subsequently, this order was modified to provide for a recess until 9:30 a.m. tomorrow.)

NEW POLICIES ESTABLISHED BY NIXON ADMINISTRATION

Mr. ALLOTT. Mr. President, there are two indisputable and highly significant new policies established by the Nixon administration.

One is the change with respect to the Vietnam war. The clear fact is that American troop levels are being steadily reduced, after 8 years of being steadily increased under the Democrats. Casualty rates are declining, after 8 years of steady increase under the Democrats. More and more of the defenses against the North Vietnam invaders are being taken over by the South Vietnamese, after 8 years of steadily increasing American responsibility for the defense of that country.

Yet, the Democrat policy council criticizes the Nixon administration on Vietnam, charging that we are not getting out fast enough, and that we should furnish the enemy with an exact timetable on our leaving.

Thus, we have the unique display of the party under whom our involvement mushroomed, who later tried—but failed—to turn its back on its own actions, now saying "you're not doing fast enough what we were unable and unwilling to do ourselves."

The Democrat policy council is faithfully following the pattern set by former Secretary of Defense Clark Clifford. Mr. Clifford was barely out of office before he began to berate the Nixon administration for not moving fast enough in dismantling the discredited Vietnam policies which he, as a long-time adviser to President Johnson, had helped to formulate and administer.

Now the Democratic policy council is behaving similarly. The council complains that the Nixon administration is not acting swiftly enough in its steady reversal of the policies inherited from the Democrat administration. This is worse than a bad case of 20/20 hindsight. This is a bald case of retrospective conversion. They now like the Nixon administration's policy of prudent Vietnamization. They just want more of it.

The second indisputable and highly significant policy established by the Nixon administration is an actual, and firm, reduction in the military budget.

The defense budget for fiscal year 1970 was the first part of the Johnson administration budget to be cut by the Nixon administration. In fact it was cut twice. The fiscal year 1971 defense budget request by the Nixon administration is more than $5 billion less than that for fiscal year 1970.

Compare this with 8 years of steadily increasing military spending under the Democrats, rising from $47 billion in 1961, to $81 billion in 1969.

In fact, the first Nixon year and the first Kennedy year afford a nice contrast. Kennedy almost immediately began to increase military spending. Nixon almost immediately began to cut it.

Second, in another sense this budget represents a restoration of proper balance in American spending. It represents a decisive shift in the relationship between military and nonmilitary spending, a shift in favor of nonmilitary programs. It has been 20 years—two full decades—since the Defense Department has been promised such a small share of Federal expenditures. It is now at 34 percent of the national budget, an all-time low of those 20 years. This is the reality not the mere rhetoric, of reordering national priorities.

Again the Democratic policy council is attacking the Republicans for not accomplishing well enough, or quickly enough, something the Democrats were unable or unwilling to do during those 8 long years when they were in control of both administrative and legislative branches of the Federal Government.

Yet, we are now bitterly attacked because "we aren't doing it fast enough."

And, Mr. President, statements such as those made before the Democratic policy council comparing Federal expenditures on national defense, with expenditures on specific items of welfare, education, health, and so forth, are misleading in the extreme. There seems to be a tendency among these people to miss one important fact, and that is that the taxpayer has only one pocketbook. Everybody who dips into that pocketbook goes to the same source of funds.

National defense is the sole responsibility of the Federal Government. Therefore, the sole funding for national defense must come from Federal moneys. But the general welfare of our people is not solely the responsibility of the Federal Establishment; it is shared by both State and local governments. And both State and local governing bodies go to the same taxpayers the Federal Government taps to get the wherewithal to finance health, education, and welfare programs.

The HEW budget submitted by Presi-

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[2] Mention of an organization is purely for descriptive purposes, and not to indicate an expression of the views of the organization.

dent Nixon comprises only a fraction of the total spent in this area by American taxpayers. The real welfare budget for America as a whole—and this includes spending from partially prepaid or wholly prepaid Government insurance programs—is in excess of $72 billion. Add to this the $48.9 billion that State, local, and Federal Governments spend on education, and we begin to approximate the true comparison of defense spending vis-a-vis spending for the general welfare.

Were it possible for this Nation to exist as a free people on this planet in its present stage of social development without an armed force I would be among the first to vote for no armed forces at all. But we are not a nation of angels living on a planet inhabited by men of angelic intentions. Until this earth of ours more nearly approaches that status, realities must be faced and we must prepare our defenses in the best way we know how, at the least cost commensurate with national safety.

I think the present budget approaches the problems of national defense and our national life in that kind of realistic spirit.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Democrats Rap Nixon on Rights," published in the Washington Post yesterday, in which the action of the Democratic policy council was reported.

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

[From the Washington Post, Feb. 25, 1970]

DEMOCRATS RAP NIXON ON RIGHTS

(By William Greider)

The Nixon administration's performance on civil rights issues drew unusually caustic criticism yesterday from prominent Democrats, including labels of "racist" and "political expediency."

The platform for the attack was the first in a series of public hearings held by the Democratic Policy Council's committee on national priorities. The 15-member committee also heard Sens. Edward M. Kennedy (Mass.) and Edmund S. Muskie (Maine) deliver pleas for sharp reductions in defense spending in order to expand programs for human resources.

Kennedy cited nine areas where Pentagon spending could be cut by a total of as much as $17 billion, including withdrawal of a majority of the 320,000 U.S. troops in Europe. Muskie said the Nixon administration's balanced budget represents "unbalanced priorities."

Former Vice President Hubert H. Humphrey, who is chairman of the policy council, led the attack on President Nixon's leadership on civil rights, specifically the administration's shifting positions on the Stennis "equal enforcement" amendment adopted by the Senate last week.

"When the crucial battles were fought, the Commander-in-Chief abandoned the field," Humphrey charged.

Another member of the Democratic panel, Clifford Alexander, former chairman of the U.S. Equal Employment Opportunity Commission, put it more strongly. "We should describe this administration for what it is," Alexander said. "We should describe Spiro Agnew as a racist because that is what he is."

Alexander said the Vice President's recent attack on "open enrollment" programs at colleges was racist in suggesting that black graduates of these schools will not be competent to perform their professions.

Sen. Walter F. Mondale (D-Minn.), who led the liberals in their unsuccessful fight against the Stennis amendment, raised the civil rights issue by outlining what he described as a general failure of the Nixon administration to defend human rights.

"This administration," Mondale said, "is far more afraid of George Wallace than it is committed to human rights."

Alexander amended that: "This administration is not afraid of George Wallace—they're in alliance with George Wallace."

Mondale said that, given the temper of the nation and the lack of presidential leadership on integration, Democrats will "have to go back and re-argue this issue with the American people. We thought we settled it five years ago, but that's not true. Can we realize the American dream with a color line separating us? I don't think so."

At the same time, Mondale acknowledged, "Part of the problem is within our own party, we have to be candid about that."

On military spending, Sen. Kennedy recited some striking comparisons from the federal budget:

The Pentagon's military housing program, he said, gets $809 million compared to $575 million for the model cities program. The cost of operating one aircraft carrier task force is more than what is spent by the entire legislative branch of government.

The Department of Defense spends $39 million on public relations, compared to the $5 million spent by the Justice Department on civil rights enforcement.

Kennedy noted another indicator of special status which defense enjoys in Washington. Each department gets a limousine for its cabinet-level secretary—but the Pentagon gets ten of them, Justice, Agriculture, Labor and Health, Education and Welfare are each assigned four chauffeur-driven cars for their top officials. Defense, said Kennedy, gets 76.

Muskie also offered some comparisons of federal spending as examples of "unbalanced priorities." One is $275 million earmarked for developing a supersonic transport compared to $106 million for air pollution control. The nation, Muskie said, cannot afford to shift its spending at the "snail's pace" set by the Nixon administration.

A SAD DAY FOR AMERICA

Mr. GRIFFIN. Mr. President, I was sickened yesterday when I read press reports that former Vice President Hubert Humphrey was literally hounded off the platform Tuesday evening before he could deliver a speech at the University of Massachusetts.

This distinguished American who is the titular head of one of America's two great political parties was prevented from expressing his ideas at a university, of all places, where the right of free speech should be most fiercely defended. Surely, an institution of higher learning should be a citadel of open discussion, free exchange of ideas, and toleration of opposing viewpoints.

One newspaper account of what happened stated that a group of students wearing long black robes chanted "guilty, guilty," and shouted obscenities at the former Vice President—apparently to express their displeasure with the verdict in the so-called Chicago seven trial.

Others in the audience booed, stamped, and threw paper on the stage.

The disruptions of an estimated 250 ultimately prevented nearly 5,000 others in the auditorium from hearing Mr. Humphrey present his views on foreign policy.

Mr. President, I suggest that those 250 persons fail to understand what America is all about.

Their behavior is all too typical of many youthful revolutionaries and radicals in our midst today who run around calling people in authority "fascists" while they themselves behave exactly like fascists.

Mr. President, the incident which occurred at the University of Massachusetts, recalls to mind a passage in William L. Shirer's book "The Rise and Fall of the Third Reich," wherein the author discussed Hitler's storm troopers:

> These uniformed rowdies, not content to keep order at Nazi meetings, soon took to breaking up those of the other parties. Once in 1921 Hitler personally led his storm troopers in an attack on a meeting which was to be addressed by a Bavarian federalist by the name of Ballerstedt, who received a beating. For this Hitler was sentenced to three months in jail, one of which he served. This was his first experience in jail and he emerged from it somewhat of a martyr and more popular than ever. "It's all right," Hitler boasted to police. "We got what we wanted. Ballerstedt did not speak." As Hitler had told an audience some months before, "The National Socialist Movement will in the future ruthlessly prevent—if necessary by force—all meetings or lectures that are likely to distract the minds of our fellow countrymen.

Mr. President, the behavior of some in the audience at the University of Massachusetts which finally forced Mr. Humphrey off the platform, marked a sad day for America. And I suggest that each American who believes in the principles of freedom upon which our Nation was founded should be shocked and outraged.

Mr. President, I ask unanimous consent that a newspaper article be printed at this point in the RECORD.

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

[From the Washington Evening Star, Feb. 25, 1970]

STUDENT HECKLERS FORCE HUMPHREY OFF STAGE

AMHERST, MASS.—Former Vice President Hubert Humphrey, jeered off a stage before he could give a speech, says the country is in trouble when small groups can force their will upon the majority.

The outburst began as Humphrey appeared on stage at the University of Massachusetts last night to deliver a lecture on foreign policy.

One group of students in long black robes chanted "guilty, guilty, guilty," and an obscenity, apparently to express their displeasure with the conviction of five persons in the Chicago riot trial.

Other demonstrators booed, stamped and tossed paper on the stage.

The former vice president offered to take questions about Chicago before giving his prepared speech, but was drowned out by the demonstrators, who appeared to number about 250 in the crowd of some 5,000.

Unruffled, Humphrey wagged his finger at one youth who criticized his civil rights stance and said, "I have been active in the field of civil rights for many years and I take no back seat to any Johnny-come-lately."

Finally, after trying for about 15 minutes,

Humphrey said, "Well, that's it," and left the rostrum.

"If we can't discuss an issue at a university, the citadel of ideas, there is little hope for freedom," he said.

PRESS BRIEFINGS HELD IN CONNECTION WITH THE VICE PRESIDENT'S TRIP TO ASIA

Mr. FULBRIGHT. Mr. President, last month Vice President AGNEW made a "get acquainted" trip to Asia. His visit created some confusion about U.S. policy in Asia, as Mr. Merlo J. Pusey pointed out in a column in the February 15 Washington Post, which I ask to have printed in the RECORD after my remarks.

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

(See exhibit 1.)

Mr. FULBRIGHT. Mr. President, in order to satisfy my curiosity about what the Vice President and other official U.S. spokesmen actually said, I asked the Department of State to send me copies of the transcripts of all press conferences and briefings held during the course of the Vice President's trip. Mr. H. G. Torbert, Jr., Acting Assistant Secretary of State for Congressional Relations, in reply sent me two folders, one containing the texts of the Vice President's public statements, the other the texts of his press conferences. In going over the 55 pages of transcripts I noted that there were two places where a section of the transcript was "not received," according to the text furnished me by the Department. It is ironic that one of those missing sections was a series of exchanges between the press and the Vice President that dealt with "criticisms from Senators" and of activities of the Committee on Foreign Relations. Fortunately, I was able to get the text of this deletion from a person who received it from the Vice President's office.

In order to help fill the gap in the Department of State's records, I am sending the Department the portion of the transcript which it was apparently unable to obtain from the Vice President's office. In return, I hope the Department will send me the transcripts of the briefings by our Ambassadors in Manila and Bangkok. That should be a fair trade.

I also ask unanimous consent to include in the RECORD as a part of my remarks a copy of my letter to the Assistant Secretary of State, together with a copy of the missing transcript.

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

FEBRUARY 23, 1970.

Hon. H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations, Department of State, Washington, D.C.

DEAR MR. TORBERT: I have your letter of January 30 in reply to mine of January 15 concerning the Vice President's trip to Asia.

I noted that there were two sections missing from the transcripts of press briefings by the Vice President and that transcripts of press briefings by other United States officials, which I had also requested, were not included.

I have obtained a copy of the portion missing from the January 6 briefing from a source who received it from the Vice President's office. In order to help complete the Department's records, I am enclosing a copy of it. I am still interested in obtaining the transcripts of press briefings by other U.S. officials in connection with the Vice President's trip and I hope the Department will make further efforts to comply with my request.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

TRANSCRIPT

Q. When do they expect the road to be finished? This year some time?

A. I don't know the answer to that.

Q. Do they think they can move many more Communist troops through that road more quickly?

A. That's right. The very fact that the road's being constructed concerns them.

Q. Are we conducting any operations against that road?

A. No, not to my knowledge. We're not conducting any operations against that road. The answer is no.

Q. Did Prime Minister Thanom bring up the question of the intent to relax relations with Red China.

A. No, the Foreign Minister did not bring that up specifically. We did talk about it. I explained the desire of the United States to lessen tensions in the East and they understand that. I also re-emphasized our commitment and our obligations to our friends in the East and explained the purpose of the Doctrine. That seemed to satisfy them. We had no real problem with that. They seemed to approve of the purposes of the United States.

Q. In the transcript of a press interview we saw in Thailand there was a passage that was a bit confusing about this question of criticism from senators and interpretations in the American press, that he seemed to be particularly concerned about.

A. They raised that several times. Of course, that's significant because, as I understand it, the Thai personality, as explained to me by people who have lived among them a long time, they generally don't press. It's not considered courteous to press. But they wanted me to understand how offended they were, particularly with the statement that Thanom repeated to me something about the United States sending "the best Thai troops that money could buy" or something of that sort. What he had read or heard somewhere and that he repeated. They were offended at the tone of the criticisms from the Senate and they mentioned the Senate particularly, the spokesmen in the Senate.

Q. How sophisticated did you find his understanding of such Senate statements by individual Senators as well as by intrepretative in the Press. . . .

A. Well, I don't think that anyone outside the United States really understands—and I spent quite a bit of time trying to explain that in our Senate Senators make speeches all the time, and they're not exactly gentle with what they say to each other—they say they understand this, but I don't think they really understand that it's easy for a Senator to say something a little more inflammatory than it would sound if it were picked up and later related to another diplomat. But I would say this: in my judgment, not with any rancor or disrespect to those few senators who have made statements like the one Thant repeated—they should realize that these statements are not just for domestic consumption but they do affect the foreign policy of the United States and our credibility and our posture with our friends and our allies around the world. I think they should be more reserved in those things, I really do.

Q. In that respect, the Senate has become very vital in foreign relations, and speeches on the Senate floor, and Senate Foreign Relations Committee activities, are you getting it from American Embassy people that the whole diplomacy is being set back?

A. I don't think it's setting back the whole diplomacy but I think it puts our State Department people in a position where they're thrown on the defense because tactically very sharp, talented diplomats of other countries can open a conference with this kind of thing, which immediately is throwing us in a position of having to explain a statement. I think it represents a tactical advantage that makes it very difficult for us to handle some sensitive negotiations.

EXHIBIT 1

[From the Washington Post, Feb. 15, 1970]

AGNEW TRIP FOGS U.S. POLICY ON ASIA

(By Merlo J. Pusey)

When Vice President Agnew was in Asia in January, the reports of his speeches and comments to the press raised serious questions as to whether he had enunciated a new policy. Some of his statements seemed to clothe vague treaties with far more flesh (or hard military commitments) than can be found in their texts or the history behind them. Now that the official texts of the Vice President's speeches and press conferences are at last available, even larger questions need to be answered.

At the New Zealand state dinner Mr. Agnew said:

"We are attempting to make it totally clear to our friends in the Pacific that we intend to stand unremittingly by our treaty commitments and our obligations of a bilateral nature which may exist. We also intend to provide assurances that we will not, as a free nation, whose integrity depends on the integrity of other free nations, stand by idly while some other power uses its superior force to intimidate and invade a smaller nation. We intend to provide a shield of our nuclear ability to prevent this."

The Vice President had made a similar statement in Canberra. In his talk with reporters as he flew from Taipei to Bangkok, the idea of an American nuclear shield for all the small nations of Asia came into even more direct focus. When asked if he had anything to elaborate on, the Vice President said:

"Nothing, except to say very firmly that we intend to stand by our treaty commitments and that we will protect the smaller nations of Asia against any massive aggressive act by a super power."

From later comments it seems apparent that Mr. Agnew had in mind possible attacks by Communist China on her Asian neighbors. But where did he get authority to say that the United States would risk nuclear war to protect, say, Burma or Malaysia? His protective shield was not even limited to the countries covered by the SEATO Treaty.

Even when the Vice President spoke of the United States treaty obligations there was a positive sweep about his comments that is scarcely in keeping with the lower U.S. profile abroad that Secretary Rogers talks about. In reporting to the press on his conversations with Chiang Kai-shek about the security of Taiwan, Mr. Agnew said:

"I told him, for the President, that we fully intended to stand by our treaty commitment to protect Taiwan and the Pescadores and that any action against the outer isles immediately off the coast . . . if such threat were found to exist would be acted against."

Presumably Mr. Agnew was referring to the Taiwan treaty, but it contains no hard and fast American pledge to "protect" the islands controlled by the Nationalist Chinese. Rather, it recognizes that an attack against the territory of either party in the West Pacific would

be dangerous to peace and safety and declares that each would act "to meet the common danger in accordance with its constitutional processes." This means that the President would inform Congress of any such threat and seek authority for the measures he might deem necessary, as President Eisenhower did in the Formosa resolution of 1955.

What, then, was the Vice President really saying to the friends of the United States in Asia? The sweeping nature of the statements quoted was modified somewhat when he indicated a belief "that the President wouldn't move unilaterally to engage us in any further conflict in Asia beyond the Vietnam situation without returning to the Congress for approval of such action." And he thought the President would not go to Congress with such a request "unless some very extreme and provocative and substantial action took place."

Near the end of his tour he commented:

"You cannot ever get specific about acts which you can't even foresee that may occur in the future. The nature of our treaty commitments itself varies and the construction of the execution of the treaties has to wait for an analysis of the existing situation at that time which may call the treaty into function."

Well, if this has been the main burden of his message it might have helped to clarify relationships which have been fogged by the war in Vietnam and the operations in Laos in addition to the confused verbiage from official Washington in recent years. But his caveat about looking before leaping seems to be utterly at variance with his previous flat statement that the United States will protect the small nations of Asia against any massive aggression.

There was no intimation that he was talking about the vague "security guarantees" given to nations adhering to the nuclear nonproliferation treaty by the United States, Britain and the Soviet Union through the United Nations. In no event would this U.N. resolution support the Vice President's statement of policy. Before the Senate consented to ratification of the nonproliferation treaty, moreover, the Foreign Relations Committee noted that "the administration has no intention of making any commitment to any potential non-nuclear weapon signatory to that country to sign the treaty."

It is difficult also to ignore the confusion that Mr. Agnew has sown abroad on the ground that, as a neophyte in foreign policy, he did not understand the full implications of what he was saying. On many occasions he claimed to speak for the President and acknowledged that his statements in the various capitals visited had been prepared by the State Department. As now disclosed, his texts leave a major problem of clarification for Secretary Rogers or the White House.

THE SITUATION IN LAOS

Mr. FULBRIGHT. Mr. President, I am very sorry that I did not have notice yesterday on the comments to be made by the distinguished majority leader, the Senator from Maryland (Mr. MATHIAS), and other Senators about the situation in Laos. Those remarks were extremely timely. I would like to have joined in that discussion.

I say today that I approve very much of these Senators bringing the matter up. The press is beginning to enlighten us again as to the seriousness of the situation in Laos. It only makes more urgent than ever the publication of hearings which the Symington subcommittee of the Committee on Foreign Relations recently held. The majority leader has already expressed his views about that, and I want to join in urging the State Department to change its policy as to giving us information about our activities in Laos. They are no longer a secret. In fact, what we are doing there has been published in various sources by foreign and American correspondents, and it is rather ridiculous to pretend we are not engaged there.

The only way, in my opinion, that this Government can arrive at a sensible policy is for us to know what we are doing——

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator may have 5 additional minutes.

Mr. FULBRIGHT. And then to subject those facts to a sensible discussion by the Members of the Congress and also to a dialog between the executive and the Congress itself.

I thought the comments of the Senator from Maryland (Mr. MATHIAS) about the intent of the resolution by the Senate last year in regard to commitments and also the amendment on the appropriation bill with regard to the commitment of forces in Laos were extremely well taken.

I think it is absolutely essential, if we are not to follow a disastrous course, that we have a better understanding between the legislative body—particularly the Senate—and the executive.

I cannot understand why the administration declines to clear the publication of the testimony, which I think is completely based, or almost completely based, upon testimony of the administration's own witnesses—it is not testimony taken from unauthorized persons at all. I have no doubt that is true. Yet while the administration keeps this testimony secret we are confronted with the kind of news we received yesterday, and again today, with respect to events that are developing in Laos.

This is a most serious matter, and it is especially serious when taken together with the President's Vietnamization policy. If we are simply going to deescalate in Vietnam and have another Vietnam in Laos, we have made no progress. In fact, we get deeper and deeper into a situation from which we can find no exit.

So I hope all my colleagues in the Senate will give serious attention to this matter, and that, within the next several days, perhaps we can have a discussion about it.

It would be most helpful if the State Department would change its view about publication of the official transcript, so that that would be the basis, together with information from the press, for an enlightened debate here on the floor and a discussion with the executive departments.

It looks as if the situation in Laos may be building up to a situation which is extremely dangerous for us. That together with what is developing in the Middle East should be enough to give any country pause and to cause us to take a much more serious look at both of these areas, where our country's security, and I think the peace of the world, may well be involved.

KALAMAZOO, MICH., CHOSEN AS "ALL AMERICA CITY"

Mr. GRIFFIN. Mr. President, a national magazine in its current issue singles out Kalamazoo, Mich., as one of the "All America Cities."

The awards are cosponsored each year by the National Municipal League and by Look magazine.

In addition, Highland Park, Mich., a suburb of Detroit, was given a citation of honorable mention in this year's competition.

I ask unanimous consent to have printed in the RECORD the article entitled, "Look and the National Municipal League Salute All America Cities, 1969," written by Thomas Barry, and published in the March 10, 1970, issue of Look magazine.

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

LOOK AND THE NATIONAL MUNICIPAL LEAGUE SALUTE ALL AMERICA CITIES, 1969

On the twentieth birthday of this annual competition, it might be good to remind the reader—especially the young reader—that an All America City award recognizes citizen participation in the practice of democracy. Ideally, the winning towns, suburbs and cities selected each year by a distinguished National Muncipial League jury and later featured in Look will caucus on Judgment Day with Thomas Jefferson. Most can tell him how they went beyond the duties of voting and tax-paying to improve their communities and keep local government honest, how they organized, volunteered, protested.

The All America award was established before integration was the law of the land, before Federal programs in health, housing, education, job-training and pollution control. Local citizen action became somewhat suspect as New Problems cried out for New Solutions—with some justification. A recent Municipal League study of past All America winners notes that the most frequently cited projects, by far, were bond issues, government reorganization and industrial or business expansion. The report also says that 43 percent of the most active leaders were businessmen of the Chamber of Commerce stripe. It concludes that, while such activity and leadership were essential, more stress ought to be placed upon leadership by the poor, and more attention given to innovation in such fields as mental health, job training and birth control.

Actually, recent All America selections do reflect a change from boosterism to constructive breast-beating. The 1969 batch is no exception. Whether you prefer President Nixon's "new federalism" or the New Left's "democratic society," the following civic Baedeker suggests where the real action has always been—out with the people.

KALAMAZOO, MICH.

This industrial city in western Michigan kept itself out of debt for years, sound household policy that sometimes backfires on the municipal level. Kalamazoo was called "Window City of America" in the 1950's. During the next decade, a culture kick helped distract from unpleasant realities—alcoholism, rundown housing, a growing black population that felt shortchanged by the city, and too many young people with nothing to do during the summer. The problems remain, but four imaginative programs have

been started by reformers who are so modest they almost withdrew their All-America application for fear of premature back-patting. Two plans offer rehabilitation to alcoholics and juvenile delinquents, a third has found 700 jobs for teen-agers during the past two summers, and the fourth financed 244 units of low-income housing with private investment. Kalamazoo also hosts an experiment in early education for youngsters under four years old.

* * * * *

MODEST REFORMERS IN AN OLD DUTCH TOWN

Kalamazoo is a city that has had the guts to face up to some tough questions and the honesty to admit they have not yet been answered. This fact may not be pleasing to some members of the old "Park Club" establishment, who kept the town debt-free through World War II and promoted the slogan "Life Is Good in Kalamazoo." They remember that Kalamazoo was once designated "Window City of America." In 1969, the programs that earned an All America award attack less pleasant realities—alcoholism, wayward youth, rundown housing, unrest among the city's 9,000 Negroes.

Paradoxically, the youthful and modest sponsors of Kalamazoo's All America application—among them City Manager Jim Caplinger, 31, and District Judge Richard Enslen, 38—were leery of winning. In fact, they almost decided to withdraw when selected as one of 22 national finalists. A pat on the back seemed wrong when progress on tough problems was so slow.

Item: Operation LIFT (Living Improvement For Today) has been a promising answer to Kalamazoo's housing blight in recent years. Voters had twice refused to set up a public-housing commission, so a black organization, a home-improvement association, a private foundation and other groups joined LIFT. Seventy rundown homes were purchased, rehabilitated and rented to needy families. LIFT also financed 244 new housing units, now nearing completion, that qualify for Federal rent subsidies. But the organization is bogged down over where and how to build next. Tenants of rehabilitated houses complain about rising rents and poor upkeep. LIFT's action-minded executive director Mel Holmes wants to keep moving: "We've got $4 million and can't get together on what to do." (Another housing group recently got Federal approval for a 322-unit Planned Urban Development.)

Item: Young Bernie McKay ran the Kalamazoo Service Corps last summer, lining up 311 part-time jobs for teen-agers, many of them black. Try as he will, impatient Bernie finds it hard to view the attitude of Kalamazoo's white majority as much more than tokenism: "It's hard to feel something's really being done when only 11 out of 150 companies in this town respond with jobs." His friend Charles Sutton, director of a Teen Center in the black community, agrees. The Center received $30,000 over two years from the Kalamazoo Foundation, but Sutton says, "The agencies that could really do something about our problems are understaffed and underfinanced." One program McKay likes is the Downtown Learning Village, an experiment in educating preschool youngsters directed by Dr. Roger Ulrich of Western Michigan University.

Two projects originated by Judge Enslen—a former Peace Corpsman—offer hope in the form of rehabilitation for juvenile delinquents and alcoholics. Opportunity Kalamazoo (OK) involves 135 citizens who work as "friends" with young probationers. Enslen enlisted the aid of psychologists and social workers in setting up a pre-sentence program of interviews and tests. "We're succeeding here," says Enslen, "by confronting average citizens with the opportunity to help." He also works with Red Jones, a former steelworker and ex-alcoholic, in trying to offer an alternative to jail for alcoholics. They have obtained 27 beds at a local hospital for detoxification and are finding transitional jobs for men and women trying to regain skills and self-respect.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT OF THE FEDERAL CROP INSURANCE COPORATION

A letter from the Assistant Secretary, Department of Agriculture, transmitting, pursuant to law, a report of the Federal Crop Insurance Corporation for the 1969 crop year (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Agriculture for "Forest protection and utilization," Forest Service, for the fiscal year 1969, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORT ON PROGRESS OF ROTC FLIGHT INSTRUCTION PROGRAM

A letter from the Under Secretary of the Navy, transmitting, pursuant to law, a report on the progress of the ROTC flight instruction program for fiscal year 1969 (with an accompanying report); to the Committee on Armed Services.

REPORT OF EXPORT-IMPORT BANK OF THE UNITED STATES

A letter from the Secretary, Export-Import Bank of the United States, transmitting, pursuant to law, a report of the actions taken by the Bank during the quarter ended December 31, 1969 (with an accompanying report); to the Committee on Banking and Currency.

REPORT COVERING REAL AND PERSONAL PROPERTY DISPOSED OF IN ACCORDANCE WITH THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949, AS AMENDED

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report covering personal property donated to public health and educational institutions and civil defense organizations and real property disposed of to public health and educational institutions for the period July 1, through December 31, 1969 (with an accompanying report); to the Committee on Government Operations.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improvements needed in the operation of Government-owned vessels in support of military activities in Southeast Asia, Maritime Administration, Department of Commerce, dated February 24, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need to revise work schedules of employees assigned to railway and highway post offices, Post Office Department, dated February 26, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on incentive provisions of Saturn V stage contracts, National Aeronautics and Space Administration, dated February 25, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT ON PROPOSED U.S. CONTRIBUTION TO THE CONSOLIDATED SPECIAL FUNDS OF THE ASIAN DEVELOPMENT BANK

A letter from the Secretary of the Treasury, Chairman, National Advisory Council on International Monetary and Financial Policies, transmitting, pursuant to law, the Council's special report on the proposed U.S. contribution to the Consolidated Special Funds of the Asian Development Bank, dated January 1970 (with an accompanying report); to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

Petitions and memorials were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A memorial of the House of Representatives of the State of Colorado; to the Committee on Commerce:

HOUSE MEMORIAL 1003

Memorializing the Congress of the United States to enact legislation to require motor vehicle manufacturers to apportion certain funds to the development of pollution-free propulsion systems for motor vehicles

Whereas, Vast amounts of money are spent annually by the motor vehicle manufacturers of this country in making style changes with no other purpose than to induce purchases of such new models which, in ever greater numbers, continue to increase the country's air pollution problems; and

Whereas, The said manufacturers have failed to take adequate steps to deal with the air pollution problems so created; and

Whereas, The hour is now late and the development of pollution-free motor vehicles is becoming imperative to the future of the people of this country; now, therefore,

Be it Resolved by the House of Representatives of the Forty-seventh General Assembly of the State of Colorado:

That this House of Representatives petition the Congress of the United States to propose and enact legislation in the Congress to achieve the following results:

1. That each manufacturer of motor vehicles sold, distributed, leased, or otherwise used in the United States be required by law to apportion and set aside sums for the development of pollution-free propulsion systems for motor vehicles manufactured by said manufacturer according to the following schedule:

(a) For expenses of such development in the year 1971, a sum equal to ten percent of all amounts spent in 1970 by such manufacturer for the purpose of making style changes; for such expenses in the year 1972, a sum equal to thirty-three and one-third percent of the amount spent for style changes in the year 1970; and for such expenses in the year 1973, and thereafter in each year, until a pollution-free propulsion system is developed, a sum equal to seventy-five percent of the amount spent for such style changes in the year 1970;

(b) That no manufacturer be permitted to make styling changes in its motor vehicles after the year 1973, until such manufacturer has developed or acquired, ready for use in the next model year, a pollution-free propulsion system for use in all motor vehicles to be manufactured by such manufacturer.

2. That, as to such sums and their use in the development of such system, the dollar amount required by the formula set forth herein be subject to audit and agreement between each such manufacturer and the federal government.

3. The standards to be achieved in the development of a pollution-free propulsion system be set by the federal government, to include requirements of reasonable maintenance needs and reasonable mileage results from the use of any such device.

4. No manufacturer shall have an exclusive right to any such device developed or acquired by such manufacturer, but such device must be made available to all other manufacturers on reasonable terms involving no royalty.

Be It Further Resolved, That copies of this Memorial be sent to the President of the United States, the President of the Senate of the Congress of the United States, the Speaker of the House of Representatives of the Congress of the United States, and the members of the Congress of the United States from the State of Colorado.

JOHN D. VANDERHOOF,
Speaker of the House of Representatives.
LORRAINE F. LOMBARDI,
Chief Clerk of the House of Representatives.

Resolutions of the Commonwealth of Massachusetts; to the Committee on Finance:

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION EXPANDING THE MEDICARE PROGRAM TO INCLUDE DRUG COSTS

Whereas, Millions of recipients of Medicare incur great and heavy financial expenses due to the high cost of drugs; now, therefore, be it

Resolved, That the General Court of Massachusetts hereby respectfully urges the Congress of the United States to enact legislation expanding the Medicare program to include drug costs; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

Senate, adopted, February 4, 1970.

NORMAN L. PIDGEON,
Clerk.

House of Representatives, adopted in concurrence, February 9, 1970.

WALLACE C. MILLS,
Clerk.

Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Resolutions of the Commonwealth of Massachusetts; to the Committee on Public Works:

RESOLUTIONS REQUESTING THE FEDERAL GOVERNMENT TO TAKE ACTION TO PREVENT DAMAGE TO THE ATLANTIC COASTLINE BY OIL LEAKAGE

Whereas, During World War II and at other times many tankers carrying large amounts of oil products have been sunk off the Atlantic Coast of the United States; and

Whereas, It now appears that due to the effects of rust and corrosion some of these tankers may be leaking or about to leak substantial quantities of oil; and

Whereas, The recreational use of beaches of the Atlantic Coast, especially those in Massachusetts, may be endangered by this oil; and

Whereas, The ecology of our coastline sea birds, shellfish beds, fish life and marshes may be seriously endangered or even wiped out; now, therefore, be it

Resolved, That the Senate of Massachusetts expresses its grave concern over the dangers presented by these large quantities of oil in such sunken vessels and respectfully requests the President and the Congress of the United States to direct the appropriate department of the federal government to take such action as may be necessary to prevent further damage to our beaches and the ecology of our coast by said oil; and be it further

Resolved, That the Secretary of the Commonwealth be requested to send a copy of these resolutions to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

Senate, adopted, February 9, 1970.

NORMAN L. PIDGEON,
Clerk.

Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Resolutions adopted by the St. Louis Park Sportsman Association, and the Rainbow Sportsmen's Club, of Anoka, Minn., remonstrating against proposed plans to create a major jetport for commercial aviation in a site on the Dade and Collier County lines, in Florida; to the Committee on Commerce.

A resolution adopted by the Lithuanian Council of Miami, of Miami, Fla., praying for the establishment of a Baltic Countries Freedom Administration; to the Committee on Foreign Relations.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

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

H.R. 15931. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes (Rept. No. 91–710).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

Theodore C. Marrs, of Alabama, to be Deputy Assistant Secretary of Defense for Reserve Affairs.

BILLS AND A JOINT RESOLUTION INTRODUCED

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

By Mr. GRAVEL:

S. 3510. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus personal property to State fish and wildlife agencies; to the Committee on Government Operations.

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

By Mr. GRAVEL (for himself and Mr. INOUYE):

S. 3511. A bill to amend section 27 of the Merchant Marine Act, 1920, in order to exempt from the provisions of such section the transportation of merchandise between points in the State of Alaska and points in the State of Hawaii; to the Committee on Commerce.

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

By Mr. JORDAN of North Carolina:

S. 3512. A bill to amend the Federal Meat Inspection Act in order to exempt from the inspection requirements of such act the slaughter of animals of a person's own raising and the preparation of the carcasses, parts thereof, and meat and meat food products of such animals, if the total annual sales of such articles by such person do not exceed $2,000; to the Committee on Agriculture and Forestry.

By Mr. DODD:

S. 3513. A bill for the relief of Maria Sbuttoni; and

S. 3514. A bill to authorize emergency loan assistance by the Attorney General for the repair or restoration of local law enforcement facilities damaged or destroyed by criminal activities or natural disaster; to the Committee on the Judiciary.

(The remarks of Mr. DODD when he introduced S. 3514 appear later in the RECORD under the appropriate heading.)

By Mr. MUSKIE:

S. 3515. A bill to amend the act of August 3, 1956, relating to the payment of annuities to the widows of judges; to the Committee on the Judiciary.

By Mr. MUSKIE (for himself, Mr. BAYH, Mr. EAGLETON, Mr. MONTOYA, and Mr. RANDOLPH):

S. 3516. A bill to provide for the control and prevention of further pollution by oil discharges from Federal lands off the State of California; to the Committee on Interior and Insular Affairs.

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

By Mr. HARTKE:

S. 3517. A bill to establish a self-supporting Federal reinsurance program to protect employees in the enjoyment of certain rights under private pension plans; to the Committee on Finance.

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

By Mr. JACKSON (for himself and Mr. MAGNUSON) (by request):

S. 3518. A bill to provide for the partition of the assets of the Confederated Tribes of Coville Indians located in the State of Washington between the withdrawing and remaining members, for the termination of Federal supervision over the property of the withdrawing members thereof, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MURPHY (for himself and Mr. HATFIELD):

S.J. Res. 176. Joint resolution to authorize the President to issue a proclamation designating the week of May 17, 1970, through May 23, 1970, as "D for Decency Week"; to the Committee on the Judiciary.

(The remarks of Mr. MURPHY when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 3510—INTRODUCTION OF A BILL RELATING TO PROPOSED AMENDMENT TO THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

Mr. GRAVEL. Mr. President, the Federal Property and Administrative Services Act of 1949 as amended permits donations of certain kinds of Federal surplus property to State education agencies, health, library, and civil defense agencies. The bill I now introduce would extend this opportunity to State fish and game agencies.

I am convinced that substantial benefits could be realized in the important field of fish and wildlife management from the utilization of surplus equipment and materials that could be made available to States under this amendment.

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

The bill (S. 3510) to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus personal property to State fish and wildlife agencies, introduced by Mr. GRAVEL, was received, read twice by its title, and referred to the Committee on Government Operations.

S. 3511—INTRODUCTION OF A BILL TO AMEND THE MERCHANT MARINE ACT

Mr. GRAVEL. Mr. President, for a good many years Alaska and Hawaii have suffered under certain restrictions imposed by the Merchant Marine Act of 1920. As all will recall, the Jones Act prohibits the transportation of merchandise in foreign bottoms between two points in the United States. The bill I introduce on behalf of myself and the Senator from Hawaii (Mr. INOUYE) would exempt traffic between the noncontiguous States, Alaska and Hawaii, from this provision of the act.

This bill is offered in anticipation of marine cargo traffic that might move between these two States in the future. Increasingly Alaska is an exporting State—particularly in the energy fuels area—and this movement could be accelerated by relaxing the restriction of section 27 in this particular instance.

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

The bill (S. 3511) to amend section 27 of the Merchant Marine Act, 1920, in order to exempt from the provisions of such section the transportation of merchandise between points in the State of Alaska and points in the State of Hawaii, introduced by Mr. GRAVEL (for himself and Mr. INOUYE), was received, read twice by its title, and referred to the Committee on Commerce.

S. 3514—INTRODUCTION OF A BILL TO AUTHORIZE EMERGENCY LOAN ASSISTANCE BY THE ATTORNEY GENERAL FOR THE REPAIR OR RESTORATION OF LOCAL LAW ENFORCEMENT FACILITIES DAMAGED OR DESTROYED BY CRIMINAL ACTIVITIES OR NATURAL DISASTER

Mr. DODD. Mr. President, I introduce for appropriate reference a bill to authorize emergency loan assistance by the Attorney General for the repair or restoration of local law enforcement facilities damaged or destroyed by criminal activities or natural disaster.

As most Members of the Senate are aware, on Friday the 13th of this month, a bank robbery occurred in the city of Danbury, Conn.

This was not an ordinary bank robbery, for in the course of their getaway, as diversionary tactics, the felons bombed the bank, a section of a shopping mall, and the local police station.

Twenty-six innocent bystanders were injured, and the total damage approximated some $900,000.

One of the more far-reaching ramifications of this tragedy is the fact that the damage done to the police station has seriously handicapped law enforcement in Danbury.

The police station alone suffered $660,000 worth of damage, which includes crucial electronic communications equipment. While private insurance will cover half of the damage done to the police station, the city desperately needs an additional $300,000 to $350,000 to rebuild the facility.

In an effort to assist Danbury, my staff and I, working with Mayor Gino Arconti, immediately began to investigate sources of Federal aid which might be available to Danbury to rebuild the police station in short order.

The results of our investigation, however, provide considerable cause for alarm, for we have learned that there are no Federal funds readily available to cover such an emergency.

In these times when local law enforcement agencies must be able to operate at maximum efficiency and effectiveness, it is appalling that there are no established programs to provide assistance to municipalities in situations of this kind.

While I have called on the President and the Attorney General to provide special contingency funds to assist Danbury, it is apparent that we must not allow situations like this to occur ever again. We must never again be unprepared to handle such an emergency.

Unfortunately, it could happen again, for modern media bring the methods and details of such criminal acts dramatically to the attention of other would-be felons, who are encouraged to attempt similar disastrous methods.

The proposal I submit today, will, I hope, provide a remedy to meet the problem.

The bill will operate quite simply:

The Attorney General, acting through the Law Enforcement Assistance Administration, is authorized to make emergency loans to assist the Nation's localities to repair or restore law enforcement facilities damaged or destroyed as the result of criminal activities or natural disasters.

Any such loan shall be made subject to the following conditions or limitations:

First. No such loan shall be made except upon the application of a public agency in accordance with rules and regulations to be prescribed by the Attorney General.

Second. The amount of any such loan shall not exceed the difference, as determined by the Attorney General, between the funds which can be practicably obtained by the applicant from other sources and the amount which is necessary to insure the prompt repair or restoration of the damaged facility to substantially the same condition as existed prior to the occurrence of the criminal acts or disasters.

Third. Any such loan shall be repaid without interest within such period and on such terms as the Attorney General shall prescribe.

Fourth. All such loans shall be of such sound value or so secured as reasonably to assure repayment.

While I shall not belabor the urgent need for this legislation, I take this opportunity to request that the bill be considered as quickly as possible in committee so that it can be acted on by the full Senate in short order.

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

The bill (S. 3514) to authorize emergency loan assistance by the Attorney General for the repair or restoration of local law enforcement facilities damaged or destroyed by criminal activities or natural disaster, introduced by Mr. DODD, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 3516—INTRODUCTION OF THE SANTA BARBARA CHANNEL PRESERVATION ACT OF 1970

Mr. MUSKIE. Mr. President, on January 27, 1969, a well blew out on the Union Oil Co.'s platform A in the Santa Barbara Channel. In the days that followed oil covered most of the waters and beaches of the channel, resulting in untold damages to property and economic loss to the coastal communities of the area. We will probably never know the extent of environmental damage.

The leak has ebbed, but it continues to threaten the California coast. It has not been stopped.

A special Presidential study panel concluded that "it is less hazardous to proceed with development of the lease than to attempt to seal the structure with its oil content intact." Based on that panel's findings, drilling and pumping of oil resumed on the Federal leases in the channel. The panel balanced the hazards and concluded that continued oil development was appropriate. Yet the threat to the environment continues.

The balance the panel thought it had achieved is precarious, and its conclusions are not so clear as unstable geologic conditions of the area continue to cause serious concern. The relief of pressure in this area may take years. In such a dangerous situation, further pumping of oil in the channel for whatever purpose should not be left to oil companies concerned primarily with profits justified by the need to "relieve pressure" and "halt seeps." The people of Santa Barbara do not believe that we should take this chance, and I agree with them.

I, therefore, introduce for myself and Senators BAYH, EAGLETON, MONTOYA, and RANDOLPH, legislation to provide for the orderly termination of mineral development of the Outer Continental Shelf lands in the Santa Barbara Channel. The bill would:

Require the Secretary of the Interior to assume the control and management of platform A and to take whatever action is necessary to prevent further blowouts and to stop further oil seepage;

Provide for the use of safe and esthetically acceptable devices to reduce oil pressure if necessary and to collect the oil obtained through the use of such devices;

Prohibit any new exploration or drilling of oil from these lands;

Terminate permanently in an orderly and safe manner all mineral operations in this area; and

Provide for the orderly removal of platforms from this area.

The bill would authorize the Secretary to enter into negotiations to pay damages to existing mineral lessees in the area, less costs and damages incurred by the United States. These lessees could sue for such damages in the Court of Claims, and the court would decide

whether such termination to protect other resources of the shelf was an inherent part of the lease and therefore not compensable.

In a letter of May 29, 1969, to the chairman of the Senate Committee on Interior and Insular Affairs regarding similar legislation, the Deputy Attorney General of the United States stated that:

> It could be argued that the termination of drilling on Federal leases in the Santa Barbara channel would be noncompensable exercise of the police powers of the sovereign or that the possibility of termination was inherent in the issuance of the lease, at least when necessary to protect other resource and environmental values threatened by operations of the Federal leases.

My bill recognizes this argument and, without attempting to decide it, directs the court to consider it in any suit for damages.

Finally, the bill would make permanent the ecological preserve established in March 1969, by public land order, and set aside the remainder of the Federal lands in the channel.

I ask that the bill be printed in the RECORD at this point.

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. 3516) to provide for the control and prevention of further pollution by oil discharges from Federal lands off the State of California, introduced by Mr. MUSKIE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 3516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Santa Barbara Channel Preservation Act of 1970".

SEC. 2. The Congress finds and declares that:

(a) discharges or potential discharges of oil resulting from, or caused by, exploration, drilling, pumping, or other mineral operations conducted on Federal lands constitute a threat to the total environment;

(b) the urgency for exploration and development of oil and gas and other minerals of the submerged lands of the outer continental shelf always must be weighed against the need to protect and enhance our environment;

(c) inadequate consideration is too often given to the physical and natural conditions of the lands and resources of the outer continental shelf and the impact on the environment if mineral operations are permitted in the rush to explore and develop the mineral resources of the shelf;

(d) the leasing of the minerals of the outer continental shelf lands within the Santa Barbara Channel off the State of California is an example of such inadequate consideration and of the disastrous consequences to our environment that result when man strives to develop more, and conserve less;

(e) oil discharges resulting from mineral operations conducted on these lands have occurred and are continuing to occur with resulting adverse environmental effects;

(f) a special scientific panel formed to study the future of one mineral lease operation in the Santa Barbara channel found this operation hazardous, but also concluded that it was less hazardous to proceed with rapid development of this lease to stop the seepage and reduce the formation pressures and recommended certain remedial measures;

(g) the continued or intermitten discharge of oil in this area, despite these measures, constitutes a continuing hazard to the environment and is a source of deep national concern;

(h) in view of this hazard and concern it is not in the national interest to permit further mineral development in the Santa Barbara Channel area to supplement our national mineral supply and to provide temporary added revenues to the United States Treasury when such long-lasting and often irrevocable adverse effects to the environment may result at any time; and

(i) it is therefore the purpose of this Act to prevent any further adverse environmental effects from these mineral operations and, in particular, to protect other resources of the lands and waters of the outer continental shelf in the Santa Barbara Channel.

SEC. 3. In furtherance of the purpose of this Act, the Secretary of the Interior shall:

(a) assumes the operations immediately of all mineral exploration, drilling, or pumping operations being conducted on the effective date of this Act on Federal lands within the Santa Barbara Channel from which oil has been or is being discharged into the waters of said Channel for the purpose of preventing further blowouts and to stop further oil discharge and seepage with a maximum of safety;

(b) construct, install, and operate, where necessary, ocean floor pumps or other no less safe devices to reduce formation pressure as a further means of reducing and stopping further oil discharge and seepage, and to dispose of any oil recovered by this process competitively or as part of any settlement reached under section 5 of this Act;

(c) prohibit immediately the initiation of any further mineral exploration of, or the drilling of wells in, such lands under existing or future leases;

(d) terminate permanently in an orderly and safe manner all mineral operations conducted under any Federal lease on lands of the outer continental shelf within the Santa Barbara Channel off the coast of California; and

(e) provide for the orderly removal of all platforms, fixed structures, artificial islands, and pipelines by the owners thereof from such lands when the Secretary finds that such removal can be safely accomplished.

SEC. 4. In carrying out the provisions of section 3 of this Act, the Secretary of the Interior is authorized:

(a) to utilize with or without reimbursement the services, personnel, and facilities of any Federal agency;

(b) to enter into contracts with public and private agencies and organizations and individuals; and

(c) to take such other actions as he deems appropriate to carry out the purpose of this Act.

SEC. 5. The Secretary of the Interior is authorized to negotiate and settle all claims for damages filed by any lessee of such lands for actions taken by the Secretary under section 3 of this Act, after taking into consideration all costs heretofore or hereinafter incurred by, and all claims filed against, the United States as a result of the discharge of oil during the operation of any lease of such lands, the value of any minerals produced by such lessees from such lands, and the speculative nature of the lease operations conducted on such lands. The entering into such negotiations shall not be construed as affecting any finding required to be made under section 6 of this Act.

SEC. 6. Any action against the United States to recover damages for the termination of mineral operations under lease on Federal lands in the Santa Barbara Channel by the United States under this Act shall be brought in the Court of Claims as provided in title 28, United States Code, section 1491. In any such action, the Court shall first consider and decide whether, in accordance with the purposes of the Outer Continental Shelf Lands Act, the termination of mineral operations, under any lease issued for the exploration and development of oil from these Federal lands, to protect other resources and other environmental values threatened by such operations was inherent in the issuance of the lease and the termination is therefore not compensable.

SEC. 7. There is authorized to be appropriated to the Secretary of the Interior from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 *et seq.*), in excess of those receipts credited to the land and water conservation fund under section 2(c)(2) of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460 1–6), for the purpose of paying damages, either negotiated and settled upon by the Secretary of the Interior or determined by the Court of Claims under this Act. In the negotiation and settlement of damages under section 5 of this Act, the Secretary of the Interior is authorized to issue one or more oil leases for the exploration and development of oil in other Federal lands under his jurisdiction, which are open for mineral leasing, and which in his judgment do not exceed the value of such terminated leases to the lessees whose operations are terminated under this Act in full and complete settlement of such damages, whenever he finds and publishes his finding that such a settlement would be in the best interests of the United States.

SEC. 8. (a) The Ecological Preserve shown on Official Outer Continental Shelf Leasing Map, Channel Islands Area Map No. 6B, approved August 8, 1966, and revised July 24, 1967, and established by public land order on March 3, 1969, is hereby permanently withdrawn from all forms of disposition, including mineral leasing, and reserved for use for scientific, recreational, fish and wildlife conservation, and other similar uses as an ecological preserve.

(b) All lands of the outer continental shelf in the Santa Barbara Channel off the Coast of California not included in the Ecological Preserve reserved under this section are hereby withdrawn from all forms of disposition, including mineral leasing, until authorized by a subsequent Act of Congress or by the President pursuant to an Executive Order declaring a national emergency and requiring the exploration and development of the mineral deposits of such lands or to prevent drainage.

S. 3517—INTRODUCTION OF FEDERAL REINSURANCE OF PRIVATE PENSION PLANS ACT

Mr. HARTKE. Mr. President, I am today introducing for appropriate reference, a bill to protect the private pension rights of employees through Federal reinsurance of their pension plans.

My own active sponsorship of this legislation dates from 1964, when the sudden closing of the Studebaker Corp. plant in South Bend, Ind., left behind a retirement fund with assets insufficient to make good on promised pension benefits. At that time many workers in their fifties with more than 30 years of pension credits were denied pension benefits, even though they had met the requirements for vesting which had been established in the Studebaker plan.

This tragic experience prompted me to introduce legislation in the 88th, 89th, and 90th Congresses to safeguard employees from sudden termination of un-

derfunded plans. The legislation which I introduce today is similar in its structure to the bills introduced previously with some technical modifications. Basically, the measure provides a program of insurance similar to the protection afforded bank deposits by the Federal Deposit Insurance Corporation, or the insurance of mortgage obligations through the Federal Housing Administration.

The bill establishes a nine-member Federal Advisory Council for Insurance of Employees' Pension Funds, subject to Presidential appointment and Senate confirmation. Those employers having private pension funds would be required to participate in order to retain their eligibility for special tax treatment under the Internal Revenue Code. Premiums paid by each participating fund would then provide a pension fund upon which claims could be made in case of a pension plan's failure.

It is estimated that there are now about $100 billion held by private pension funds in the form of reserve assets. These assets are held to pay pensions to some 25 to 30 million active employees currently covered by private pension plans. By 1980, it is estimated that these reserve assets will grow to more than $250 billion with some 45 million workers under these plans. Some 2½ million retired men and women are currently drawing benefits under these plans, and estimates place the number at 7 million by 1980.

Figures such as these give indication of the degree to which the public interest is involved in these private pension plans and of their impact, both present and prospective, on the economy.

Between 1954 and 1969, more than 10,000 private pension plans have failed, with the result that almost 400,000 employees have been left with drastically reduced pensions, or even worse, no pension at all. Certainly we cannot allow this deplorable situation to continue into the 1970's and 1980's when, as I have indicated, the number of employees covered by private pensions and the assets therein will increase tremendously.

The necessity for prompt action is further underlined by the fact that these plans are today subsidized to a significant degree by Federal taxpayers through the favored tax treatment afforded them under the Internal Revenue Code as part of encouraging their growth as a significant supplement to our social security system.

Mr. President, rather than explicate this bill at great length here, I ask unanimous consent that a full explanation of this bill be printed at the close of my remarks, together with the text of the proposal.

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

The bill (S. 3517) to establish a self-supporting Federal reinsurance program to protect employees in the enjoyment of certain rights under private pension plans, introduced by Mr. HARTKE, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 3517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Reinsurance of Private Pension Plans Act".

DEFINITIONS

SEC. 2. As used in this Act—

(a) The term "pension fund" means a trust, pension plan, or other program under which an employer undertakes to provide, or assist in providing, retirement benefits for the exclusive benefit of his employees or their beneficiaries. Such term does not include any plan or program established by a self-employed individual for his own benefit or for the benefit of his survivors or established by one or more owner-employees exclusively for his or their benefit or for the benefit of his or their survivors.

(b) The term "eligible pension fund" means a pension fund which meets the requirements set forth in section 401 of the Internal Revenue Code of 1954 with respect to qualified pension plans.

(c) (1) The term "insured pension fund" means an eligible pension fund which has been in operation for not less than three years and, for each of such years, has met the requirements set forth in subsection (b) and has been insured under the program established under this Act.

(2) Any addition to, or amendment of, an insured pension fund shall, if such addition or amendment involves a significant increase (as determined by the Secretary) in the unfunded liability of such pension fund, be regarded as a new and distinct pension fund which can become an "insured pension fund" only upon compliance with the provisions of paragraph (1) of this subsection.

ESTABLISHMENT OF INSURANCE PROGRAM

SEC. 3. There is hereby established in the Department of Health, Education, and Welfare a program to be known as the Federal insurance program for private pension plans (hereinafter referred to as the "program"). The program shall be administered by, or under the direction and control of the Secretary.

CONTINGENCIES INSURED AGAINST UNDER PROGRAM

SEC. 4. (a) The program shall insure (to the extent provided in subsection (b)) beneficiaries of an insured pension fund against loss of benefits to which they are entitled under such pension fund arising from—

(1) failure of the amounts contributed to such fund to provide benefits anticipated at the time such fund was established, if such failure is attributable to cessation of one or more of the operations carried on by him in one or more facilities of such employer; or

(b) The rights of beneficiaries of an insured pension fund shall only be insured under the program to the extent that such rights do not exceed—

(1) in the case of a right to a monthly retirement or disability benefit for the employee himself, the lesser of 50 per centum of his average monthly wage in the five-year period for which his earnings were the greatest, or $500 per month;

(2) in the case of a right on the part of one or more dependents, or members of the family, of the employee, or in the case of a right to a lump-sum survivor benefit on account of the death of an employee, an amount found by the Secretary to be reasonably related to the amount determined under subparagraph (1).

In the case of a periodic benefit which is paid on other than a monthly basis, the monthly equivalent of such benefit shall be regarded as the amount of the monthly benefit for purposes of clauses (1) and (2) of the preceding sentence.

(c) If an eligible pension fund has not been insured under the program for each of at least the three years preceding the time when there occurs the contingency insured against, the rights of beneficiaries shall not be insured and in lieu thereof the contributions made on behalf of such pension fund during such period shall be returned to the pension fund.

PREMIUM FOR PARTICIPATION IN PROGRAM

SEC. 5. (a) Each eligible pension fund may, upon application therefor, obtain insurance under the program upon payment of such annual premium as may be established by the Secretary. The Secretary shall establish separate premium rates for insurance against each of the contingencies described in section 4(a)(1) and section 4(a)(2). In establishing such premium rates for insurance against the contingency described in section 4(a)(2), the Secretary shall provide that the rate shall vary, to whatever extent is appropriate, for different classes of investments. Premium rates established under this section shall be uniform for all pension funds insured by the program and shall be applied to the amount of the unfunded obligations and assets or class of assets, respectively, of each insured pension fund. The premium rates may be changed from year to year by the Secretary, when the Secretary determines changes to be necessary or desirable to give effect to the purposes of this Act; but in no event shall the premium rate established for the contingency described in section 4(a)(1) exceed 1 per centum for each dollar of unfunded obligations, nor shall the aggregate premium payable by any insured pension fund for the contingency described in section 4(a)(2) exceed one-quarter of 1 per centum of the assets of such fund.

(b) The Secretary, in determining premium rates, and in establishing formulas for determining unfunded obligations and assets of pension funds, shall consult with, and be guided by the advice of, the Advisory Council (established by section 8).

(c) If the Secretary (after consulting with the Advisory Council) determines that, because of the limitation on rate of premium established under subsection (a) or for other reasons, it is not feasible to insure against loss of rights of all beneficiaries of insured pension funds, then the Secretary shall insure the rights of beneficiaries in accordance with the following order of priorities—

First: individuals who, at the time when there occurs the contingency insured against, are receiving benefits under the pension fund, and individuals who have attained normal retirement age or if no normal retirement age is fixed have reached the age when an unreduced old-age benefit is payable under title II of the Social Security Act, as amended, and who are eligible, upon retirement, for retirement benefits under the pension fund;

Second: individuals who, at such time, have attained the age for early retirement and who are entitled, upon early retirement, to early retirement benefits under the pension fund; or, if the pension fund plan does not provide for early retirement, individuals who, at such time, have attained age sixty and who, under such pension fund, are eligible for benefits upon retirement;

Third: individuals who, at such time, have attained age forty-five;

Fourth: individuals who, at such time, have attained age forty; and

Fifth: in addition to individuals described in the above priorities, such other individuals as the Secretary, after consulting with the Advisory Council, shall prescribe.

(d) Participation in the program by a pension fund shall be terminated by the Secretary upon failure, after such reasonable

period as the Secretary shall prescribe, of such pension fund to make payment of premiums due for participation in the program.

REVOLVING FUND

SEC. 6. (a) In carrying out his duties under this Act, the Secretary shall establish a revolving fund into which all amounts paid into the program as premiums shall be deposited and from which all liabilities incurred under the program shall be paid.

(b) The Secretary is authorized to borrow from the Treasury such amounts as may be necessary, for deposit into the revolving fund, to meet the liabilities of the program. Moneys borrowed from the Treasury shall bear a rate of interest determined by the Secretary of the Treasury to be equal to the average rate on outstanding marketable obligations of the United States as of the period such moneys are borrowed. Such moneys shall be repaid by the Secretary from premiums paid into the revolving fund.

(c) Moneys in the revolving fund not required for current operations shall be invested in obligations of, or guaranteed as to principal and interest by, the United States.

AMENDMENT TO INTERNAL REVENUE CODE

SEC. 7. (a) Section 401(a) of the Internal Revenue Code of 1954 (relating to definition of qualified pension and other similar plans) is amended by adding at the end thereof the following new paragraph:

"(11) Notwithstanding the preceding provisions of this subsection, no pension fund which, for any taxable year is insurable under the Federal Reinsurance of Private Pension Plans Act, shall be a qualified pension plan under this section if such fund is not insured for such year under the program established under such Act."

(b) Section 404(a)(2) of such Code (relating to deductibility of contributions to employees' annuities) is amended by striking out "section 401(a) (9) and (10)" and inserting in lieu thereof "section 401(a) (9), (10), and (11)".

(c) The amendments made by this section shall be effective with respect to taxable years which begin not less than six months after the date of enactment of this Act.

ADVISORY COUNCIL

SEC. 8. (a) There is hereby created a Federal Advisory Council for Insurance of Employees' Pension Funds (hereinatfer referred to as the "Advisory Council"), which shall consist of nine members, to be appointed by the President, by and with the advice and consent of the Senate. The President shall select, for appointment to the Council, individuals who are, by reason of training or experience, or both, familiar with and competent to deal with, problems involving employees' pension funds and problems relating to the insurance of such funds. Members of the Council shall be appointed for a term of two years.

(b) Members shall be compensated at the rate of $100 per day for each day they are engaged in the duties of the Advisory Council and shall be entitled to reimbursement for traveling expenses incurred in attendance at meetings of the Council. The Advisory Council shall meet at Washington, District of Columbia, upon call of the Secretary who shall serve as Chairman of the Council. Meetings shall be called by such Chairman not less often than twice each year.

(c) It shall be the duty of the Advisory Council to consult with and advise the Secretary with respect to the administration of this Act.

The explanation presented by Mr. HARTKE is as follows:

PUBLIC REINSURANCE FOR PRIVATE PENSION PLANS

A. PURPOSE OF THE PROGRAM

To establish a Federal system of reinsurance for private pension plans. The program would be financed by premiums to be paid by pension funds as a condition of qualification for favorable tax treatment under the Internal Revenue Code. Such a program would be similar to the program of insurance of deposits in savings banks and savings and loan associations through the Federal Deposit Insurance and the Federal Savings and Loan Insurance Corporations and the insurance of the mortgage obligation to make future payments under the Federal Housing Act.

B. NEED FOR THE PROGRAM

Congress has provided through legislation strong incentives for the establishment of private pension plans. Although the response has been gratifying in terms of the numbers of such plans which have been instituted, the very fact that most pension programs have been in existence for so few years, has created a serious problem. Since most pension plans are newly created they are still far from being fully funded even where a program of funding has been undertaken. In fact, present tax regulations preclude the funding of past service liabilities in less than about 12 years; they do not require that they be funded at all.

As a result termination of a pension plan may mean that the funds accumulated are inadequate to even pay full pensions to those nearing retirement age, let alone to protect the benefit expectations of other workers who may find that the security they thought they had established for their older years, through the accumulation of pension credits, has disappeared overnight.

The proposal embodied herein would insure to the worker at least some measure of the security which he has rightly come to expect; and because of its self-financing feature would not result in the expenditure of 1 cent of public funds. It would protect a worker's investment in a pension fund just as his savings are insured if deposited in a savings bank or a savings and loan association which are protected by insurance through a Government corporation. It would also insure the obligations of the fund to make future payments to him just as a mortgagee's right to receive future mortgage payments is insured by FHA.

C. PENSION RIGHTS PROTECTED

It is hoped that within the maximum premimum rate set by the bill that all credits earned under all private pension plans will be able to be protected against the risk of termination. If, however, the premium should prove to be insufficient, the bill establishes a series of priorities for protection.

The highest priority would go to those who have already retired and who are receiving a pension and to those who are eligible to retire under the terms of their plan and who have attained normal retirement age. Next in line for consideration would be those who are eligible to retire by virtue of having attained the age specified in the plan for early retirement. If early retirement is not provided, age 60, the usual age for early retirement, should be used.

Third in line for possible coverage would be those workers whether or not eligible to retire who are over the age of 45 and who therefore presumably will find it impossible to accumulate sufficient new credits to provide adequately for their old age.

Fourth in the line of priorities would be those workers who have reached the age of 40. And last, reinsurance would be provided for all pension credits regardless of the age of the individual at the time of termination. This last classification would of course provide the complete coverage of every earned pension credit referred to earlier as the ultimate goal of this proposal. The desirability of such extensive coverage, if at all feasible, need not be restated.

It should be understood that insurance of credits in the third, fourth, and last priorities would not mean immediate payments from the pension reinsurance system. Payments would only be made when the individual reaches the normal retirement age.

D. PENSION PLANS ELIGIBLE FOR INSURANCE

The proposal contemplates insurance for all private pension plans which qualify under the Internal Revenue Code and which have been in operation and have paid premiums for a specified number of years before the insurance became effective would seem necessary. Such a suicide clause would seem necessary to prevent the establishment of a program with the knowledge that the plan will be terminated for one of several reasons. This would exclude "pay as you go" plans but would include all funded plans whether insured or trusteed. This would include plans which provide for terminal funding, which provide only for the funding of future service liabilities, and which provide for the funding of both past and future service liabilities. It is recognized, of course, that since these different types of plans have significantly different levels of funding, that the unfunded liabilities will vary from plan to plan. Since it is this unfunded liability that will be insured, the amount of the individual plan's premium will be computed on the basis of the amount of unfunded liability.

While the bill proposes to insure all qualified pension plans, further study may prove it necessary to require a reasonable amortization program (30 or 40 years) for past service liabilities. Such a requirement may be necessary if it is determined that the reinsurance scheme would progressively become more expensive because of the large unfunded liabilities of aging firms.

The only limitation which I believe should be placed on this all-inclusive aspect of the insurance is one related to the amount of benefit which any particular plan promises to its members. This would be similar to the limitation of $10,000 of savings which are eligible for insurance under existing programs. Such limitations are set forth in the bill.

E. RISKS AGAINST WHICH THE SYSTEM SHOULD INSURE

The reinsurance system would insure against all risks to earned pension credits if it is to provide a meaningful sense of security to the employee. These risks fall into two categories: (1) risks to the plan which depend on the degree to which it is funded, and (2) risks to the plan which depend on forces outside of it and which operate irrespective of the extent to which it is funded.

A clear example of a risk in the first category would be the termination of a plan because of the business failure of the employer. In such a case the risk insured against would be its unfunded liability which is attributable to the rights which are insured. As previously pointed out, the premium for insurance of this risk would be determined by the amount of unfunded liabilities.

Since the reinsurance plan is basically underwriting the benefit levels set forth in the plan, the amount of the unfunded liability, both for the purpose of determining the liability insured and the premium charged, would be determined on the basis of a set of standard actuarial assumptions. These actuarial assumptions could be determined by the Secretary on the basis of consultation with the Advisory Council established specifically for the purpose of consultation on the proposed program.

When the employer has not gone out of business, but has closed a plant or reduced the work force, continued funding of the past service liability may become such a burden as to jeopardize the existence of the remaining operation. To protect the rights of both terminating and continuing employees, the bill provides that where there is a partial termination, determined in accordance with recent Internal Revenue Service Regulations (code sec. 401(a)(7)), an ap-

propriate portion of the assets would be allocated to the terminating employees. The reinsurance would then pick up any additional liability on behalf of those employees. The employer would continue operation of his plan, with the remaining assets, on behalf of the continuing employees.

Where there is no termination, the program would not be applicable but the per capita past service amortization payment on a plan exceeds some specified percentage (e.g., 200 percent) of the initial per capita past service amortization payment, usually as a result of a severe reduction in the work force, the reinsurance would assume any past service liability financing required which is in excess of the specified percentage.

The second type of risk different from those which we have been discussing and which should be insured against, is the risk of depreciation of the funded assets. The risk involved, in the situation is probably very slight and is not dependent on the size of the unfunded liability. The premium for this risk is, therefore, computed separately than the premium for insuring the unfunded liabilities. While the risk here would depend upon the types of assets, it would probably be administratively unfeasible, as well as undesirable to set reinsurance premiums for individual investments at the same time consideration might be given to vary the premium by class of assets; i.e., Government bonds, stocks, mortgages, etc.

Since the premiums established, particularly with respect to the second risk outlined above, may eventually prove to be excessive, the legislation includes a provision authorizing the administrator to provide for the suspension or reduction of either type of premium for a period of time.

F. ESTABLISHMENT AND ADMINISTRATION OF REINSURANCE SYSTEM

The most logical existing agency to administer the system of reinsurance for private pension plans would be the Social Security Administration in the Department of Health, Education and Welfare. In addition to having the actuarial and technical personnel who are engaged in a similar operation, the administration by the social security offices would provide an opportunity for automatic notification to a prospective pensioner under a private plan at the time he files an application for social security benefits.

The legislation authorizes the Secretary to borrow moneys from the Treasury for the establishment of a reinsurance fund. This money would be repaid by the premiums which the fund would receive and the legislation would thereby achieve a self-financing status at no cost to the public.

SENATE JOINT RESOLUTION 176—INTRODUCTION OF A JOINT RESOLUTION DESIGNATING "D FOR DECENCY WEEK"

Mr. MURPHY. Mr. President, President Nixon, in his May 2, 1969, message to Congress dealing with obscenity and pornography stated:

The ultimate answer lies not with the government but with the people. What is required is a citizens' crusade against the obscene. When indecent books no longer find a market, when pornographic films can no longer draw an audience, when obscene plays open to empty houses, then the tide will turn. Government can maintain the dikes against obscenity, but only people can turn back the tide.

I introduce, on behalf of myself and the distinguished Senator from Oregon (Mr. HATFIELD), a joint resolution that can start the "citizens' crusade against the obscene" suggested by the President. I ask unanimous consent that the full text of the resolution be printed in the RECORD at the end of my remarks.

This resolution will ask the President to declare the week of May 17 through May 23, 1970, as "D for Decency Week" and will call upon all Americans to observe this week with appropriate ceremonies and activities.

I am introducing this resolution because of my grave concern over the increase in obscene materials found throughout the Nation. During the past several years, a veritable flood of pornographic material, obscene books, and repulsive pictures have appropriated most of the space on the sidewalk newsstands in many of our communities, as well as being displayed for sale in drugstores and other retail outlets, often in residential areas, near homes, churches, and schools.

I believe the declaration by the President of "D for Decency Week" will alert local citizens and organizations to the threat of this material to our youth and will encourage them to organize an educational campaign as to how each citizen can be effective in the fight against the purveyors' traffic in dirty books, dirty pictures, and dirty films.

I wish to thank Mr. Warren M. Dorn, the distinguished supervisor for the Fifth District of the county of Los Angeles for initiating this program. Upon Supervisor Dorn's motion, the Los Angeles County Board of Supervisors has, for the past 2 years, declared a week as "D for Decency Week" in Los Angeles County and urged the citizens of the county to engage in a concerted campaign against obscene material. For this action I want to commend the distinguished members of the Los Angeles Board of Supervisors.

Mr. President, I urge each of my colleagues to join with me in support of this resolution.

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

The joint resolution (S.J. Res. 176) to authorize the President to issue a proclamation designating the week of May 17, 1970, through May 23, 1970, as "D for Decency Week," introduced by Mr. MURPHY (for himself and Mr. HATFIELD), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 176

Whereas the amount of obscene and pornographic material being sold and otherwise distributed throughout the United States continues to increase at an alarming rate; and

Whereas such material has no redeeming social value to the Nation or the American people; and

Whereas too much of such material is finding its way into the hands of the youth of the country: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to focus national attention on the need to reduce and control the vast quantities of obscene and pornographic material being distributed throughout the United States, the President is authorized and requested to issue a proclamation designating the week of May 17, 1970, through May 23, 1970, as "D for Decency Week", and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS

S. 3307

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Minnesota (Mr. MONDALE), I ask unanimous consent that, at the next printing, the names of the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Maryland (Mr. TYDINGS), and the Senator from Ohio (Mr. YOUNG) be added as cosponsors of S. 3307, to prevent further increases in premiums for part B of medicare.

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

S. 3355

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that at its next printing, the names of the Senator from Idaho (Mr. CHURCH), the Senator from Ohio (Mr. YOUNG), and the Senator from Indiana (Mr. BAYH) be added as cosponsors of S. 3355, the Heart Disease, Cancer, Stroke and Kidney Disease Amendments of 1970.

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

S. 3385

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Georgia (Mr. TALMADGE), I ask unanimous consent that, at the next printing, the name of the Senator from Iowa (Mr. MILLER) be added as a cosponsor of S. 3385, a bill to amend title 38, United States Code, to increase the income limitations applicable to non-service-connected pensions for veterans and widows, to increase the income limitations applicable to dependency and indemnity compensation for dependent parents, and to liberalize the rates of such pensions and such dependency and indemnity compensation.

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

S. 3418

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that at its next printing the name of the Senator from Oregon (Mr. HATFIELD) be added as a cosponsor of S. 3418, to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine.

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

ADDITIONAL COSPONSOR OF A RESOLUTION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at

its next printing, the name of the Senator from Utah (Mr. Moss) be added as a cosponsor of Senate Resolution 351, calling for mutual cease-fire and political settlement in Vietnam.

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

AUTHORIZATION FOR THE ATTORNEY GENERAL TO PROVIDE A GROUP LIFE INSURANCE PROGRAM FOR STATE AND LOCAL GOVERNMENT LAW ENFORCEMENT OFFICERS—AMENDMENT

AMENDMENT NO. 531

Mr. KENNEDY. Mr. President, on behalf of myself, the Senator from Indiana (Mr. BAYH), and the Senator from Maryland (Mr. TYDINGS), I am today submitting an amendment, intended to be proposed by us, jointly, to the bill (S. 3) to authorize the Attorney General to provide a group life insurance program for State and local government law enforcement officers.

We cannot call ourselves free men if we cannot walk our streets in safety, if we cannot sleep in peace in our homes, if we cannot conduct our business without fear. The threat of the criminal is one that all of us feel directly and daily. It is a threat that we all sense is growing. It is one that we all as individuals feel powerless to deal with, a disease beyond our control, an infection which we cannot really protect ourselves against.

We are so fearful that we fall prey to those who purvey panaceas. We look for scapegoats to vent our fear and frustration on. We let ourselves be fooled into thinking there are easy answers.

There are answers. They are not complete answers. And they are certainly not easy answers. They take hard work, and time and resources, and confidence in the strength of our system of government. They take effort by each of us as individuals, in our local communities, in our State governments, and at the Federal level.

I believe that effort has begun over the last decade. During the Kennedy and Johnson administrations, new Federal laws were passed to strike at organized crime; a massive new program of Federal assistance to State and local governments was developed, tested and adopted; the States and localities were spurred on to establish their own anticrime planning programs; and the National Crime Commission provided us with a blueprint for a comprehensive and rational attack on the scourge of crime. All of those activities laid a solid foundation for that attack, and now our job is to carry it out.

Of course, we must stop crime at its roots, by eliminating the poverty, illiteracy, deprivation, and unemployment that sow and nurture the seeds of crime. But we cannot wait for that. In the meanwhile, we must deal with crime where we find it. We must certainly do something about our corrections system. It is in our prisons and in our parole and probation systems that we have the people who we know are most likely to commit future crimes. We have the opportunity to rehabilitate them if we wish, but our record is not good. On a national basis, one-third of those who are released from prison will be reimprisoned within 5 years. And they will continue to do so unless we make our corrections process one which really corrects and rehabilitates through educational and vocational training and guidance and meaningful supervision.

Our court system is sadly in need of modernization. We have to apply modern methods of administration, including computers, to the scheduling and processing of court business. We need more judges and prosecutors and defense attorneys and administrators, and more training for them, so that they can provide justice swiftly, fairly, efficiently and consistently.

Finally, and most immediately, we must enhance the effectiveness of our police forces. We must provide them with 20th century equipment and techniques. In the age of lasers and live TV from the moon, there is no reason why the officer on the street should be confined to a nightstick, a revolver, and a dime for the pay phone. We must provide our police officers with the training to do the best possible job. And we must give them opportunities for advanced education so that those who wish may broaden their horizons and more fully understand the society which they protect.

But we want our law enforcement officers not only to act professional, we want them to feel professional. And that requires giving them the kind of public respect, personal dignity, incomes, working conditions, and fringe benefits that we give other kinds of professionals in the community. It is hard to expect people to look up to men who must begin and end their day in dark and dingy station houses. It is hard for policemen's families to feel proper pride if they are not adequately protected by health and life and accidental death and disability insurance, and by a proper retirement program.

The National Crime Commission saw the importance of police professionalism and dignity, and placed its prestige behind efforts in that direction in 1967. In response to their recommendation and to other discussions I had with law enforcement experts and community leaders, I proposed in that year a plan to give all police officers in the United States access to low cost and broad coverage life insurance. I felt that this plan would not only provide a vitally needed addition to police benefits, but would also be symbolic of the Nation's determination to support law enforcement not only in word but in deed. In its original form, my proposal was an amendment to a bill, now law, which provided for Federal payments to State and local officers who were killed while pursuing Federal criminals. I felt that the bill was meritorious, but too narrow, and that the Federal Government should see to it that officers' families had life insurance protection whatever the cause of death. My research showed that for some policemen, such as traffic patrolmen, motorcycle officers, vice squads, and pilots, life insurance was extremely expensive, and double indemnity protection was unavailable. As a result, because of their jobs, they were not protected with life insurance even when not working. For many other officers, given their salary rates, adequate life insurance was a luxury which they just could not afford, and thus their families were left unprotected as well. Since that time, I have revised and improved my original bill and introduced a second version early in this Congress. The present design is patterned after the Servicemen's Group Life Insurance program, which is available to very member of our Armed Forces.

The amendment which I am proposing today contains final revisions which will provide for the retention of existing group life insurance plans with a Federal contribution where the police officers prefer that to the Federal group plan. This bill will provide an opportunity for the officers themselves to decide whether the existing plan or the LEGLI plan offers them a better combination of costs and benefits. It will allow any department to present to its officers the full facts on each plan, and if a majority votes to retain the existing plan, the agency will be eligible to receive a Federal contribution to the premiums for the existing plan, in an amount up to one-fourth of the equivalent premiums under the Federal plan.

The new law enforcement group life insurance—LEGLI—program, will be administered by the Federal Government, but the insurance itself will be carried and paid by private life insurance companies. Each participating officer will be entitled to coverage in the amount of his annual salary plus $2,000 rounded to the next highest thousand. Thus, an officer earning $6,500 a year would have a $9,000 policy. He would be covered on or off the job and would receive double indemnity for accidental death. There would also be coverage for loss of limb or eyesight. There would be a premium for all officers everywhere, which we presently estimate to be 50 cents per month per thousand dollars worth of coverage. Thus, for the $9,000 policy, the total monthly premium cost would be $4.50. However, the bill allows for a Federal contribution of up to one-third, so that the officer himself would be left with a charge of only $3 per month, or $36 per year on that $9,000 policy. Of course, the premium rates and Federal contributions might vary depending on experience with the plan. Also, in some places there may be a State or local contribution to the premium which would lower the cost to the officer even further.

Early this month I held two informal hearings in Massachusetts on this bill to determine how such a program might be received on the local level. I wanted to talk with the patrolmen and their chiefs, with local government officials and insurance company representatives, and with the widows of policemen, about the needs of the local law enforcement officer and what could be done for him and his family.

Those of us from Massachusetts can be very proud on two counts.

First, we have been fortunate enough to have one of the first Hundred Clubs in the Nation. As a director of this group

of public-spirited citizens, I have watched over the years as it has moved in to provide immediate assistance to the families of policemen and firemen killed in the line of duty so that they can get through those terrible first days after tragedy strikes and can be secure in their living arrangements.

Second, in many of our towns and cities a start has already been made toward providing adequate life insurance coverage. On the whole, our record is probably better than in most States, and working together our law enforcement agencies and insurance industry have developed insurance programs which can cover many of our officers. However I learned at these hearings that the record could be greatly improved by the passage of a Federal program of group life insurance.

While many communities do extend life insurance benefits to all local employees, a great many more can offer only very limited coverage—barely sufficient to meet funeral expenses. This bill is designed to benefit policemen from all communities—those with existing programs and those without. It will enable smaller communities to offer recruits roughly the same life insurance benefits they could obtain elsewhere. It will reward communities who have taken the step of establishing group programs with a Federal subsidy pegged to their contribution to the existing program. In short, this legislation would enable any policeman from any locality to protect his wife and children at a cost he can afford.

The witnesses at our hearings in Massachusetts convinced me all the more that this step must be taken. The patrolmen and police chiefs indicated their support for this program. The widows of policemen spoke eloquently as to the need for such insurance.

In its present form this bill does not extend the life insurance program to cover the Nation's firefighters. As I have indicated, my bill grew out of the work of the Crime Commission and out of another bill relating to police officers. The cost figures have also been based on experience with police work. However, I look forward to receiving at hearings the information which would provide a legal and practical basis for expanding the program to firemen.

The first duty of Government is to protect its citizens, and the first line of protection is the policemen. I hope that we in Congress can act soon to assist the policemen and their families in this and others ways, so that "support your local police" can become a plan for action, not just a bumper sticker.

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

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

The amendment (No. 531) was referred to the Committee on the Judiciary, as follows:

AMENDMENT NO. 531

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

"That this Act may be cited as the 'Law Enforcement Officers' Group Life Insurance Act of 1970.'

"DEFINITIONS

"SEC. 2. For the purposes of the Act—

"(1) The term 'month' means a month which runs from a given day in one month to a day of the corresponding number in the next or specified succeeding month, except where the last month has not so many days, in which event it expires on the last day of the month.

"(2) The term 'full-time' means such period or type of employment or duty as may be prescribed by regulation promulgated by the Attorney General.

"(3) The term 'law enforcement officer' means, pursuant to regulations promulgated by the Attorney General, an individual who is employed full-time by a State or a unit of local government primarily to patrol the highways or otherwise preserve order and enforce the laws.

"(4) The term 'State' means any State of the United States, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(5) The term 'unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose subdivision of a State, or any Indian tribe which the Secretary of Interior determines performs law enforcement functions.

"ELIGIBLE INSURANCE COMPANIES

"SEC. 3. (a) The Attorney General is authorized, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), to purchase from one or more life insurance companies a policy or policies of group life insurance to provide the benefits provided under this Act. Each such life insurance company must (1) be licensed to issue life insurance in each of the fifty States of the United States and in the District of Columbia, and (2) as of the most recent December 31 for which information is available to the Attorney General, have in effect at least 1 per centum of the total amount of group life insurance which all life insurance companies have in effect in the United States.

"(b) Any life insurance company issuing such a policy shall establish an administrative office at a place and under a name designated by the Attorney General.

"(c) The Attorney General shall arrange with each life insurance company issuing any policy under this Act to reinsure, under conditions approved by him, portions of the total amount of insurance under such policy with such other life insurance companies (which meet qualifying criteria set forth by the Attorney General) as may elect to participate in such reinsurance.

"(d) The Attorney General may at any time discontinue any policy which he has purchased from any insurance company under this Act.

"PERSONS INSURED; AMOUNT

"SEC. 4. (a) Any policy of insurance purchased by the Attorney General under this Act shall automatically insure any law enforcement officer employed on a full-time basis by a State or unit of local government which has (1) applied to the Attorney General for participation in the insurance program provided under this Act, and (2) agreed to deduct from such officer's pay the amount of the premium and forward such amount to the Department of Justice or such other agency as is designated by the Attorney General as the collection agency for such premiums. The insurance provided under this Act shall take effect from the first day agreed upon by the Attorney General and the responsible official of the State or unit of local government making application for participation in the program as to law enforcement officers then on the payroll, and as to law enforcement officers thereafter entering on full-time duty from the first day of such duty. The insurance provided by this Act shall so insure all such law enforcement officers unless any such officer elects in writing not to be insured under this Act. If any such officer elects not to be insured under this Act he may thereafter, if eligible, be insured under this Act upon written application, proof of good health and compliance with such other terms and conditions as may be prescribed by the Attorney General.

"(b) A law enforcement officer eligible for insurance under this Act is entitled to be insured for an amount of group life insurance, plus an equal amount of group accidental death and dismemberment insurance, in accordance with the following schedule:

"If annual pay is—		The amount of group insurance is—	
Greater than—	But not greater than—	Life	Accidental death and dismemberment
0	$8,000	$10,000	$10,000
$8,000	9,000	11,000	11,000
$9,000	10,000	12,000	12,000
$10,000	11,000	13,000	13,000
$11,000	12,000	14,000	14,000
$12,000	13,000	15,000	15,000
$13,000	14,000	16,000	16,000
$14,000	15,000	17,000	17,000
$15,000	16,000	18,000	18,000
$16,000	17,000	19,000	19,000
$17,000	18,000	20,000	20,000
$18,000	19,000	21,000	21,000
$19,000	20,000	22,000	22,000
$20,000	21,000	23,000	23,000
$21,000	22,000	24,000	24,000
$22,000	23,000	25,000	25,000
$23,000	24,000	26,000	26,000
$24,000	25,000	27,000	27,000
$25,000	26,000	28,000	28,000
$26,000	27,000	29,000	29,000
$27,000	28,000	30,000	30,000
$28,000	29,000	31,000	31,000
$29,000		32,000	32,000

The amount of such insurance shall automatically increase at any time the amount of increases in the annual basic rate of pay places any such officer in a new pay bracket of the schedule.

"(c) Subject to the conditions and limitations approved by the Attorney General and which shall be included in the policy purchased by him, the group accidental death and dismemberment insurance shall provide for the following payments:

"Loss	"Amount payable
For loss of life.	Full amount shown in the schedule in subsection (b) of this section.
Loss of one hand or of one foot or loss of sight of one eye.	One half of the amount shown in the schedule in subsection (b) of this section.
Loss of two or more members or loss of sight in both eyes.	Full amount shown in the schedule in subsection (b) of this section.

The aggregate amount of group accidental death and dismemberment insurance that may be paid in the case of any insured as the result of any one accident may not exceed the amount shown in the schedule in subsection (b) of this section.

"(d) The Attorney General shall prescribe regulations providing for the conversion of other than annual rates of pay to annual rates of pay and shall specify the types of pay included in annual pay.

"TERMINATION OF COVERAGE

"SEC. 5. Each policy purchased by the Attorney General under this Act shall contain a provision, in terms approved by the Attorney General, to the effect that any insurance thereunder on any law enforcement officer shall cease thirty-one days after (1) his separation or release from full-time duty as such an officer or (2) discontinuance of his pay as such an officer, whichever is earlier.

"CONVERSION

"SEC. 6. Each policy purchased by the Attorney General under this Act shall contain a provision for the conversion of such insurance effective the day following the date such insurance would cease as provided in section 5 of this Act. During the period such insurance is in force the insured, upon request to the office established under section 3(b) of this Act, shall be furnished a list of life insurance companies participating in the program established under this Act and upon written application (within such period) to the participating company selected by the insured and payment of the required premiums be granted insurance without a medical examination on a permanent plan then currently written by such company which does not provide for the payment of any sum less than the face value thereof or for the payment of an additional amount of premiums if the insured engages in law enforcement activities. In addition to the life insurance companies participating in the program established under this Act, such list shall include additional life insurance companies (not so participating) which meet qualifying criteria, terms, and conditions established by the Attorney General and agree to sell insurance to any eligible insured in accordance with the provisions of this section.

"WITHHOLDING OF PREMIUMS FROM PAY

"SEC. 7. During any period in which a law enforcement officer is insured under a policy of insurance purchased by the Attorney General under this Act, his employer shall withhold each month from his basic or other pay until separation or release from full-time duty as a law enforcement officer an amount determined by the Attorney General to be such officer's share of the cost of his group life insurance and accidental death and dismemberment insurance. Any such amount not withheld from the basic or other pay of such officer insured under this Act while on fulltime duty as a law enforcement officer, if not otherwise paid, shall be deducted from the proceeds of any insurance thereafter payable. The initial monthly amount determined by the Attorney General to be charged any law enforcement officer for each unit of insurance under this Act may be continued from year to year, except that the Attorney General may redetermine such monthly amount from time to time in accordance with experience.

"SHARING OF COST INSURANCE

"SEC. 8. For each month any law enforcement officer is insured under this Act the United States shall bear not to exceed one-third of the cost of such insurance or such lesser amount as may from time to time be determined by the President to be a practicable and equitable obligation of the United States in assisting the States and units of local government in recruiting and retaining personnel for their law enforcement forces.

"INVESTMENT; EXPENSES

"SEC. 9. (a) The sums withheld from the basic or other pay of law enforcement officers as premiums for insurance under section 7 of this Act and any portion of the cost of such insurance borne by the United States under section 8 of this Act, together with the income derived from any dividends or premium rate readjustment received from insurers shall be deposited to the credit of a revolving fund established in the Treasury of the United States. All premium payments on any insurance policy or policies purchased under this Act and the administrative cost of the insurance program established by this Act to the department or agency vested with the responsibility for its supervision shall be paid from the revolving fund.

"(b) The Attorney General is authorized to set aside out of the revolving fund such amounts as may be required to meet the administrative cost of the program to the department or agency designated by him, and all current premium payments on any policy purchased under this Act. The Secretary of the Treasury is authorized to invest in and to sell and retire special interest-bearing obligations of the United States for the account of the revolving fund. Such obligations issued for this purpose shall have maturities fixed with due regard for the needs of the fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligation shall be the multiple of one-eighth of 1 per centum nearest market yield.

"BENEFICIARIES; PAYMENT OF INSURANCE

"SEC. 10. (a) Any amount of insurance in force under this Act on any law enforcement officer or former law enforcement officer on the date of his death shall be paid, upon establishment of a valid claim therefor to the person or persons surviving at the date of his death, in the following order of precedence:

"First, to the beneficiary or beneficiaries as the law enforcement officer or former law enforcement officer may have designated by a writing received in his employer's office prior to his death;

"Second, if there be no such beneficiary, to the widow or widower of such officer or former officer;

"Third, if none of the above, to the child or children of such officer or former officer and descendants of deceased children by representation;

"Fourth, if none of the above, to the parents of such officer or former officer or the survivor of them;

"Fifth, if none of the above, to the duly appointed executor or administrator of the estate of such officer or former officer;

"Sixth, if none of the above, to other next of kin of such officer or former officer entitled under the laws of domicile of such officer or former officer at the time of his death.

"(b) If any person otherwise entitled to payment under this section does not make claim therefor within one year after the death of the law enforcement officer or former law enforcement officer, or if payment to such person within that period is prohibited by Federal statute or regulation, payment may be made in the order of precedence as if such person had predeceased such officer or former officer, and any such payment shall be a bar to recovery by any other person.

"(c) If, within two years after the death of a law enforcement officer or former law enforcement officer, no claim for payment has been filed by any person entitled under the order of precedence set forth in this section, and neither the Attorney General nor the administrative office established by any insurance company pursuant to this Act has received any notice that any small claim will be made, payment may be made to a claimant as may in the judgment of the Attorney General be equitably entitled thereto, and such payment shall be a bar to recovery by any other person. If, within four years after the death of the law enforcement officer or former law enforcement officer, payment has not been made pursuant to this Act and no claim for payment by any person entitled under this Act is pending, the amount payable shall escheat to the credit of the revolving fund referred to in section 8 of this Act.

"(d) The law enforcement officer may elect settlement of insurance under this Act either in a lump sum or in thirty-six equal monthly installments. If no such election is made by such officer the beneficiary may elect settlement either in a lump sum or in thirty-six equal monthly installments. If any such officer has elected settlement in a lump sum, the beneficiary may elect settlement in thirty-six equal monthly installments.

"BASIC TABLES OF PREMIUMS; READJUSTMENT OF RATES

"SEC. 11 (a) Each policy or policies purchased under this Act shall include for the first policy year a schedule of basic premium rates by age which the Attorney General shall have determined on a basis consistent with the lowest schedule of basic premium rates generally charged for new group life insurance policies issued to large employers, this schedule of basic premium rates by age to be applied, except as otherwise provided in this section, to the distribution by age of the amount of group life insurance and group accidental death and dismemberment insurance under the policy at its date of issue to determine an average basic premium per $1,000 of insurance. Each policy so purchased shall also include provisions whereby the basic rates of premium determined for the first policy year shall be continued for subsequent policy years, except that they may be readjusted for any subsequent year, based on the experience under the policy, such readjustment to be made by the insurance company issuing the policy on a basis determined by the Attorney General in advance of such year to be consistent with the general practice of life insurance companies under policies of group life insurance issued to large employers.

"(b) Each policy so purchased shall include a provision that, in the event the Attorney General determines that ascertaining the actual age distribution of the amounts of group life insurance in force at the date of issue of the policy or at the end of the first or any subsequent year of insurance thereunder would not be possible except at a disproportionately high expense, the Attorney General may approve the determination of a tentative average group life premium, for the first or any subsequent policy year, in lieu of using the actual age distribution. Such tentative average premium rate shall be redetermined by the Attorney General during any policy year upon request by the insurance company issuing the policy, if experience indicates that the assumptions made in determining the tentative average premium rate for that policy year were incorrect.

"(c) Each policy so purchased shall contain a provision stipulating the maximum expense and risk charges for the first policy year, which charges shall have been determined by the Attorney General on a basis consistent with the general level of such charges made by life insurance companies under policies of group life insurance issued to large employers. Such maximum charges shall be continued from year to year, except that the Attorney General may redetermine such maximum charges for any year either by agreement with the insurance company or companies issuing the policy or upon written notice given by the Attorney General to such companies at least one year in advance of the beginning of the year for which such redetermined maximum charges will be effective.

"(d) Each such policy shall provide for an accounting to the Attorney General not later than ninety days after the end of each policy year, which shall set forth, in a form approved by the Attorney General, (1) the amounts of premium actually accrued under the policy from its date of issue to the end of such policy year, (2) the total of all mortality, dismemberment, and other claim

charges incurred for that period, and (3) the amounts of the insurer's expense and risk charge for that period. Any excess of the total of item (1) over the sum of items (2) and (3) shall be held by the insurance company issuing the policy as a special contingency reserve to be used by such insurance company for charges under such policy only, such reserve to bear interest at a rate to be determined in advance of each policy year by the insurance company issuing the policy, which rate shall be approved by the Attorney General as being consistent with the rates generally used by such company or companies for similar funds held under other group life insurance policies. If and when the Attorney General determines that such special contingency reserve has attained an amount estimated by the Attorney General to make satisfactory provision for adverse fluctuations in future charges under the policy, and further excess shall be deposited to the credit of the revolving fund established under this Act. If and when such policy is discontinued, and if, after all charges have been made, there is any positive balance remaining in such special contingency reserve, such balance shall be deposited to the credit of the revolving fund, subject to the right of the insurance company issuing the policy to make such deposit in equal monthly installments over a period of not more than two years.

"BENEFIT CERTIFICATES

"SEC. 12. The Attorney General shall arrange to have each member insured under a policy purchased under this Act receive a certificate setting forth the benefits to which the member is entitled thereunder, to whom such benefit shall be payable, to whom claims should be submitted, and summarizing the provisions of the policy principally affecting the member. Such certification shall be in lieu of the certificate which the insurance company would otherwise be required to issue.

"FEDERAL ASSISTANCE TO STATES AND LOCALITIES FOR EXISTING GROUP LIFE INSURANCE PROGRAMS

"SEC. 13. (a) Any State or unit of local government having an existing program of group life insurance for law enforcement officers which desires to receive federal assistance under the provisions of this section shall—

"(1) inform the law enforcement officers of the benefits and premium costs of both the federal program and the State or unit of local government program, and of the intention of the State or unit of local government to apply for the federal assistance under this section; and

"(2) hold a referendum of law enforcement officers of the State or unit of local government to determine whether such officers want to continue in the existing group life insurance program or apply for the federal program under the provisions of this Act.

The results of the referendum shall be binding on the State or unit of local government.

"(b) If there is an affirmative vote of a majority of such officers to continue in such State or local program and the other requirements set forth in subsection (a) are met, a State or unit of local government may apply for federal assistance for such program for group life insurance under such rules and regulations as the Attorney General may establish. Assistance under this section shall not exceed one-fourth of the cost to the Federal Government of directly providing such insurance under this Act, and shall be reduced to the extent that the Attorney General determines that the existing program of any such State or unit of local government does not give as complete coverage as the federal program. Assistance under this section shall be used to reduce proportionately the premiums paid by the State or the unit of local government and by the appropriate law enforcement officers under such existing program.

"ADMINISTRATION

"SEC. 14. (a) The Attorney General may delegate any of his functions under this Act, except the making of regulations, to any officer or employee of the Department of Justice.

"(b) In administering the provisions of this Act, the Attorney General is authorized to utilize the services and facilities of any agency of the Federal Government or a State government in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

"(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

"ADVISORY COUNCIL ON LAW ENFORCEMENT OFFICERS' GROUP LIFE INSURANCE

"SEC. 15. There is hereby established an Advisory Council on Law Enforcement Officers' Group Life Insurance consisting of the Attorney General as Chairman, the Secretary of the Treasury, the Secretary of Health, Education and Welfare, and the Director of the Bureau of the Budget, each of whom shall serve without additional compensation. The Council shall meet once a year, or oftener, at the call of the Attorney General, and shall review the administration of this Act and advise the Attorney General on matters of policy relating to his activities thereunder. In addition, the Attorney General may solicit advice and recommendations from any State or unit of local government participating in the law enforcement officers' group life insurance program.

"JURISDICTION OF COURTS

" SEC. 16. The district courts of the United States shall have original jurisdiction of any civil action or claim aagihst the United States founded upon the Act.

"PREMIUM PAYMENTS ON BEHALF OF LAW ENFORCEMENT OFFICERS

"SEC. 17. Nothing in this Act shall be construed to preclude any State or unit of local government from making payments on behalf of law enforcement officers of the premiums required to be paid by them for any group life insurance program authorized by this Act or any such program carried out by a State or unit of local government.

"EFFECTIVE DATE

"SEC. 18. The insurance provided for under this Act shall be placed in effect for the law enforcement officers of any State or unit of local government participating in the law enforcement officers' group life insurance program on a date mutually agreeable to the Attorney General, the insurer or insurers, and the participating State or unit of local government."

NOTICE OF HEARING ON NOMINATION OF ADOLPHUS NICHOLS SPENCE II, OF VIRGINIA, TO BE PUBLIC PRINTER

Mr. JORDAN of North Carolina. Mr. President, for the information of the Senate and all interested parties, the Committee on Rules and Administration has scheduled a public hearing on the nomination of Adolphus Nichols Spence II, of Virginia, to be Public Printer, vice James L. Harrison.

This hearing will take place on Thursday, March 5, 1970, at 10 a.m. in room 301 of the Old Senate Office Building.

Any Members of Congress or private citizens interested in appearing in connection with this nomination are invited to attend. It is requested that all persons who desire to testify notify the committee of their intention.

SCHEDULE OF ACTIVITIES OF THE SUBCOMMITTEE ON AIR AND WATER POLLUTION, COMMITTEE ON PUBLIC WORKS

Mr. MUSKIE. Mr. President, most of the legislative proposals contained in the President's environmental quality message have been referred to the Subcommittee on Air and Water Pollution of the Senate Committee on Public Works. There are also other bills pending before the subcommittee, and I intend to introduce additional air and water pollution control legislation in the next 2 weeks.

In order to meet authorization expirations and provide adequate opportunity for a full review of the pending legislation, hearings have already been scheduled. Last week the subcommittee began a new series of hearings on the Resource Recovery Act of 1969 (S. 2005); the National Materials Policy Act, an amendment to S. 2005 proposed by Senator BOGGS; and the administration proposal for a study of recovery, reuse, and recycling of solid wastes.

From March 16 through March 26, the subcommittee will hold hearings on air pollution legislation, including the administration bill (S. 3466) S. 3220, and additional legislation which I will introduce shortly. I hope that Members of the Senate who wish to testify on this legislation will be able to appear on March 16. Secretary Finch and other representatives of the Department of Health, Education, and Welfare have been asked to testify on March 17 and 18 on the pending legislation and the activities on the National Air Pollution Control Administration.

The comprehensive nature of the proposed amendments to the Clean Air Act will necessitate hearing many witnesses. Therefore, I request that the subcommittee be permitted to sit throughout each day if necessary.

Interested individuals and organizations who wish to be heard or to file a statement on this legislation should inform the subcommittee as soon as possible. Although an effort will be made to hear all witnesses who desire to appear, it may be necessary to require submissions of some testimony for the RECORD.

The second week of hearings on air pollution will include joint hearings on the Air Quality Improvement Act (S. 3229) with the Subcommittee on Energy, Natural Resources, and the Environment of the Senate Commerce Committee. Two days of hearings will be held on the provisions of that legislation concerning aircraft, vessels, and other moving sources of air pollution and on those provisions concerning noise pollution. The subcommittee has requested testimony on March 24 and 25 from the Secretary of Transportation, other agencies in that Department, and other interested Federal agencies and individuals.

The Senator from Michigan (Mr. HART), chairman of the Commerce subcommittee, has been asked to be cochairman of those hearings.

Following the testimony from witnesses on S. 3229, the subcommittee will spend the balance of the second week considering the general air pollution legislation.

Following completion of the Washington hearings on air pollution, the subcommittee will hold hearings in San Francisco on March 30 on the Resource Recovery Act (S. 2005) and on March 31 in Los Angeles on the air pollution legislation.

The subcommittee will then begin hearings on April 20 on pending water pollution control legislation. Those hearings are scheduled to extend for at least 2 weeks. Members of the Senate again will be invited to appear on the first day. Administration representatives will be asked to testify on April 20 and 21 on the pending legislation and activities of the Federal Water Pollution Control Administration. Public witnesses will be heard during the weeks of April 27 and May 4.

Following the water pollution hearings, I hope that the subcommittee will begin consideration of the legislation introduced by Senator BAKER and myself to establish a national environmental laboratories system. This legislation is vital and should have full and complete hearings. A number of similar proposals which have been ordered in addition to the measure which Senator BAKER and I have introduced will be discussed. Those hearings should begin in June and continue through much of the summer. During the consideration of the National Environmental Laboratories legislation, the subcommittee will consider several specific technological problems which underwrite the need for this legislation.

The subcommittee also will continue hearings on S. 3042 relating to the underground use of nuclear energy and will hold hearings on other environmental control legislation as announced.

Additional field hearings will be scheduled and will be announced at a later date.

Mr. President, unless otherwise noted in the weekly announcements of the hearings, the subcommittee will commence its hearings each day at 9:30 in room 4200 of the New Senate Office Building.

NOTICE OF HEARINGS

Mr. SPARKMAN. Mr. President, on February 16 I announced that the Subcommittee on Housing and Urban Affairs would hold hearings on the subject of the secondary mortgage market and mortgage credit from March 2 through March 6 covering S. 2958 and S. 3442. I want to amend the announcement to include bills introduced yesterday, S. 3503 and S. 3508. I introduced S. 3508 for the purpose of having before the committee a broader choice for establishing secondary mortgage market facilities for conventional mortgages. In addition, Senator PROXMIRE introduced a bill, S. 3503, by which he would propose to increase the credit for mortgages.

Next week's hearings will be limited to the subject of the secondary mortgage market and mortgage credit and will not cover a broad spectrum of housing and urban affairs proposals which will be the subject of hearings to be held later on in the session.

ADDITIONAL STATEMENTS OF SENATORS

THE FOREST SERVICE'S POLICY OF CLEARCUTTING

Mr. McGEE. Mr. President, we all know that there has been considerable dispute over the misnamed National Timber Supply Act of 1969. Certainly the argument which continues about this matter should be disputed, particularly by those of us from the West who see the National Timber Supply Act of 1969 as a raid on our forests.

The descriptive word "raid" is entirely appropriate because the effect of this legislation would be to open up by stealth our national forests to the ever voracious appetites of the timber industry. Even now, this appetite is barely held in check by the multiple-use concept.

Indeed, I have witnessed firsthand the results of the craving to cut down trees in Wyoming's own national forests. Last August, I toured the Bridger National Forest in Wyoming and saw devastation almost beyond belief, which came as a result of the Forest Service's current policies of clearcutting. What I saw was a far cry from the rhetoric of the Forest Service and the timber industry about the virtues of clearcutting.

Instead of the happy regrowth promised by the Forest Service and the timber industry of our trees in the cut-over areas, it looked like the aftermath of a B-52 bombing raid. Slash piles were in abundance, erosion had set in, and hardly a stick was growing in the patches where reforestation was supposed to occur. The high arid and shallow soils of the Rocky Mountain West simply cannot support the kind of timbering we are now doing let alone opening them up to the further forays proposed in the National Timber Supply Act of 1969.

We have been deluged not only by talk of environmental quality, but with this proposed legislation we are drenched further with obfuscations about the housing shortage, not to mention the so-called difficulties the lumber industries claim they are experiencing. Opening the door to further plundering is no answer to the imperative of environmental quality let alone the straw man of a housing shortage. Environmental quality does not come in the disguise of a national timber supply act nor is the housing shortage relieved a jot by ravishing our national forests. Relief from tight credit comes closer to resolving our housing shortage than does the unholy urge to denude our mountainsides.

At any rate, Mr. President, it would be well if the Senate were to take heed of the careful analysis of the National Timber Supply Act of 1969 done by the Denver Post in an editorial of February 20, 1970. I ask unanimous consent that the editorial be printed in the RECORD.

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

TIMBER BILL NEEDS A REWRITE

The Nixon administration has chosen unwisely to support a House bill which would seriously damage the concept of multiple use in U.S. national forests. It is, moreover, a special interest bill.

Under the banner of "more housing" the timber industry has sold Agriculture Secretary Clifford Hardin on a bill to upgrade the priorities of timber-production in the U.S. forests.

We hope the fabric of multiple use is strong enough to withstand the assault. The next week or so may be crucial: the bill has been withdrawn once because of opposition but it may be offered to the House again next week.

Multiple use is a strong and wise principle. It says that public land resources exist for all the people. It balances the interests of many. It does not permit the livestock man to kill off all the wildlife in the interests of raising more cattle. It does not permit recreationists to interfere with the rancher. And it does not allow timbermen to ruin watersheds and grazing in the interests of timber alone.

Yet after a brief lumber "shortage" a year ago the timbering industry raised such an outcry that Congress was put under pressure to readjust management of the national forests to give timbering a big new priority.

Many people are worried about this proposal, as embodied in H.R. 12025. It not only hurts the interests of other forest users but, in the case of prospective wilderness areas, actually provides for timbering on them.

We can't believe the American people, who showed such tremendous support for wilderness in the 1960s, are now ready to wash out the potential values of those prospective areas still to be added to the system.

The basic problem with the timber lobby's bill is that it is self-centered. The industry has said, in effect: "We've got a problem so we want you (the public) to solve it."

The nation does need to produce more timber. But putting the bite on the national forests is reminiscent of the child who wants to sleep in the guest room because he's made a mess of his own.

A large proportion of the nation's commercial forests are in private control—off the U.S. forests. And despite the fact that they are superior growing lands, the timber operators still want to solve the problem by cutting faster on U.S. forests.

Bear in mind, these private lands in many cases can produce a sawlog in 35 to 60 years as compared to 250 years, which is the age of similar trees in the White River Forest near Glenwood Springs.

More reforestation certainly is needed in the U.S. forests. The Forest Service says it has a 60-year backlog of reforestation that needs to be done. It needs money. In this the timber operators are correct in urging more resources from Congress.

But a greater effort is nedeed to get private lands reforested; the bill's efforts in this direction are slight.

A greater effort is needed to protect wildlife, grazing and watershed values as part of the multiple use concept. Rewriting is needed.

It would be little satisfaction to the American homeowner of the future to be told that the lumber in his house was a little cheaper—at the cost of silt in his water supply and the absence of recreational opportunities on his denuded mountain slopes.

STATEMENT BY SENATOR MANSFIELD AT CONGRESSIONAL LEADERSHIP LUNCHEON WITH NATIONAL GOVERNORS' CONFERENCE EXECUTIVE COMMITTEE

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in

the RECORD a statement I made today at the congressional leadership luncheon with the National Governors' Conference Executive Committee.

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

STATEMENT OF SENATOR MIKE MANSFIELD

You are welcome to the last stand of Democratic majorities. I say that not in a partisan spirit. It is just that the House and Senate Democrats are beginning to get that hemmed-in feeling. We are pressed between a Republican President who charms the TV audiences and a Republican Vice President who bombs the TV commentators. Furthermore, the political ratio of your conference does nothing to alleviate our uneasiness.

Nevertheless, we are glad to see you here—Republicans and Democrats alike. Just as the great issues which confront the Nation, more and more, transcend State boundaries, so do they lend themselves less and less to partisan solution. To meet these issues, demands the best that is in both parties and in every State.

Viet Nam, for example, is not a partisan matter, anymore than it is a State matter. Its casualties are young men of every State, and its immense costs—tens upon tens of billions of dollars—are borne by taxes paid by all. The conflict began in a Democratic administration; it continues in a Republican administration. But both parties are united now in the conviction that this bloodbath must end as soon as possible. Republicans and Democrats alike, I am confident, will support any efforts of the President to negotiate an end to this tragedy. Still, a solution eludes the best efforts of the President. And so the country as a whole—not one party or the other—suffers the consequences, in the continuing casualties and in the accumulating costs.

I believe we are united, too, Democrats and Republicans, in our awareness of the domestic problems which confront the Nation. There are differences between us, to be sure, but they are largely differences of approach to a solution. At least, neither party needs any longer to be pursuaded of the national dimensions of these problems. We have only to look around us to sense the devastating impact on the entire nation of the disgraceful neglect of our environment over many decades, of rampant crime—organized and unorganized—of the continuing schism between races and between wealthy and poor. Nor can either party any longer slough off the questions of inadequate education and health care, and similar neglected social needs as of no interest to the federal government. To come to grips with these problems will take not partisanship but the combined resources of leadership in the parties, the combined energies of the states and the united determination of the nation.

As I see it, the urgent need is to shed what has long since become an obsessive and excessive foreign involvement. In the name of national security, this excess threatens to jeopardize our national security. It has led us into Viet Nam. It could lead us to reenact that tragedy elsewhere. It has prompted a defense budget of over $75 billion this year.

There are, to be sure, essential expenditures which must be made to meet the situation beyond our borders—for our own benefit and for the building of a durable peace. There are essential expenditures for defense which must be made at home. By all means, let us continue to make these outlays, but let us, at least, stress the word "essential" in the consideration of these matters because somehow, we must bring about a better balance in the use of our resources. It will avail us little to pursue our national security zealously all over Southeast Asia and all over the world and multiply our missiles if, at the same time, we permit neglect of domestic needs to bring down our national house from within.

I would suggest, most respectfully, that this conference—you who are Governors—can do much to help rectify the balance. You know the urgent needs of the people in your states. You know them—whether you are Republicans or Democrats. You know them close-up, day-in and day-out. You can bring an intensified awareness of these needs into federal policy and in so doing, you can help greatly to adjust our national perspective.

Yours, in short, is indeed a great responsibility.

JUDGE HENRY WHITE EDGERTON

Mr. MUSKIE. Mr. President, on Monday of this week one of the great jurists of this century died at his home in Washington. Judge Henry White Edgerton, late of the U.S. Court of Appeals for the District of Columbia Circuit, was my teacher and friend for more than 30 years. I take this occasion now to pay him honor.

There are on the American bench, Mr. President, scholars of the law whose analytical abilities permit them to deal with the most subtle and intricate questions of law and fact. Others, men of deep human sympathies, make of their moral passion a torch to light the path of justice for their fellow men. In Henry Edgerton, as in Brandeis, Holmes, and Cardozo, the two qualities were combined.

Many of us who were his students at Cornell Law School, and who observed his opinions on the appellate bench, wished that he might be appointed one day to the U.S. Supreme Court. He would have added instantly and measurably to the intellectual and moral power of that Court.

But, as in the case of Learned Hand, it was not necessary for his opinions to issue from the Supreme Court in order to effect the course of American jurisprudence.

To understand why that was so, one needed only to read a few of his leading opinions, speaking for a majority of his court or in dissent. One that will certainly be regarded a century from now as a landmark in the history of race relations in America was his dissent in Carr against Corning, written in 1950. Four years before the Supreme Court's ruling in the Brown case, it called for an end to officially sponsored segregation in the District of Columbia schools.

What is so compelling about that dissent was its reliance upon established fact, in showing that Negro students were being offered an inferior education in the public schools. Thereafter it marched with vigorous logic to its conclusion:

I submit that [racial segregation in schooling] fosters prejudice and obstructs the education of whites and Negroes by endorsing prejudice and preventing mutual acquaintance . . .

By preventing a dominant majority and a depressed minority from learning each other's ways, school segregation . . . aggravates the disadvantages of Negroes and helps to preserve their subordinate status . . . It is humiliating to Negroes. Courts have sometimes denied that segregation implies inferiority. This amounts to saying, in the face of the obvious fact of racial prejudice, that the whites who impose segregation do not consider Negroes inferior. One might as well say that the whites who apply insulting epithets to Negroes do not consider them inferior. Not only words but acts mean what they are intended and understood to mean.

It is sometimes suggested that due process of law cannot require what law cannot enforce. No such suggestion is relevant here. When United States courts order integration of District of Columbia schools they will be integrated. It has been too long forgotten that the District of Columbia is not a provincial community but the cosmopolitan capital of a nation that professes democracy.

I have quoted this at length, Mr. President, because it exemplifies a clarity of thought and expression that the Senate and the country might envy as it considers related questions today. Much has changed in the District of Columbia as in the Nation, since 1950. Many have grown weary and some have despaired of the effort to achieve what the Constitution requires. Judge Edgerton's words are a tonic for those who have temporarily forgotten what the struggle is all about.

Henry Edgerton was a magnificent human being who contributed to the advancement of his fellow citizens. He lived a full life and left a rich legacy in the law. I shall treasure my association with him for as long as I live, and I salute his memory.

I ask unanimous consent that Judge Edgerton's obituary and an editorial from the Washington Post of February 25 be printed in the RECORD.

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

[From the Washington Post, Feb. 25, 1970]

JUDGE H. W. EDGERTON DIES

Retired U.S. Court of Appeals Judge Henry W. Edgerton, long a champion of civil liberties and civil rights who often saw his dissenting opinions become the law of the land, died Monday at his home, 2925 Glover Driveway NW. He was 81.

Considered a great craftsman of legal writing, Judge Edgerton, although retired since 1962, had continued to sit on cases before the Appellate Court here as late as last summer. He had been in ill health for some time.

He had served as chief judge of the Court of Appeals for three years before resigning from that position on his 70th birthday in October, 1958.

Just last Saturday, Judge Edgerton had received an honorary degree of doctor of laws from George Washington University at the school's winter convocation. It was accepted for him by his son, John, of Washington.

The citation accompanying the degree summed him up as a judge, teacher and citizen in this way:

"He combines the penetrating insight of a scholar with the jurist's sure knowledge of human affairs in a career extending over more than 50 years of public service. A superb professor of law, he became an equally distinguished judge. During his many years on the bench . . . his incisive, analytical ability, coupled with a warm and sympathetic understanding of the human problems of modern times, made him one of the outstanding judges of this century. He had the courage to stake out new positions on the frontier of an advancing legal system, particularly in civil rights and civil liberties. His landmark decisions in these areas led the way to later action by the Congress, the President, and the Supreme Court of the United States."

One of Judge Edgerton's memorable dis-

sents came in 1950 and was a forerunner to the Supreme Court's 1954 school desegregation decisions. At that time, Judge Edgerton had this to say about the utility of court orders in the social sphere:

"It is sometimes suggested that due process of law cannot require what law cannot enforce. No such suggestion is relevant here. When United States courts order integration of District of Columbia public schools, they will be integrated."

In a 1948 dissent, Judge Edgerton raised one of his many protests against the excesses of some congressional investigating committees. He said that he would hold that the House Un-American Activities Committee's questions in one case were aimed at exposure rather than legislation and that they abridged freedom of speech.

Judge Edgerton consistently supported appeals at government expense by paupers convicted of crimes but unable to pay attorneys fees and once wrote in an opinion:

"The United States can afford to let poor defendants take criminal appeals that the rich could take. It cannot afford to do otherwise."

Born in Rush Center, Kan., Judge Edgerton spent part of his childhood in Washington. He attended the University of Wisconsin and graduated from Cornell University in 1910. He was elected to Phi Beta Kappa while a junior at Cornell and had been class orator.

He entered Harvard Law School after spending a year in Europe and received his law degree in 1914. He joined a law firm in St. Paul, Minn., but soon came to Washington to join the staff of the Library of Congress.

Judge Edgerton taught law at Cornell, was a professor of law at George Washington University here and was a professor in the Cornell Law School in 1937 when he was appointed to the U.S. Court of Appeals for the District of Columbia (now the District of Columbia Circuit).

The author of numerous articles on legal subjects, he also held an honorary doctor of laws degree from Yale University.

His kindness, his courtesy, his integrity and his devotion to justice and human freedom brought him the warm respect of the students he taught, his law clerks and colleagues.

When Judge Edgerton left Cornell Law School, almost every student in the school appeared at a farewell dinner they had arranged for him. His law clerks paid a similar tribute 20 years later when he was honored at a dinner attended by Supreme Court Justices, judges and lawyers.

His opinions relating to civil liberties were put into book form, entitled "Freedom in the Balance," which was edited by Eleanor Bontecou and published by the Cornell University Press.

In addition to his son, Judge Edgerton is survived by his wife, Alice Durand Edgerton, and a brother, William F., of Chicago. A daughter, Ann, died in 1950.

The family requests that expressions of sympathy be in the form of contributions to the Henry White Edgerton Prize Fund at Howard University.

HENRY WHITE EDGERTON

Judge Henry Edgerton was one of those rare men whose careers afford a perfect fulfillment of great native talents. The law was for him an art no less than a profession. Through almost the whole of a long, full life, until his death on Monday at the age of 81, he pursued it creatively, employing it always as an instrument of justice and as a means toward the end of a free society.

Henry Edgerton's judicial philosophy was rooted in a faith, first, in the idea of human equality and, second, in the utility and social value of individual liberty. There was nothing sentimental in this faith. It was profoundly empirical—as, indeed, it was in the minds of those who wrote the United States Constitution. Judge Edgerton believed not only that order is indispensable to justice but that justice is indispensable to the maintenance of any orderly social system. Within any true meaning of the term, he was what is sometimes loosely called a "strict constructionist." This is to say that he regarded as unexceptionable the ideas expressed in the Declaration of Independence that "all men are created equal" and that they "are endowed by their Creator with certain unalienable rights." He construed strictly the constitutional commands that conscience, expression and association may not be limited by law and that no person may be deprived of life, or property except in accordance with due process and with the procedural rules fixed by the Bill of Rights.

As a professor of law in his earlier years and during his 30 years as a judge of the Circuit Court of Appeals here, Henry Edgerton was as much an artist as a philosopher of the law. The extraordinary sparseness and precision with which he used words gave his opinions great power; and no doubt this is why his dissents, breaking with tradition, so often proved seminal and found subsequent support in the Supreme Court. His dissenting opinion in a District of Columbia case in 1950, asserting that racial segregation in tax-supported schools is unconstitutional was followed in almost every particular by the Supreme Court's historic and unanimous decision of 1954. So was another dissenting view contending that racial restrictive covenants on real estate enforced a "ghetto system" incompatible with principles of equity or with the Constitution.

At its winter convocation only last Saturday, the George Washington University conferred as honorary degree on Judge Edgerton through his son, a distinguished lawyer. "His incisive, analytical ability coupled with a warm and sympathetic understanding of the human problems of modern times made him one of the outstanding judges of this century," the citation said. "He had the courage to stake out new positions on the frontier of an advancing legal system, particularly in civil rights and civil liberties." The tribute aptly summarizes and commemorates a superb record of public service.

SECRETARY STANS ENDORSES TAX INCENTIVES FOR RURAL DEVELOPMENT

Mr. PEARSON. Mr. President, over the past 3 years I have argued the desirability and the feasibility of using tax incentives as a means of encouraging new job-creating industries to locate in rural areas.

We must significantly increase the quantity and quality of jobs in rural communities, not simply because this would be good for rural America but for urban America as well. Too many urban areas have become overcrowded and overburdened. Too many of our rural areas are underpopulated, and too many of the declining few who remain there are underemployed.

Within the past 2 or 3 years there has been a growing consensus on the need for a major rural development program. New jobs must, of necessity, be at the heart of this rural development effort. I believe that tax incentives, including investment and manpower training tax credit and accelerated depreciation allowances as provided for in the Rural Job Development Act—S. 15—are an effective and efficient means of encouraging new industries to locate in rural communities.

Therefore, Mr. President, I was especially pleased to hear that Secretary of Commerce, Maurice H. Stans, has endorsed the use of tax incentives to industries locating in rural areas. It is significant and encouraging that the Secretary of Commerce not only acknowledges the need for rural development but also that he endorses the use of tax incentives to help carry this out. Mr. President, I ask unanimous consent that an article reporting on Secretary Stans' speech at American University, published in the Evening Star of February 25, be printed in the RECORD.

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

[From the Washington Star, Feb. 25, 1970]

STANS URGES U.S. HELP FOR RURAL PLANT SHIFTS

Secretary of Commerce Maurice H. Stans says the government should encourage industry to build plants outside crowded cities by providing tax incentives such as the investment credit struck down by last year's tax reform act.

"Realistically, if we are to expect business to help achieve population dispersal, government should help assure it an opportunity to make a fair profit" in less heavily populated areas, he said.

Stans made his suggestion in remarks last night for an American University series of lectures of business-government relations.

MIGRATION NOTED

Stans gave close attention to the growing tendency of Americans to move to the cities, especially the migration of Negroes of little education and few skills from farms to cities where "instead of opportunity, they found the bitterness and frustration of the slums that finally erupted in rage and riots."

"It's as though we owned a vast mansion, with hundreds of rooms, but most of us have decided to live in the closet," Stans said. Government figures show, he noted, that 73 percent of the people live on just over 1 percent of the land while 27 percent "are rattling around over the remaining 99 percent of the land."

"To preserve the advantages of the city without incurring the liabilities of megalopolis, we will not only build new cities from the ground up but also undertake to expand our present small cities into much larger entities," he said.

INCENTIVES PROPOSED

Business should help in this, he said, and the government should help business.

As for methods, he said that "possible new incentives include investment tax credits, liberalized depreciation allowances and manpower training supplements. . . . If such incentives could channel an increasing portion of future investment into areas that would help achieve a better balance in urban growth, the whole nation would benefit."

PROGRESS BY PRINCE GEORGES COUNTY, MD., AGAINST NARCOTICS PLAGUE

Mr. TYDINGS. Mr. President, drug abuse hearings the District of Columbia Committee has conducted during the past year have clearly underscored the previously unthought of extent of the narcotics problem and its relationship to the crime wave our country is experiencing. They have also demonstrated that without comprehensive local antinarcotics law enforcement efforts, our ability as a nation to deal with this crisis is severely limited.

Every State and local government in the country must address itself on an emergency basis to the extent of the narcotics problem it faces and the steps it can take to remedy it.

I am pleased that some of the most significant local progress against the narcotics plague has been made in my own State of Maryland.

In fact, Prince Georges County, Md., has recently received a County Achievement Award from the National Association of Counties for its outstanding response to the problem of drug abuse.

That award was announced in this month's issue of the American County.

In my own committee's investigation of the narcotics problem in the National Capital region, I have been impressed by the Prince Georges County effort.

Most recently, on February 3, I heard testimony about the programs Prince Georges has created to meet the drug-abuse crisis. Certainly no county in this region has advanced as far as Prince Georges in the development of narcotics programs.

The article in the American County describing the Prince Georges drug effort was written by Dr. Thomas Kelly, the administrative officer of the county.

I ask unanimous consent that Dr. Kelly's article be printed in the RECORD.

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

[From the American County, February 1970]

PRINCE GEORGES COUNTY, MD., RESPONDS TO DRUG PROBLEM

(By Dr. Thomas C. Kelly)

"Throughout the course of history, civilization has, from time to time, been plagued with serious problems of drug abuse and its resulting social and economic waste. Spurred by an unprecedented pace of social and technological change, an atmosphere of uncertainty and permissiveness, and a search among people for self-identity and new experience, drug abuse has emerged into sharp focus as a difficult problem of growing concern in the United States."—American Medical Association.

Using public and private resources, Prince Georges County, Md. has marshalled a multiple attack on the plague of drug abuse. Educational, health, and legal tools have been brought into the battle under the direction of the Prince Georges County Task Force Against Drug Abuse.

Appointed in the fall of 1968 by the Board of County Commissioners, the task force brought together over 18 private, county, and state agencies. Each of these groups contributed its own special expertise to the task force. Shortly after its creation the operation was in full gear, coordinating a multifaceted attack on drug abuse. The group, which meets monthly with the full membership, is divided into three subcommittees—education, legal, and health. The action programs which resulted have followed this structure.

EDUCATION

Since prevention implies education, the task force turned to the board of education, which operates the public school system of 158,000 students. Not only were the schools the most vulnerable institution for the spread of drug abuse but also the most accessible means of reaching the largest number of young people.

In the fall of 1968, the board of education sponsored a two-day seminar on drug use and abuse to prepare teachers and other staff to deal with the problem. Teachers and vice-principals from each secondary school were selected to attend on the basis of their interest and background.

A second workshop was presented the following week for members of the pupil-services division, which includes guidance counselors, pupil personnel workers, psychologists, home visitors, and school nurses.

Two teachers from each secondary school were sent to the University of Maryland during the spring semester, 1969 to attend a three-credit course on drugs, developed especially for board of education personnel. Experts from the fields of sociology, pharmacology, medicine, law, chemistry, and theology presented an inter-disciplinary approach to the problem. The major purpose of the course was to present a broad base of knowledge in order to help teachers develop meaningful curricula.

A structured component on drugs was introduced into the health education curriculum. It was designed to present the subject of drug abuse in a framework dealing with the total health of the individual human being.

INNOVATIVE PROGRAM

The most innovative program instituted by the board of education was a package curriculum purchased from the Lockheed Company. Previewed before the drug task force members, the curriculum opened to "mixed reviews." However, it was implemented as a pilot project to be formally evaluated at conclusion.

The program combined visual aids and movies with a workbook designed to induce student involvement; 5,000 junior and senior high school students participated in the 15-hour course. The youngsters were tested on content before and after, and the program was evaluated by teachers and principals, based on student reaction.

The content tests indicated that little new knowledge has been gained by the older students and it was determined that the program was too unsophisticated for pupils at ninth grade level and above. On this basis, considering the cost ($4 per student), the board decided not to offer the curriculum to the entire student population.

Therefore, the board expanded the curriculum component in the health education courses and is now training more teachers and offering adult education content courses to parents in the community.

Since community education and service are an essential part of the effort, a speakers bureau was formed through the county's community relations department to serve groups requesting information. The speakers who naturally already had some expertise in the subject, were supplied with a kit of basic data prepared by the task force. The objective was to make a unified theme of presentation.

The county police department developed a narcotic and dangerous drug program which included a lecture, film, and display kit showing how to recognize the drugs, their effects, and the implements used in administering them. In a three-month period they made presentations to 125 different groups for a total audience of 7,627 people. This program was completely handled by six men on the vice squad who donated their off-duty hours.

"MINDBENDERS"

Extensive educational efforts are being carried on by the library system. "Mindbenders," a list of publications and films dealing with drug abuse, was sent to county organizations working with young people, such as boys clubs, church groups, and 4H clubs, as well as the schools and PTA groups. Major distribution of the lists was through the 15 branches and five bookmobiles of the library system. Following an announcement of the publication, 450 copies of the bibliography were bought by libraries throughout the country, Korea, Quebec, and British Columbia.

All library branches provided special displays on drug information. Special effort was made to make available heavy duplication of materials, including books and pamphlets for young adults.

1,081 copies of 20 selected titles on the "Mindbenders" list were purchased for circulation to the public. 5,000 reprints of "Safeguarding Your Teenager Against Drugs" were made as a public service by the *Prince George's Sentinel*, a local weekly newspaper, for free distribution in the library branches.

STILL POPULAR

The library displays are still popular in all the branches. Several librarians regularly attend their local PTA meetings and present materials on drug information. Programs on drug abuse are being presented in several branches and usually are attended by capacity audiences.

The library films division circulated films on drug abuse. The films were used by community groups, correctional institutions, and special programs for disadvantaged children. By July 1969, these films had been shown to 14,000 people.

The library also serves the task force members, providing a current circulation of reading material, especially clippings from periodicals and reports of up-to-date research and innovative programs throughout the nation.

The local JC's have been enthusiastic about the task force from the beginning. They have donated their time and money to institute the "Smart Set" plan as a pilot project in two junior and senior high schools which began in the fall of 1969. This organization, using youth leadership to develop drug programs, has been operated most successfully in other parts of the country.

HEALTH

The task force contacted the National Institute of Mental Health and requested that they make a presentation of their materials and plans for a saturation publicity campaign. A representative attended one of the meetings, displayed posters, brochures, and exhibited the television and radio "spots" which had been worked up by a professional public relations agency for nationwide use.

Local radio and television stations are using this material interspersed with their commercial programming. Local theatre owners also accepted the "spots" and use them as between-feature fillers.

At the recent county fair, the task force built and staffed a booth utilizing strobe lights, psychedelic posters, and hard rock music as background to distribution of drug-fact brochures and referral information. It is estimated that in the course of the five-day fair, over 75,000 people visited the booth.

Upon recommendation of the health and rehabilitation sub-committee, the task force sent letters to student leaders and to young drug offenders alike and invited them to participate in the meetings. Since then, they have been involved in all the planning and have provided the group with fresh insights, helping the professionals to bridge the "generation gap" which often slows communication.

Naturally, an important component in any program to fight drug abuse is a referral route for those who may be experimenting or involved on the "drug scene." The health department was the logical place to develop this type of program.

This agency announced that any adolescent or parent may request professional information and counseling by calling and asking for "Drug Help." The caller is referred to the mental health bureau's adolescent division, and given an appointment. If therapy is indicated, he is either assigned to a group or given individual treatment. Through the Prince Georges General Hospital—a 24-hour answering and referral

service is available to assist persons with drug-related problems and to direct them to resources.

The health department also made consultation services available to members of the medical profession, other county agencies, and civic and community groups. The office of health education compiles reference material on health and medical aspects of drug use and abuse and works with professional and civic groups to design and implement projects using the health education approach.

The parole and probation department assumed the responsibility for providing a rehabilitation and treatment program for the drug offenders referred to them. Weekly, a parole agent trained in techniques of group therapy meets with an open ended case load. The men see movies, hear speakers, and "rap" about mutual problems. The health department provides consultation and professional assistance to this group.

One of the most exciting and successful programs is run by the juvenile court, utilizing volunteer physicians and psychologists, supplemented by a small grant from the county. Youngsters arrested for drug offenses are screened and referred to treatment in lieu of sentencing. The young people meet in group and individual therapy sessions once a week for a period of six months. The parents are also involved and meet with the physicians on a regular basis.

As of September 1969, 108 youngsters had been referred to this program with only one rearrested for drug abuse. These groups proved so successful with the court referred young people, the program has been expanded to include any youngster—or his parents with a drug problem.

In October 1969, the bi-county region, Prince Georges and neighboring Montgomery Counties, received a small grant under the Omnibus Crime and Safe Streets Act to plan a juvenile narcotics prevention program. Because Prince Georges drug abuse task force had already laid the groundwork for the study, the bi-county program is being conducted by its staff under the supervision of the county's administrative officer.

The grant provided the first actual operating funds that have been received specifically for narcotics prevention. After the completion of the six months study and program-drafting, the two counties will apply for implementing funds for a large scale plan.

ORGANIZATION

The commissioners' county task force against drug abuse is an interagency group, loosely constructed to encourage participation from community and non-public organizations as well as governmental agencies. The county/state agencies represented are the board of education, the health department, the library, the extension service, the parole and probation department, juvenile services, juvenile court, police department, sheriff's department, community development, the state attorney's office, the county's community relations department, and the youth action committee, with the county's administrative officer serving as the chairman.

The mental health study center of the National Institute of Mental Health, which is located in the county, also participates and has sent a psychologist to every meeting. The Family Service Agency of Prince Georges County, a United Fund agency which has deep roots in the community, offers unique counseling services to both youth and adults in the area.

The subcommittees are the "think" tanks for the task force. They meet in small groups to supply ideas and recommendations that will be discussed by the entire body. This approach was found most effective in keeping all viewpoints represented.

Although discussion is free floating and wide ranging at the full task force meetings, the small groups which have refined the recommendations can effectively pinpoint discussion and lead the translation process from ideas into action.

Especially noteworthy is the spirit of cooperation that has prevailed in the task force meetings. Policemen and social workers naturally have a different view of the problem and each member brought the special bias of his discipline to the meetings. Nevertheless, "hidden agenda" and interagency feuds have been conspicuously absent.

Some of this cooperation can be attributed to the fact that each agency or organization is committed to the urgency for action. They have felt community pressure and encountered the distress of parents and youngsters who have been involved with drugs.

Another reason for cooperation is that each agency responded by sending top-level representatives to the meetings—members who have, to a large extent, the power to commit their agencies to certain programs. This type of cooperation and flexibility has prevented the task force's efforts from bogging down in bureaucracy, as could easily have happened.

The meetings are structured with agenda, notices, and minutes. However, great informality prevails so that all pertinent discussion can be heard and no member need feel throttled by a strict agenda.

The first move of the task force was to request each agency to come up with its viewpoint of the problem and its recommendations for the problem's solution. These were submitted in written form and served as a springboard for the initial agenda.

The charge of the task force, as understood by the members, was primarily preventative—that is, educational—and aimed at the youthful offender rather than the hard-core addict.

Although it was recognized that the problems of the addict were certainly deserving of attention, it was felt that the task force's resources were simply not adequate to go into large-scale treatment and rehabilitation programs. Recommendations may be developed but it was decided that they would be implemented under other auspices.

The impact of the task force's efforts is very difficult to determine. The rapid urbanization of the jurisdiction, an exploding and very mobile population, and the resulting strain on schools and other public services militate against viewing the narcotics problem as a stable condition which can be assessed statistically.

However, the energetic and innovative response of the various agencies and citizens has provided a blueprint for cooperation that can be applicable to many crisis situations. As a serendipity effect, strong interagency relationships have developed; department heads have gained a broadened perspective of county problems; and interdisciplinary viewpoints have been exchanged. It is reasonable to expect that the continued and expanded efforts of the task force will produce significant future results.

DETERIORATION OF SALTON SEA

Mr. MURPHY. Mr. President, recently the State of California and the Department of the Interior released the results of a Federal-State reconnaissance study of possible solutions to the problem of the deterioration of the Salton Sea.

This reconnaissance report indicated that time is an important factor in this matter and consequently I immediately requested the Secretary of the Interior to take the next step by making an advanced investigation of the Salton Sea situation which would be in the form of a feasibility study.

I then announced that I will introduce legislation to authorize the necessary feasibility study. Such a study could be conducted by any one of several agencies within the Department of the Interior but it is possible that if a decision is made to proceed with such a study under the auspices of certain of these agencies. Congressional authorization would be necessary. It was for this reason, and to try to head off possible delays, that I decided to introduce the legislation which might be needed to obtain congressional approval for the feasibility study.

The plight of the Salton Sea was discussed in today's Wall Street Journal in an article written by P. F. Kluge, and I ask unanimous consent that this article be included in the CONGRESSIONAL RECORD with my remarks so that my colleagues and the appropriate members of the administration will be able to understand more clearly why prompt action to save the Salton Sea is so urgent.

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

[From the Wall Street Journal, Feb. 26, 1970]

EXCESS OF SALINITY THREATENS TO DESTROY LIFE IN THE SALTON SEA—CALIFORNIA'S "ACCIDENTAL LAKE" ALREADY SALTIER THAN PACIFIC; $130 MILLION TO SAVE THE FISH

(By P. F. Kluge)

DESERT SHORES, CALIF.—"How many places can you catch a fish like that in inland waters?" asks Duke Dorsey, gesturing at the stuffed and mounted 21-pound corvina that adorns one wall of his beer, bait and tackle emporium.

Where else, indeed, but in Southern California's 375-square-mile Salton Sea? The Salton Sea is the largest inland body of salt water in the U.S. capable of supporting extensive marine life. Lying 40 miles north of the Mexican border and 100 miles northeast of San Diego, the sea has become a choice angling spot and a promising recreation area. It is also an ironic footnote to the story of man's losing struggle to improve his environment.

The sea was made by man, albeit accidentally, and the chain of life that now thrives there was established by him painstakingly over the past 20 years. Now man is killing what he made. Runoff irrigation waters pouring into the sea are carrying with them millions of tons of salt leached out of the soil, and the sea is gradually becoming too saline to support life,

If the marine biologists are right, within the next decade man may turn the Salton Sea into a vast sump, and the only game fish left around will be found above the pretzel rack in Duke Dorsey's bar. Others warn that if the slow poisoning of the sea isn't halted, land developers and other businessmen will be turning belly up along with 10 million fish.

CROAKERS AND SARGO AND CORVINA

The sea began to form in 1905 when the Colorado River flooded, bursting through an irrigation channel and pouring into an arid, sub-sea-level depression known as the Salton Sink. When the river was finally controlled and the breaks sealed, the Colorado had left behind an inland salt sea second only in size to Utah's 2,300-square-mile Great Salt Lake. (The Great Salt Lake is too saline to support much marine life.)

The Salton Sea, which has no substantial fresh-water source and no outlet to the ocean, would have evaporated in time, leaving behind the same arid, salty sink that was

there in the first place. But the huge irrigation projects of the Imperial Valley to the south and the Coachella Valley to the north replenished it with run-offs from fields and orchards—salt laden waters that helped give the sea a more oceanic composition.

In the early 1950s, the California Department of Fish and Game succeeded in establishing a life cycle in the sea. It stocked it with croakers and sargo, small fish that live off plants, and with corvina, ocean-going game fish that eat croaker and sargo.

In time, signs of higher life forms appeared on the lake's edges—marinas and bars, mobile homes and model homes, motels and planned communities. Billboards sprouted everywhere, urging visitors to camp, to boat, to vacation, to dine and, most of all, to buy land by the shores of this sportsman's paradise.

THE FISH AND THE BUSINESSMEN

But now the sea is threatened at its source; more than 10,000 tons of salt a day are being dumped into it by farmers, and the salinity level has risen to an ominous 3.7%, higher than that of the Pacific. Bioligists say that at 4% salinity, a point that may be reached within five years, the sea will begin to die—slowly but inexorably. Spawning will become irregular, then cease.

The Salton's underwater population is still biting gamely now, but the businessmen on the beach are beginning to fret. Some boosters still insist that "the salt problem" has been blown out of proportion; others try to convince themselves that fishing doesn't matter. "Even without it, we'd have everything Palm Springs does," says one defensive businessman.

Marcus Hickerson, president of Holly Corp., which has about $20 million invested in the development of Salton City on the sea's western shore, stresses the joys of desert living, the cleanness of the air, the building of a new golf course. "My only fear," says Mr. Hickerson, "is that the psychological impact of the salinity problem will get out of hand and the conservationists and sportsmen will create an inaccurate picture of the area."

The area currently has an unfinished look. In Salton City as in other developments, there are miles of roads with jaunty names stretching asphalt fingers into the desert—but few houses line them. Tight money has stified many housing starts, here as elsewhere, but developers concede that "bad publicity" about the salinity problem hasn't helped either. Some discouraged land speculators are selling out, struggling to recoup even half their cost of purchase.

Down at water's edge, charter boat operators can't believe that Federal and state authorities will let the sea perish. "There's just too much at stake here," says Obbie Moses, who takes fishermen out on the Seagull III.

Robert Hulquist, a biologist with the Department of Fish and Game who helped stock the sea with corvina 20 years ago, says sadly: "I'd lose my faith in everything if the Salton died. Recreation in Southern California is reaching a crisis point; you can't find a parking place at the beach, the freshwater lakes are incredibly crowded, you have to spend two days of a week's vacation waiting to get into a national park. And the rivers are gone; the Colorado's not much more than a millrace now. But there is so much room at the Salton. It's a tremendous asset. I'd be brokenhearted if we lost it."

But right now no solution seems in sight, despite voluminous studies involving Federal, state and local agencies. The problem is money. The farmers don't want to foot the bill, and their logic is hard to question. Says Leon Kennedy, president of the Coachella Valley Irrigation District, "If we didn't put our water into the sea, the sea wouldn't be there." Land developers don't want to pay, arguing they didn't create the problem.

That leaves it up to the Government, which hasn't rushed in with bags of money. Sixteen units of Federal, state and local government recently recommended that the sea be saved through construction of a "lake within a lake," a diked-off salinity basin within the sea itself; enough salt could be removed in the basin to offset the amount pouring in yearly from irrigation waters, thus stabilizing the sea. But the process of getting the money via Congressional appropriation, and the job of building the system, could take years. And the price is put at about $130 million, which might well be hard for an economy-minded Congress to swallow.

Sportsmen are pessimistic. "Everyone who uses the Salton is willing to preserve it," says Bob Vile, president of the Ocean Fish Protective Association, a sportsman's group that is pressing for Federal-state action. "The land owners want to preserve it. The farmers want to preserve it, the state wants to preserve it. The cause of saving the Salton is almost next to motherhood—but you can't get the money to do it."

THE NATIONAL TRANSPORTATION GOALS—A PERCEPTIVE ANALYSIS BY SENATOR VANCE HARTKE

Mr. PELL. Mr. President, one of the most serious problems facing the country today involves the balancing of our Nation's transportation goals against the impacts which various transportation modes have on our social problems and the environment. The Senator from Indiana (Mr. HARTKE) has made, this week, a perceptive analysis of this problem in a statement before the Democratic policy committee, I ask unanimous consent that Senator HARTKE's excellent statement be printed in the RECORD in order that the Senate may be appraised of the fine thinking of the chairman of the Surface Transportation Subcommittee.

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

NATIONAL TRANSPORTATION GOALS

(By Senator VANCE HARTKE)

Tom Wicker of the *New York Times* recently wrote that the three major domestic issues on which President Nixon had evinced the least understanding were pollution, transportation, and hunger. The pollution of our air and water, and the hunger of our urban and rural poor, are problems that have received wide attention, if little action. But transportation as a major issue has received neither attention nor action. We have ignored transportation, not because it inherently lacks significance, but because we have failed to comprehend and communicate the relationship between transportation and other social problems—poverty, urban decay, and environmental degradation.

The tendency of most Americans to think of transportation as the "ho-hum" movement of cars, trucks, trains and airplanes. In reality, however, transportation is the most vital and pervasive activity of society, a circulatory system by which people and goods are moved about and the nation continues to function. From the earliest days of human civilization, access to transportation facilities has structured the location of communities and the centers of economic activity, and has determined the physical shape of urban areas. Nowhere has society been built around transportation more thoroughly than in the United States, where towns were born along the tracks of our railroads, and where great ports were built inland from the navigable waterways that crisscross the continent.

Although transportation has shaped our society, given rise to our cities, and linked our several states together, we have in the past allowed our transportation network to grow in an unplanned and uncoordinated fashion. The various modes of transportation—railroads, automobiles, airplanes and ships—have developed independently of one another, and the government agencies that promote and regulate transportation have been fragmented along modal lines. Little effort has been made to integrate the modes, and little thought has been given to how transportation might be planned to structure regional or national development in a desirable fashion.

In the past, the costs of non-integrated transport have been largely obscured by economic progress, just as the costs of pollution have been largely ignored in the pursuit of economic growth. Today, however, we face a transportation crisis that demands a reassessment of our transportation policies and a fresh look at transportation's relationship to other human activities and values.

The most obvious feature of our present society is that it has come to be dominated by the automobile. The benefits of automotive transport have primarily been those of unmatched personal mobility for our people. Yet the symptoms of our transportation ailments today are congestion and pollution. Congestion surrounds our airports, engulfs our city streets, and blocks our major highways. Air pollution comes pouring out of the exhaust pipes of cars at a rate of over 75 million tons per year. "Land pollution" in the form of more highways slicing through cities and open spaces continues at prodigious rates. Noise pollution mounts in our cities and around our major airports. These environmental and social costs of the automobile have become painfully apparent in recent years. All pollution from automobiles constitutes a major environmental problem, not only because such pollution threatens our health, but because air pollution has also made our cities virtually unlivable. Even if we succeed, as indeed we must, in overcoming the pollution problem of automobiles, still must deal with a more intractable automotive problem: the voracious consumption of land.

Our highways have proliferated with frightening speed, destroying much of our cities and defacing much of our open spaces. Already we have more than 3 million miles of paved roads—one mile for each square mile of land—and still we are told we must build more freeways in order to escape today's constant traffic jams. To the obvious environmental costs of such proliferation are added a host of less well-recognized social costs—widespread dislocation of people and businesses, wholesale destruction of valuable parkland and wilderness, ever-increasing volumes of noise, and a mounting death toll that makes our most common mode of travel also our most deadly.

I need not elaborate on the social and environmental impact of more cars and more highways. Studies abound showing the heavy price we pay every year in order to maintain our precious mobility. If we could continue to find such mobility in the construction of more highways, in the paving over of more cities and open spaces, I am afraid that we would continue to ignore the social and environmental costs that such construction entails.

But the crisis in transportation is not simply one of achieving mobility at the expense of other human goals. The crisis is also one of our ability to remain mobile regardless of the price we are willing to pay. Each new highway built becomes jammed with traffic almost as soon as it is opened. And the number of new highways has clearly reached the societal saturation point. A continuation of our present policies would lead us, for example, to the point where

one day New Jersey will cease to be the name of a state and become the name of a mammoth super-highway between Washington and New York. And even then, automotive traffic will move at a snail's pace.

The crisis, while frightening in light of our present policies, actually may be a blessing in disguise, for it forces us to plan now for an alternative system of transportation in which the automobile will assume a more proper role. Planning transportation systems, in turn, will force us to consider questions of social policy we have ignored in the past: How do we want our population to be distributed? What pattern of urban growth is most desirable? How can transportation be made less destructive of our natural and social environment?

In the past, we have not attempted to fuse our various modes of transportation into a single coordinated system. Nor have we stopped to calculate the social consequences that lack of planning was entailed. Yet we have long had evidence that population growth and economic activity are structured by transportation—even in the distant past when trading posts were established on the banks of mighty rivers, or when towns began to spring up alongside the new railroads. Our whole society, in fact, has been shaped by transportation—but we have never stopped to consider how we could plan transportation facilities in order to shape a society better than the one we have today.

We can no longer ignore the social implications of transportation. Our present system is so congested, so expensive in terms of pollution, land, noise and human life, that an alternative will have to be created. The form and extent of our transportation planning will have a dramatic impact on how we live ten and twenty and one hundred years from now. Whether or not we take action, for example, will determine whether our cities continue to grow in a sickly sprawl, or whether designers will be able to plan more healthy new communities with access to work and recreational areas. The price of inaction, by the same token, will be a continuing aggravation of those social and environmental ills with which we are grappling today.

Once we understand the social implications of transportation planning, however, we cannot simply begin to create new transportation systems. The technology is not lacking, but the political framework is. We simply do not have governmental structures with the requisite authority and scope for planning the types of integrated, balanced transportation system that we will need in order to channel future growth.

The reason we lack such structures is that transportation problems—and logical transportation units—do not conform to state or local boundaries. Instead, transportation needs follow the pattern of population, and our people live increasingly in densely-populated "corridors" that connect many cities and cross several state lines. Within each corridor are several cities and dozens of major suburbs—which, by themselves, cannot create a transportation system that meets the needs of the entire region. And because of the number and diversity of transportation regions within the United States, the federal government cannot undertake the detailed planning and testing of transportation systems that each region needs to insure a better future environment.

The consensus on the need for regional transportation planning is emerging much more rapidly than the governmental framework within which such planning can take place. New transportation policy and new transportation systems are not, as some would have us believe, dependent upon unrealistic advances in technology. The technological problems can be overcome if political institutions can merge for the making of coherent and coordinated policy. At the present time, no political unit—city, county, state or federal—is equipped to formulate transportation policy that is consistent with national needs. The transportation unit that is most relevant to policy—the region—has no governmental body or formal planning board.

The National Transportation Act, of which I am a co-sponsor, is an attempt to establish the type of regional control over transportation planning that is needed for rational systems to be built. By establishing regional transportation commissions charged with the planning and construction of integrated transportation systems, the act takes a monumental step toward granting Americans the ability to control their own social destiny. The regional commissions would take into consideration such factors as environmental quality, land-use planning, and even the locations of pipelines and power transmission facilities. By developing systems within which each mode of transportation complements all others in an overall design to meet the needs of the region, the regional commission will ensure the continued availability of federal assistance funds in demonstrations projects and construction. But failure to develop such plans would lead to a halt in federal funding—justifiably so, for lack of planning in the future will hasten the already swift degradation of our cities and countryside.

The National Transportation Act, which Senator Warren G. Magnuson and I introduced last June, will be the subject of extensive hearings before the Senate Commerce Committee this Spring. We do not pretend that we have answered all the important questions in the field of transportation policy by offering this bill. We do feel that it is important for America—and important, I might add, for the Democratic Party—to begin studying transportation problems and to begin studying them now. The vast changes we hope to effect in American society, the hopes we have for the rehabilitation of our cities and the economic enfranchisement of our poor, will all depend upon the type of transportation systems we develop in the future.

In conclusion, let me restate my thesis simply. The transportation, though often overlooked, is a key aspect of America's social and environmental situation. Our present transportation system is unplanned, costly in human terms, and on the verge of breakdown. Planning for integrated, balanced transportation systems now is necessary, not only to diminish the costs of our present system, but to aid in the restructuring of American society. Although such integrated systems can be planned and technologically initiated, at present we lack the institutional framework within which to undertake such planning and initiation. Upon developing that framework—a framework that takes into account the regional nature of transportation problems—may very well hinge not only our future mobility, but our future way of life.

DR. LUTHER HOLCOMB—A RESPECTED MEMBER OF EEOC

Mr. HRUSKA. Mr. President, when the Equal Employment Opportunity Commission was created in 1965, Mr. Luther Holcomb was appointed by President Johnson to the post of vice chairman.

In 1969, when Dr. Holcomb's term expired, President Nixon renominated Dr. Holcomb. The President announced that he was doing so because Dr. Holcomb had served with distinction for the previous 4 years.

Before joining the EEOC, Mr. Holcomb was a civic and religious leader in Dallas, Tex. For more than 20 years, he served on numerous State and national boards concerned with health, education, religion, and welfare.

As a member of the EEOC, Mr. Holcomb has been involved in the development of techniques and progress to achieve full and equal opportunity for citizens from all minority groups. To attain this goal, he has worked with industry, government, schools, churches, civil rights, and civic groups.

While engaged in these efforts to keep communication and cooperation open between the many groups involved in the accomplishment of equal employment opportunities, Mr. Holcomb has displayed tact and common sense.

The Omaha World-Herald praised these qualities of Mr. Holcomb in a recent editorial, and strongly approved of his reappointment.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD, in recognition of Mr. Holcomb's untiring efforts and good judgment.

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

[From the Omaha World-Herald, Jan. 29, 1970]

DR. HOLCOMB'S HELPING HAND

When Dr. Luther Holcomb spoke at Creighton University in January 1966, he said it was more than possible that he and his four colleagues on the Equal Employment Opportunity Commission would work themselves out of a job in 10 or 12 years. Job discrimination was lessening, he said, and eventually there might be no need for a nationally directed office in Washington to keep watch on it.

Racial upheavals have occurred in the meantime, but the EEOC has worked quietly and effectively to keep open the lines of communication with minority groups, religious groups, businessmen and others. The tact and common sense of Dr. Holcomb, who is the one member of the original commission who remains after 4½ years, have been unfailing. He is a realist and a compassionate man whose good judgment has helped greatly in a most sensitive area of our national life.

Last year President Nixon saw fit to reappoint this Texas Democrat and former Baptist minister as vice chairman. It was a good appointment. Dr. Holcomb and his associates may not work themselves out of jobs as soon as he had hoped, but there is continued progress toward the goal of true equal job opportunity.

GRAVE ECONOMIC CONDITIONS IN DISTRICT OF COLUMBIA

Mr. TYDINGS. Mr. President, a news report and an editorial published in the Washington Post recently underscored the grave economic conditions existing in the National Capital and the discouraging prospects for their improvement without significant changes in the traditional approach to the economic development of the National Capital.

The decline in economic vitality in the District of Columbia affects the entire Washington metropolitan area. As Mr. Joseph Danzansky, president of Giant Foods and author of the news article in question points out therein:

This is one integrated metropolitan economy, and that a cancer at its heart will eventually spread and envelop the rest of the economic body. Suburban jurisdictions

sharing common borders with the District are already confronted with a spill-over of District problems, and as the decade progresses, that spill-over will penetrate most suburban jurisdictions.

Mr. Danzansky, together with a distinguished former Chairman of the Council of Economic Advisers, Dr. Leon H. Keyserling, have headed the effort known as the Mayor's Economic Development Committee to point new approaches to revitalization of the National Capital. Its initial report, published last year, documents the need for a massive infusion of Federal assistance to compensate for the years of neglect the National Capital economy has suffered.

I commend that report to all Members of Congress. I likewise commend its capsule summary as spelled out by Mr. Danzansky in his article and the accompanying Post editorial, both of which I ask unanimous consent to have printed at the conclusion of my remarks.

I also want to recognize the enormous service Mr. Danzansky has continued to render in helping to meet the social and economic problems of the Washington metropolitan area. His selfless and infectiously enthusiastic devotion to the improvement of the life of the citizens of this community is an example to every person in public and private life.

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

[From the Washington Post, Jan. 11, 1970]

AREA'S ECONOMY IN TROUBLE

(By Joseph B. Danzansky)

It has been an article of faith over the years that this is the nation's most rapidly growing major metropolitan market, that personal income is higher than any where in the country, and that unemployment, computed on an area-wide basis, is about as low or lower than anywhere else. This is substantially true today, and we can probably expect it to be true during the coming year and for some time to come. The retail industry in general, and the retail food industry in particular can expect burgeoning sales, and despite national economic trends, continuing profitability.

I have serious concerns about the long-term outlook, however. Our economic health in the Washington Metropolitan Area does not hold up well under close examination. The health is regional, limited to the more affluent suburban areas. The economy of the District of Columbia is in advanced stages of a serious illness, and this illness does not show any indications of expected improvement for the foreseeable future.

All too often, those of us who live, work, and pay taxes in the suburbs are content to point with disdain or alarm at the plight of the District of Columbia, and give silent thanks to our good judgment in choosing to live and/or do business in the prosperous suburbs. We fail to recognize that this is one integrated metropolitan economy, and that a cancer at its heart will eventually spread and envelop the rest of the economic body. Suburban jurisdictions sharing common borders with the District are already confronted with a spill-over of District problems, and as the decade progresses, that spill-over will penetrate most suburban jurisdictions.

There is a long tradition in this area of local pride and in competition with neighboring jurisdictions. If we are to continue to enjoy the economic health of this area, we must begin to concentrate on those problems which unite us, instead of seeing mostly the issues that divide us. We must begin now to do serious economic planning on a Metropolitan basis. Through the Council of Governments, we have achieved a solid measure of regional cooperation in matters of physical planning. The Metro is another example of our ability to work together to achieve a mutually beneficent goal. We must now move beyond these safe and relatively non-controversial programs to find Metropolitan solutions to the real problems that threaten the health of the region in the coming decade—crime—and the related problems of jobs and training for the unskilled and the unemployed—of decent and adequate housing that falls within the price range of every citizen—of rehabilitation of those caught up in the vicious cycle of crime—of reconciliation between the races.

I am convinced that the great majority of the citizens of the Metropolitan Area want to see these problems tackled and solved, and are willing to support any intelligent program to achieve that end. I sense this willingness in the business community, and if this willingness is properly mobilized, the job can and will be done.

[From the Washington Post, Jan. 20, 1970]

NEEDED: A METROPOLITAN SOLUTION

Without doubt, the Washington area is growing rapidly—as fast as any area in the nation. The traditional year-end forecasts from businessmen in this newspaper's Business Outlook Section were generally optimistic and the neat business indicator chart accompanying the forecasts showed plus signs far outnumbering minuses. Some of the forecasters saw short-range problems with inflation and tight money, particularly in the housing field, but not enough to choke off the area growth. The history of the area has been one of almost steady expansion since the beginning of the Republic and the general feeling was that the future undoubtedly would mirror the past.

But the forecasts contained some warning notes which are worth pondering as we look ahead. Perhaps the most sobering was voiced by Joseph B. Danzansky, chairman of the Mayor's Economic Development Committee and president of Giant Food Stores. He points out that the economy of the District of Columbia proper as distinct from the overall area economy "is in advanced stages of a serious illness and this illness does not show any indications of expected improvement for the foreseeable future." Because this is an "integrated metropolitan economy," he expects the cancer in the city proper to spread into the affluent suburbs and threaten the over-all health of the entire area. Therefore, he suggests the entire area has a stake in solving the problems of the District on a metropolitan basis. The area must, he suggests:

"Find metropolitan solutions to the real problems that threaten the health of the region in the coming decade—crime—and the related problems of jobs and training for the unskilled and the unemployed—of decent and adequate housing that falls within the price range of every citizen—of rehabilitation of those caught up in the vicious cycle of crime—of reconciliation between the races."

Other commentators point to the continued boom in downtown office building construction as a sign of economic health, but Thomas M. Walsh suggests that some of them may be hard to rent. He is concerned about enterprises moving to the suburbs because of rising land costs, changing shopping patterns and crime, and, like Mr. Danzansky, urges that something be done to "stabilize this unfavorable condition." Worth pondering is a suggestion from Theodore Hagans, president of the D.C. Chamber of Commerce, a predominantly black business organization, that ways should be found of "including those who are now excluded" by buying services and goods offered by black businessmen and professional men.

Many forecasters appear to be looking to the Metro to make downtown more accessible to suburbanites and make suburban jobs more accessible to residents of the inner city. And construction of the subway, itself, will provide jobs for inner-city blacks. Many of them are jobless or underemployed in spite of the fact that the area labor market is extraordinarily tight and the whole area is extraordinarily prosperous with average family income now at $14,299, highest in the land.

Mr. Danzansky warns that the affluent suburbs cannot escape the problems of the inner city. The spill-over of Washington problems already has reached communities adjacent to the city line "and, as the decade progresses, that spill-over will penetrate most suburban jurisdictions." The solution he suggests—and it makes sense—is for all of us to "unite" on the problems that are shared instead of the issues that "divide," and "begin now to do serious economic planning on a metropolitan basis." It is hard to see how any other approach can work.

EVENTS IN LAOS

Mr. ALLOTT. Mr. President, some Senators have expressed concern and alarm about the train of events in Laos.

Certainly it is right to be alarmed about North Vietnam's brazen attacks on the Plaine des Jarres.

It is not clear what U.S. policy should be regarding this latest evidence of North Vietnam's expansionist policies. But at the very least, we should learn five lessons from North Vietnam's aggression.

First, we should notice how fragile the so-called neutralization of Laos has proven to be. Senators recall that the United States took part in setting up the "neutralized" Laos almost 9 years ago. And Laos has barely known a day of peace since. In fact, Laos is only relatively peaceful when the North Vietnamese are fully preoccupied with their attempt to conquer South Vietnam.

The second lesson we should learn from the troubles in Laos is that North Vietnam has not lost its appetite for aggression simply because American forces have stymied its attempt to conquer South Vietnam. North Vietnam's aggressive impulses are just finding a new outlet in another war against a neighboring state.

The third lesson we should learn is that the so-called domino theory looks more valid with every passing hour.

This theory holds that the fates of the various non-Communist nations of Southeast Asia are closely linked. The theory holds that if one of these nations is allowed to fall under Communist aggression, others are apt to fall like a row of dominos.

Mr. President, the conclusion is inescapable that conditions in the battered Laotian nation indicate that North Vietnam may soon turn the domino theory into the domino reality.

This brings us to a fourth lesson we should learn from Laos. We should learn something about the nature of our enemy in the Vietnam war.

During the last decade there has been much speculation about the nature of the conflict in South Vietnam and about North Vietnam's motive for fighting there.

According to one theory, the conflict in South Vietnam is an "indigenous peasant revolt" and the North Vietnamese are only motivated by a nationalistic desire to unify the two Vietnams.

It has been tempting to accept this soothing interpretation. If this interpretation were true then we could consider the conflict in Vietnam as a purely local disturbance without larger significance, and without the potential for doing widespread and lasting damage.

Unfortunately this theory about the nature of the Vietnam war, and about the nature of North Vietnam's involvement, is a casualty of the developing war in Asia.

The theory that North Vietnamese aggression is only misguided nationalism is another theory killed by a fact. It has been killed by the fact of aggression in Laos, an aggression that cannot be rationalized as a simple expression of a desire for national unity. It has always been false—but at least plausible—to argue that the two Vietnams "naturally" form a single nation. But it would be preposterous to argue that North Vietnam has a legitimate interest in annexing Laos.

This brings us to a fifth lesson we should learn from the events in Laos.

If and when the North Vietnamese actually consent to talk at the so-called Paris peace talks, we should remember that their claims to legitimate interests in the internal affairs of other nations have a way of multiplying.

Further the wars they are involved in tend to multiply even while they pretend to be engaged in ending a war.

None of this is surprising. It has always been true that Communists treat negotiations as war carried on by other means. The negotiating table is just another theater of conflict. When the North Vietnamese are involved, the negotiating table is one of an increasing number of war theaters.

Mr. President, I join those Senators who have expressed concern and alarm about the war in Laos. I only urge them to consider all the possible implications of that war, and to learn all the lessons which it can teach us.

THE U.S. POSITION IN LAOS

Mr. RIBICOFF. Mr. President, the American people and Congress have largely been kept ignorant by our Government as to the nature and extent of our expenditures of men and money in Laos.

We have no official commitment to defend Laos, yet it has been reported 400 sorties have been flown by American aircraft in a single day over Laos. We have lost 100 of our pilots during raids over Laos but this has not been confirmed—even to the families of the dead.

Hundreds, and possibly more, fully armed Americans, albeit in civilian clothing, are "advising" the Laotian Army and Meo tribesmen, but officially their existence is denied. Is it not time for our President to let the American people know more about the war?

One of the most revealing glimpses of the nature of the war in Laos, and of our own actual involvement has been provided by three correspondents who slipped into one of our secret, CIA-run bases in Laos. Those Americans who are aware of the history of our gradual, and almost secretive entanglement in Vietnam will read their reports and weep. Two accounts of this visit have been published, one in the Washington Post, and one in the Washington Star.

I must applaud these three correspondents for their journalistic initiative. I only hope this latest revelation will provide the stimulus for a change in the administration's secretive attitude.

Are we facing a military debacle in Laos? If so, hard choices must be made as to our future role there. It is essential, therefore, that the Congress and the people not be shielded from the truth. Otherwise, we risk making our decisions on inadequate information and emotion.

As a first step, the transcript of the Foreign Relations Subcommittee hearings on American military activities in Laos should be made public. Thus far the executive branch has refused to declassify these hearings to any meaningful extent.

Also, instead of restricting the freedom of newsmen covering this conflict, we should encourage them to describe what they see to the American people.

We must end the serious information gap that surrounds our involvement in Laos.

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 Washington (D.C.) Post, Feb. 25, 1970)

PLANE TRAFFIC HEAVY AT SECRET BASE IN LAOS

(By Jack Foisie)

SAM THONG, Laos, February 24—The long-secret base of Long Cheng in Laos was observed by outside correspondents for the first time today, and they saw American-made planes taking off at the rate of one a minute in presumed support of the battle around the Plain of Jars.

According to one of the correspondents, Tim Allman of The Bangkok Post, there also were many armed Americans in civilian clothes supporting Vang Pao, the Lao general in command of the fight in northeast Laos.

The only armed planes the correspondents saw at Long Cheng, however, were converted American prop-trainers used as bombers and flown only by Oriental pilots.

This would keep the American diplomatic position within the framework of the 1962 Geneva agreement, which forbids an outside power to base military forces within Laos.

The correspondents reached Long Cheng from Sam Thong, about 18 miles away, the logistical supply base for northeastern Laos.

They observed the area and the airfields for two hours before being challenged by a Lao colonel. They told him they thought the base was open to correspondents.

The officer reportedly at first believed the newsmen might be Russian military attachés from Vientiane.

An American in civilian clothes, believed to be a CIA agent, interrogated them and got them out as quickly as possible, putting them on an aircraft bound for Vientiane, about 100 miles south, saying he would charge them $450 for the fare.

[G. McMurtie Godley, the American ambassador to Laos, issued a statement later, the AP reported, which said that "the American mission has lost any interest in helping out the press whatsoever because of what happened this afternoon."]

In Sam Thong, the war is 15 miles over the hills, a few minutes by helicopter or half a day's walk for Meo tribesmen. Sam Thong is certainly a most active rear area. The activity mirrors the frantic efforts of Americans to prop up the sagging anti-Communist army of Gen. Pao.

There are more than 300 aircraft landings and takeoffs here daily. The planes must brush an escarpment to land and climb steeply on takeoff to snake out of another gap in the hills.

The dust from the dirt landing strip keeps a constant haze over the town during the daylight hours.

A bullet-nosed, high-winged monoplane lands and discharges a government soldier, 14 years old, his arm shattered by an enemy bullet. A helicopter arrives and out steps Pao, surrounded by U.S. Army and CIA advisers. A twin-engined Caribou transport plane discharges fuel in barrels.

A twin-engined Beechcraft takes off with three U.S. officers in civilian garb, headed for the battle at Muong Soui. Other light aircraft take Buddhist monks and refugees to new homes.

(American tactical air support for Laotian forces, never officially acknowledged but widely known, is believed to be mounted from bases in Thailand and South Vietnam.)

In the tin-roofed hospital, now being enlarged, Dr. James Borden of Klamath Falls, Ore., works steadily. He is the chief surgeon, assisted by two Lao doctors and by Jack Thiel of Chicago, a nurse.

There are about 150 patients, many on cots in hallways. Dr. Borden said he had treated 100 wounded from the Plain of Jars fighting but only a dozen were involved in the battle at Lima Lima, the key airstrip on the southeastern edge of the Plain that fell Saturday.

The wounded who came from Lima Lima walked, Dr. Borden said. He added that if there were many others wounded at the airstrip, they did not get out.

However, the general impression remains that the battle at Lima Lima saw Royal Lao troops retreat almost at first contact.

The man who runs Sam Thong is Edgar (Pop) Buell, who came to Laos 10 years ago and has been working in or around the Plain of Jars ever since.

Now 56, he is the U.S. aid coordinator for northeast Laos and ministers to 350,000 people, most of whom have been driven from their homes by the enemy over the years and by the rapid Communist advance of the past two weeks.

Was this refugee program the work of the United States rather than Laos?

"We are six Americans in this area and six men cannot do for 350,000 Lao. It's got to be the Lao government," Buell said.

[From the Washington (D.C.) Evening Star, Feb. 25, 1970]

SMALL U.S. "ARMY" SEEN ON LAOS BASE

By Tammy Arbuckle

VIENTIANE.—The United States has a small "army" of armed Americans on the ground in Laos at Long Chien, 15 miles south of the Communist-held Plain of Jars.

This was revealed after three correspondents, Timothy Allman of the Bangkok Post, Max Coiffait of Agence France Presse and Peter Sears of Life walked 12 miles from the U.S. AID base at Sam Thong to Long Chien yesterday.

Long Chien is an L-shaped canyon tucked away in the brush. One leg of the L holds an airstrip. The other leg hides a U.S. military headquarters.

The correspondents said they say American military barracks; all air conditioned, and counted more than 50 Americans, some in groups riding in jeeps.

All were armed with M16 rifles and pistols, but dressed in civilian clothes.

HELICOPTER SPOTTED

On the 5,000-foot-long tarmac airstrip, they saw aircraft bearing U.S. Air Force markings. There also were three U.S. Air Force Jolly Green Giants, the large helicopters used for rescuing U.S. pilots downed over Laos.

The correspondents estimate they wandered around the base for two hours before being apprehended.

They said they were interrogated by an American, who appeared to be in over-all charge of the area. Even a Lao colonel took orders from him, they said.

The American took Coiffait's notebook, promising to return it to him by mail. Correspondents believe the American, like others they spotted, was employed by the Central Intelligence Agency.

ESTIMATE OF AMERICANS

The three correspondents were detained overnight at San Thong, a base north of Vientiane, by American authorities. The three had left a field tour being conducted by the U.S. Embassy after reporters protested U.S. and Lao refusal to let them see what was going on.

Besides the Americans spotted at Long Chien, informed sources say other armed Americans are at various places scattered throughout Laos.

Well-informed sources say the number of armed Americans on the ground totals between 200 and 300 men.

Besides these Americans, there are groups, up to company size, of Thais as well as a large number of Royal Thai air force pilots. One a Lt. Col. Kru from the 1st Royal Thai air force wing, a unit presently based at Don Muong Airfield in Bangkok, was killed at Long Chien when his C47 transport belonging to a private U.S. air company, continental Airlines, crashed there.

This American-Thai ground presence supporting Laotians under Gen. Vang Pao, although combined with heavy U.S. Air Force strikes, has failed to stop North Vietnam's latest offensive.

REPORT ON AIR STRIP

Reliable sources today say revealed Muong Soui, a U.S. built airstrip 12 miles northwest of the Plain of Jars, fell last night to Communist forces without a fight.

According to these sources, Vang Pao's Meo troops withdrew about 5:30 p.m. local time yesterday, failing to destroy large U.S. supplies of fuel.

Vang Pao's force of about 100 men withdrew from Muong Soui because the airstrip was under North Vietnamese shellfire and fixed-wing aircraft were unable to land and bring reinforcements. A light aircraft carrying three U.S. military attachés also was unable to land.

U.S. and Lao aircraft later attempted to destroy the fuel dump, but apparently failed.

A North Vietnamese battalion entered Muong Soui on the heels of the retreating government force, sources reported, although Meo military officials said most of the Muong Soui attackers were pro-Communist Pathet Lao.

The fall of Muong Soui puts the Lao government back to its low fortunes of last July.

POSITION WEAKENED

The Laotians have now lost the Plain of Jars and Muong Soui. The only recognized neutralist area still in their hands in North Laos is Vang Vieng, 100 miles north of here.

This puts Premier Souvanna Phouma's neutralists in a poor bargaining position for Laos neutralist cabinet seats vis-a-vis Communist-supported leftwing dissident neutralists.

There apparently has been a complete military failure on the part of the Laotians since the Plain of Jars airstrip fell last Saturday.

For example, they failed to hold Phou Kout, a high mountain ridge 10 miles east of Muong Soui essential to Muong Soui's defense.

The Communists call Phou Kout "steel mountain" because of the large amounts of metal left there as a result of U.S. bombing and rockets attacks, government shelling and infantry attacks launched against it since 1964.

The Communists succeeded in holding it despite these strong attacks, fighting from 15-foot deep trenches until their logistics failed them last year.

Yet government forces gave up the position Monday after a few light probes.

LAOTIANS ANGRY

Some Laotians are incensed. Lao reporters, speaking today to Chao Sopsaisana, vice president of the Lao National Assembly, for the first time bitterly questioned why their generals were seen around Vientiane bars in tennis shorts and Lao dignitaries were going to a wedding in Nepal while Laos was facing one of its worst crises.

Chao Sopsaisana said "we are not indifferent to the situation. We are seriously worried by it."

Well-informed military sources said that Lao generals had nothing to do because all reports from the northern battle area were sent direct to Souvanna Phouma and the American command. The government's military failure despite generous U.S. military aid in equipment and air support seems to indicate some "Laotianisat on of the war is necessary."

While Gen. Vang Pao and his Meo group pours out blood and U.S. treasure against the North Vietnamese in the mountainous areas, the Lao army remains basically in the Mekong Valley and sends Vang Pao few reinforcements.

Military officials and diplomats now are waiting to see just how far the North Vietnamese will push.

"Hanoi is in an excellent position," one force asserted "by taking Muong Soui, they threaten the left flank of Vang Pao's forces at Long Chien or can stab across the mountains to Route 13" linking Vientiane with the Royal capital of Luang Prabang.

THE GUARANTEED STUDENT LOAN PROGRAM THRIVES

Mr. JAVITS. Mr. President, sufficient time has elapsed since the enactment in October of last year of the Emergency Insured Student Loan Act to measure its effectiveness. It will be recalled that this legislation was necessary to meet the needs of thousands of young people who were experiencing great difficulties in obtaining guaranteed student loans to pursue their study careers in colleges and in postsecondary vocational institutions because of the money market crisis induced by high interest rates.

I ask unanimous consent to have printed in the RECORD two reports on the record of what has occurred. The first is an article written by the distinguished economist Sylvia Porter with respect to the national scene. The second is a letter to me from Elwood D. Hollister, Jr., the able executive director of the New York Higher Education Assistance Corporation, on the success of efforts in New York.

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

[From the Washington (D.C.) Evening Star, Feb. 2, 1970]

STUDENT LOAN PROGRAM LIVES!

(By Sylvia Porter)

To the surprise of many, the federal-state guaranteed student loan program is still alive. Actually it is expanding in the face of the tight credit situation.

This is the major program, launched by the Higher Education Act of 1965, to help middle-grade students from middle-income families finance their way through college, business, trade, technical and vocational schools. Below are some guides to getting one of these low-interest, deferred payment, educational loans—but first, are some up-to-date facts and observations.

Last summer this program was drying—because the maximum lenders could get on the loans was 7 percent and they had to give exceedingly generous repayment terms as well. As interest rates rose far above 7 percent on much safer loans, there seemed no hope for the program unless it was sweetened considerably.

Finally the White House got behind and pushed through a law which permits the Secretary of Health, Education & Welfare to make a "special allowance" to lenders of up to 3 percent above the 7 percent charged to students. In short, students still get 7 percent insured loans—but lenders can earn up to 10. The incentive payments were made retroactive to Aug. 1 and President Nixon urged lenders to make loans for the 1970 school year.

This has been the record to now:

In the first six months of fiscal 1970, $570 million was loaned and the target for all of '70 is $794 million, highest since the program began. Since fiscal '66, 2,500,000 loans have been made totaling $2 billion. Lenders got an incentive payment of 2 percent in the August-September period and 2¼ percent in the September-December quarter, making their returns 9 and 9¼ percent.

Of the total of loans, 87 percent have been made by commercial banks; 98.3 percent have gone to students from family with adjusted incomes of under $15,000; 79 percent to students from families with incomes under $9,000.

Now, pressure is mounting for a law to create a new government corporation which would have access to Treasury funds with which to buy student loans from private lenders in order to free the lenders to make more loans. The corporation would be called Student Loan Marketing Association.

The program has survived despite overwhelming odds. It is filling a great need, is gaining recognition, is likely to play a much broader role. Now to details for students.

You are eligible for a loan regardless of your family's financial status if you are in good academic standing at an approved institution. The loan is made to you, not your parents.

You can borrow up to a maximum of $1,500 per academic year, but your total may not exceed $7,500 at any time. Your maximum rate is 7 percent plus an insurance premium of ¼ percent prepaid on each loan. If your family's adjusted income is under $15,000, the government will pay the total interest while you're in school. All of you will pay the full interest during the repayment period.

Your repayment begins between nine and 12 months after you leave school and is normally scheduled for five to 10 years.

You may apply at any one of 20,000 participating institutions across the country—banks, savings & loan associations, credit unions, pension funds, insurance companies, eligible schools. The loan is made at the discretion of the lender, though. Before you even begin, it would be wise to ask your col-

lege or school financial aid officer for guidance.

You also may get vital information from the "Director, Higher Education" in regions I to IX in these headquarter cities: Boston, New York, Charlottesville, Atlanta, Chicago, Kansas City, Mo., Dallas, Denver, San Francisco.

This program is the best financial source for the non-scholarship student of the middle-income family. If you are eligible, start tracking down a lender now.

NEW YORK HIGHER EDUCATION ASSISTANCE CORPORATION,
Delmar, N.Y., January 19, 1970.

Hon. JACOB K. JAVITS,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: Based on the reports of this Corporation and the information we have received from the U.S. Office of Education, the Emergency Student Loan Act of 1969 was effective in providing more funds for students this year than during the preceding fiscal year.

For this State, for which the fiscal year begins on April 1, as of December 31, 1968 this Corporation had guaranteed 120,325 loans for a total of $119,018,827. For the period ending December 31, 1969 we had guaranteed 131,338 loans for $133,504,688. During the early part of the summer there were some places in this State where it was not possible for a student to obtain a student loan. Based on statements from Congress and a plea from the Governor of this State lenders did make funds available so that we were able to show an increase through December 31 of more than 9% over the preceding year and to the best of our knowledge funds continue to be available to students.

For the period of July 1 to December 31, 1968 the Office of Education reports for the nation indicate that 496,012 loans for $464,323,537 were guaranteed. For the period July 1 to December 31, 1969 the Office of Education reports indicate that 597,396 loans were guaranteed in the nation in the total amount of $575,666,568. The statistics would certainly indicate that lenders had cooperated despite the tightest money conditions in history and at a time when interest rates on all types of loans were constantly increasing.

At the time your committee considered the problems that students had in obtaining guaranteed loans it was pointed out that there were not only immediate but also long range problems. The first problem was to provide an adequate return to the lender and at the same time not unduly burden the student with a high interest rate. This was the reason for the Emergency Student Loan Act.

In addition the long range problem of providing some method whereby lenders could be assured that they could have liquidity by the development of a secondary market was also mentioned. It is our hope that during the current session Congress will be able to consider this problem as many lenders now find that due to the percentage of their assets which are invested in student loans they are not able to meet their other commitments to their communities.

Sincerely yours,

E. D. HOLLISTER, Jr.

HOW TO STOP AIRPLANE HIJACKING

Mr. PROXMIRE. Mr. President, at one time, the major threat to the safety of passengers and crew in an airplane came from mechanical failure. In years prior to World War II, the possibility of an unforeseen malfunction leading to disaster was high enough to keep all but a tiny fraction of the population from even considering airplanes as a conventional mode of travel. Only the most venturesome dared to fly.

After World War II, and particularly with the advent of the jets, flying became much more reliable—and consequently far more acceptable. This increased reliability of airplane travel was responsible for the fantastic increase in passenger-miles enjoyed by the airlines over the past two decades. Today, of course, it is hard to conceive of modern business or government functioning without reliable and regular airline service.

But now the reliability of air travel is being threatened. The haphazard incidence of mechanical failure as the main threat to safe air travel is being superceded by wanton and deliberate attacks on airliners to achieve political purposes. I refer to the numerous instances of air piracy and hijackings to Cuba perpetrated over the past 9 years. I also refer to the acts of barbarism inflicted on Israel airliners and on airliners bound for Israel, culminating in Saturday's tragic crash of the Swiss airliner that killed 47 innocent civilians.

To my knowledge, this past weekend was the first time that a politically motivated act of terrorism in the air has resulted in an airline crash. It is a miracle that this has not happened before, particularly with more than 57 U.S. planes and 39 foreign aircraft hijacked to Cuba since 1961. If it takes a tragedy of this magnitude to goad us to action, so be it. But we must not allow this to go unheeded.

Both the wild-eyed revolutionary seeking free passage to Cuba and the Arab terrorist seeking to choke off air travel to Israel aim to achieve political ends. To allow them to achieve those ends is to goad them to further action. We can put a stop to this activity only by frustrating these goals.

Can this be done? We have been wringing our hands over the Cuban hijackings for nearly a decade, now; more recently we have been deploring the attacks on airliners bound for Tel Aviv. But, aside from decrying these acts and stepping up security, we have done nothing. I say we must act. We have the power to do so; we need only the will to take corrective measures.

The solution I propose is an economic one. We must make the consequences of these hijackings and acts of terrorism unprofitable, to encourage the countries involved to take swift and effective action against the perpetrators. In the case of the Cuban hijackings, the hijacker's goal is to reach Cuba, and receive asylum there; it is of little consequence to him that the plane and crew are returned safely to the United States. He would be frustrated in his attempted hijacking only if Cuba were to refuse to receive him, and were to return the hijacker, along with the plane and crew, back to the United States for criminal prosecution.

We cannot hope to put an end to hijacking to Cuba unless and until Cuba can be encouraged—indeed, pressured—into returning the hijackers for prosecution. The essence of criminal law is deterrence. The antihijacking law, even with its death penalty, has not been effective to discourage hijackers because the crucial element of deterrence is lacking. Hijacking will undoubtedly continue to run rampant until the element of deterrence can be reinstated by encouraging Cuba to return the hijackers.

Similarly, we cannot hope to halt the acts of Arab terrorists ourselves in any direct way. We have to rely on the Arab countries themselves to do this. Of course we can increase surveillance on planes bound for Israel, and we should. But the only meaningful pressure upon Arab terrorists to cease and desist from their wanton attacks against airliners can come from their Arab governments. As with Cuba, these governments must be pressured—economically pressured—to take effective action to halt terrorism in the air.

We now possess the requisite power to put pressure on Cuba and the Arab States to act responsibly. That power exists in the Federal Aviation Act of 1958, which empowers the Civil Aeronautics Board to issue certificates of public convenience and necessity for the use of airspace. The act also empowers the CAB to grant permits to foreign airlines to land in the United States, subject to Presidential approval.

According to section 402 of the act—49 U.S.C. 1372f—any permit issued, to a foreign carrier may be "altered, modified, amended, suspended, canceled, or evoked by the Board whenever it finds such action to be in the public interest." Section 102 clarifies just what is meant by "public interest":

> In the exercise and performance of its powers and duties under this chapter, the Board shall consider the following, among other things, as being in the public interest, and in accordance with the public convenience and necessity.
>
> * * * * *
>
> (e) The promotion of safety in air commerce.

The act goes on to list other matters considered to be in the public interest—for example, development of an air transportation system adapted to future needs of foreign and domestic commerce, fostering sound economic conditions in air transportation, and the promotion of economical and efficient air service.

It is difficult to imagine anything which is more antithetical to these ideals than the Cuban hijackings or the acts of the Arab terrorists. What could be more destructive of the promotion of safety in air commerce than Saturday's Swissair crash? Confidence, sanity, and safety must be restored to civilian aviation. The terrorism, death, destruction, and hijackings which endangers civilian passengers and crews must be drastically and dramatically discouraged.

To this end, I have written to the Civil Aeronautics Board and to the President of the United States urging that the provisions of section 402 of the Federal Aviation Act be invoked. Specifically, I urge that the Civil Aeronautics Board move to revoke the permit of any foreign air carrier to land in the United States that continues to serve any coun-

try which accepts a hijacker, or which harbors, finances, or in any way sanctions terrorists and saboteurs who murder and destroy civilian passengers, crews, and planes. In addition, the two U.S. airlines which now serve several cities in Arab-belligerent countries should be required by the CAB to suspend such flights pending action by the Arab governments to restrain terrorist activity in the air. In effect, I am calling for a civilian air quarantine.

Ironically, the initial reaction by several European airlines to the Swissair disaster was just the opposite. Shortly after Saturday's crash, these airlines announced suspension of mail and freight flights, and some passenger flights, to Tel Aviv. This is like jumping from the frying pan into the fire—it can only invite further disaster. By providing the terrorists with just what they wanted—a suspension of flights to Israel—the terrorists are bound to be encouraged to continue their brazen acts against civilian aircraft bound for Israel.

Clearly, the airlines have their priorities inverted. What should be suspended are flights to those countries that harbor, finance, and encourage these acts of terrorism. Flights to Israel must continue, and continue uninterrupted, with appropriate security precautions.

If the CAB believes that it cannot impose the Civilian Air Quarantine which I am proposing, and if the airlines and/or crew and pilot associations cannot undertake such a quarantine voluntarily, the Congress should then give serious consideration to legislation requiring the revocation of certificates of those airlines which continue to service countries which harbor hijackers and saboteurs.

Countries which continue in any way to sanction such wanton acts of insanity and destruction must be made to realize that such acts will merely bring about their own isolation and will hurt rather than help them. The Cuban and Arab governments themselves must bear full and direct responsibility for all death and destruction resulting from hijackings or other terrorism if they give hijackers a haven or permit terrorist groups to operate from their soil.

To preserve commercial air travel, we cannot permit wanton acts in the air to flourish.

IN SUPPORT OF MIGRANT HEALTH SERVICES

Mr. MURPHY. Mr. President, I was gratified by Senate passage of S. 2660, a bill that will enable us to further meet the great health needs of our migrant workers. As a coauthor, I strongly support Senate adoption of this measure which authorizes appropriations of $20 million for 1971, $25 million for 1972, and $30 million for 1973, to upgrade and expand the health services, facilities, and resources available to migrant workers and their families under the Migrant Health Act of 1962.

The need for this greater commitment is manifest. Despite the great health needs of the migrant population, the hearings disclosed that the per capita Federal expenditure for those served by migrant health project facilities totaled $12 in 1968, compared with a national health expenditure of about $250 per capita. Dr. Roger Egeberg, Assistant Secretary for Health and Scientific Affairs, Department of Health, Education, and Welfare, testifying in expression of President Nixon's support for the bill, described the special health problems of the migrant population. In the counties these people call "home," the infant mortality rate is estimated at one-fourth higher than the national average. Those diseases associated with poor nutrition and environment and poverty—parasitic infections and tuberculosis—are common. Nutritionally based diseases such as beriberi, pellagra, scurvy, and rickets are found and iron deficiency anemia is common. Dental decay is nearly universal.

These diseases, which to most of us are nothing more than scarcely remembered words from 17th century literature are reality to the migrant workers. These diseases arise from the absence of preventive health care associated with those who are not regularly under the supervision of trained medical personnel. The life style of the migrants has traditionally made such care difficult if not impossible.

In those instances when States and localities have attempted to respond to the unique problems of the migrants they have often encountered insurmountable difficulties—the migrants are "here today and gone tomorrow." Some do not speak English. They fear community hostility and are not familiar with modern health facilities.

These frightful circumstances, which Dr. Egeberg characterized as conspiring to make migrants "forgotten citizens," coupled with the unequal dispersion of migrant groups across the country, combine to require a dynamic and long term national commitment.

Faustina Solis, project director of the Farm Workers Health Service, California State Department of Public Health, testifying in support of this measure, called for a long term extension of the Migratory Health Act as the only way of assuring that the migrant population receives the priority care that the need in that group requires.

States and local communities have developed programs utilizing Migrant Health Act funds, but, as is the case in my State, there is much yet to be done. The State of California initiated programs for migratory laborers in 1961. With the cooperation of State and local medical societies and other voluntary and public agencies strides have been made. The enactment of Federal legislation enabled the State to increase its efforts to 22 seasonal and year-round projects. Still, five counties are not served by these projects and in terms of personal and environmental health care, we have only begun to make progress.

The enactment of this legislation represents a necessary response to what is clearly a national problem. The increased expenditure authorizations will enable us to assure continuity, expand present efforts, and avoid what Miss Solis called the piecemeal grant periods that have characterized the migrant health services and which have made State and local participation and planning difficult.

Again, I am pleased by the action the Senate has taken in passing this important bill. I am convinced that the expanded program will help us respond to the health needs of the migrant workers whose contribution to our national economy is so great.

THOUGHTLESS DESECRATION OF THE ENVIRONMENT DESCRIBED BY THE NEW YORK TIMES IN ARTICLE "WE LAY WASTE THE WORLD"

Mr. YARBOROUGH. Mr. President, the destruction of an environment which will sustain life here on earth is obviously a matter which should concern everyone. Unfortunately, we have only recently awakened to this threat to our continued existence and we have even more recently begun to try to do something about it.

Environmental pollution comes from many sources, some obvious, some not so obvious. We all know about pollution resulting from untreated smoke escaping from factories, untreated sewage being poured into lakes and streams, inadequately treated automobile exhaust, and other such things. What we may not realize is that thoughtless use of chemicals on the rail, excessive use of radioactive substances, and careless use of pesticides may be just as dangerous to use. We should realize that the system which sustains life in an extremely delicate, highly complex one, and one which can easily be rendered inoperable. Therefore, when we do try to play with nature, we should do so carefully and with full understanding of what may result from our activity.

Mr. President, I ask unanimous consent that an article entitled "We Lay Waste the World," from the New York Times of February 15, 1970, be printed in the RECORD.

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

[From the New York Times, Feb. 15, 1970]

WE LAY WASTE THE WORLD

(By Walter Sullivan)

"The world is too much with us," wrote William Wordsworth a century and a half ago, "late and soon, getting and spending, we lay waste our lives." Today he could well have written: "we lay waste the world."

There are those who believe that, in our increasingly intense pollution of the air we may have hold of an Achilles heel of the world's climate. Irreversible changes could occur, leading either to a new ice age or, through a different change in wind patterns, to a melting of polar ice and flooding of coastal cities.

There are those who believe careless use of new chemicals to preserve foods, squeeze larger crops from the land or soothe the spirit could lead to epidemic birth defects. One scientist even argues that nuclear explosions releasing radiation to the environment could terminate the ability of the human race to bear viable children.

While there is little support in the scientific community for this last prediction, there is widespread belief that man's rapid alteration of his own biological environment threatens his long-term survival unless it is monitored far more closely than now.

There appears, however, to be one positive aspect to this ominous situation. In a world where international hostility and entrenched nationalism threaten mankind with swift destruction, the great powers are beginning to see, in threats to the environment, a common enemy. Many have argued that only under the menace of such a common danger would the established patterns of thought be broken.

NEW SCHEME

Last week it became known that Soviet and American scientists, as well as others, are working on a scheme for global monitoring of the environment. Stations and substations, earth satellites and ships at sea would watch for changes in earth, air and water, as well as in the populations of plants and animals living in those realms, that might indicate threats to the balance of nature.

For two days last week American scientists met at the National Academy of Sciences in Washington to begin drafting plans for one of the 20-odd stations envisioned for the main monitoring network. The scheme is an outgrowth of the International Biological Program, a global effort by many nations now under way.

Also last week the Soviet Union and the United States agreed on scientific and cultural exchanges for this year and 1971 that place special emphasis on the exchange of specialists in such subjects as air pollution and waste water treatment.

These developments call to mind the "convergence" theory espoused by a number of scientists and others in both East and West, namely that the problems common to highly technological societies are forcing nations of diverse ideologies to evolve along converging economic and social lines.

At the organizational meeting of the task force that will plan a prototype monitoring station Dr. Dale Jenkins, director of the ecology program of the Smithsonian Institution, pointed out that there are now some 2.5 million known chemical compounds and that each year 500 new ones go into widespread use. Yet, he said, "little attention" is paid to their long-term biological effects.

The adverse effects known to have occurred are picayune compared to what can happen (or may already be happening) in the view of ecologists—those concerned with the interdependence of all life forms in a particular environment and their interactions with that environment.

The episodes in the news last week are therefore but a taste of what may happen:

(1) A tanker broke apart on Cerberus Shoal between Nova Scotia and Cape Breton Island, pouring oil into the Atlantic Ocean, already so polluted that there is more oil than drifting life on portions of the mid-Atlantic.

(2) A group of Colorado scientists charged that a plant operated for the Atomic Energy Commission by the Dow Chemical Company had released enough radioactive plutonium to present "a serious threat to the health and safety of the people of Denver."

(3) Eleven companies, including such giants as International Harvester, Penn Central, Olin, Procter and Gamble and Pure Oil, were charged by the Justice Department with seriously polluting waterways in the Chicago area. Similar charges have been made in New York and elsewhere.

At the meeting at the National Academy of Sciences, it was reported that DDT is being detected in winds blowing across the Atlantic from Africa to Barbados. While industrialized nations have begun to curtail the use of this persistent pesticide, which is fatal to many forms of life, it was reported that India is planning to use it on a massive scale to kill malarial mosquitos. Not to do so, the Indians argue, would be a form of genocide.

The greatest concern is for effects too subtle to be immediately apparent. A report recently submitted to the National Institute of Environmental Health Sciences says: "Virtually every person in the United States is exposed daily to food additives, drugs and pollutants of water and aid that were unknown prior to the present era."

"In most cases," it continues, "the biological effects of these substances are poorly understood." While it is comparatively easy to test additives and drugs for toxicity—their potency as poisons—it is difficult to assess their hereditary effects. "A particular drug," said the report, "is never tested in all the situations (such as pregnancy) and in all the combinations with other environmental agents that would occur, should it come into general use."

THALIDOMIDE EXAMPLE

The thalidomide disaster, in which thousands of deformed children were born to mothers taking that tranquilizer, is the classic example. In recent weeks attention has focused on 2,4,5–T, a defoliant widely used in Vietnam and, in this country, along power lines. There are indications that it, too, may cause birth defects.

This report, drafted by a committee of leading geneticists and other specialists, recommended that the blood of mothers and newborn infants, taken from the umbilical cord and placenta, be monitored on a spot-check basis to watch for any signs of increased mutation rates.

It is know that radiation and some chemicals can cause mutations, or changes in the coded genetic information of the cell. A certain number occur naturally. Some lead to congenital abnormality and mental retardation. A widespread increase in mutations could be disastrous for the human race.

Geneticists in the Soviet Union have been developing a similar monitoring project. The inclusion of such a program is being considered for the projected global monitoring, but the latter would be concerned with all life forms—not only human beings. The ecologists believe that preservation of the diversity of life on this planet is essential for the long-term preservation of life itself.

NOMINATION OF JUDGE CARSWELL TO THE SUPREME COURT

Mr. BELLMON. Mr. President, I have carefully considered the charges and responses which have been made in connection with Judge Carswell's nomination, and would like to make an observation that seems to me to bear heavily in favor of its confirmation. My point, stated, is this: the case against Judge Carswell is largely based upon statements and testimony of persons who have had little, if any, personal contact with him, while those who appeared in support of the nomination did so on the basis of a long and continuous relationship during which there were numerous opportunities for them to observe the nominee as a man and a judge. This being the case, it seems clear to me that any "conflicts in the testimony" should be resolved in favor of Judge Carswell.

Let me give an illustration. During the committee hearings, a number of individuals who had represented civil rights plaintiffs on isolated occasions in Judge Carswell's court testified that he had been discourteous to them and had exhibited hostility to their cause. In direct conflict with this testimony were communications received from Judge Carswell's fellow trial and appellate judges, who worked with him year in and year out, and lawyers and court attendants who were in frequent or regular contact with Judge Carswell while he sat as a district judge. The lawyers who submitted these telegrams or letters in support of confirmation had appeared before Judge Carswell, not sporadically like those attorneys opposing the nomination, but numerous times over an extended period of time. I find most compelling the fact that each of these attorneys stated that he had never seen an act of discourtesy or hostility toward a civil rights attorney or his client on the part of Judge Carswell. I ask unanimous consent that copies of these communications be printed in the RECORD at the conclusion of my remarks.

I find that the charges against Judge Carswell have not been proven. Much has been said on the Senate floor about Judge Carswell's qualifications—his wide-ranging experience as U.S. attorney, district judge, and circuit judge, his superior intelligence, impeccable integrity, and high judicial temperament. I agree with those urging confirmation that all of these necessary qualities are present in Judge Carswell. For that reason, and because I believe the philosophical objections which have been raised are baseless, I shall be pleased to vote for confirmation.

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

Senator JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR EASTLAND: I was Judge Harrold Carswell's law clerk from February 1960 to June 1962, a period of approximately two and a half years. I believe I was his law clerk longer than any other law clerk he had before or since. I am a member of the Florida Bar practicing law in Melbourne, Florida.

As a member of the Jewish faith and consequently a member of a minority, I sincerely believe that the day to day association which I had with Judge Carswell, both in and out of the courtroom, would have revealed any racist tendencies or inclinations, had there been any. Without the slightest hesitation, I can assure you and the members of your committee that the litigants in the United States Federal District Court in Tallahassee were not judged by their race, creed or color. Judge Carswell's integrity and honesty is beyond question in this regard. He dealt fairly, honestly and respectfully with all those who came before him. His judicial manner was not altered by the race or color of those who appeared before him. I believe that I am more qualified to judge this man than are his accusers. I would be willing, at my own expense, to testify under oath, that none of the decisions rendered by him during my tenure of office were tainted in any manner with a so-called racist philosophy, nor were civil rights lawyers or litigants treated in any manner other than the respectful manner accorded to all litigants and attorneys appearing before him.

The people of this country have a right to know the truth about his beliefs, unsullied by false accusations and innuendo.

I deeply resent the attempt of some to tarnish the reputation of a man of Judge Carswell's caliber. He would be a great asset to the Supreme Court.

Should a further statement regarding my association with him be desired, I would welcome the opportunity to further elaborate.

More sincerely yours,

MIKE KRASNY.

MELBOURNE, FLA.

FEBRUARY 3, 1970.

Re confirmation of G. Harrold Carswell.

Senator JAMES EASTLAND,

Chairman,, Senate Judiciary Committee, U.S. Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: Judge Carswell should be confirmed as an Associate Justice of the Supreme Court. I have been a law professor at Southern Methodist University since 1959 and have been a visiting professor at Florida State University since 1968. With deference to Lowenthal, Von Alystyne and Orfield, their statements as reported in the news media, do not present a rational basis for opposing or delaying Judge Carswell's confirmation.

An examination of Judge Carswell's decisions in civil rights cases demonstrate a fair and reasoned approach in keeping with the highest standards of judicial integrity. This is a significant accomplishment particularly because, as the committee is well aware, emotionalism and fervor so pervade the sensitive area of civil rights that many well meaning persons become totally intolerant of any view other than their own.

For example, on jurisdictional grounds Judge Carswell should be praised not condemned for his ruling in *Wescher* v. *Gadsden County*. The only issue therein properly before the court involved the construction of a removal statute. The 5th circuit remanded the case for further consideration because after the district court had ruled, the 5th circuit in two cases, *Rachel* v. *State of Georgia*, 347 F2 679, gave a broad interpretation of removal jurisdiction. Subsequently in line with Judge Carswell's earlier decision the Supreme Court reversed the 5th circuit in *Greenwood*, 384 U.S. 808, and on narrower grounds affirmed *Rachel*, 384 U.S. 780.

For the Supreme Court's decision in Greenwood, it would be absurd to say the Supreme Court justices are racial bigots and it would be equally absurd to apply the same type of fallacious reasoning to any other jurist.

It is my firm belief that Judge Carswell's rulings are not based or influenced by race, creed or color in any way. Judge Carswell merely rules upon the facts and issues of the cases before him.

His record unequivocally shows that he rules fairly and without regard to the fervor and emotion of those on either side. Judge Carswell's records of over 4,500 civil and criminal cases clearly demonstrates an unusual skill of addressing his ruling to the issues at hand. He emphasizes the total picture. It seems that those who criticize his rulings are merely disappointed litigants who cannot evaluate Judge Carswell fairly in the light of their zeal for their cause.

The civil rights of all men must be protected and I respectfully submit that Judge Carswell's record when properly viewed is highly commendable. I say this not only as a legal educator but as an attorney who has appeared in cases before the 5th Circuit and the Supreme Court. (For example see habeas corpus appeal in *Brooks* v. *Beto* 336 F.2d, involving the issue of whether purposeful inclusion as distinguished from purposeful exclusion of blacks on a grand jury violated many clients constitutional rights.)

Judge Carswell would bring humility and skill, which coupled with his outstanding judicial experience will provide a basis for his making a significant contribution to our highest court.

I would be pleased to testify under oath in support of Judge Carswell if the committee would be so inclined.

Respectfully,

WILLIAM VANDERCREEK.

TALLAHASSEE, FLA.

FEBRUARY 4, 1970.

Senator JAMES O. EASTLAND,

New Senate Office Building, Washington, D.C.:

From early 1960 and for sometimes thereafter I served as school board attorney in the suit brought against it by Augustus, et al. At no time in the various hearings in this case at which I was present did Judge G. Harrold Carswell, either in Chambers or in open court, treat any counsel or any party or any witness with other than courtesy and respect. There was no indication or any intimation that any counsel was treated discourteously or any counsel for either side received any treatment other than that received by all, and there was definitely no actual, implied or suggested discourtesy or unpleasant treatment extended any one involved in the case in my presence, or within my knowledege.

RICHARD H. MERRITT,

Attorney.

PENSACOLA, FLA.

FEBRUARY 4, 1970.

Senator JAMES O. EASTLAND,

Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.:

As Bailiff in Judge Carswell's court for eleven years, I was daily within hearing distance of his chambers at practically all times when hearings were held. In August, 1964, when counsel in the Wechler case appeared before Judge Carswell in Chambers, I was present in the room throughout the whole proceeding. At no time then, or any other time, did Judge Carswell speak in a shrill or rude voice to these attorneys or any other attorneys or anyone, or treat anyone in a hostile manner. He did not express any statement at all about lawyers from other parts of the country or express opposition to what they were doing. They were treated courteously in every way. I don't know about the legal orders entered, but at the conclusion of the hearing I thought the attorneys there were pleased with the results because they had gotten the writ they had come for. Neither Judge Carswell nor anyone else on his staff showed any hostility or discourtesy whatsoever to these attorneys.

WILLIAM T. CORROUTH,

TALLAHASSEE, FLA.

FEBRUARY 3, 1970.

Senator JAMES O. EASTLAND,

New Senate Office Building, Washington, D.C.:

I was attorney representing Alachua County School Board in the case of *Wright* v. *Board of Public Instruction of Alachua County* from the time the suit was filed until I resigned as attorney for the Alachua County School Board just prior to my appointment as United States District Judge of the Northern District of Florida in January of 1968. Having attended all of the hearings before the court as counselor for the school board, I can state un-equivocably that Judge Carswell never once displayed hostility or discourtesy to any attorney, party or witness in this case. His demeanor in chambers and on the bench was at all times fair and courteous to all. This was true in all other litigation in which I appeared before him.

WINSTON E. ARNOW,

U.S. District Judge, Pensacola, Fla.

FEBRUARY 3, 1970.

Re Newsweek article February 9 issue concerning Judge Carswell's speech to Georgia State Bar Association, Atlanta.

Hon. JAMES O. EASTLAND,

Chairman, Committee on the Judiciary, Senate Office Building, Washington, D.C.:

I was present as a guest at the speakers table on that occasion. The anecdote which Judge Carswell told in his speech relative to General Stillwell carried no racial overtone, indignity or implication of any kind. To hold otherwise would be an unfair attribution.

ROBERT A. AINSWORTH, Jr.,

Judge, U.S. Court of Appeals, Fifth Circuit, New Orleans, La.

JANUARY 29, 1970.

Hon. JAMES EASTLAND,

Senate Building, Washington, D.C.

It is with extreme pleasure for my family the Isenbergs originally of Gordon, Ga., Wilkinson County, to endorse Hon. G. Harrold Carswell for the high honor of Justice of the Supreme Court. The family of Judge Carswell are of the finest stock and there never has been nor never will be any racist feelings in any of this fine Georgia family. Judge Carswell's father was a personal friend of my family who are a member of the minority group and we feel sure that he will serve with distinction and honor if confirmed to this high office. I am a former member of the General Assembly of Georgia representing Glynn County and past president of the Chamber of Commerce and past chairman of the Brunswick, Georgia Port Authority. If I can be of any further assistance in your investigation of this upright Christian gentleman please do not hesitate to call me and I will gladly appear at my own expense before your honorable committee.

JOE ISENBERG.

ST. SIMONS ISLAND, GA.

Re "Newsweek, Feb. 9 concerning Judge Carswell's Atlanta speech for Georgia Bar.

Senator JAMES O. EASTLAND,

Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

I, along with a number of Federal judges, sat on the platform and heard the full talk. The facts are these: Judge Carswell was responding to an introduction by Judge Bell, who noted that Judge Carswell had lived in many parts of Georgia as a young man. To this, Judge Carswell, referring to himself, responded in substance: Yes I like Judge Bell, have lived in many Georgia towns, I am somewhat like the man Georgia's distinguished Senator Russell is said to have referred to in an anecdote concerning General Vinegar Joe Stillwell of Southeast Asia. The general prided himself in his ability to identify by nationality any person at a glance. He said, see that man over there, he is from France, he is from Canada, and that deeply tanned soldier there is from Indo-China, to which the soldier replied, no sir General, I am from outdoor, Georgia. Carswell then confessed, I am that man, I am from many parts of Georgia.

There were no suggestions of racial overtones whatsoever in his speech.

LEWIS R. MORGAN,

Circuit Judge, U.S. Court of Appeals for the Fifth Circuit, Newnan, Ga.

FEBRUARY 3, 1970.

Re Judge G. Harrold Carswell,

Senator JAMES O. EASTLAND,

Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.:

I have been actively representing school board of Alachua County, Florida and integration litigation since October 1968 as well as Florida High School Activities Association in which black lawyers were involved on the other side. All of this litigation in the lower court was before Judge Carswell. I have never seen Judge Carswell discourteous to any lawyer. He disagreed on occasions with their contentions as he did mine but did so in both cases in the same manner.

HARRY C. DUNCAN,

Attorney for School Board, Alachua County, Fla.

FEBRUARY 4, 1970.

Senator JAMES O. EASTLAND,

New Senate Office Buildin, Washington, D.C.

DEAR SENATOR: This will advise you that I have known Judge Harrold Carswell for approximately fifteen years. My acquaint-

ance with him stems from my appointment by President Eisenhower as United States Attorney for Northern Indiana, and later as Special Assistant to Attorney General Herbert Brownell and then William P. Rogers as Executive Officer in charge of all U.S. Attorneys. Shortly following the controversial Brown decision on segregation I held a conference in Washington of all the Southern United States Attorneys to help the Department of Justice to implement the decision. Harrold Carswell was the only United States Attorney who was helpful to me and the department in this respect. I will be glad to substantiate this by personal testimony or affidavit. Please feel free to call upon me to assist your honorable committee in any way that I can.

Sincerely and respectfully yours,

JOSEPH H. LESH.

HUNTINGTON, IND.

FEBRUARY 3, 1970.

Senator JAMES O. EASTLAND,
Washington, D.C.:

I have at all times been an attorney for the defendant Board of Public Instruction of Escambia County, Florida in the school integration case instituted against it by Dr. Charles A. Augustus, et al., as plaintiffs, and attended every conference and hearing in the case before Judge Carswell. Judge Carswell was never rude or discourteous in any way to any of the attorneys in the case and he was always equally courteous and respectful to the attorneys for the plaintiffs.

J. EDWIN HOLSBERRY,
Holsberry, Emmanuel, Sheppard, & Mitchell.
PENSACOLA, FLA.

FEBRUARY 3, 1970.

Senator JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

My law firm has represented the board of public instruction of Leon County, Florida, in the school desegregation case styled Clifford N. Steele, et al. vs. board of public instruction of Leon County, Florida, since the filing of that suit in the United States District Court for the Northern District of Florida in March 1962. Judge Harrold Carswell presided over that case from its inception until he was elevated to the court of appeals for the Fifth Circuit.

I personally appeared as attorney for the Leon County school board in the Steele case in March 1967, and have been actively engaged in the representation of the board since that time to the present date. I have appeared in that capacity innumerable times in open court. Judge Carswell has always conducted himself with dignity and courtesy to all attorneys of record in the Steele case.

There have been not less than 12 different lawyers sent to Tallahassee from New York and elsewhere to represent the plaintiffs in this case against the school board. On many occasions these attorneys were unfamiliar with prior proceedings and attempted to reargue points which had long since been ruled upon by Judge Carswell, and in many instances unreasonably demanded the right to do so. Judge Carswell on several occasions did understandably show impatience with these attempts to relitigate points previously adjudicated, but in no sense was this a reflection of personal animosity toward the lawyers or the cause they repesented, but an effort to handle the case expeditiously.

I do hereby unequivocably state that Judge Carswell has not exhibited disrespect or hostility toward the plaintiffs' attorneys in the Steele case and his attitude and demeanor toward north attorneys has always been considerate and well-mannered. I have read about the testimony of some of these out-of-State attorneys before your committee, and I cannot stand idly by and not reply to what I consider ridiculous and unwarranted charges.

C. GRAHAM CAROTHERS.

TALLAHASSEE, FLA.

FEBRUARY 3, 1970.

Senator JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

DEAR SIR: I have been lead counsel for the Bay County school board in the case of Youngblood and USA vs Board of Public Instruction of Bay County, Florida. Marianna Florida civil action number 572 since 1964 when this case was originally filed, Judge G. Harrold Carswell was the United States trial judge in this case from the beginning until his elevation to the Fifth Circuit Court of Appeals. In five years of litigation, there were by actual count fourteen attorneys in his court representing the plaintiff in this desegregation case. Often there were different attorneys at each of the several consecutive hearings. His patience and courtesy to all counsel was remarkable to behold, particularly in view of the fact that counsel for the plaintiffs changed on several occasions. All counsel in our case were treated with respect and fairness by the court regardless of his cause or residence. If Judge Carswell indicated any impatience at all it was at my clients for failing to get on at the job of desegregating the public schools of Bay County, Florida.

JULIAN BENNETT,
Attorney for Bay County School Board.
PANAMA CITY, FLA.

FEBRUARY 5, 1970.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to the Committee at this time because for a period of five years, from 1958 to 1963, I represented plaintiffs in civil rights cases in the Federal Court for the Northern District of Florida, which was then presided over by Judge G. Harrold Carswell. I also represented criminal defendants and other civil clients in his court during this period of time. Previous to his taking the bench in 1958, I had opposed him as defense counsel in criminal prosecutions brought by the United States when he was United States Attorney. I am certain that during the five-year period from 1958 to 1963, I appeared before Judge Carswell on a minimum of not less than thirty separate days in connection with litigation which I had pending in his court.

As a black lawyer frequently involved with representation of plaintiffs in civil rights cases in his court, there was not a single instance in which he was ever rude or discourteous to me, and I received fair and courteous treatment from him on all such occasions. I represented the plaintiffs in three of the major school desegregation cases filed in his district. He invariably granted the plaintiffs favorable judgments in these cases, and the only disagreement I had with him in any of them was over the extent of the relief to be granted. In the case *Augustus v. Escambia County Board of Public Instruction*, Judge Carswell entered an order granting the school board ninety days in which to submit a desegregation plan for the entire school system. On the next to the last day permitted by the court order, the board submitted a plan similar to ones which were adopted in the Florida metropolitan areas of Tampa and Miami. Judge Carswell's ruling in this case was reversed by the Fifth Circuit only on the question of faculty desegregation.

I attach to this letter a clipping from the *Pensacola News* of Friday, March 17, 1961, which gives a contemporary account of Judge Carswell's school desegregation order in that case. I also attach a clipping from the *Baltimore Afro-American*, which fairly describes my activities in the field of civil rights litigation.

I am presently employed as Deputy Chief Conciliator for the United States Equal Employment Opportunity Commission, and reside here in Washington.

Yours very truly,

CHARLES F. WILSON.

ENVIRONMENTAL QUALITY: ECOLOGISTS AND POPULATION

Mr. TYDINGS. Mr. President, ecologists have a great responsibility to help solve the environmental crisis, particularly since their basic ecological attitude is itself a partial solution to the problem.

An article entitled "All About Ecology," written by William Murdoch and Joseph Connell, and appearing in the January issue of the Center magazine, published by the Center for the Study of Democratic Institutions, in Santa Barbara, Calif., discusses an important element of ecology: the limited capacity of the environment to collect, absorb, and recycle our wastes so that they do not accumulate as pollution. We can now observe the gross effects which occur when those limits are exceeded.

The basic task of the newly discovered science, the authors argue, is not to tinker with technology but to create a determination among policymakers to slow down the rush toward disaster. It is interesting to note that this point is exactly the one made by Lord Ritchie-Calder in his brilliant article entitled "Mortgaging the Old Homestead," originally published in Foreign Affairs.

In a questionnaire sent to about 500 University of California freshmen regarding topics to be included in a general biology course for nonmajors, "Human Population Problems" was selected by 85 percent of the students.

Ecologists believe that they must convince us that the only solution to the problem of population growth is not to grow; that the standard of living is beginning to have an inverse relationship to the quality of life; and that a careless increase in the gross national product is disastrous. It is even possible that changes which man has imposed on the ecosystem may prevent a recurrence of the events which produce and sustain the human and natural community.

I ask unanimous consent that this excellent article be printed in the RECORD.

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

ALL ABOUT ECOLOGY

(By William Murdoch and Joseph Connell)

The public's awakening to the environmental crisis over the past few years has been remarkable. A recent Gallup Poll showed that every other American was concerned about the population problem. A questionnaire sent to about five hundred University of California freshmen asked which of twenty-five topics should be included in a general biology course for nonmajors. The top four positions were: Human Population Problems (85%), Pollution (79%), Genetics (71.3%), and Ecology (66%).

The average citizen is at least getting to know the word ecology, even though his basic understanding of it may not be significantly increased. Not more than five years ago, we had to explain at length what

an ecologist was. Recently when we have described ourselves as ecologists, we have been met with respectful nods of recognition.

A change has also occurred among ecologists themselves. Until recently the meetings of ecologists we attended were concerned with the esoterica of a "pure science," but now ecologists are haranguing each other on the necessity for ecologists to become involved in the "real world." We can expect that peripatetic "ecological experts" will soon join the ranks of governmental consultants jetting back and forth to the Capitol—thereby adding their quota to the pollution of the atmosphere. However, that will be a small price to pay if they succeed in clearing the air of the political verbiage that still passes for an environmental policy in Washington.

Concern about environment, of course, is not limited to the United States. The ecological crisis, by its nature, is basically an international problem, so it seems likely that the ecologist as "expert" is here to stay. To some extent the present commotion about ecology arises from people climbing on the newest bandwagon. When the limits of ecological expertise become apparent, we must expect to lose a few passengers. But, if only because there is no alternative, the ecologist and the policymakers appear to be stuck with each other for some time to come.

While a growing awareness of the relevance of ecology must be welcomed, there are already misconceptions about it. Further, the traditional role of the expert in Washington predisposes the nation to a misuse of its ecologists. Take an example. A common lament of the socially conscious citizen is that though we have enough science and technology to put a man on the moon we cannot maintain a decent environment in the United States. The implicit premise here seems clear: the solution to our ecological crisis is technological. A logical extension of this argument is that, in this particular case, the ecologist is the appropriate "engineer" to resolve the crisis. This reflects the dominant American philosophy (which is sure to come up after every lecture on the environment) that the answer to most of our problems is technology and, in particular, that the answer to the problems raised by technology is more technology. Perhaps the most astounding example of this blind faith is the recent assurance issued by the government that the SST will not fly over the United States until the sonic boom problem is solved. The sonic boom "problem," of course, cannot be "solved." One job of the ecologist is to dispel this faith in technology.

To illustrate the environmental crisis, let us take two examples of how the growth of population, combined with the increasing sophistication of technology, has caused serious problems which planning and foresight could have prevented. Unfortunately, the fact is that no technological solutions applied to problems caused by increased population have ever taken into consideration the consequences to the environment.

The first example is the building of the Aswan High Dam on the upper Nile. Its purposes were laudable—to provide a regular supply of water for irrigation, to prevent disastrous floods, and to provide electrical power for a primitive society. Other effects, however, were simply not taken into account. The annual flood of the Nile had brought a supply of rich nutrients to the eastern Mediterranean Sea, renewing its fertility; fishermen had long depended upon this annual cycle. Since the Aswan Dam put an end to the annual flood with its load of nutrients, the annual bloom of phytoplankton in the eastern Mediterranean no longer occurs. Thus the food chain from phytoplankton to zoöplankton to fish has been broken; and the sardine fishery, once producing eighteen thousand tons per year (about half of the total fish catch), has dropped to about five hundred tons per year.

Another ecological effect of the dam has been the replacement of an intermittent flowing stream with a permanent stable lake. This has allowed aquatic snails to maintain large populations, whereas before the dam was built they had been reduced each year during the dry season. Because irrigation supports larger human populations, there are now many more people living close to these stable bodies of water. The problem here is that the snails serve as intermediate hosts of the larvae of a blood fluke. The larvae leave the snail and bore into humans, infecting the liver and other organs. This causes the disease called schistosomiasis. The species of snail which lives in stable water harbors a more virulent species of fluke than that found in another species of snail in running water. Thus the lake behind the Aswan Dam has increased both the incidence and virulence of schistosomiasis among the people of the upper Nile.

A second example we might cite is the effect of DDT on the environment. DDT is only slightly soluble in water, so is carried mainly on particles in the water for short distances until these settle out. But on tiny particles in the atmosphere it is carried great distances; it may even fall out more heavily in distant places than close to where it was sprayed. DDT is not readily broken down by microörganisms; it therefore persists in the environment for many years. It is very soluble in fats so that it is quickly taken up by organisms. Herbivores eat many times their own weight of plants; the DDT is not broken down but is accumulated in their bodies and becomes further concentrated when the herbivores are eaten by the carnivores. The result is that the species at the top of the food chain end up with high doses of it in their tissues. Evidence is beginning to show that certain species of predators, such as ospreys, are being wiped out as a result of physiological debilities which lead to reproductive failure, all caused by accumulations of DDT.

The reproduction of top carnivores such as ospreys and pelicans is being reduced to negligible amounts, which will cause their extinction. No amount of technological ingenuity can reconstruct a species of osprey once it is extinct.

The tendency of DDT to kill both the herbivorous pest as well as its predators has produced some unpredicted consequences. In natural circumstances, herbivores are often kept at rather low numbers by their predators, with occasional "outbreaks" when there is a decrease in these enemies. Once spraying is started, and both the pests and their natural enemies are killed, the surviving pests, which have higher rates of increase than their predators, can then increase explosively between applications.

Before pesticides were applied to North American spruce and balsam forests, pest populations exploded once every thirty years or so, ate all the leaves, and then their numbers plummeted. Since spraying began, the pests, in the absence of a balancing force of predators, are continually able to increase between sprayings. In two instances, in cotton fields in Peru and in cocoa plantations in Malaysia, the situation became so bad that spraying was stopped. The predators returned and the damage by pests was diminished to the former tolerable levels. Another consequence of spraying has been that any member of the pest population which happens to be physiologically resistant to an insecticide survives and leaves offspring; thus resistant strains are evolved. Several hundred of these resistant strains have evolved in the last twenty years.

Because DDT is not present in concentrated form in the environment, it does not represent an energy resource common enough to support microorganisms. None has yet evolved the ability to break it down, even though it has been used as a pesticide for twenty-five years. Chlorinated hydrocarbons may even reduce drastically the plant productivity of the oceans. These plants are not only the base of the ocean food chain but also help maintain the oxygen supply of the atmosphere.

In sum, the indiscriminate use of DDT throughout the world, its dispersal by the atmosphere, its property of killing both pets and their enemies, and the evolution of resistant strains, have combined to create a crisis in the environment. The reaction has been to stop spraying some crops and to ban the use of DDT in some countries. Probably the correct solution, though, is to use pesticides carefully, applying them very locally (by hand if possible) to places where pest outbreaks are threatening, and to introduce or encourage enemies of the pests. This is called "integrated control." It is the hope of the future.

Since this article concerns pure ecology, it is probably worth distinguishing between pure and applied ecology. Applied ecologists are concerned with such problems as controlling pests and maximizing the yield from populations. Pure ecologists study interactions among individuals in a population of organisms, among populations, and between populations and their environments. (A population is a more or less defined group of organisms that belong to the same species.)

A brief indication of how some ecologists spend their time may be in order here. One of us (Connell) became interested in discovering what determines the distribution on the rocky seashore of a species of barnacle. He made frequent visits to the shore, photographed the positions of barnacles, counted their numbers at different levels on the shore at different life stages, noted the density and positions of predators, other barnacle species, and so forth. He developed hypotheses (in one area, that the limit to distribution is set by the presence of another barnacle species; in another, that belong a certain height on the seashore a snail species eats them all) and tested the ideas by various experiments such as placing cages on the shore to exclude predators or removing the competing species. This work went on for several years and has now firmly established the two hypotheses.

Murdoch spent the past three years in the laboratory examining an idea about predators. The idea was that predators keep the numbers of their various prey species stable by attacking very heavily whichever species is most abundant. (The idea is a bit more complicated than that, but that is approximately it.) This entailed setting up experiments where different predators were offered different mixtures of two prey species at a variety of densities, and then counting the number eaten of each species. These experiments led to others, in order to test different sub-hypotheses. The conclusion was that predators would "switch" only under very particular conditions.

Other ecologists spend long periods in the field trying to measure what happens to the vegetable material in a field. How much is produced and what percentage goes to rabbits, mice, insects? What percentage of the total weight of mice produced (biomass) is eaten by weasels and how efficient are weasels at converting mouse biomass to weasel biomass? Such work takes a great deal of time, estimates are rough, shaky assumptions have to be made, and in the end we have only approximate answers.

Other ecologists try to build mathematical models which might suggest how a community or some sub-set of a community comes to have the structure which our rough measurements tell us it may have. In pursuing all these activities they hope to build models of how nature works. The models, while not being copies of nature, should catch the es-

sence of some process in nature and serve as a basis for explaining the phenomena that have been observed. They hope these models will be generally, though not necessarily universally, applicable. They study particular systems in the hope that these systems are not in all respects, or even in their major aspects, unique. Thus the aspirations of ecologists are not different from those of any other scientists.

Ecologists face problems which make their task difficult and at times apparently insurmountable. It is a young science, probably not older than forty years; consequently, much of it is still descriptive. It deals with systems which are depressingly complex, affected by dozens of variables which may all interact in a very large number of ways. Rather than taking a census of them, these systems must be sampled. Ecology is one of the few disciplines in biology in which it is not clear that removing portions of the problem to the laboratory for experimentation is an appropriate technique. It may be that the necessary simplification this involves removes exactly the elements from the system which determine how it functions. Yet field experiments are difficult to do and usually hard to interpret. Ecology, moreover, is the only field of biology which is not simply a matter of applied physics and chemistry. The great advances in molecular biology resulted from physicists looking at biological systems (such as DNA), whose basic configuration is explicable in terms of the positions of atoms. But the individual or the population is the basic unit in ecology. It seems certain, then, that a direct extension of physics and chemistry will not help ecologists.

Finally, there is the problem that each ecological situation is different from every other one, with a history all its own; ecological systems, to use a mathematical analogy, are non-Markovian, which is to say that a knowledge of both the past and the present is necessary in order to predict the future. Unlike a great deal of physics, ecology is not independent of time or place. As a consequence, the discipline does not cast broad generalizatons. All this is not a complete list of the general problems ecologists face, but it may be enough to provide a feeling for the difficulty of the subject.

Ecologists, though, do have something to show for forty years' work. These are some of the general conclusions they have reached. (Not all ecologists, by any means, would agree that they are generally applicable—and those who do agree would admit that exceptions occur—but they are the kind of basic conclusions that many ecologists would hope to be able to establish.)

Populations of most species have negative feed-back processes which keep their numbers within relatively narrow limits. If the species itself does not possess such features, or even if it does, the community in which it exists acts to regulate numbers, for example, through the action of predators. (Such a statement obviously is not precise, e.g. how narrow are "relatively narrow limits"? A measure of ecology's success, or lack of it, is that, in forty years, there are no more than a half-dozen populations in which regulation has been adequately demonstrated; and the basis for belief in regulation is either faith or very general observations, such as the fact that most species are not so abundant that they are considered pests.)

The laws of physics lead to derivative statements in ecology. For example, the law that matter cycles through the ecosystem, to be used again and again. Or the law that energy from the sun is trapped by plants through photosynthesis, moves up the food chain to herbivores and then to carnivores as matter, losing energy at each successive conversion so that there is generally less energy and biomass in higher food levels than in lower ones. Ecologists have tried to take such truths from physics and construct more truly ecological generalities from them. Thus, to stay with the same example, it appears likely that there are never more than five links in any one chain of conversions from plant to top predator.

It is probably true, on a given piece of the earth and provided that the climate doesn't change, that a "climax" ecosystem will develop which is characteristic of the area's particular features and that places with similar features will develop similar ecosystems if left undisturbed. Characteristically, a "succession" from rather simple and short-lived communities to more complex and more persistent communities will occur, though there may be a reduction in the complexity of the final community. We use "final" to mean that a characteristic community will be found there for many generations. We might go further and say that during the period of development disturbances of the community will result in its complexity being reduced. (Again, such statements will certainly arouse the dissent of some ecologists.)

Finally, most ecologists would agree that complex communities are more stable than simple communities. This statement illustrates the difficulties faced by theoretical ecologists. Take some of its implications: What is complexity and what is stability in an ecological setting? Charles Elton embodied the idea in a simple, practical, and easily understood way. He argued that England should maintain the hedgerows between its fields because these were complex islands in a simple agricultural sea and contained a reservoir of insect and other predators which helped to keep down pest populations. The idea here seems quite clear. Ecologists, though, want a more precise exposition of the implications of the statement. What kind of complexity? What is stability?

Physical complexity, by providing hiding places for prey, may increase stability. Certainly biological complexity in general is thought to lead to stability—more species or more interspecific interactions, more stability. But we may ask, more species of what sort? Here a variety of answers is available. It has been suggested that complex communities are stable, i.e. able to resist invasion by species new to the area, by having all the "niches" filled. Thus sheer numbers of kinds of organisms in all food levels were considered the appropriate sort of complexity. To keep the numbers of prey stable, the most likely candidates are predators. Now other questions arise: Do we just want more species of predators? Do we want more species of predators which are very specific in the prey they eat, implying that prey are stabilized by having many species feed on them? Do we want predators which are very general and attack many prey species, so that we still have a large number of interspecific interactions which are made up in a different way? The answer is not obvious, and indeed there is disagreement on it. Furthermore, if one studies the way some predators react to changes in the numbers of their prey, their short-term responses are such as to cause *instability*. Thus only some types of biological complexity may produce stability.

What do we mean by stability? In the examples cited, we have meant numerical constancy through time, but this is by no means the only meaning. It has even been suggested that numerical *in*constancy is a criterion for stability. Stability might also mean that the same species persist in the same area over long periods, showing the same sort of interspecific interactions (community stability). A community or population might be considered stable because it does not change in response to a great deal of environmental pressure, or because it changes but quickly returns to its original state when the disturbing force is removed. It is worth noting that if a population or community is observed merely not to change, we cannot tell whether this is owing to its ability to resist perturbing factors or merely to the absence of such factors. If we want to know about the *mechanisms* which might lead to the truth of our original statement, "complexity leads to stability," all the above points are important.

This general statement about complexity and stability rests upon the kind of observation readily apparent to most intelligent laymen. Thus simple agricultural systems seem to be much more subject to outbreaks of herbivores than the surrounding countryside. Ecosystems in the tropics appear to be more stable than in the simpler temperate zone. In turn the temperate zone seems to be more stable than the Arctic. This seems to be mainly an article of faith. However, even this classic sort of evidence is questioned—for example, small mammals may actually be more unstable numerically in the United States than in the much simpler Arctic environment. Other evidence comes from the laboratory. If one takes small species of prey and predator—for example, two single-celled anamals or two small mites—and begins culturing them together, the numbers of prey and predators fluctuate wildly and then both become extinct quickly, for the predators exhaust their food source. "Simple" predator-prey systems tend to be unstable. There is some evidence that if physical complexity is added the system may become more stable.

From these examples of the generalizations ecologists have arrived at, an important question emerges. Even if we dispense with the idea that ecologists are some sort of environmental engineers and compare them to the pure physicists who provide scientific rules for engineers, do the tentative understandings we have outlined provide a sound basis for action by those who would manage the environment? It is self-evident that they do not.

This conclusion seems to be implied in a quotation from an article published in *Time* on the environment, which underlines the point that application of the ecologist's work is not the solution to the environmental crisis. According to *Time:* "Crawford S. Holling was once immersed in rather abstract research at the University of British Columbia—mathematical models of the relationship between predators and their prey. 'Three years ago, I got stark terrified at what was going on in the world and gave it up.' Now he heads the university's interdepartmental studies of land and water use, which involve agriculture, economics, forestry, geography, and regional planning. 'What got me started on this,' says Holling, 'were the profound and striking similarities between ecological systems and the activities of man: between predators and land speculators; between animal-population growth and economic growth; between plant dispersal and the diffusion of people, ideas, and money.' "

The "rather abstract research" was ecology. Holling's testimony is that it would not provide a solution. Yet, by and large, ecologists are concerned and probably have the best understanding of the problem.

We submit that ecology as such probably cannot do what many people expect it to do; it cannot provide a set of "rules" of the kind needed to manage the environment. Nevertheless, ecologists have a great responsibility to help solve the crisis; the solution they offer should be founded on a basic "ecological attitude." Ecologists are likely to be aware of the consequences of environmental manipulation; possibly most important, they are ready to deal with the environmental problem since their basic ecological attitude is itself the solution to the problem. Interestingly enough, the supporting data do not generally come from our "abstract research" but from massive uncontrolled "experiments" done in the name of development.

These attitudes and data, plus obvious manifestations of physical laws, determine what the ecologist has to say on the problem and constitute what might be called environmental knowledge. Some examples of this knowledge follow, though this is not to be taken as an encapsulation of the ecologist's wisdom.

Whatever is done to the environment is likely to have repercussions in other places and at other times. Because of the characteristic problems of ecology some of the effects are bound to be unpredictable in practice, if not in principle. Furthermore, because of the characteristic time-dependence problem, the effects may not be measurable for years—possibly not for decades.

If man's actions are massive enough, drastic enough, or of the right sort, they will cause changes which are irreversible since the genetic material of extinct species cannot be reconstituted. Even if species are not driven to extinction, changes may occur in the ecosystem which prevent a recurrence of the events which produced the community. Such irreversible changes will almost always produce a simplification of the environment.

The environment is finite and our nonrenewable resources are finite. When the stocks run out we will have to recycle what we have used.

The capacity of the environment to act as a sink for our total waste, to absorb it and recycle it so that it does not accumulate as pollution, is limited. In many instances, that limit has already been passed. It seems clear that when limits are passed, fairly gross effects occur, some of which are predictable, some of which are not. These effects result in significant alterations in environmental conditions (global weather, ocean productivity). Such changes are almost always bad since organisms have evolved and ecosystems have developed for existing conditions. We impose rates of change on the environment which are too great for biological systems to cope with.

In such a finite world and under present conditions, an increasing population can only worsen matters. For a stationary population, an increase in standard of living can only mean an increase in the use of limited resources, the destruction of the environment, and the choking of the environmetnal sinks.

There are two ways of attacking the environmental crisis. The first approach is technology; the second is to reverse the trends which got us into the crisis in the first place and to alter the structure of our society so that an equilibrium between human population and the capacities of the environment can be established.

There are three main dangers in a technological approach to the environmental crisis. The first threatens the environment in the short term, the second concerns ecologists themselves, and the third, which concerns the general public attitude, is a threat to the environment in the long term.

Our basic premise is that, by its nature, technology is a system for manufacturing the need for more technology. When this is combined with an economic system whose major goal is growth, the result is a society in which conspicuous production of garbage is the highest social virtue. If our premise is correct, it is unlikely we can solve our present problems by using technology. As an example, we might consider nuclear power plants as a "clean" alternative to which we can increasingly turn. But nuclear power plants inevitably produce radioactive waste; this problem will grow at an enormous rate, and we are not competent to handle it safely. In addition, a whole new set of problems arises when all these plants produce thermal pollution. Technology merely substitutes one sort of pollution for another.

There is a more subtle danger inherent in the technological approach. The automobile is a blight on Southern California's landscape. It might be thought that ecologists should concern themselves with encouraging the development of technology to cut down the emission of pollutants from the internal combustion engine, yet that might only serve to give the public the impression that something is being done about the problem and that it can therefore confidently await its solution. Nothing significant could be accomplished in any case because the increasing number of cars ensures an undiminishing smog problem.

Tinkering with technology is essentially equivalent to oiling its wheels. The very act of making minor alterations, in order to placate the public, actually allows the general development of technology to proceed unhindered, only increasing the environmental problems it causes. This is what sociologists have called a "pseudo-event." That is, activities go on which give the appearance of tackling the problem; they will not, of course, solve it but only remove public pressure for a solution.

Tinkering also distracts the ecologist from his real job. It is the ecologist's job, as a general rule, to oppose growth and "progress." He cannot set about convincing the public of the correctness of this position if in the meantime he is putting his shoulder behind the wheel of technology. The political power system has a long tradition of buying off its critics, and the ecologist is liable to wind up perennially compromising his position, thereby merely slowing down slightly or redirecting the onslaught of technology.

The pressures on the ecologist to provide "tinkering" solutions will continue to be quite strong. Pleas for a change of values, for a change to a non-growth, equilibrium economy seem naive. The government, expecting sophistication from its "experts," will probably receive such advice coolly. Furthermore, ecologists themselves are painfully aware of how immature their science is and generally take every opportunity to cover up this fact with a cloud of obfuscating pseudo-sophistication. They delight in turning prosaic facts and ideas into esoteric jargon. Where possible, they embroider the structure with mathematics and the language of cybernetics and systems analysis, which is sometimes useful but frequently is merely confusing. Such sophistication is easily come by in suggesting technological solutions.

Finally, there is always the danger that in becoming a governmental consultant, the ecologist will aim his sights at the wrong target. The history of the Washington "expert" is that he is called in to make alterations in the model already decided upon by the policymakers. It would be interesting to know what proportion of scientific advice has ever produced a change in ends rather than in means. We suspect it is minute. But the ecologist ought not to concern himself with less than such a change; he must change the model itself.

We should point out that we are not, for example, against substituting a steam-driven car for a gas-driven car. Our contention is that by changing public attitudes the ecologist can do something much more fundamental. In addition, by changing these attitudes he may even make it easier to force the introduction of "cleaner" technology, since this also is largely a *political* decision. This certainly seems to be so in the example of the steam-driven car.

We do not believe that the ecologist has anything really new to say. His task, rather, is to inculcate in the government and the people basic ecological attitudes. The population must come, and very soon, to appreciate certain basic notions. For example: a finite world cannot support or withstand a continually expanding population and technology; there are limits to the capacity of environmental sinks; ecosystems are sets of interacting entities and there is no "treatment" which does not have "side effects" (e.g. the Aswan Dam); we cannot continually simplify systems and expect them to remain stable, and once they do become unstable there is a tendency for instability to increase with time. Each child should grow up knowing and understanding his place in the environment and the possible consequences of his interaction with it.

In short, the ecologist must convince the population that the only solution to the problem of growth is not to grow. This applies to population and, unless the population is declining, to its standard of living. It should be clear by now that "standard of living" is probably beginning to have an inverse relationship to the quality of life. An increase in the gross national product must be construed, from the ecological point of view, as disastrous. (The case of underdeveloped countries, of course, is different.)

We do not minimize the difficulties in changing the main driving force in life. The point of view of the ecologist, however, should be subversive; it has to be subversive or the ecologist will become merely subservient. Such a change in values and structure will have profound consequences. For example, economists, with a few notable exceptions, do not seem to have given any thought to the possibility or desirability of a stationary economy. Businessmen, and most economists, think that growth is good, stagnation or regression is bad. Can an equilibrium be set up with the environment in a system having this philosophy? The problem of converting to non-growth is present in socialist countries too, of course, but we must ask if corporate capitalism, by its nature, can accommodate such a change and still retain its major features. By contrast, if there are any ecological laws at all, we believe the ecologists' notion of the inevitability of an equilibrium between man and the environment is such a law.

We would like to modify some details of this general stand. Especially after the necessary basic changes are put in motion, there *are* things ecologists as "experts" can do: some of them are sophisticated and others, in a very broad sense, may even be technological. Certainly, determining the "optimum" U.S. population will require sophisticated techniques. Ecologists, willy-nilly, will have to take a central role in advising on the management of the environment. They already are beginning to do this. The characteristics of ecology here determine that this advice, to be good, will be to some extent sophisticated to fit particular cases. Thus, good management will depend on long-term studies of *particular* areas, since ecological situations are both time-dependent and locale-dependent. These two features also ensure that there will be a sizable time-lag between posing the question and receiving the ecological advice, and a major job of the ecologists will be to make the existence of such lags known to policymakers.

Ecologists sometimes will have to apply technology. As one instance, integrated pest control (that is, basically biological control with occasional small-scale use of pesticides) will surely replace chemical control, and integrated pest control can be considered biological technology. In this area there is some promise that sophisticated computer modeling techniques applied to strategies of pest control may help us design better techniques. The banning of DDT, for example, could no doubt be a laudable victory in the war to save the environment, but it would be disastrous to mistake a symbolic victory like this for winning the war itself.

LAPP ARTICLE ON SPACE SHUTTLE DESERVES SENATE'S ATTENTION

Mr. PROXMIRE. Mr. President, this year Congress will be asked to appropri-

ate funds for research and technological studies on a reusable space shuttle. Consequently an article by Dr. Ralph E. Lapp, published in the February 21 issue of the New Republic on this very program, is particularly timely.

Dr. Lapp points out in the article that the National Aeronautics and Space Administration is involving itself in a project which basically has a military purpose. The space shuttle is NASA's attempt to invigorate its manned flight program by jumping on board the military-industrial express. I sincerely hope that the Congress will derail this space-flight special, which could waste billions of the taxpayer's money.

I ask unanimous consent that the thoughtful article be printed in the RECORD.

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

A SPACE SHUTTLE SYSTEM IN SEARCH OF A MISSION: $10 BILLION MORE FOR SPACE?

(By Ralph E. Lapp)

A new space project is being unveiled that could rival the Safeguard ABM as a waste of money. Known as STS for Space Transportation System, it is a nonmilitary program of the National Aeronautics and Space Administration for ferrying heavy payloads into Earth orbits. In its initial installments, it will cost about the same as Safeguard or about $10 billion. Although a NASA budget item, STS is an Air Force finesse to pave the way for a space-bomber or interceptor.

On February 4–6 representatives of NASA, industry and the military met in a classified conference at Patrick Air Force Base, Florida to discuss plans for STS. Why all the secrecy? The space agency is supposed to be out-in-the-open; in fact, this has been a distinctive feature of the NASA space flights. Are we now keeping secrets from the Soviets—or from Americans who might question the basic mission of this new space project?

It's clear that powerful forces are acting in concert to promote the new venture. NASA, suffering post-Apollo blues, seeks a new lease on life and a means to keep its budget from sliding to obscurity in this decade. Industry, especially the aerospace giants, is desperately hunting for new contracts. The Air Force seeks a place in space and sees in the NASA project the development of an orbital bomber.

Aerospace industries represent the hard core of the military-industrial complex since they account for more than half of the prime military contract awards and are generally very large corporations with plenty of political clout. In the last decade aerospace sales totaled $200 billion, with about $40 billion representing spacecraft contracts. NASA alone has given the top ten aerospace firms over $20 billion in contracts in the sixties, or roughly two-thirds of its entire procurement. Its number 1 contractor, North American Rockwell, received over $7 billion in NASA awards.

Over half of all NASA contract dollars have gone to four contractors—McDonnell Douglas, Grumman and Boeing, in addition to North American. This represents a much higher concentration of contracts than in the top echelons of the Pentagon's procurement. Thus a relatively small number of aerospace firms are lining up to win NASA's space shuttle award. Lockheed, General Electric, Martin Marietta, General Dynamics and United Aircraft must be added to the line-up. Their corporate fortunes, as represented by record lows on the stock market, make it clear that the military-industrial complex is ill and in need of federal transfusions.

The sickness of the military-industrial complex has afflicted the Air Force, producing trauma in the strategic forces of the latter. Though the Air Force has deployed 1000 Minuteman missiles and is refurbishing them with MIRV (multiple, independently targeted reentry vehicles), it has been forced to genuflect to the Army. The Army's Safeguard program has been justified on the basis of having to defend the Minuteman land-based missiles against the threat of even more powerful Soviet missiles. The Air Force's missile future is bleak.

Understandably, the Air Force seeks some way out of its continental dilemma. It looks to space systems, specifically to an orbital device. Twice before it has tried to jump into space; twice it has seen its projects cancelled before they reached the half-way point.

Its Dyna-Soar project aimed at orbiting men in a glider, but Defense Secretary McNamara abruptly cancelled this in 1963. Some $400 million had been spent on the Dyna-Soar, but NASA's two-man orbital Gemini spacecraft beat it to the post.

The Manned Orbiting Laboratory (MOL), which replaced Dyna-Soar, was a $3.2 billion program designed to put two men in an orbital vehicle by 1972. Last June MOL, with not quite half of its funds expended, was killed by a White House economy ax. The apparent serenity with which the Air Force accepted its second strike-out in space made some observers wonder whether a deal had been made to give it some part of a future space program.

Last October Lt. Gen. Samuel C. Phillips tipped the Air Force's hand. He told the *Washington Post's* alert military reporter George C. Wilson that it was "damn important" for the Air Force to assign a high priority to "this space shuttle to allow us to exploit the space medium." The Air Force sees in NASA's space shuttle a Phoenix rising from the now cold ashes of Dyna-Soar and MOL.

Before examining the feathers of this new bird, it is necessary to describe NASA's STS program. Multipurpose in nature, the space shuttle is aimed at transporting space crews and orbital cargo from Earth to low orbits. The cargo may include construction material, fuel and equipment for satellites, for lunar missions or even for a Martian journey.

To date NASA has used Saturn boosters to inject heavy payloads into orbit, as much as 140 tons at a time. But a rocket flight like Saturn V costs over a quarter billion dollars per mission. STS aims at reducing these high costs of space-trucking. "It's costing this country one thousand dollars a pound to put a payload into earth orbit and return it to earth," North American Rockwell vice-president Robert Anderson observed. He indicated that industry aims at bringing this cost down to $50 a pound, explaining: "The key to economy will be reusable space shuttles, spacecraft that journey out to orbit and then return intact on their own power and land just like an airplane."

Basically, there are three ways to accomplish this space trick. All three techniques focus on a combination booster-orbiter system in which the orbiting vehicle is about the size of a Boeing 727. They differ most markedly in the booster component which we may classify as nonusable, partially reusable and fully reusable.

The first class resembles Saturn rockets in that the booster is expendable. However, industry designs contemplate a simpler solid-fuel first stage that cuts rocket costs. One design weighs seven million pounds (even more than the Apollo moon rocket) and stands 377 feet high. Its second stage is an expendable liquid oxy-hydrogen rocket.

The partially reusable shuttle features first-stage fuel tanks that drop off when empty. A gang of four to eight oxy-hydrogen engines generate up to four million pounds of thrust. The orbiter plane boosted up from Earth weighs a quarter million pounds.

Finally the fully reusable system employs a design that allows the booster section of the spacecraft to be recovered and used again. Five different designs have been proposed. One is called the Triamese concept and features a side-by-side arrangement of three identical rockets. After being launched vertically, the two outer rockets exhaust their rocket thrust and separate from the "sandwiched" orbiter, returning some 200 miles to the launch site by deploying stubby wings and jet engines.

Once it attains the necessary velocity, the orbiter coasts up to its desired altitude 100 to 300 miles above the Earth's surface. It uses on-board electronics to rendezvous with an orbital station and to dock. After its orbital sojourn, the shuttle craft de-orbits and, unlike Gemini or Apollo capsules that fireball their way on a ballistic arc through the Earth's atmosphere, it proceeds at hypersonic speed to maneuver below an altitude of 400,000 feet. This is an almost unknown zone for lifting vehicles to operate in, and much research needs to be done to perfect a reliable flight pattern. The object is to pilot the craft to any one of a number of spaceports rather than splashing down in the ocean or returning to a single rocket base. The terminal phase of the flight is accomplished at subsonic speeds and the craft is designed to emulate a commercial airliner.

The space agency has already awarded two $2.9 million contracts to North American Rockwell and McDonnell Douglas for preliminary studies of the STS. Later this month NASA will put out requests for industry proposals to firm up specifications for the shuttle. President Nixon's budget for the next fiscal year will spend only $65 million for the shuttle development, whereas NASA is understood to have asked for $175 million.

The space shuttle, STS, is a vastly more difficult undertaking than the Supersonic Transport (SST), but it would be strictly a federally financed project with no corporate funds chipped in. Whether or not the design objective of cutting orbital injection costs down to $50 a pound can be achieved depends not only on the total program cost, estimated at a minimum of $10 billion, but much more critically on the number of missions each craft could and *would* fly. Setting a goal of $50 a pound for lifting cargo into orbit tends to bypass a more fundamental issue, namely, what objectives in space are worth the price? Inevitably, this question transforms itself into another—what is the value of putting men in space?

Make no mistake about it, the space shuttle is NASA's attempt, with an assist from the Air Force, to perpetuate the dominance of a manned space program. In this connection the distinguished space scientist, Dr. James A. Van Allen, gave the House Committee on Science and Astronautics some down-to-earth advice. "If, on a purely pragmatic basis, one or more men in the spacecraft is the cost effective technique for conducting any one of these missions, let it be done in that mode," the Iowa physicist counseled, having detailed missions dealing with meteorology, communications and scientific surveys. "But if, as I anticipate, this is not the case, let us not grieve nor devote ourselves to the invention of specious and inane reasons."

In the past decade the US government spent over $50 billion on space activities, with NASA accounting for $36 billion of the sum. Manned spaceflight has taken the lion's share of NASA's money. The development and construction of huge rockets and "man-rated" spacecraft [reliable enough to be used for manned missions] have been the principal items of expense. NASA has, for example, accumulated $4.5 billion in space facilities largely in a "golden arc" across the Gulf states. We have created a space monster on Earth and it demands to be fed. It is sim-

ply an appendage of the military-industrial complex.

The space agency and the Air Force already have a stable of space workhorses capable of carting formidable payloads into orbit. NASA's document "Launch Vehicle Estimating Factors; January, 1970" itemizes existing and planned rockets (1970–74) as including heavyweights like Saturn IB, Saturn V, Titan IIIB, C, D, Titan IIID and a whole series of solid-fuel boosters using clusters of 156-inch diameter motors as well as a 260-inch booster. There's plenty of space horsepower in NASA's barn to launch almost any size vehicle to prove man's worth in space.

Space enthusiasts like Wernher von Braun and NASA bureaucrats are assuming that an orbital population of men will be of practical value, whereas, as Dr. Van Allen asserts, this is not probable. Dr. Van Allen is not a NASA employee, although he does receive NASA support, but the writer has talked with officials in the space agency who believe that the space shuttle is utter folly. One space scientist-administrator told me: "The astronauts and engineers are still in charge of the space program. Space science is an after-thought." In a sense the inner NASA struggle is an opposition of the Von Braun "conquer space" forces and the Van Allen "let's explore the solar system" science advocates.

The writer has studied a NASA analysis of space shuttle economics that makes it appear feasible to reach the goal of $50 per pound for thrusting things into orbit. However, the analysis writes off the huge research and development effort and simply amortizes the production costs of the shuttle. A more realistic approach is to add up program costs and amortize these over the production run. But even if, by some kink of accounting, shuttle costs could reach the $50 per pound level, this achievement would mean little unless the payload was worth the mission.

Putting a man into orbit at $50 per pound would seem quite cheap, but one can't multiply $50 by 150 pounds for this exercise. More to the point, one uses a round figure of one ton per person to take into account life-support and man-rating for the vehicle. This means $200,000 per person. But if one uses program costs rather than production costs, it appears that the figure would be closer to $1 million. The latter would be realized only if the shuttle carried a full cabin of 20 passengers, making each mission $20 million.

No one counted costs in the heroic days of Mercury, Gemini and Apollo, but times have changed and public accounting of spacemanship seems indicated. The balance on which to weigh man's value in orbit has tilted heavily to one side, favoring the use of unmanned instruments. Professor Van Allen recently illustrated the virtuosity of instruments when he described "an heroic little fellow, Explorer 35, which has been orbiting the moon since 22 July 1967." Devised and built by Van Allen and several Iowa students, the instrument package weighs 2.2 pounds and uses 7/10 of one watt of electrical power. "It does not sleep," comments Van Allen, "it requires no oxygen, no food, no toothpaste *and no sanitary facilities.*"

Given severe competition by unmanned devices, it appears understandable that NASA is not about to kick the Air Force out of its bed. Military justifications for space programs can always be used—or, at least, have been—to ram dubious projects through any congressional barricade. The Air Force justification for MOL seemed almost mystical, but it was good enough to see the expenditure of $1.4 billion prior to contract termination. We must therefore look more closely at what the Air Force may have in mind for NASA's space shuttle.

The tried-and-true formula for funding a space program is to disclose, hint or otherwise make it plausible that the Soviets have a similar project already under way. Thus, members of the Joint Committee on Atomic Energy "revealed" year after year that the Soviets were about to unveil a nuclear-powered aircraft. (The US spent $1.3 billion on its own A-bomber before closing down the project. The Soviets have yet to roll their mythical plane onto a runway.) The very fact that the Russians *might* be developing an orbital bomber is sufficient to win support on Capitol Hill for a parallel project. On February 5 *The New York Times* ran a page 1 story, "Soviet Satellite Destroyer Is Believed to Be in Orbit." The *Times* did not say that the story was based on an October–November 1968 orbital event.

Congress is sympathetic to a military orbital project because the Soviets were reported to have tested a Fractional Orbital Bombardment System (FOBS). Secretary McNamara resisted pressure to develop and deploy a FOBS on the basis that it was of very little military value, primarily an inaccurate system for knocking out strategic bomber bases.

Now that MIRV has entered the strategic picture, a FOBS or MOBS (multiple orbital bombardment system, i.e., one that makes more than one circuit around the earth) may be promoted as a platform for dispatching weapons from orbit. This would be a technical possibility, although it has a number of military drawbacks. Dropping "nuclear eggs" from an orbiter is feasible when the aim points line up along the shadow path of the vehicle. A FOBS can be aimed to sight on a string of aim points. But a MOBS is only lined up once in many orbits since the earth rotates on its axis while the satellite-bomber moves in a fixed plane. Since it is most unlikely that a MOBS would find more than one target directly underneath its orbit, this means that each MIRV would have to be de-orbited *and* de-planed. That is to say, each MIRV would have to be displaced from the direction of the MOBS; such a maneuver from orbit is very expensive in terms of propellant weight, much more so than in the case of MIRV's dispatched from a ballistic ICBM. Furthermore, the accuracy of such an orbitally dispatched weapon is inferior to ICBM accuracy. In addition, a MOBS moving about the earth in a fixed orbit is highly vulnerable to offensive action by a satellite-killer. (And this assumes that MOBS are actually in orbit at the time war begins; prior to that time a MOBS launch site may be highly vulnerable.)

The Air Force probably has in sight a hypersonic plane capable of operating in the 100,000 to 400,000 foot range of altitude, although it might operate initially as an orbiter. The latter qualification is highly important since Article IV of the Outer Space Treaty of 1967, which the US signed, says "States Parties to the Treaty undertake not to place in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, install such weapons on celestial bodies, or station such weapons in outer space in any other manner."

The treaty does not define "outer space" so as to exclude zones of rerefied atmosphere from weapon entries. Would a hypersonic bomber carrying nuclear weapons be a violation of the agreement? On May 2, 1968, Secretary of State Dean Rusk stressed the importance of the treaty, commenting that ". . . it prohibits a potential arms race in space, with all the added tension and fear that could cause." Apart from the moot point of the hypersonic bomber, the fact is that the treaty does not sever the umbilical cord connecting weapons systems to their womb. Nothing is prohibited by way of weapon system development, merely its deployment. Obviously, the United States would be guilty of an act of bad faith if it built such a strike force. But it is disquieting that the Air Force should be taking such an active role in NASA's shuttle; it encourages the suspicion that it is seeking a civilian "cover" for a piece of military hardware.

NASA had a small but bitter taste of Air Force "cover" operations in the instance of the U-2 affair, but since then its skies have been clear of such dark clouds. It's constantly harassed by Air Force security classification of orbital pictures and certain satellite applications, but these troubles have not been aired. They will crop up, however, if NASA mans a large orbital space device equipped with telescopic photography. Then we would see a secret room in a NASA space station reserved for military intelligence.

However one views the proposed space shuttle system, it, like the Safeguard ABM, is in search of a mission. It's one more example of technology leading man by the nose to do things just because they are possible. In a space shuttle, we also have a powerful military, industrial and bureaucratic forces at work. Given this space imbroglio, the matter deserves to be yanked out of the parochial stewardship of the congressional space committees and examined more fully, as in the case of the Safeguard program. As Senator William Proxmire expressed it to me: "Spending billions to build the space shuttle-space station system isn't going to cure a sick child, provide a college education, build a house, feed a hungry family, or produce any tangible benefits here on Earth. Aside from potential military uses, which NASA expressly disclaims, I can see no justification at all for giving NASA the green light to build such a system."

THE EQUAL RIGHTS AMENDMENT

Mr. McCARTHY. Mr. President, the increasing interest in and support for the equal rights amendment to the Constitution was indicated recently by the action of the President's Citizens' Advisory Council on the Status of Women in endorsing the amendment. I ask unanimous consent that the statement issued by the Council on February 13 be printed in the RECORD.

At present more than 70 Senators have joined as sponsors of Senate Joint Resolution 61, the joint resolution I introduced in the 91st Congress proposing this amendment relative to equal rights for men and women. I hope that the committee will give consideration to the joint resolution as soon as possible.

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

CITIZENS' ADVISORY COUNCIL ENDORSES EQUAL RIGHTS AMENDMENT

"President Nixon certainly appointed an action-oriented Council," said Mrs. Jacqueline Gutwillig, Chairman, when announcing that the Council had endorsed the equal rights amendment at its meeting on February 7, 1970.

The Council concluded that ratification of the equal rights amendment is the most effective and expeditious method of securing equal protection of the laws for women, who lag 40 years behind minority groups in achieving Constitutional protections. Passage by the Congress of the joint resolution in 1970, would be a most appropriate commemoration of the fiftieth anniversary of the suffrage amendment.

Adoption of the equal rights amendment would mean that women could no longer be required to meet higher standards than men in admission to State educational institutions. State laws could not require longer prison sentences for women than for men for the same offense or otherwise discriminate against women in the criminal law. Women could not be denied by so-called State protective labor laws the same rights to choose jobs that men have always had.

Mrs. Guttwillig emphasized that the

amendment is really an equal rights and responsibilities amendment. Often overlooked is the fact that it would result in greater equity for men in alimony and custody of children disputes in many States. She also emphasized that the amendment would equalize the responsibilities for military service and jury service.

Joint resolutions proposing that the equal rights amendment be submitted to the States for ratification have been introduced in each house of the Congress for almost half a century. Seventy-two Senators and 220 Members of the House of Representatives are currently sponsoring the joint resolutions. Ratification would require a ⅔ vote of both houses of Congress and approval of ¾ of the State legislatures.

A project group established at the Council's first meeting in November and chaired by Miss Sarah Jane Cunningham of McCook, Nebraska, proposed the resolution adopted by the Council:

"The Citizens' Advisory Council on the Status of Women endorses the proposed Equal Rights Amendment to the United States Constitution and recommends that the Interdepartmental Committee on the Status of Women urge the President to immediately request the passage of the proposed Equal Rights Amendment by the Congress of the United States."

Other members of the Council working on the project are: Miss Virginia R. Allan, Michigan; Mrs. Lorraine L. Blair, Illinois; Miss Rachel E. Scott, Maryland; Mrs. Irene Wischer, Texas. The project group is preparing a comprehensive paper on the equal rights amendment which will be available in about two weeks.

The Council also voted to send a letter to the President including the following paragraphs concerning the Council on Environmental Quality:

"The members of the Citizens' Advisory Council on the Status of Women are pleased with your emphasis on environmental improvement. The need to solve problems of pollution are of high priority and the need for a national population policy is a pressing one, and one in which this Council has particular interest.

"We are concerned, however, that no woman was named to the Council on Environmental Quality. We feel a qualified woman could make substantial contributions on such a Council."

SENATOR MURPHY LAUDS GSA'S ANTIPOLLUTION EFFORT

Mr. MURPHY. Mr. President, I invite the attention of Senators to an item from the annual report from 1969 of the General Services Administration. I am speaking of GSA's efforts in the air pollution battle.

I am very much impressed with GSA's effort and what they are achieving in the fight against pollution under the leadership of their Administrator, Mr. Robert L. Kunzig. GSA has had some very successful experiments with the antismog dual-fuel system. I had the pleasure of inspecting a vehicle with Mr. Kunzig in Los Angeles. Because of the importance of the pollution problem to the public and to the country, I ask unanimous consent that this section of the GSA annual report be printed in the RECORD.

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

The air we breathe is receiving the full share of GSA's attention in plans developed to eliminate the choking pollution that engulfs major cities.

A dozen vehicles operated by the agency's interagency motor pool system in smog-plagued Los Angeles have been equipped with devices which permit the use of natural gas as well as gasoline. When the vehicles operate on natural gas, virtually no pollutants are expelled into the already thick atmosphere.

If the experiment is successful, the antismog dual-fuel system could be expanded to many of the 51,000-plus vehicles in GSA's fleets and possibly to all of the approximately 325,000 vehicles operated by the Federal Government that are mainly purchased by GSA and are currently on the roads and streets of the United States.

So, again, GSA's Transportation and Communications Service, which has pioneered a wide range of safety devices in the past, is setting the pace in motoring improvements that eventually will result in wide public benefit.

Besides operating centralized motor pools that include sedans, buses, trucks, and special-purpose vehicles, GSA transportation experts provide other Government agencies with counseling in the management of their individual vehicle fleets, helping to reduce Government-wide transportation costs.

Additional economy is gained by sharing motor vehicle fuel and oil dispensing facilities with other Government agencies operating motor vehicle fleets.

TCS also offers driver training, including courses in defensive driving techniques, which have helped trim collision costs and provided increased safety for operators and passengers in Government vehicles.

GSA studies of motor pool equipment managerial and operational policies have resulted in reduced equipment investment by almost $4 million and diminished operating costs by more than $5 million annually. Parts inventories have been reduced and manpower and materials required are in favorable balance with industry practices.

BRAVE LITHUANIA

Mr. PASTORE. Mr. President, February—the month of Washington and Lincoln—is symbolic of the freedoms with which we believe man has been endowed by his Creator.

It is particularly a month of patriotism in this America composed of the cultures of so many peoples who have come to share our destiny and our dangers.

It is a month in which America commemorates especially its affection for the sons and daughters of the ancient land of Lithuania.

We celebrate with them, this month, some 719 years since the formation of the mighty Lithuanian state—and the 52d anniversary of the establishment of the Republic of Lithuania in February 1918.

However, it is a celebration in the shadow of sadness and sorrow—the subjugation of a brave people in an era when there has been much talk but not the triumph of a great principle—the right of self-determination of every nation—no matter how small.

The liberties of Lithuania have vanished behind the Iron Curtain.

The communities of America all testify to the fine citizenship of our neighbors of Lithuanian descent. We know how they have fought in our ranks for freedom for others. We know how they live and labor as adopted sons and daughters of Washington and Lincoln.

We know their anguish for friends and relatives still in the "old land"—or dispersed in the length and breadth of Russia with its habit of Siberian exile. These unfortunate Lithuanians pray in desperation for liberty—redemption—or death.

This Congress of the United States—in Senate and in House—has made formal resolution that the President of the United States—through the United Nations and in the court of world opinion—urge the restoration of their freedoms to the people of Lithuania.

We commend to the Secretary of State, Mr. Rogers, that, in his global explorations of America's sympathy and support, he survey this situation at firsthand and to implement the desires of Congress.

The people of Lithuania are a proud people whose history goes back thousands of years.

The Lithuanians are a brave people. We can profit by a study of their history in withstanding the pressures of Slavic nations who in turn were terrified by the pressures of the Asiatics at their back.

The people of Lithuania are a persevering people.

They have endured national agony under great odds, slavery for a century at the very time that Washington had earned America's freedom.

Lithuania basked in the warmth of liberty for only 20 years, because on June 15, 1940, without any cause but in conspiracy with Hitler, Russia attacked and enslaved the entire country.

Today the Soviets hold Lithuania in the most cruel oppression. Russia is often called "the prison of nations." It has subjugated some 150 small nations and calls them "peoples of Russia." The Soviet purpose is genocide. The language and culture, the religious faith, the human dreams of a people are systematically destroyed. Many of these nations have disappeared.

So the present is a time of prayers that the world of free men will not forget Lithuania.

It is a time of promise, it is a pledge that the people of Lithuanian blood, wherever they may dwell inside or outside the Iron Curtain, will persevere.

They will continue the struggle by all human and spiritual means until the sun of liberty shines again on their treasured land and Lithuania will take its rightful place among the nations of the world.

May God speed that day.

TRUTH IN BUDGETING

Mr. MONDALE. Mr. President, the best indication of the policies and priorities of any administration is its budget. One must look, of course, not at the rhetoric and publicity which surround its release, but rather at the actual figures, often buried deep in the budget reports.

Many of us have looked deeply into these reports, and what we have found substantiates neither the rhetoric on "new priorities" nor the proclamation of "fiscal restraint."

Recently, Dr. Merton J. Peck, professor of economics at Yale University; Paul Warnke, former Assistant Secretary of Defense; and I served as a subcommittee to produce a "truth in budget-

ing" report for the Committee on National Priorities of the Democratic Policy Council.

I ask unanimous consent that the text of our report be printed in the RECORD.

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

REPORT OF THE TRUTH-IN-BUDGETING TASK FORCE TO THE DEMOCRATIC POLICY COUNCIL'S COMMITTEE ON NATIONAL PRIORITIES

Your Co-chairmen, Mr. Joseph A. Califano, Jr., and Dr. Morris A. Abram, asked us to serve as a committee to review President Nixon's Fiscal 1971 Budget and to comment on the broad national priorities reflected in that budget.

The Budget message speaks of priorities and hard choices. Yet, in a budget, numbers speak louder than words. And, looking at the numbers, we find that:

The budget *surplus*, as measured on the National Economic Accounts Basis that reflects its true economic impact, *is declining sharply*.

Defense spending is somewhat reduced—and with much fanfare—but not nearly as much as other and urgent national needs require. Further there are *expensive new weapons programs* of only marginal value which will escalate the arms race and lay the basis for far higher defense spending in future years.

Programs to improve the quality of the environment *are timid*; the expenditures match neither the bold statements nor actual needs.

The *crises* in education and our urban centers are largely *ignored*. The proposed spending here reflects a stand-pat stance in the face of increasingly critical needs. Expenditures for crime and drug control are woefully inadequate.

(These findings derive from our examination of the four following areas.)

THE BUDGET IS NOT ANTI-INFLATIONARY

The Administration has tried to pin the onus of the current accelerating inflation upon past Democratic fiscal policy and to present its budgets as more and more "fiscally responsible." It has talked proudly of the surplus which is claimed for the new budget.

However, experts agree that the best measure of the net economic impact of the Federal Budget is the surplus or deficit on the National Income Account. This figure reflects the difference between what the Federal Government takes out of the current income stream through taxes and what it puts back through spending.

But rather than increasing, the National Income Accounts *surplus continues to get smaller*, going from $6.0 billion in 1969, to $3.6 in 1970, and down to a razor thin $1.6 billion in 1971,[1] which President Nixon proudly claims as the first budget under his Administration. Such a numerical trend hardly matches the anti-inflationary rhetoric or the injunction of the Budget Message that "we must maintain a policy of fiscal restraints in the current fiscal year and continue it in 1971."[2]

Furthermore, the shrinking surplus becomes particularly critical when its tenuous basis is examined. Here are some illustrations:

The Federal civilian and military pay increase is slipped back six months from July 1970 to January 1971 to save about $1.4 billion.[3] Contrary to statutory policy, it is proposed that not until *January 1971* will Federal pay become comparable *to 1969* private enterprise rates.[4]

Thus, even the small surplus programmed by the Administration rests almost wholly on the requirement that Federal workers, including our servicemen overseas, wait for a pay increase which is already overdue. We doubt that Congress will accept this token gesture toward fighting inflation.

The scheduled surplus also assumes about an additional $1.2 billion in revenues from the Post Office. This would be attained through a "proposed rate increase and other actions,"[5] with $700 million coming from higher rates, including seven cents for first class mail beginning on April 1 of this year.[6]

The date is clearly unrealistic and the need for improved service will claim much of any revenue increase. To rest three quarters of the total surplus on the money-making potential of the Post Office is at best a risky matter.

The surplus also depends on the enactment of user charges that will add $653 million to budget receipts—yet these same proposals were not accepted last year and it is clear that Congress will, at the very least, reduce them sharply.[7]

The surplus depends on $2.1 billion in savings from program "reforms" and terminations.[8] Many of these proposals have been repeatedly rejected by the Congress.

Since the surplus in the National Income Account declines sharply under the proposed budget and since small proposed surplus will likely vanish as one or more speculative assumptions is unrealized, we believe this is not, in fact, an anti-inflationary budget.

For the fight against inflation, three principal weapons are available:

(1) An active policy of encouraging *voluntary wage and price restraint*. This weapon was discarded in the opening days of the new Administration with the result that the Industrial Wholesale Price Index for the concentrated industries, which had been kept under control by policies of the Democratic Administration rose 6% last year.

(2) A more *restrictive fiscal policy* which significantly increases the National Income Accounts surplus. This weapon has been discarded by the Administration's budget.

(3) A policy of *tight money* and high interest rates.

Having discarded the first two weapons, the Administration is resting all its hopes on tight money. And we already can see its effects—record *high interest* rates, declines in home building, and *cutbacks* in vitally needed State and local *construction* programs.

Tight money alone is a potentially dangerous anti-inflationary weapon—the lags in its operation can result in *both* rising unemployment and rising prices, to produce the economic paradox of an *inflationary recession*. Ominous clouds on the economic horizon suggest that this outcome is a real and present danger. Indeed, the Administration is projecting an *increased unemployment* rate and its budget contemplates further inflation.

Given the inflationary situation which the Administration is dealing with so tentatively, it is understoood that the budget assumes a mere $2.9 billion growth in outlays. This would be *one of the smallest* in recent years.

There are two clear choices which would make possible substantial increases in urgent domestic programs *and a genuine* anti-inflationary budget:

Decrease defense outlays by as much as $4 to $5 billion more;

Increase revenues by $3 to $4 billion through *further tax reform*.

Possibilities for defense cuts are discussed below. As to tax reform, the Congress has promised to complete a review *this year* of additional tax reform measures. One of these alone—taxation of appreciated assets at death—would yield $2.5 billion in additional revenues. We would have been gratified if the Administration had lent its support to this and other needed tax reforms, such as increased revenues from the oil and gas industry.

SIGNIFICANT SAVINGS CAN BE REALIZED IN DEFENSE EXPENDITURES

The Administration's budget proposes a reduction in defense spending of $5.8 billion.[9] We commend any effort to free further funds for the urgent domestic needs of our society. We are dismayed, however, that estimated defense outlays would continue at the high level of $73.6 billion. Further, the $5.8 billion figure does not reflect the cost of pay increases which will almost certainly be adopted by the Congress.

A reduction of *an additional $5 billion* in this huge defense budget would produce a fund which could substantially contribute to meeting our existing commitments in education, housing, crime control and environmental improvements.

Moreover, all of the estimated reduction, and more, *can be attributed to the announced cutback* in our troop strength and military actions in Vietnam. (The deliberate omission of the traditional analysis of Vietnam costs precludes our discovering the projected savings in our Vietnam costs.) And, under President Nixon's criteria for withdrawal—the level of North Vietnamese military activity and the performance of the South Vietnamese forces—realization of these anticipated savings is *left within the control of Hanoi and Saigon*. We prefer that complete control over the defense budget, as well as over our foreign policy, be lodged in Washington.

The Administration asserts that much of the reduction in defense spending will come about from the phasing-out of certain expensive-to-maintain older systems. Such retirement of obsolete systems largely accords with plans made in prior years. We propose that *much more significant savings* could be realized if the Administration would cease approving the endlessly multiplying series of major new, *overlapping* and *unproven* weapons systems. Among those new programs for which funds are allocated in the Administration's budget and which we believe deserve particularly careful scrutiny by Congress are a sea-based anti-submarine aircraft, a third nuclear powered Nimitz-class attack carrier, a strategic manned bomber, a costly new fighter for the Air Force and a fleet defense aircraft for the Navy, as well as an array of new missiles for land and air forces.[10].

Some of these new systems are already *functionally obsolete*. Beyond that, our major concern is that the Administration budget bears the seeds of continued vast and ever-increasing military spending. As of June 30, 1969, the General Accounting Office has revealed that a total of 131 major programs were in the process of acquisition, with the total costs of completing these programs aggregating over $140 billion. The decisions embodied in the proposed defense budget will substantially increase this staggering figure, even without the inevitable cost over-runs. This, of course, will severely *limit our choice* of priorities in the years ahead.

Moreover, the Administration's plans for expanded development and deployment of antiballistic missile defenses (ABM) and multiple warhead missiles (MIRV) involve heavy expenditures which ultimately may seriously *handicap* the successful fruition of *SALT discussions* with the Soviet Union.[11] Precipitous approval of such new weapons systems signifies an uncritical response to pressures from the military services and an unwillingness to take even the minimal risks which are necessary to enhance the chances of *halting the arms race*. It reflects also a continued over-reliance on sheer military might to achieve national objectives.

Further, we propose basic procedural changes in the military procurement system to avoid the cost over-runs and performance shortfalls that for the past two decades have

Footnotes at end of article.

plagued us. We believe that the costs of the perhaps unnecessary new weapons systems have been significantly underestimated and their performance significantly exaggerated. The General Accounting Office has noted that "one of the most important causes for cost growth is starting the acquisition of a weapons system before it has been adequately demonstrated that there is reasonable expectation of reasonable development."

Another major cause cited by the GAO is inadequacy in the initial definition of system mission requirements and technical performance specifications.[11a] These underlying flaws, with their serious budgetary consequences, should not be allowed to continue. We need leadership to eliminate these now; we do not need merely another "Blue Ribbon" study panel.

THE RHETORIC OF IMPROVING THE ENVIRONMENT MUST BE MATCHED WITH FUNDS

We agree with the President's rhetoric concerning the urgent need for improving the quality of our environment. These words must be met with the funds to do the job; and this simply is not done in the proposed budget.

For example, in the area of water pollution control, the President proposes *to spend in 1971 only half as much as Congress appropriated* for this problem *in 1970*. For 1970, Congress appropriated $800 million while the President requested only $214 million. In 1971, the President proposes to spend only about $360 million. Under the President's so-called "10-billion" dollar program, he would not reach an $800 million annual spending figure *until 1975*, although Congress already appropriated that sum for 1970.

Further, this "5-year-10 billion" water pollution program would, in fact, be spread over nine years, and more than half of the cost must be borne by the hard-pressed States and localities.[12] State and local governments would be allowed to borrow their share through a new Federal environmental financing authority. According to the budget, "the purpose of this authority is to encourage State and local participation in projects of this type without placing additional burdens on congested municipal bond markets."[13] But such markets have become "congested" largely through the Administration's tight money policy. Instead of a "new initiative" this step thus might be more accurately labeled as an *effort to moderate the impact* of other Administration policies.

In air and water pollution control combined, there is a modest increase of 230 million over outlays made last year. Weighed against the need, the increase is grossly and patently inadequate. Authorization in legislation passed in the preceding Administration envisioned the expenditure of about *$500 million more annually* than was spent in 1969;[14] the proposed increases thus do no more than half-way fill the gap between actual and authorized spending.

It should also be noted that a further cut in the Defense Budget of only $300 million—less than *one-half of one percent*—would make it possible to raise the proposed increase by *one hundred percent* and at least meet commitments already made by Congress. We regard it as questionable to call these increases "new initiatives" when they are really just halfway steps—however desirable—towards meeting old obligations. We believe that conditions require and the American people desire that really significant budgetary initiatives be taken promptly in this area.

THE URBAN AND EDUCATIONAL CRISIS MUST NOT BE IGNORED

The Budget Message reflects *too little concern* with the urban and educational crises. We are pleased that it contains the beginnings of a promising family assistance program and a small start on revenue sharing. (Both programs are borrowed, in part, from Democratic proposals.) But for next year the critical problems of the city and education are allocated *few additional resources*.

Revenue sharing appears to be the Administration's only "solution" to the two crises. For this year, however, only $275 million would be provided. Applying the formula in the Administration's bill, this would yield *less than one dollar per person* for a city like New York. States would fare little better. For hard-pressed Mayors and Governors, this can hardly be regarded as much help.

At the same time, the budget's *sacrifice of further support* for education can be illustrated by considering two levels of education. The program for education of children from low income families (Title I of the Elementary and Secondary Education Act) is allocated $1.3 billion—a $74 million increase over 1970. This will probably not even offset the effects of inflation and needed increases in teachers' salaries. The number of children served would be level at 7.9 million.[15] And for *higher education* there are *drastic cuts*. The programs to aid construction of facilities would fall from $580 million to $100 million, despite increasing enrollments and rising costs.[16]

The Administration proposes badly-needed increases in manpower programs. It would provide for enrolling 200,000 additional persons in these programs. At the same time, it is projecting *unemployment increases of as much as 700,000*, or more. But, there are practically no new jobs to be created under the budget.

The *stand-pat posture* towards the cities is illustrated by the fate of the urban renewal program. According to the Budget, this program "remains the primary tool for helping cities and towns convert slums into attractive productive areas."[17] So vital a task ought to be given a high priority—and deserving *substantially greater resources*. Yet the Budget announces that "the 1971 request for $1 billion of budget authority will continue the program at the 1970 level."[18] The majority of Americans, silent and otherwise, live in urban areas. They know only too well how critical the heed has become to do more and to do it more urgently.

The budget proposes a mere $33 million for programs of the Bureau of Narcotics and Dangerous Drugs.[19] The much-heralded increase of $480 million for the Law Enforcement Assistance Administration brings appropriation to *less than half the level authorized* for 1971 by the previous Administration. Expenditures would lag even further behind—at $368 million.[20]

We believe the time has come to do more than talk about re-ordering our priorities. The Congress made a good start last year. Let us now *really bring America's priorities into line with her needs*. To achieve this end we urge:

A careful pruning of the defense budget to find where spending should be *substantially reduced*. This will free money now for compelling domestic problems; reduce inflationary pressure; make sure we do not escalate the arms race; and avoid laying the basis for ever-greater and more wasteful defense budgets.

Significant, *new reform measures*.

The use of part of these savings to generate a more *realistic and responsible budget surplus*.

The use of the balance of such savings to: attack air and water pollution; meet the crises in education and in the cities; create more jobs; fight crime and drugs.

We know that Congress will examine this budget in great detail. But we ask that our fellow Democrats, and indeed all Americans, also look at it with care and with concern for the priorities it reflects. It charts the course for our country for the years to come. Passive acceptance of the Administration course can lead only to a *dead-end and national decay*. Instead, we must work together to chart a different course to a different vision where people—their pocketbooks, their schools, their cities, their air and water, their hopes and aspirations for a better life—take priority over an obsessive concern about unlikely military threats.

Respectfully submitted.

MERTON J. PECK.
WALTER F. MONDALE.
PAUL C. WARNKE.

FOOTNOTES

[1] *The Budget of United States Government*, p. 592. Henceforth cited as *Budget*.
[2] *Budget*, p. 11.
[3] *Special Analyses of the Budget of the United States*, Fiscal Year 1971, p. 103. Henceforth cited as *Special Analyses*.
[4] *Ibid.*
[5] *Budget*, p. 122
[6] *Budget*, p. 121
[7] *Budget*, p. 70
[8] *Budget*, p. 50
[9] *Budget*, p. 17
[10] *Budget*, p. 86
[11] *Budget*, p. 85
[11a] Report to the Congress by the Comptroller General of the United States on "Status of the Acquisition of Selected Major Weapons Systems." February 6, 1970.
[12] *Budget*, p. 108
[13] *Ibid*
[14] CEA, *Annual Report*, 1969, p. 202
[15] *Budget*, p. 141
[16] *Budget*, p. 138
[17] *Budget*, p. 133
[18] *Ibid*
[19] *Budget*, p. 379
[20] *Ibid*

THE CONSUMER LOSES AGAIN TO THE OIL LOBBY

Mr. McINTYRE. Mr. President, the failure of the President to act on the recommendations of his Cabinet Task Force on Oil Imports is yet another in a long series of defeats for the consumers of this country and for their representatives who felt that relief was finally in sight.

The New York Times, in an editorial entitled "The Politics of Oil," recognized that the President has virtually ignored the recommendations of the majority of his task force and instead has adopted the position espoused by a small minority which sees nothing inequitable with the current arrangement.

The Times correctly states that while the administration is fighting inflation in the press and on television, it is failing to support a plan which would significantly relieve fuel costs in the Northeastern States and dampen the present inflationary trend.

It is obvious that the Times is correct in stating that the administration has abdicated its responsibilities and has left the resolution of an important issue in the hands of the "Secret Government of Oil."

I ask unanimous consent to have printed in the RECORD the editorial of February 24, 1970, from the New York Times and a statement I made following the President's regrettable announcement of February 20.

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

[From the New York (N.Y.) Times, Feb. 24, 1970]

THE POLITICS OF OIL

President Nixon has bowed to the oil industry in shelving the recommendations of the majority of his Cabinet-level task force on Oil Import Control.

The oil industry has hailed Mr. Nixon's decision, as a triumph, which it certainly is for them. As the task force report shows, one-third of the $6 billion in profits the oil industry got from domestic operations in 1968 resulted from the protection afforded by oil import quotas.

The cost of oil quotas to American consumers is much greater and will go on growing. The task force report, which is a model of clear and competent economic analysis, concludes that the oil quota system is presently costing United States consumers $5 billion a year and will reach $8.4 billion a year in 1980.

Thus, an Administration that prides itself on being a great inflation fighter when it comes to trimming outlays for health, education and welfare does not mind letting consumers pay out more than $60 billion in extra oil bills over the coming decade.

The panel, headed by Secretary of Labor Shultz, would not have wiped out those extra costs overnight. On the contrary, the report recommended a gradual switch to a tariff system in order to avoid too disruptive an effect on the oil industry or any danger to national security which, it stressed, is the only legitimate justification for oil quotas.

Far from ignoring the danger of a prolonged Middle Eastern oil boycot as a result of the present turmoil there, the report proposes means of increasing the security of United States oil supplies over the coming decade by promoting closer ties between this country and Western Hemisphere oil exporters.

The five-man majority of the seven-member panel included not only Secretary Schultz but also the Secretaries of Defense, State and Treasury and the director of the Office of Emergency Planning. Their joint conclusion was that national security would be adequately protected by control system based on tariffs.

As a first step the report favored a tariff of $1.45 per barrel to be imposed next Jan. 1. If further "objective and independent professional analysis" showed that reserves in North American frontier areas, especially the north slope of Alaska, would be sufficient to meet or exceed 1980 production estimates, the report recommended further liberalization of tariffs in January of 1972. If no tariff liberalization were undertaken then, the report urged the same tests be applied in succeeding Januaries, with full review no later than 1975.

However, this very cautious approach was not good enough to quiet the concerns of the United States oil industry that some significant share of its profits resulting from oil quotas would be lost eventually if the existing system were changed.

Secretary of the Interior Hickel and Secretary of Commerce Stans, together with an official observer, John N. Nassikas, chairman of the Federal Power Commission, filed a separate report disagreeing with virtually everything in the majority report. President Nixon in effect has adopted the views of the task force's two minority members and of his Federal Power Commission.

The President seems determined to file and forget the majority report. Those concerned about the public interest will be well advised not to let that happen for, aside from its policy recommendations, the report should become a classic in exposing the costs to the nation of a system of extreme protectionism in the guise of defending national security.

Commendable as it is that the report could be made at all, the summary rejection by the President of its basic recommendation that the oil quota system be ended tells much about the politics of oil and the real sources of influence in this Administration.

STATEMENT BY SENATOR THOMAS J. MCINTYRE

The President's announcement this morning that he has ordered additional study of the need for change in our oil import policy is a crushing blow to those of us who hoped that relief was near at hand.

A year ago the President assured members of the New England Senatorial delegation that a decision on this matter would be made "before the first snow" of the present winter.

In the days since the problem has been studied into the ground—by the Senate Antitrust and Monopoly Subcommittee and by both the expert professional staff and the Cabinet level members of the Task Force appointed by the President specifically for this purpose.

While they differed in their precise recommendations, all of these groups concluded that changes in our present oil import policy could be instituted immediately, and that this could be done consistent with our national security, the protection of which is the sole justification of oil import controls.

There can be no mistaking the real purpose behind the President's announcement. Such an announcement, in an election year, can only be construed as an open invitation to the major oil companies to rally to the support of Republican candidates in the upcoming fall elections. It is a clear portent of another major victory for the Secret Government of Oil.

I have sought in the past to support the President whenever possible. These are times of crises which call for more from men in public life than continued partisan bickerings.

But when the President himself chooses to make a political football out of an issue so vital to the people of New England, I have no alternative but to openly deplore his actions.

WE WILL PRESS ON

Mr. PROXMIRE. Mr. President, "we will press on with our efforts to obtain Senate ratification of the U.N. convention against genocide."

These words of Rita Hauser, U.S. Representative to the U.N. Human Rights Commission, clearly and forcefully express the sentiments of those of us who are determined to guide the Genocide Convention through the Senate Committee on Foreign Relations to ultimate Senate ratification.

The self-deprecating fear that the United States of America will not stand up to world scrutiny should a Communist country, for example, accuse us of genocide in Vietnam or at home is clearly unfounded. As a Nation we clearly reject and outlaw genocide and we can meet the severest tests of world scrutiny. We have little to fear or hide. Any blemishes we may have are openly recognized and we have made and continue to make every effort to correct them. Our very open willingness to recognize problems and take corrective steps in full public view testifies to our fundamental moral abhorrence of genocide.

Let us now recognize this American posture by formally ratifying the Genocide Convention.

To this end, I ask unanimous consent to have printed in the RECORD a forthright and well reasoned editorial published in the New York Times which calls for the prompt ratification of the Genocide Convention, dispells objections raised by some members of the ABA, and argues that America must ratify the convention to maintain its leadership in championing the rule of law throughout the world.

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

THE ABA ON GENOCIDE

The American Bar Association displayed faint faith in American principles of law and morality the other day when it refused to revoke its 20-year-old opposition to the United Nations Convention on Genocide.

The Convention, which was drafted and promoted by Americans, attempts to extend to the international arena norms of human conduct that are deeply rooted in the American legal tradition. It now has the endorsement of 75 nations, including all the other major powers. Its ratification has been urged by the President, the Secretary of State, the Attorney General, the Solicitor General, the President of the ABA and three ABA committees, among others.

But a narrow ABA majority chose to follow a Southern-led opposition which argued that the Convention would enable Communist countries to hale American citizens before an alien court on charges arising out of racial practices at home and military actions in Vietnam.

The United States does not violate the Genocide Convention. It is demeaning to suggest that this country could not stand comparison with any Communist state on its record in human rights before any international tribunal which may be established—and none has been established so far for this purpose.

If American civilians or soldiers at any time fall short of this nation's own high standards, it is the duty of the bar to stand up for the rule of law. In opposing the Genocide Convention, the ABA casts doubt on the commitment of the American legal profession to principles it is bound to uphold, and usually does.

Prompt Congressional ratification of the Convention, as requested by President Nixon, is essential to make clear to others the commitment of the American Government and people to those principles and to restore American leadership in extending the rule of law throughout the world.

SENATOR KENNEDY URGES NEW REALISM IN DEFENSE BUDGETS

Mr. MONDALE. Mr. President, on Tuesday and Wednesday of this week, the Committee on National Priorities of the Democratic Policy Council heard statements from many of us in the Congress on how we should reorder cur national priorities.

The senior Senator from Massachusetts (Mr. KENNEDY) made a perceptive and detailed statement on the need for cutting our defense budget, and suggested just how we might go about the task. He pointed out that the defense budget submitted by the administration, which has been hailed by administration spokesmen as representing major cuts, is lower than last year's by the amount of our reduction in the scale of the Vietnam war, and thus represents no real cut at all.

Because of the wide interest in his statement, I ask unanimous consent that it and three newspaper articles on the testimony be printed in the RECORD.

There being no objection, the items

were ordered to be printed in the RECORD, as follows:

NATIONAL PRIORITIES AND THE DEFENSE BUDGET: THE NEED FOR NEW REALITIES

(By Senator EDWARD KENNEDY)

It is a great pleasure for me to address the Committee on National Priorities of the Democratic Policy Council. Your work takes place, I think, at an important time in our history. The testimony you hear, and the recommendation you will make, will have a powerful influence this year over the decisions of the Congress in responding to President Nixon's request for authority to commit federal tax dollars. And this year, for the first time in our history, the request has exceeded $200 billion.

This nation is finally beginning to realize that we need to allocate our resources in a systematic way. We must set our national goals and then decide upon strategies to reach them. We must determine what roles are to be played by the different levels of government and what roles are to be left entirely to the private sector.

From the standpoint of the federal government, national priorities are set by the decision to allocate federal tax dollars among competing national needs. The President's budget requests, sent to the Congress this month, reflect in detail the priorities of his Administration. The appropriation bills, when they receive final approval by the Congress, will reflect the judgments of the Congress on the President's priorities.

This requirement for Presidential request and Congressional approval of the commitment of federal tax is an important aspect of the checks and balances in our federal system of government. At its optimum, the system should come into balance only after the resolution of a variety of tensions between the two branches. For if there is no tension, but only passivity, public debate will be stilled, and these vital decisions made without close scrutiny and public accountability. The sound operation of government requires critical analysis, not complacent consensus.

We are in the middle of a dramatic example of the benefits of this healthy tension. The Congress in December passed an appropriation bill for health and education containing $1 billion more than the President requested. At the same time, the Congress reduced by more than $5 billion the President's total budget request of some $189 billion, out of its concern for the dangerous inflation in the economy. The President vetoed this bill, calling it inflationary. The Congress failed to override the veto, and now has a substitute bill in the final stages of approval. This substitute bill also has more money in it for health and education than President Nixon requested, and the Secretary of Health, Education and Welfare has indicated the likelihood of another veto.

There is, of course, a lot of politics on both sides in all this back-and-forth between Congress and the President on the funds for health and education. But through it all, there runs one simple thread, a thread readily apparent to those taxpayers and voters who watch this public debate. This is the question of priorities, of priorities among competing needs. The Congress put a priority on reducing the President's total $193 billion budget request by $5 billion; it also put a priority on allocating the funds it did approve differently than did the President, adding $1 billion to health and education and subtracting it from other functions.

By insisting upon this allocation, in the face of a threatened second veto, the Democrats in the Congress are doing what Democrats have always done—putting their priorities on people, and on the day-to-day problems people face in their lives. Inflation ran at a dangerous rate all through 1969; the Congress thus reduced the President's budget by $5 billion. Health and education costs are rising; the Congress thus shifted $1 billion from other functions to support for health and education. These two actions by the Congress reflect the traditional concerns of the Democrats, and I look forward to other opportunities for comparable actions this year.

Your work on the Committee on National Priorities can be of large assistance to us in the Congress. You can gather the facts. You can analyze their meaning. You can synthesize the different lines of argument. You can clarify the issues. But most important of all, you can stimulate that healthy tension between the Legislative and Executive Branches which is so vital if government decisions are to be subjected to close scrutiny and informed public debate.

In the past decade we have, as a nation, grown increasingly aware that our priorities must be changed, as the times change. Changing these priorites is not an easy task, however, because powerful and entrenched vested interests often have an enormous stake in resisting change. One clear example of the difficulty of dislodging vested interests lies in the Federal Highway Trust Fund, which each year channels some 5 billion tax dollars into highways, but virtually nothing into subways and other public transportation. For years, sociologists, planners and other experts have produced devastating criticisms of this imbalance. But the highway interests are powerful, and mass transit has thus suffered. Now, after 15 years, the highway interests are discovering that they cannot simply construct super highways, to bring suburbanites into center cities, without regard to mass transit. It is public outcry and public pressure which is finally bringing this change and slowly dislodging the vested interest.

Only the same quickening of interests and sharpening of pressures can break the hold of other vested interests on federal funds which should be spent on people—on their schools, their health, their parks, their air, their water—in short, on the quality of their lives.

We saw, last year, a dramatic example of the impact of this quickening interest and sharpening pressure when the nation turned its attention to the budget for the Department of Defense. The January, 1969 request to the Congress for Defense totalled $77.7 billion, nearly double the request for 1960. The sheer size of this figure shocked the nation, and spawned an intense examination of what these billions would purchase. President Nixon revised President Johnson's request $2.5 billion downward, to $75.2 billion. The Congress cut $5.6 billion more off the request, and we ended up with a Defense appropriation of $69.6 billion.

Along the way last year, while these cuts were being made, Americans learned of a $1.5 billion cost overrun for a single new $3.5 billion aircraft project; of cancellation of a $3.2 billion military manned space station project after $1.5 billion was already spent on it; of inadequate audit and accounting procedures; of duplication and overlap; and in general, of a lack of hard-eyed supervision of Defense costs. Senate Majority Leader Mansfield said in January of 1969 that he hoped we could trim $10 billion from the Defense budget. The difference between the requests in 1969 and in 1970 are at just about that amount. *Fortune* magazine's careful analysis in August 1969 concluded that even further and major cuts could be made without in any way jeopardizing our national security.

This year, President Nixon has asked for a defense budget of $69.3 billion. Senator Mansfield said on February 2 that he hoped we could make "a similarly large cut" in this request. Consequently, despite Secretary of Defense Laird's statement last Friday that this year's request is a "rock bottom budget," I would expect that careful analysis will show members of Congress a number of places where major savings in the Defense budget can be made. We can then consider whether to apply these savings to other critical areas of need—such as health and education—without generating new inflationary pressures.

Any realistic public figure is aware that when he challenges the defense budget, he will be the object of many easy charges of "selling out America's security," or of "seeking unilateral disarmament," or "misunderstanding the gravity of the Communist threat," I say these are easy charges because they are only slogans—slogans reflecting our years of living on the edge of terror in the cold war. As slogans, they may have represented valid concepts in the 1940's, or 1950's, or even the 1960's. But times change, and if we do not adapt our thinking to the realities of the changing times, then we calcify. What we need in our treatment of national defense, and the defense budget, is a new realism.

This new realism does not require us to abandon all our old concepts. But it does require us to look closely at them, and all the decisions and actions they have generated. President Nixon recognized this in his foreign policy posture statement of last week. Concepts, words, slogans, postures, all valid in recent times, must not automatically be considered valid today. And the men and women who have both the interest and the courage to ask the tough questions should be applauded, not villified. So what we need, and what I hope would be forthcoming from the Administration, is a candid discussion of our national defense posture, and the budget we need to support it—not in terms of old slogans, but in terms of new realities.

In assessing our defense budget, we must begin of course with the war in Southeast Asia. I need not recount here the mistakes we have made in Vietnam, the costs we have borne, the suffering we have inflicted. The critical point now is what the future holds. Some analysts have suggested that we may have to keep 100,000 or 200,000 troops in Vietnam indefinitely, at a cost not only of continuing American casualties, but also of billions of dollars each year. Just to keep one U.S. soldier in Vietnam for one year costs $13,000. I do not believe we would have to pay such prices, if our emphasis were on political negotiation and an end to the violence rather than total reliance on Vietnamization. We have given greatly to the present South Vietnamese regime. Indeed, perhaps never in history has so undeserving a government received such generous assistance from another nation. We must now insist that South Vietnam make its own peace through negotiations.

Aside from Vietnam, the military and political developments of the last two decades make possible other reductions in defense spending—if we are willing to be realistic. The United States has already constructed at enormous expense, a powerful second-strike capability. For the foreseeable future our Polaris submarines, supplemented by our land-based missiles, will remain an effective deterrent against nuclear attack. Thus, there is no clear need at this time to spend vast sums of money to deploy new strategic weapons systems.

We should not repeat the mistakes of the fifties and sixties, when we overreacted to cold war fears and helped to stimulate the spiraling arms race. In my view, the Administration's Safeguard system is just such an overreaction.

This year, as last, the request for funds for Safeguard will more than likely be the linchpin of the investigation and debate surrounding the defense budget. This morning, Secretary of Defense Laird presents to the Senate Committee on Armed Services the Administration's case for these funds. He has

already indicated that it will be a request for *an expansion* of the ABM beyond that narrowly approved 6 months ago by Congress.

Last year, I believed that Safeguard was a waste of money. Nothing I have heard or learned since then has changed my views.

It may well be true that what Defense planners call the "threat" is greater this year than last. This greater threat might encompass the continued Soviet deployment of large, multiple warhead ICBMs of increasing accuracy. In fact, if the Soviets keep up the deployment rate of the last few years, they may even, some years from now, have as much offensive nuclear power as we do. Another aspect of the threat may be an increased tempo of Communist Chinese ICBM activity. But since they have yet to test launch an ICBM, a serious Chinese threat is clearly a long way off. Furthermore, Secretary Laird's argument that the credibility of our Asian commitments will be reduced as soon as China has any capacity to inflict nuclear damage on this country is unpersuasive. The Soviet Union has had such capability for years, but, since we have retained our powerful second-strike capabilities, no one seriously doubts the credibility of our vital commitments in Europe, Latin America and elsewhere.

Most of us are well familiar with the arguments advanced last year against the Safeguard; that it signals another escalation of the arms race; that it will not work as designed; that Soviet evasive techniques will neutralize it; that it can be overwhelmed; that its enormous cost is not justified; that it will prejudice the SALT talks; that it defends an obsolete system; and that it is itself obsolete since it will not be even 20 percent operational for *6 more years*. It is inconceivable that in those 6 years, the Soviets cannot design and develop techniques to render the Safeguard meaningless. These arguments will again receive full treatment, I am sure.

But last year we did not fully explore the suitability of the other responses to an increased threat. These would include more Polaris submarines; mobile ICBMs; a system designed for point defense; camouflaged ICBM silos; lasers; and many others. It should be plain that I am not suggesting that we adopt one or another of these alternate steps. What I am suggesting, though, is that this year we have new, stronger and more basic arguments to oppose Safeguard that we did last year.

There are other aspects of our strategic defense policies which require re-examination. For example, there seems little reason, in this age of the missile, to spend some 10 billion dollars on yet another manned bomber fleet—one which costs $30 million per plane. Nor do large expenditures on a bomber defense system seem warranted.

Let me cite a few other examples:

We have about 7,000 tactical nuclear warheads stored at various locations in Europe. Other than the grave questions of first use, accidents, and control, the question which deserves public discussion is: would our security be any less with 6,000 such warheads in Europe? With 3,500? With 1,000?

We have nuclear weapons of all types stored in various nations around the world, as Senator Symington has pointed out. Presumably, we do so with the continuing consent of the host nations. But the President has formally refused to tell the Senate Foreign Relations Committee both which are the host countries, and under what conditions the weapons are stored there. Just what is it that the Administration is trying to hide? In his November 3, 1969, speech on Vietnam, President Nixon said:

"The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy."

President Nixon intended that statement for the public and for Vietnam policy. But it is just as true for Senators and for strategic nuclear policy—and for our alarming involvement in Laos.

The political developments of the last two decades are as significant as the strategic developments. No longer can it be said that there is a monolithic Communist power stretching from Europe to the Far East, and poised to strike at the United States or its allies. The Soviet Union and Communist China are heavily preoccupied with their own ideological and border disputes. They show little inclination to engage in an armed confrontation with other nations. Furthermore, many of the non-communist nations of Europe and Asia, which were destitute at the end of World War II, are now prosperous and vigorous enough to contribute even more to their own defense, and to the defense of their regions. The U.S. spends about 9 percent of its Gross National Product on defense, as an illustration; the NATO nations spend 5 percent.

The Administration has recognized these changes. But it has not yet made any substantial changes in our own military posture. We continue, for example, to deploy 320,000 troops in Europe and 250,000 of their dependents, at a yearly cost estimated to run between $12 and $15 billion. I do not suggest that all these troops be withdrawn. Some must remain to demonstrate to both NATO and the Warsaw Pact that any conflict in Western Europe will inevitably involve the military might of the United States. But certainly we do not need 320,000 troops to serve this "tripwire" function. We should withdraw the majority of these troops, and let the increasingly prosperous nations of Western Europe contribute more to their own defense.

Similarly, I doubt that the danger of Soviet invasion of Western Europe is sufficient to warrant production of the main battle tank. I think we should re-examine whether it is worth paying over a billion dollars for these new tanks.

In Korea, as in Europe, we have troops—two full divisions totalling 56,000 men in point of fact. This seems a much larger force than necessary to our national security. For almost twenty years we have armed and trained the Army of the Republic of Korea, at a cost of nearly $3 billion in grant military assistance funds to pay for the bulk of their army's operating costs. That army should now be capable of meeting any threat from the North. We need only deploy a small number of troops—if any at all—to demonstrate our commitment to South Korea's independence.

Also in Asia, the Defense Department has paid nearly $40 million in the past three years to the Government of the Philippine Civic Action Group, or PHILCAG. PHILCAG was a force of some 2,000 non-combat Philippine military personnel stationed in Vietnam, who were supposed to give credence to the belief that the non-communist nations in the Pacific Theater stand with us in Vietnam. If we did not use this $40 million to pay the salaries of non-combat Philippine soldiers in Vietnam, but instead used it for salaries of policemen, we could put about 6,500 additional policemen on the streets of Washington, D.C.

Indeed, the whole question of U.S. support for foreign armed forces requires re-examination. The budget request includes over $1 billion for the support of non-U.S. military forces—$450 million for personnel, $660 million for equipment. Some of these expenditures are associated with Vietnamization, some are not. Unfortunately, it is not considerd in the national interest for the American public to know how much we pay to which countries to keep their armed forces going. But I would like to suggest that it may well be worth examining—in public—which countries get how much, and then balancing the merits of that use against, say, spending the money on new schools here at home and letting the taxpayers in other countries pay for their own armies.

Substantial savings can also be obtained by a closer examination of our naval needs. At present we maintain a fleet of fifteen attack carrier task forces, even though the Soviet Union does not have a single attack carrier, and also has far fewer overseas bases than we do. Charles Schultze, the former Director of the Bureau of the Budget, indicated in testimony before the Joint Economic Committee that the size of our carrier fleet was the most questionable item in the military budget. The cost of each task force, which includes the aircraft carrier plus supporting ships is about $400 million per year. This is more than the budget request for the entire legislative branch of the government, including the Senate, the House, the Capitol, the Library of Congress, the Government Printing Office, the General Accounting Office—all the salaries and other costs. Yet, as Mr. Schultze suggested, the reason we have 15 attack carrier task forces may be purely historical. "In the Washington Naval Disarmament Treaty of 1921, the U.S. Navy alloted 15 capitol ships. All during the nineteen twenties and thirties the navy had 15 battleships. Since 1961 (with temporary exception of a few years during the Korean War) it has had 15 attack carriers, the 'modern' capitol ship. Missions and 'contingencies' have changed sharply over the last 45 years. But this particular force level has not." Clearly, when an attack carrier task force costs $400 million each year, it needs more than an historical justification. If, as Secretary Laird recently announced, we are not policemen of the world, do we really need 15 attack carriers?

Another questionable item in the Navy's budget is the anti-submarine warfare carriers. Former Secretary of Defense McNamara conceded that this is "a relatively high cost system in relation to its effectiveness." It can only be made more effective at great expense, and therefore its deployment should be promptly re-examined.

We should also examine whether both the Navy and the Air Force are presently planning to procure tactical aircraft which use far more sophisticated and expensive equipment than is really necessary. There is a danger that both services are paying exhorbitant amounts for "gold-plated" new planes which perform only marignally better than their predecessors. At a time when austerity is the watchword, this seems a good place to start being austere.

Since the federal budget is being sharply cut in so many areas, no aspect of military expenditures should be free from scrutiny. For example, the budget request includes $809 million for military family housing. Unquestionably such a program is necessary. But we are expending only $575 million for the Model Cities program. Is this the right allocation of the 1.4 billion dollars which the two programs together total?

Each B-52 flight from Guam to South Vietnam costs $50,000, including munitions and fuel. The budget request for the Bureau of Water Hygiene in HEW, which is responsible for setting standards for all the nation's drinking water, was cut by $400,000 from last year. Thus, it would take only eight fewer flights to make up the difference. Has anyone, anywhere in the government, made a decision that eight flights are more important than the quality of the nation's water?

Department of Defense officials have a number of special prerequisites, all of which bear close scrutiny. For example, the Secretary of each Cabinet department is assigned a limousine as befits his status. One exception is the State Department—the senior agency—which gets two. *But Defense gets ten.* Cabinet departments are also assigned additional chauffeur-driven cars for the use

of sub-cabinet officials. Agriculture, Justice, Labor and HEW each get four such cars. *Defense gets seventy-six.* The Chief Justice of the Supreme Court has a car; the Associate Justices do not. The top three officials in the Senate and in the House have cars; the other Senators and Congressmen do not. The startling aspect of these figures is, of course, the special treatment accorded the Department of Defense.

I would like to cite a few more examples which help to illuminate how we have set our priorities in past years.

The public relations budget for the Department of Defense is $39 million this year, as the Department itself admitted. These funds are not for public information, or for recruitment—but for promotion around the country of the Defense Department's programs. The *total* request this year for civil rights enforcement activities in the Department of Justice is only $5 million, or one-eighth of the amount for public relations in the Department of Defense.

Last year's budget sought a sum in ammunition which breaks down to $22 for each Vietcong or North Vietnamese in and around North Vietnam; but sought only $44 for each school child in America.

This year's budget is about $1,000 for each American. Four-hundred of this goes for defense, only $4 goes for fighting crime.

The foreign aid request totals about $2 billion, about a third of which will be spent in Southeast Asia. More than a third of all overseas AID personnel work in Vietnam. Department of Defense spends about $45 billion to maintain our overseas commitments. It is hard to dispute the arguments of many critics that we appear more interested in making war abroad than supporting peace.

I think I have demonstrated that the President's budget request for the Department of Defense is not rock bottom. Further major cuts can and will be made perfectly consistently with an enhanced national security. The question is quite properly posed: how do we know where to begin? And how do we know when we have cut far enough?

One particular suggestion has always had considerable merit, in my judgment. The budgets for all cabinet departments—except Defense—are subjected to an intense adversary process in the Bureau of the Budget. In this process, each subdivision of each department must justify its program budget requests not only on the merits, but in comparison to other similar programs in any other departments. The Defense budget does not face this type of adversary process at any point in its long path to final approval. Instead, it is scrutinized within the Department of Defense, and then reviewed by a joint Budget Bureau-Defense team. It is almost as if the whole process were established to *prevent* an independent, tough-minded scrutiny. The suggestions for remedying this clearly inadequate situation usually embrace enlarging the extent of adversary examination of Defense budgets. It is hard to understand why the Defense budgets should be exempt from the same scrutiny applied to other budgets.

But beyond this technical change in the manner Defense budgets are prepared within the Administration, there are certain other steps we should take when this budget is presented to Congress. What I now want to suggest is a methodology for approaching the Defense budget context of a discussion of national priorities. This methodology rejects any special treatment for the Defense budget; instead, it seeks to stimulate adoption of a new realism toward what our national security requires, and a new realism toward balancing the priorities accorded all the different national needs.

We must first set goals. Surprisingly, there is general agreement on most national goals of broad scope. For example, it is national policy that each American should have a decent home and a suitable living environment. It is national policy that the paradox of poverty in the midst of plenty be eliminated. It is national policy that each American have equal employment and educational opportunities. It is national policy that our shores shall be protected from invasion. It is national policy that each American should have high-quality health care and be able to pursue a retirement life of dignity and security. It was national policy to land a man on the moon in the 1960's. An inventory of Congressional and Executive declarations of national policies or national goals will show that virtually every aspect of our lives is covered by one or another of these goals.

After we set these goals, *we must decide upon strategies* to reach them. This is a most difficult task, not only because it requires a decision as to the roles to be played by the different levels of government, but also because of the need for a decision on the division between government and the private sector. To illustrate, national defense is a responsibility of the Federal government; education is the responsibility of a mix of individuals and of governments of all levels; automobile manufacturing a responsibility of the private sector; and child-raising a responsibility of individual families. Strategies of course change from time to time, to reflect new conditions, We are witnessing just such a change as the Congress debates proposals for shifting both the nature and the burden of our welfare system.

Once we do have the strategies, then on the Federal level *we must decide how many Federal dollars each Federal function gets.* This is the meaning of the term "national priorities" as I have used it today, and the one most appropriate to those involved in the federal budget-making process.

Secretary of Defense Laird pointed out in his posture statement that:

"The federal government has not, in the past, been very well organized across the board to analyze basic problems of resource allocation."

All of us know this to be true. And all of us know, too, that we must change it if we are to restore some better balance to this country's approach to its future.

Despite all the rhetoric about the reductions in the size of the Defense budget, there has still been no fundamental re-examination of the concepts lying behind the Defense budget. Most of the reductions in defense spending over the past year are due to reductions in the scale of the Vietnamese war and cancellation of certain military projects of marginal value. Yet a fundamental re-examination is the key to reducing the budget's size without endangering our security.

All the issues I have raised—the future course in Vietnam, the deployment of Safeguard, the need for 15 air carrier task forces, the troop levels in Europe and Korea—should be part of this re-examination. I am confident that the result of the analysis will be substantial reductions in defense spending.

Because it may be helpful to the members of this Committee to have a concrete example of how specific cuts in the defense budget can save many billions without prejudice to our national security, I have abstracted a table from Fortune magazine of last August. This table shows specifically how the defense budget could be reduced by over $15 billion. I have attached this table to the end of my statement.

This brings me to an important point. Unless countervailing measures are taken, insistence on cuts in military spending will have a substantial adverse impact on many companies and employees. As a Senator from Massachusetts, I am acutely aware of the financial and intellectual resourecs which have been invested in defense and defense-related industries. When we reduce our military expenditures, these resources must be protected and must be converted to the most socially useful purposes.

This economic conversion cannot be accomplished automatically. That is why I intend, in the near future, to introduce legislation which will help prepare the way for conversion of defense research and development activities to socially-oriented civilian R&D. This legislation will require gradual reallocation of federal R&D spending 80 percent of which today goes to Defense, AEC, or NASA, from military to civilian uses. It will provide educational programs for scientists, technicians and management personnel who must re-direct their activities and for the Federal, state and local officials who will define the new market for socially oriented research and development. Finally, the legislation will provide special financial and educational assistance to the small defense firms which are faced with the necessity of conversion.

I recognize that there are some who will oppose the large-scale conversion of our resources. They will argue that any substantial reduction in our military spending will constitute a risk to our national security. But I do not believe this is so. On the contrary I believe that if we examine our national situation with a new realism we will see that we are truly taking risks only if we *fail* to reduce and reallocate military spending.

First, we are taking the risk that millions of Americans will die unnecessarily because of inadequate health care. The nation's chief advisor on health affairs, Dr. Roger Egeberg, has stated that we are at best a second-rate nation in the health field. This is no overstatement. For example, it is now widely known that the United States ranks only 14th in infant mortality rates. What is perhaps not so widely known is that if our mortality rate was as low as that of Sweden, 50,000 fewer American children would die each year.

In every other statistical category the United States lags far behind: 12th in maternal mortality; 11th in life expectancy for females and 19th in life expectancy for males. There is simply no reason to believe that we could not be doing far better—that we could not be saving hundreds of thousands of lives each year—if we allocated more resources to health care.

Another risk we take if we fail to reduce and reallocate military spending is that air, water and noise pollution will make our environment uninhabitable. The President's much publicized 37 point program is, as many have pointed out, not nearly good enough. In some areas, it actually reduced the federal effort against pollution. If we want to continue to enjoy the benefits of industrial technology, but without unacceptable adverse side effects, massive expenditures will be required.

And if we do not reduce and reallocate military spending, we take the risk that the plight of our cities—poor housing, poor schools, inadequate transportation and high crime rates—will grow even worse. We have already seen new housing fall victim to the fight against inflation, a fight in part made necessary by high military expenditures. We have seen the reading levels of our school children drop. We have seen the lack of mass transit clog our highways and prevent inner city residents from finding employment. We have seen general poverty, as well as understaffed courts, prisons and police departments, result in a staggering increase in crime. We need new expenditures in all of these areas, and we need the benefits of technical and managerial skills currently employed by the military.

Finally, if we do not reduce and reallocate military spending, we take the risk that millions of our citizens and particularly our young people will lose faith in their country and the values for which it stands. We must remember that we are bound together

as a people not by brute force, or ethnic homogeniety or geographic compactness. We are bound together by a common faith that ours is a nation which is trying to assure to all its citizens the rights of life, liberty and the pursuit of happiness. If that faith is shattered, we will have lost what no weapons and no armies can ever secure us.

Mr. Chairman, I believe this nation is ready to reorder its priorities. I hope that this Committee, this Party and this Congress will help to lead the way.

DEFENSE BUDGET CUTS [1]

[In millions]

	Savings
Reduce general-purpose tactical nuclear force (there are now 7,000 tactical nuclear warheads in West Europe alone)	$1,000
Eliminate one and a half NATO-oriented divisions (there will be 20⅓ active Army and Marine divisions at year-end. The United States-NATO forces cost $14½ billion a year and are in and of themselves more powerful than any force except the Soviet Union's)	1,125
Eliminate two Asia-oriented divisions (there are 56,000 troops in Korea; 45,000 in Okinawa; 40,000 in Japan; 30,000 in the Philippines; 49,000 in Thailand; 10,000 in Taiwan; and half a million in Vietnam)	1,500
Eliminate three tactical air wings, two in NATO, one in United States (we have now 8,500 active tactical aircraft, 800 more than in 1965)	1,360
Reduce attack aircraft carriers from 15 to 10	2,440
Reduce antisubmarine (ASW) carriers from 8 to 4 (incudes annual operating costs of $440 million and investment of $500 million)	
Reduce the strategic bomber force from 550 to 275 planes	750
Reduce amphibious ships	365
Savings in procurement and more efficient use of manpower (includes elimination of AMSA, cuts in shipbuilding, hold-down in officer rotation, and use of less expensive avioncs)	7,520
Total	17,000

(NOTE.—This table includes the $1.5 billion sought this year for Safeguard.)

[1] Adapted from Tables in Fortune magazine, August 1, 1969.

[From the Washington Post, Feb. 25, 1970]

DEMOCRATS RAP NIXON ON RIGHTS

(By William Greider)

The Nixon administration's performance on civil rights issues drew unusually caustic criticism yesterday from prominent Democrats, including labels of "racist" and "political expediency."

The platform for the attack was the first in a series of public hearings held by the Democratic Policy Council's committee on national priorities. The 15-member committee also heard Sens. Edward M. Kennedy (Mass.) and Edmund S. Muskie (Maine) deliver pleas for sharp reductions in defense spending in order to expand programs for human resources.

Kennedy cited nine areas where Pentagon spending could be cut by a total of as much as $17 billion, including withdrawal of a majority of the 320,000 U.S. troops in Europe. Muskie said the Nixon administration's balanced budget represents "unbalanced priorities."

Former Vice President Hubert H. Humphrey, who is chairman of the policy council, led the attack on President Nixon's leadership on civil rights, specifically the administration's shifting positions on the Stennis "equal enforcement" amendment adopted by the Senate last week.

"When the crucial battles were fought, the Commander-in-Chief abandoned the field," Humphrey charged.

Another member of the Democratic panel, Clifford Alexander, former chairman of the U.S. Equal Employment Opportunity Commission, put it more strongly. "We should describe this administration for what it is," Alexander said. "We should describe Spiro Agnew as a racist because that is what he is."

Alexander said the Vice President's recent attack on "open enrollment" programs at colleges were racist in suggesting that black graduates of these schools will not be competent to perform their professions.

Sen. Walter F. Mondale (D-Minn.), who led the liberals in their unsuccessful fight against the Stennis amendment, raised the civil rights issue by outlining what he described as a general failure of the Nixon administration to defend human rights.

"This administration," Mondale said, "is far more afraid of George Wallace than it is committed to human rights."

Alexander amended that: "This administration is not afraid of George Wallace—they're in alliance with George Wallace."

Mondale said that, given the temper of the nation and the lack of presidential leadership on integration, Democrats will "have to go back and re-argue this issue with the American people. We thought we settled it five years ago, but that's not true. Can we realize the American dream with a color line separating us? I don't think so."

At the same time, Mondale acknowledged, "Part of the problem is within our own party, we have to be candid about that."

On military spending, Sen. Kennedy recited some striking comparisons from the federal budget:

The Pentagon's military housing program, he said, gets $809 million compared to $575 million for the model cities program. The cost of operating one aircraft carrier task force is more than what is spent by the entire legislative branch of government.

The Department of Defense spends $39 million on public relations, compared to the $5 million spent by the Justice Department on civil rights enforcement.

Kennedy noted another indicator of special status which defense enjoys in Washington. Each department gets a limousine for its cabinet-level secretary—but the Pentagon gets ten of them. Justice, Agriculture, Labor and Health, Education and Welfare are each assigned four chauffeur-driven cars for their top officials. Defense, said Kennedy, gets 76.

Muskie also offered some comparisons of federal spending as examples of "unbalanced priorities." One is $275 million earmarked for developing a supersonic transport compared to $106 million for air pollution control. The nation, Muskie said, cannot afford to shift its spending at the "snail's pace" set by the Nixon administration.

[From the New York Times, Feb. 24, 1970]

DEMOCRATS SAY NIXON'S BUDGET SCRIMPS ON NEEDS OF THE PEOPLE

(By Warren Weaver Jr.)

WASHINGTON, February 24.—Democratic leaders opened a new assault on the Nixon Administration's spending priorities today as they prepared to welcome Lawrence F. O'Brien as their new national chairman.

Hubert H. Humphrey and a group of Democratic Senators accused the President of devoting billions of dollars of national resources to military and space purposes at the expense of the health and education needs of the people.

They were speakers at the first meeting of the Democratic Policy Council's Committee on National Priorities, held in a hearing room of the New Senate Office Building. Mr. Humphrey heads the council.

Word circulated among the Democratic leaders there that Mr. O'Brien, who served as national chairman during the last four month of 1968, had agreed to accept the post again at the invitation of Mr. Humphrey and was severing the last of his business connections.

ACTION DUE MARCH 5

The national committee meets here on March 5 to elect a successor to Senator Fred R. Harris of Oklahoma, who resigned the chairmanship two weeks ago. It is expected to follow Mr. Humphrey's recommendation.

While the Democratic speakers were laying down the rhetoric of their campaign against the Republican administration, a Senate subcommittee was carrying out the policy in the Capitol, moving toward another confrontation with President Nixon on spending priorities.

An Appropriations Subcommittee approved without change the $19.4-billion bill—providing funds for the Departments of Labor and of Health, Education, and Welfare for 1969–70—that passed the House last week. It is expected to reach the Senate floor later this week.

The bill is a substitute for the $19.7-billion measure President Nixon vetoed last month and is $447-million higher than Mr. Nixon has said he would accept. The Democrats insist this spending level cannot be considered inflationary because they had cut more than $5-billion from other areas of the President's budget.

Senator Harris accused the Administration of promoting "a wretched and heartless" economic policy that, he said, deliberately increases unemployment and "drives interest rates up out of sight."

Senator Edmund S. Muskie of Maine, the 1968 Vice-Presidential candidate, accused the Nixon budget of "balancing" $275-million for the supersonic transport against $106-million for air pollution control, $3.4-billion for space against $1.4-billion for housing.

"These 'balances' are not sacrifices we are forced to make in the battle against inflation," Senator Muskie declared. "They are examples of the wrong money at the wrong place at the wrong time."

"SO MUCH RHETORIC"

Senator Walter F. Mondale of Minnesota said the Republican budget shortchanged programs aimed at the health and education of children from birth to five.

"You hear so much rhetoric," he said, "but when it came to the budget, they've fought us every step of the way."

Shifting to the school desegregation debate in the Senate last week, Mr. Mondale declared that the President was "clearly equivocating" on the issue and "the Administration is far more afraid of George Wallace than it is committed to the principle of human rights."

Clifford L. Alexander, former chairman of the Equal Employment Opportunity Commission and a member of the priorities committee, advised his fellow Democrats that "we should describe Spiro Agnew as a racist because that is what he is."

Mr. Alexander was specifically objecting to a speech by the Vice President in Chicago on Feb. 12 in which he asked "When you are sick, do you wish to be attended by a physician who entered medical school to fill a quota or because his medical aptitude was high?"

[From the New York Times, Feb. 25, 1970]

KENNEDY ASSERTS THAT SUBSTANTIAL CUTS CAN BE MADE IN "ROCK BOTTOM" MILITARY BUDGET

(By Robert M. Smith)

WASHINGTON, February 24.—Senator Edward M. Kennedy said today that the military budget described by the Administration as "rock-bottom" could be substantially cut without any danger to the nation.

In a wide-ranging speech to a Democratic policy group, the Senator pointed to a number of "aspects of our strategic defense policies which require re-examination."

The Massachusetts Democrat also said that most of the cuts in defense spending over the last year were due only to a reduction in the scale of the war in Vietnam. In making this argument, Senator Kennedy joined a number of Congressional critics of the Pentagon's budget who believe that the country has been misled by Administration statements that money is being shifted from defense to domestic needs.

The critics argue that the military budget reflects a cut in just one area: Vietnam. They say that the missiles, aircraft, ships, tanks and other items that made them unhappy last year are being funded at the same levels—if not higher ones—than last year.

"NEW REALISM" URGED

"What we need in our treatment of national defense and the defense budget," Mr. Kennedy told the committee on national priorities of the Democratic Policy Council, "is a new realism. What I hope would be forthcoming from the administration is a candid discussion of our national defense posture."

The Democratic Policy Council is a body set up by the Democratic National Committee to examine and make statements on the major issues of the day.

Discussing the nation's economic priorities, Mr. Kennedy said each B-52 flight from Guam to South Vietnam costs $50,000.

"The budget request for the Bureau of Water Hygiene, which is responsible for setting standards for all the nation's drinking water, was cut by $400,000 from last year," he said. "Has anyone, anywhere in the Government, made a decision that eight flights are more important than the quality of the nation's water?"

Mr. Kennedy said he expected that "careful analysis will show members of Congress a number of places where major savings in the defense budget can be made." He suggested as candidates for Congressional examination:

The Safeguard antiballistic missile system.

The proposed manned bomber fleet.

The 7,000 tactical nuclear warheads stored at various locations in Europe.

Production of the proposed Main battle tank.

The 320,000 troops the United States has stationed in Europe.

The extent of support for foreign military forces.

The Navy's fleet of 15 attack carriers.

CUTS CALLED FEASIBLE

Mr. Kennedy said that the Pentagon's budget request "is not rock bottom."

"Further cuts can and will be made perfectly consistently with an enhanced national security," he said.

Secretary of Defense Melvin R. Laird has described the new Pentagon budget as "rock bottom" and "bare-boned." He has also posted a warning to those on Capitol Hill who might be inclined to tamper with it: "It does not give room for Congressional cutting."

Critics in Congress are hardly taking Mr. Laird at his word. They have been plodding through the budget in the last few weeks, at least one of them with slide rule in hand, selecting this item, then that for scrutiny. They have been joined in their studies by a small but growing number of researchers at universities and private institutions and a few former Pentagon officials.

The Pentagon appears to be getting uneasy about the number of eyes looking over its shoulder. Barry J. Shillito, an assistant secretary of defense, recently warned in Cocoa Beach, Fla., that increasing concern by Congress and the public about the "military-industrial complex" may hamper the Pentagon's efforts to reduce spending. He said the "number and variety" of those inquiring into the military budget could stifle "efficient management."

PROXMIRE CRITICAL

When the Pentagon announced its budget for the fiscal year 1971, it pointed out that—at $71.8-billion—the budget was $5.2-billion below the amount for fiscal 1970.

The critics immediately said they had been cheated. Senator William Proxmire gave a speech on the Senate floor titled "Who Stole the Peace Dividend?" In the speech, the Wisconsin Democrat maintained that known cuts in military spending for things like the Vietnam war, military personnel and overseas bases should have given the Pentagon an extra $25-billion.

Yet, he said, the budget went down only $5.2-billion. "Somewhere along the line," he said, "even after generous allowances are made for inflation and pay raises, double counting and uncontrollable items, we lost about $10-billion. Someone stole the peace dividend."

Other Congressional critics point out that Mr. Laird said last fall that by the end of this June, the United States would be spending at an annual rate of $17-billion in Vietnam.

Since the United States spent $23.2-billion in Vietnam in the fiscal year 1970, this saving alone would be $6.3-billion.

What this means, their argument runs, is that the Pentagon has not cut back in anything but Vietnam, and that it is going full steam ahead with research and the procurement of new weapons.

Pentagon requests for research funds show a drop from $7.4-billion this year to $7.3-billion for fiscal 1971. The critics point out, however, that the decrease includes a $200-million cut in the "military astronautics" category and that some of the other categories—including "ships"—have increased.

Pentagon procurement requests have dropped from $20.3-billion to $18.6-billion. Again, however, the critics point out that a large part of the cut—$1.2-billion—comes in the "ordnance, vehicles and related equipment" category. They argue that this category—which includes munitions—is closely tied to the decreasing American involvement in Vietnam.

ADMINISTRATOR OF GENERAL SERVICES ROBERT L. KUNZIG DOING SOMETHING TO CURB GOVERNMENT PROPERTY THEFTS

Mr. WILLIAMS of Delaware. Mr. President, a problem of great concern to the Federal Government and the taxpayer is thefts of Government property by employees, freelancers off the street, and organized crime.

I am pleased to note that Administrator of General Services Robert L. Kunzig has instituted several programs to cut thefts and is doing something about it.

I ask unanimous consent that a column on this subject, written by Mike Causey, and published in the Washington Post be printed in the RECORD.

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

[From the Washington Post, Jan. 14, 1970]

GOVERNMENT PROPERTY THEFTS ON RISE

(By Mike Causey)

If you know the right person, you can pick up an expensive, slightly used electric typewriter for a couple of hundred dollars under the going retail price. The man you place the order with will probably steal it from a federal office here.

Office equipment—typewriters, adding machines, dictating devices, etc.—is a prime target of local thieves, free lance and organized. One of their best suppliers is Uncle Sam.

Last year they managed to walk away with or haul off $200,000 worth of government equipment here. Nationwide, the take is much higher. The thieves are hoping to improve on that record this year, and so far are well on the way to their goal.

Big, expensive items aren't the only things that are disappearing from government (and private industry) offices. The theft of personal property in government here is three times as large, although the financial rewards aren't as great from a pocketbook or radio carelessly left in an office at lunch or coffee break time.

Federal officials contacted by this column say the theft problem is bigger than ever—and getting worse.

They attribute the crimes to three types of bad guys. Employees, free-lancers (who often have narcotics habits to take care of) and organized gangs.

The problem with employees, officials say, is minimal. Most "thefts" involve nothing more than a box of paper clips, typewriter ribbons or ball-point pens. The free-lancers are "target of opportunity" types. They generally roam through federal buildings that are open to the public, and pick up whatever is handy.

The most sophisticated group—or groups—work like a regular discount business, although their overhead is lower. They, in some cases, will actually contact a potential client and take his order for a particular piece of expensive equipment.

If the buyer doesn't mind a used model and doesn't ask too many questions, he can get a typewriter that cost the taxpayers $460 wholesale for about $200. After that, all he has to do is worry about the FBI.

People who steal or possess stolen government property can look forward to—if they are caught—a maximum 10-year jail sentence, $10,000 fine, or both.

The General Services Administration, which buys and replaces most government equipment, is worried about the rising trend in office thefts, which is keeping pace with the national rise in crime.

Administrator Robert L. Kunzig has instituted several programs to cut thefts—most of them aimed at making employees more aware of the problem. GSA has printed and passed out 400,000 copies of a book telling government workers the do's and don'ts of office security.

Although the result would seem obvious, many employees leave valuables or money unattended in offices, something GSA cautions against doing. It also asks offices to assign a last-man-out type who will make sure that things that are supposed to be locked are locked, and so forth.

Agencies, at GSA's insistence, are also starting "visitor control programs." This means that a person coming into a federal building must inform guards of his business, have a pass, or have an appointment. Although many people resent this, the control program at the State Department has reduced the theft of federal property.

GSA is also installing, or has installed alarm systems in buildings so employees can alert guards if they see or suspect a theft. Offices are supposed to have a list of serial numbers for each piece of equipment. Guards are supposed to stop people walking out with typewriters.

Uncle Sam has a couple of other cards up his sleeve, aimed at making life harder for the thieves. Federal officials aren't eager for them to be made public, under the theory that even criminals read newspapers.

Meanwhile, administrators say their best line of defense is an alert and suspicious work force. Also, the average citizen, looking for a bargain in used office equipment, should make sure he isn't also buying a visit from the FBI.

CRIME IN WASHINGTON

Mr. MATHIAS. Mr. President, pursuant to my desire to remind Congress of its responsibilities in regard to the District of Columbia, I ask unanimous consent to have printed in the RECORD the Washington Post's listing of serious crimes committed in the city yesterday.

The list, containing at least 25 separate cases of crime within the District, must necessarily reflect the degree to which Congress has failed in providing adequate law enforcement within the city under its jurisdiction.

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

SOUTHEAST WOMAN SHOT AT ST. ELIZABETHS

A Southeast woman was shot to death on the grounds of St. Elizabeths Hospital yesterday. Police later arrested her estranged husband and charged him with homicide.

Police said Donnella Cook, 27, of the 4400 block of G Street SE, an employee at the hospital, was shot about 6:30 a.m. near the Nichols Building on the hospital grounds.

Her husband, Ellsworth Cook, 37, was arrested by an officer he had telephoned, police said.

In other serious crimes reported by area police by 6 p.m. yesterday:

ROBBED

High's dairy store, 1400 Pennsylvania Avenue SE, was robbed by two men, one of whom had a gun.

Catherine Bradleys, owner of a tourist home at 3611 14th St. NW answered the door and a man grabbed her and put a gun to her head. Two other men entered the home, tied up the woman and three other persons and escaped with cash and a mink stole.

Mary Lee Reid, while walking with Margaret Ann Gaines at 4th Street and Mississippi Avenue SE, was approached by three men. One carried a sawed-off shotgun and another had a pistol. They escaped with $5.

David Everett, an employee of the American Gas Station at 22 Florida Ave. NW, reported that two men, one armed with a shotgun and the other with a revolver, entered the station, threatened him and fled with money taken from the cash register and a desk drawer.

Cecil E. Saunders reported that three men, all with handguns, entered the B&B News Stand at 110 U St. NW Tuesday, and robbed him.

Samar Freemon, of Washington, reported a woman, armed with a gun, and four men robbed him while he was walking with a companion at 17th and Q Streets NW.

Mr. M. Smith, of Washington, was approached in the hallway of a building at 3511 19th St. SE at 7:30 p.m. by two men, one with a gun, who grabbed her pocketbook and fled.

Ophelia Williams, of Washington, was approached at 14th and Randolph Streets NW at 7:45 p.m. by a man with a gun who demanded her money. When she said she had none, the man grabbed her red leather purse containing personal papers and fled.

Howard Johnson, driver for Dupont Dry Cleaners, was robbed at 40 Girard St. NE at 9 a.m. by a man brandishing a .22-caliber automatic pistol.

Quentin Allen, of Oxon Hill, was approached by four men asking directions in the 2500 block of Savannah Terrace SE at 7:30 p.m. When he said he could not help, one man pulled a gun and demanded his money. The group then fled.

High's dairy store, 6301 New Hampshire Ave., Hyattsville, was held up about 8:55 p.m. Tuesday by two youths who entered the store when several customers were inside and carried some ice cream from the freezer to the checkout counter. Then one of the youths pulled out a revolver and warned, "This is a stickup." The pair fled on foot.

Jewel Box Wig Shop, 4705 Marlboro Pike, Coral Hills, was robbed at 1:10 p.m. yesterday by two youths, one of whom was armed. Prince Georges County police said the pair took money and fled on foot.

Harry E. Clemmons, of Washington, was held up at about 5:30 a.m. Wednesday while getting into his Bergmann's Laundry truck, parked in front of 436 Longfellow St. NW. A man carrying a sawed-off shotgun approached Clemmons and demanded money. He struck Clemmons in the face and escaped.

High's dairy store, 3308 11th St. NW, was robbed about 10 p.m. Tuesday by a man who asked for a pack of cigarettes, then produced a gun and forced clerk Donald Thomas to fill a sack with money.

High's dairy store, 2928 Georgia Ave. NW., was robbed at about 6:30 p.m. Tuesday by a man carry a long-barreled revolver. The man told clerk Gordon McLennon not to look at him, and forced McLennon to fill a sack the man was carrying with money.

Rosa Shaw, of Washington, was robbed of her purse containing $3 and personal papers at about 9 p.m. Tuesday. Miss Shaw was walking in the 900 block of Randolph Street NW when two men approached her from behind. One held a gun at her back and demanded money. The other grabbed her purse.

ASSAULTED

James Mock was cut on the left arm by an unknown man with whom he was arguing in his apartment building at 2821 28th St. SE. He was treated at Cafritz Memorial Hospital and released.

John B. Skinker, of Washington, reports that at 9:10 p.m. Tuesday, as he was driving in the 1700 block of Massachusetts Avenue NW, a car cut him off. When he yelled at the driver, the driver got out, struck Skinker in the arm and back, then broke two windows and the headlights of Skinker's car. The man then got back into his car and left.

Sharon White, of Washington, was beaten in the head at 10:30 p.m. Tuesday by a man who grabbed her from behind as she was walking at 44th Street and Sheriff Road NE. When Miss White screamed, the man fled.

STOLEN

A Navy dress uniform and other clothing valued at about $400 were stolen from a car parked at Idylwood Village Apartments, 2206 Pimmit Dr., Falls Church, sometime Monday night. Fairfax County police said the owner of the clothing was Allen D. Cox, of Lexington Park, Md.

An AM-FM radio, a camera, a quart of whiskey, a pint of brandy and a suitcase containing women's clothing, with a total value of $150, were stolen between 9 and 10 p.m. Tuesday from a car parked in front of 529 8th St. SE. The car belonged to Lois Fink, of 1028 S. Edison St., Arlington.

A set of white metal rings, a portable television set, two tape recorders, 28 pairs of pants, three sport coats and two raincoats, with a total value of $320, were stolen from the apartment of Micole Gorden Smith, 4660 Nichols Ave. SW, between 7 a.m. and 9 p.m. Tuesday.

FIRES SET

A fire was set at the home of Beulah Conners, 802 Rittenhouse Street NW, causing extensive damage to the basement. There were no injuries.

THE DETERGENT POLLUTION CONTROL ACT OF 1970

Mr. NELSON. Mr. President, I have introduced proposed legislation to ban polyphosphates in detergents in the United States by June 30, 1972, and to set and implement national pollution control standards on all detergent ingredients by the same date. The bill is entitled "The Detergent Pollution Control Act of 1970."

Such legislation is essential to put a halt once and for all to the massive pollution of our rivers and lakes by detergents, which are now being used in this country at the incredible rate of 5.5 billion pounds per year, 27.5 pounds for every man, woman, and child.

The continuing pollution of our environment from detergents is a classic example of industry's reluctance to accept environmental responsibilities for its products beyond the end of the production line. And it is evident that the detergent industry has no intention of moving expeditiously on its own to meet the problem. This is a situation that America can no longer tolerate, if it is really to make an effective national commitment to halting the tide of environmental destruction.

Seven years ago, I introduced a bill which would have brought Federal action on the detergent pollution problem. The bill, which passed the Senate, would have created a commission to study and make recommendations that would lead to effective controls.

Today, we still delay, while the detergent pollution accelerates, just as we have delayed action on toxic-persistent pesticides until they have brought on an environmental disaster of worldwide proportions.

There is no doubt we will soon reach the same sorry state with detergents, unless Congress acts now to eliminate the pollution from this source once and for all.

With its provisions requiring the elimination of the polyphosphates in detergents, and requiring the establishment of national environmental standards on all detergent ingredients, the Detergent Pollution Control Act would be a major step forward in accomplishing this.

For at least 18 years, scientists and the detergent industries have known that the polyphosphate ingredients—which comprise up to 50 percent of almost every pound of laundry detergent and up to 90 percent of mechanical dishwashing compounds—were concentrating to ever higher levels in the Nation's waters, contributing to an environmental disaster of staggering proportions.

Research published in 1966 by scientists of the U.S. Public Health Service; the report of the Lake Erie Enforcement Conference Technical Committee, March 1967 and the report of the Technical and Advisory Boards to the U.S.-Canada International Joint Commission of September 1969, as well as other scientific studies in the United States and abroad demonstrate that polyphosphates in detergents are an undeniable major cause of the algae water pollution.

The detergent polyphosphates pass through all but the most advanced sewage treatment systems into our waterways, where they feed tiny, green plants—algae—which then multiply until they become a large green mass called an algae mat. When the algae mats die off, their decay depletes the water of its life-giving oxygen, choking other forms of more desirable aquatic life, including

fish, and algae masses drift up on miles of beaches, destroying all recreation values with their stench and slime. This whole process also can give drinking water both a bad taste and an unpleasant odor.

The algae growth also contributes to "eutrophication," the process by which our lakes fill and die. Normally, eutrophication is a centuries-long process, but algae and other pollution can cut it to a few decades.

Algae pollution has already taken a tragic toll on our Great Lakes and on other major U.S. lakes such as Douglas Lake in Michigan, Green Lake in Washington, Upper Klamath Lake in Oregon, Lake Mendota in Wisconsin and Lake Zoar in Connecticut, in addition to affecting hundreds of smaller lakes and rivers across the country. During the summer time, the western part of Lake Erie, a dying lake, contains algae mats that sometimes cover 800 square miles and are two feet thick.

Although there are other sources, detergents are the major contributor of polluting polyphosphates into our environment. According to the U.S.-Canadian International Joint Commission, 50 to 70 percent of the total input of phosphorus from all municipal and industrial wastes into Lake Erie and other lower Great Lakes stems from detergents. If the polyphosphates in detergents are not controlled, the commission predicted that in 16 years the input would top 70 percent.

On Lake Erie alone, two thirds of the huge phosphate input from municipal sewage comes ultimately from synthetic detergents. Altogether, 26 million pounds of phosphates from detergents are going in to already polluted Lake Erie every year.

On a national scale, 2.6 billion pounds of phosphates used in detergents ultimately end in our waterways.

Unless we are to continue the difficult, if not impossible, effort to deal with these and other persistent, polluting compounds after they get into the environment, the only real solution will be requiring a substitute in detergents for the polyphosphates. Otherwise, these compounds will continue to accumulate and persist in our waters, catalyzing massive algae growths, further degrading the quality of our waters, and depriving our citizens of priceless recreation assets.

Fortunately, there are non-polluting substitutes within reach now for this polluting ingredient, substitutes which are capable of doing the polyphosphates job of softening water and preventing soil from redepositing on clothes in the washing machine.

The most recent dramatic instance of this was testimony before House Subcommittee on Conservation and Natural Resources last December in a hearing on detergent pollution chaired by Congressman REUSS of Wisconsin.

Dr. I. A. Eldib, president of Eldib Engineering and Research, Inc., said that one substitute that he has developed for the polyphosphates are organic polyelectrolytes, chemicals containing only carbon, hydrogen, and oxygen. Dr. Eldib said practical washing tests have shown that the polyelectrolytes are feasible as substitutes for the polyphosphates in both household and industrial detergents, and added that the polyelectrolytes can be derived from natural resources such as starch as well as from petroleum chemicals.

Dr. John J. Singer, Jr., president of Hamshire Chemical Division, W. R. Grace and Company, testified before the same subcommittee that NTA—a nitrogen-based compound known as nitrilotriacetic acid—could also be effective in alleviating the polyphosphate pollution. Dr. Singer said that NTA could act as an effective partial substitute for the polyphosphates, in combination with the phosphate ingredient.

Polyphosphate substitutes made from corn and potato starch have also been reported by Eldib Engineering.

And in Sweden, AB Helios, which makes detergents sold in consumer cooperative supermarket outlets, has removed most of the phosphate builder from its products and has substituted an organic nitrogen compound.

Yet at the December hearing, the Soap and Detergent Association, representing the major U.S. detergent manufacturers, continued to deny that the polyphosphates are a major contributor to pollution. Further, even in the face of the rapidly growing evidence of feasible substitutes, the association in its testimony continued to deny even the need for a polyphosphate replacement, or even for a reduction in the polyphosphates, which as noted earlier, comprise up to 50 percent of each pound of detergents.

Though industry continues to drag its heels, the public recognition of the detergent pollution is increasing at a dramatic rate. Just recently, the Canadian Government announced that it plans to make detergent phosphate pollution a criminal offense under the water pollution control legislation now before Parliament, and further, that it would outlaw the phosphates in detergents in 2 years. I ask unanimous consent that the article reporting this highly significant move be printed in the CONGRESSIONAL RECORD at the end of these remarks.

Grave concern over the future of the Great Lakes brought similar recommendations recently from technical advisory boards to the U.S.-Canadian International Joint Commission. The boards urged immediate reduction in the phosphorus content of detergents to minimum practical levels, and by 1972, complete replacement with substitutes less harmful to the environment.

And while the U.S. Department of the Interior showed reluctance at the House hearing in December to support phosphorus elimination or reduction now, more recent statements indicate a firmer position urging elimination of the compound.

The history is clear. The detergent industry has not, and apparently does not intend to act on the phosphates unless it is evident there is no other choice. This was also the case in the early 1960's with another detergent pollution problem. Then, only when it became obvious that Congress was deeply concerned about the massive mountains of suds that were building up on our rivers and lakes because of another detergent ingredient, did the industry move to modify its products and cut the foaming problem.

The important first section of the bill I have introduced this week would bring the necessary first step in ending current detergent pollution by declaring that phosphorus would be banned in detergents by June 30, 1972, under the enforcement of the Secretary of the Interior.

The second part of the legislation is designed to eliminate other current and potential detergent pollution by establishing national environmental standards on all detergent ingredients, which industry must meet by June 30, 1972.

Although the attention is now focused on the phosphates, other detergent ingredients also are posing environmental dangers. Although the detergent industry several years ago replaced the branch chain of poorly biodegradable wetting agents by a new compound called LAS—linear alkylbenzene sulphonate—there is evidence that even the LAS does not decompose adequately, especially in septic tanks. Further, reports from Europe in 1966 gave evidence that LAS byproducts of decomposition after entering the waters are toxic to fish and lower forms of aquatic life.

Enzymes are another present detergent ingredient over which there is cause for environmental and health concern. Enzymes are now being put into practically every type of household detergent, even though we have not even begun to understand their possible environmental effects. For instance, reports from England indicate that some workers manufacturing enzymes may have suffered severe asthmatic attacks, possibly as a result of exposure to the enzymes. Even now, the Federal Trade Commission is investigating these possible enzyme dangers. Also, if enzymes are not completely free from live spores, which can be a byproduct of their production, scientists point out that they have a potential as carriers of disease.

As I pointed out January 19 in a speech on the Senate floor, a fundamental step in achieving an effective national policy to protect our environment must be the establishment of national performance standards, so that products will be tested and environmental and health protections built in before, not after, they reach the marketplace.

It is on this concept that the portion of my bill establishing national standards for all ingredients in detergents, including whatever substitute is made for the phosphates, is based. This approach to the detergent problem was first proposed in the legislation I introduced in 1963. I believe it is increasingly evident that action is needed now to establish and implement such standards.

A section-by-section analysis of the Detergent Pollution Control Act of 1970 follows:

Section 1 is the short title of the act—the Detergent Pollution Control Act of 1970.

Section 2 is the declaration of policy and purpose.

Section 3 amends the Federal Water Pollution Control Act to add four sections as follows:

A new section 19 which adds definitions essential for the purposes of this act;

A new section 20 which will make it unlawful after June 30, 1972, for any person to import into the United States or manufacture in the United States any detergent containing phosphorus. The remainder of this section establishes the procedures by which the ban will be implemented and enforced;

A new section 21 which directs the Secretary of the Interior to establish standards of ability, biodegradability, toxicity, and of effects on the public health and welfare which must be met by all synthetic detergents.

Under this section, the Secretary will prescribe and publish the standards in the Federal Register on or before June 30, 1971. Detergents will be required to be in compliance with the standards a year later, after June 30, 1972. Violators will be guilty of a misdemeanor and upon conviction of such will be subject to a first offense fine of up to $5,000 and a fine of up to $20,000 for subsequent violations.

The standards shall be designed to insure that synthetic detergents will not encourage the growth of algae, will decompose in sewage treatment processes, will not pollute surface or ground waters receiving effluent from these processes, will not be toxic to fish and wildlife, and will not pose hazards to human health.

A new section 22 which authorizes a $10 million a year Federal assistance program for the next 5 years to accelerate the development and manufacture of near-pollution-free detergents. Under this section, the Secretary of the Interior would inventory and report existing technology and assist in the research and development of ingredient formulations which would eliminate pollution from detergents.

In carrying out the purposes of sections 21 and 22, the Secretary is authorized to make grants and contracts.

Mr. President, I ask unanimous consent that the Detergent Pollution Control Act, which was numbered S. 3507 and referred to the Committee on Public Works, be printed in the RECORD at the end of these remarks.

Also, I ask unanimous consent that a column written by Art Buchwald and published in today's Washington Post be printed in the RECORD, along with the New York Times story reporting Canada's recent moves against detergent pollution. Mr. Buchwald's column makes the point about pollution from detergents with devastating effectiveness.

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

S. 3507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Detergent Pollution Control Act of 1970".

DECLARATION OF POLICY AND PURPOSE

SEC. 2. The Congress finds and declares that:

(a) The surface and groundwaters in the United States are being seriously polluted and degraded by the continuing discharge into such waters of synthetic detergents whose ingredients feed polluting green algae, deprive lakes and rivers of life-giving oxygen, decompose slowly or not at all, and can be toxic to fish and wildlife and pose human health hazards;

(b) To abate and control the pollution and degradation of surface and groundwaters in the public interest, it is necessary to insure that the components of synthetic detergents which are offered for introduction or delivery into interstate commerce in the United States, or imported into the United States, and which may eventually be discharged into such waters, not cause or contribute to the pollution or degradation of such waters;

(c) Research published in 1966 by scientists of the U.S. Public Health Service; the report of the Lake Erie Enforcement Conference Technical Committee, March, 1967 and the report of the Technical and Advisory Boards to the U.S.-Canada International Joint Commission of September, 1969, as well as other scientific studies in the United States and abroad demonstrate that polyphosphates in detergents are an undeniable major cause of water pollution, accelerating beyond control the growth of algae which interfere with fishing, navigation, recreational use of water, and degrade the water to the detriment of our water resources and the environment generally;

(d) Published findings in the patent and scientific literature and recent public scientific testimony before Congress confirm that non-phosphorus based ingredients have been found which perform at least as well as the present polyphosphate ingredients in synthetic detergents and soaps;

(e) Congress must require the use of non-polluting substitutes for deterrent polyphosphates in order to protect our lakes and rivers from further degradation from this pollution source;

(f) There are strong indications that the wetting agents in detergents such as the linear alkylbenzene sulfonates (LAS) and alkylphenone derivatives are not adequately degradable in septic tanks and continuously operated biological treatment units and that they are toxic to a degree which affects lower forms of aquatic life; and that the recently added enzyme ingredients in pre-soak compounds and laundry detergents have been found to pose health hazards to humans on direct exposure, and may also act as disease carriers if they are not free from live spores;

(g) In order to eliminate wherever possible massive damage to the environment from unforeseen or ignored consequences of the products and byproducts of our society, and to minimize public expenditures frequently required to restore the damaged environment, it is necessary that national standards be established that require all ingredients, present and proposed, in detergents be tested for environment and health protection before they enter the environment;

(h) Congress must direct the establishment of standards of detergents biodegradability, water eutrophication ability, toxicity, and effects on the public health and welfare, to achieve pollution free detergents;

(i) To accelerate the development of manufacture of detergents that are free of phosphorus and whose other ingredients, including the phosphorus substitutes, are pollution-free, there is a need for the Federal government to inventory and report on the presently available technology on the substitutes for polyphosphates in detergents and other technology relating to the development of pollution-free detergents, and to provide assistance for research and development of new technology where needed.

SEC. 3. The Federal Water Pollution Control Act is amended by redesignating section 19 as Section 23 and by inserting after section 18 new sections as follows:

DEFINITIONS

"SEC. 19. For the purposes of this section and sections 20, 21, and 22,

"(a) The term 'synthetic detergent' or 'detergent' means a cleaning compound composed of inorganic and organic components, including surface active agents, soaps, water softening agents, builders, dispersing agents, corrosion inhibitors, foaming agents, buffering agents, brighteners, fabric softeners, dyes, perfumes, enzymes, and fillers, which is available for household, personal, laundry, industrial and other uses in liquid, bar, spray, tablet, flake, powder, or other form.

"(b) The term 'polyphosphate builder' or 'phosphorus' means a detergent ingredient used principally as a water softening and soil spending agent made from condensed phosphates, including the pyrophosphates, the triphosphates (frequently called tripolyphosphates) and the glossy phosphates or metaphosphates.

"(c) The term 'Secretary' means the Secretary of the Interior.

"BAN OF PHOSPHORUS IN DETERGENTS

"SEC. 20. (a) It shall be unlawful after June 30, 1972, for any person to import into the United States or manufacture in the United States any detergent containing phosphorus.

"(b) (1) Any detergent containing phosphorus imported or manufactured in violation of this section shall be liable to be proceeded against on libel of information and condemned in any district court in the United States within the jurisdiction of which such detergent is found.

"(2) Such detergent shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this subsection shall conform, as nearly as may be, to the procedure in admiralty; except that on demand of either party any issue of fact joined in any such case shall be tried by jury. When libel for condemnation proceedings under this subsection, involving the same claimant and the same issues, are pending in two or more jurisdictions, such pending proceedings, upon application of the United States or the claimant seasonably made to the court of one such jurisdicton, shall be consolidated for trial by order of such court, and tried in (A) any district selected by the applicant where one of such proceedings is pending; or (B) a district agreed upon by stipulation between the parties. If no order for consolidation is so made within a reasonable time, the United States or the claimant may apply to the court of one such jurisdiction, and such court (after giving the other party, the claimant, or the United States attorney for such district, reasonable notice and opportunity to be heard) shall by order, unless good cause to the contrary is shown, specify a district of reasonable proximity to the claimant's principal place of business, in which all such pending proceedings shall be consolidated for trial and tried. Such order of consolidation shall not apply so as to require the removal of any case the date for trial of which has been fixed. The court granting such order shall give prompt notification thereof to the other courts having jurisdiction of the cases covered thereby.

"(3) Any detergent condemned under this subsection shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this subsection, direct and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States; but such detergent shall not be sold under such decree for a use which would result in the pollution of the navigable waters of the United States; except that after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond con-

ditioned that such detergent shall not be sold or disposed of contrary to the provisions of this section, the court may by order direct that such detergent be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this section under the supervision of an officer or employee duly designated by the Secretary, and the expenses of such supervision shall be paid by the person obtaining release of the detergent under bond.

"(4) When a decree of condemnation is entered against the detergent, court costs and fees, and storage and other proper expenses, shall be awarded against the person, if any, intervening as claimant of the detergent.

"(5) In the case of removal for trial of any case as provided by paragraph (2) of this subsection—

"(A) the clerk of the court from which removal is made shall promptly transmit to the court in which the case is to be tried all records in the case necessary in order that such court may exercise jurisdiction; and

"(B) the court to which such case is removed shall have the powers and be subject to the duties, for purposes of such case, which the court from which removal was made would have had, or to which such court would have been subject, if such case had not been removed.

"(c)(1) The United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this section.

"(2) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this subsection, which violation also constitutes a violation of this section, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

"(d) All libel or injunction proceedings for the enforcement, or to restrain violations, of this section shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States in any district may run into any other district in any such proceeding.

"(e) The Secretary of the Treasury and the Secretary shall jointly prescribe regulations for the efficient enforcement of the provisions of subsection (g) of this section, except as otherwise provided therein. Such regulations shall be promulgated in such manner and take effect at such time, after due notice, as the Secretary shall determine.

"(f)(1) The Secretary is authorized to conduct examinations, inspections, and investigations for the purposes of this section.

"(2) For purposes of enforcement of this section, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (A) to enter, at reasonable times, any factory, warehouse, or establishment in which detergents are manufactured, processed, packed, or held, or to enter any vehicle being used to transport or hold such detergents; (B) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment, or vehicle, and all pertinent equipment, finished and unfinshed materials; and (C) to obtain samples of such materials. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness. If the officer or employee obtains any sample, prior to leaving the premises, he shall give it to the owner, operator, or agent in charge a receipt describing the samples obtained. If an analysis is made of such sample, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge. If the owner, operator or agent in charge of the factory, warehouse, establishment or vehicle refuses to permit the Secretary's designee to enter, inspect or obtain samples as authorized by this subsection, the Secretary's designee may seek a warrant from any court or magistrate to enter, request or obtain samples as authorized by the subsection, and such warrant shall be granted if the court or magistrate finds probable cause to believe that detergents containing phosphorus which were imported or manufactured in violation of this section are in the factory, warehouse, establishment or vehicle.

"(g)(1) The Secretary of the Treasury shall deliver to the Secretary, upon his request, samples of detergents which are being imported or offered for import into the United States, giving notice thereof to the owner or consignee, who may appear before the Secretary and have the right to introduce testimony. If it appears from the examination of such samples or otherwise that such detergent contains phosphorus, such detergent shall be refused admission, except as provided in paragraph (2) of this subsection. The Secretary of the Treasury shall cause the destruction of any such detergent refused admission unless such detergent is exported, under regulations prescribed by the Secretary of the Treasury, within ninety days of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations.

"(2) Pending decision as to the admission of a detergent being imported or offered for import, the Secretary of the Treasury may authorize delivery of such detergent to the owner or consignee upon the execution by him of a good and sufficient bond providing for the payment of such liquidated damages in the event of default as may be required pursuant to regulations of the Secretary of the Treasury.

"DETERGENT STANDARDS

"SEC. 21 (a) The Secretary shall establish standards of water eutrophication ability, biodegradability, toxicity, and of effects on the public health and welfare which must be met by all synthetic detergents, according to the procedures prescribed herein.

"(b) The standards shall be designed to insure that synthetic detergents will not encourage the growth of algae and other undesirable aquatic plants, will substantially decompose or degrade in municipal, industrial, and other sewage treatment processes without impairing the efficiency of such processes, will not pollute surface or ground waters receiving effluent from such processes, will not be toxic to, or threaten or interfere with the conditions of the reproduction or the survival of fish and other forms of aquatic life, and will not pose hazards to human health.

"(c) The standards shall be based on studies which shall include a water eutrophication ability test in algae growth basal media containing each of the individual components of synthetic detergents, and a biodegradability test which shall truly simulate the operation of municipal and industrial sewage treatment processes employing biological treatment with practical and typical retention times in order to predict the concentration of undegraded or undecomposed components of synthetic detergents which would enter the waters receiving the effluent from such processes, and other tests which the Secretary determines may be appropriate.

"(d) The Secretary shall, on or before June 30, 1971, prescribe and publish in the Federal Register, pursuant to section 553 of title 5, United States Code, such standards and rules and regulations as are necessary to carry out the policy of this section.

"(e) Any detergent which after June 30, 1972, does not conform with standards, rules and regulations prescribed pursuant to subsection (d) of this section shall be liable to be proceeded against on libel of information and condemned in any district in the United States within the jurisdiction of which such detergent is found.

"(f) The Secretary and the Secretary of the Treasury shall jointly promulgate rules and regulations that prohibit the importation of any synthetic detergent which fails to meet the standards as established herein.

"(g) Any person who willfully violates any provision of rules and regulations established pursuant to this section shall be guilty of a misdemeanor and upon conviction thereof shall be subject for the first offense to a fine of not more than $5,000 and for any subsequent offense to a fine of not more than $20,000.

"(h) In carrying out the purposes of this section, the Secretary is authorized to make grants and contracts.

"(i) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

"FEDERAL ASSISTANCE

"SEC. 22. (a) To accelerate the development and manufacture of detergents that are free of phosphorus and whose other ingredients, including the phosphorus substitute, are pollution free, the Secretary shall inventory and report existing technology on substitutes for polyphosphates in detergents, and other technology relating to the development of pollution free detergents, and shall also assist in the research and development of formulations which will eliminate pollution from detergents. In carrying out the purposes of this subsection, the Secretary is authorized to make grants and contracts.

"(b) For the purposes of this section, there is authorized to be appropriated to the Secretary for the fiscal year beginning July 1, 1970, and for each of five subsequent fiscal years, $10 million.".

CANADA TO BAN ALL PHOSPHATES IN DETERGENTS OVER 2-YEAR SPAN

(By Jay Walz)

OTTAWA.—The government, confident that it has the full backing of the 10 provinces, plans to ban phosphates in detergents in two years.

J. J. Greene, Minister of Energy, Mines and Resources, said today that phosphate pollution of water would be made a criminal offense under the Canada water control legislation now before Parliament.

Mr. Greene announced a few days ago that the Canadian Government would join the United States in a cooperative drive against phosphates as a factor in contaminating boundary waters such as the St. Lawrence River and the Great Lakes. This week Mr. Greene discussed the problem with provincial premiers here for a conference with Federal authorities.

"There was a clear agreement—everyone said they would go for it," Mr. Greene said afterward.

Pollution control in Canada is mostly within the jurisdiction of the provinces, because they own most of the waters. Mr. Greene's pending bill would implement a Federal clean-up policy in waters that are outside provincial boundaries or are regarded as national waterways.

WOULD OFFER INCENTIVES

Under the bill, the Federal Government would offer aid and incentives to provinces udertaking antipollution projects in their own waters. It would also seek agreements with the provinces to establish specific areas of joint control where penalties under the Canada Criminal Code would be applied to violators of pollution controls.

Phosphates, used to give detergents their whitening powers, speed the growth of algae

when washed into lakes or rivers. The increased algae upset the ecology and other marine life dies.

Mr. Greene said he would propose amending the pending bill to have phosphates eliminated progressively from detergents until they are completely outlawed by the end of 1972. The minister said he would notify the detergent-manufacturers that he expected the first cutbacks to begin Aug. 1.

A new concern among Canadians over the widespread use of laundry detergents resulted from a recent survey by Pollution Probe, a study group at the University of Toronto. It showed some leading brands of detergents containing more than 40 per cent phosphate. The laboratory analysis of 24 brands indicated also that some products had four times as much phosphate as others.

In Toronto, Brian Kelly, spokesman for the study, said the survey was aimed at informing consumers of the different phosphate levels in various products and to persuade them to switch to soap or low-phosphate detergents.

PRODUCTS ARE ANALYZED

The analysis showed that Whisk, a Lever Brothers product, had a phosphate content of only 10.5 per cent, compared with 41.5 per cent for the same company's Drive. Colgate-Palmolive's Bio-Ad was 49 per cent phosphate compared with the same company's Ajax 2, which had 36 per cent phosphate. Procter & Gamble's Cheer showed 44.5 per cent phosphate in the analysis, while the same company's Bold had only 32.5 per cent.

Spokesman for Procter & Gamble and Colgate-Palmolive have declined comment on the findings. However, Alan Rae, president of Lever Detergents, Ltd. (Toronto), said the company had introduced Whisk, the low-phosphate detergent, about 15 years ago without great success.

Housewives, he said, had not been attracted to it, "although it is quite usable" in washing machines and "is effective as a presoaker." As a result, he said, the company has spent little money promoting Whisk. It might now consider spending more, he indicated.

Pollution Probe said in a brief release that copies of the analysis results might be obtained by sending stamped, self-addressed envelopes to Pollution Probe, University of Toronto, Toronto 181, Ontario.

LAUNDRY FANATIC STARTED IT ALL

(By Art Buchwald)

Everyone talks about water pollution, but no one seems to know who started it. The history of modern water pollution in the United States dates back to Feb. 28, 1931, when Mrs. Frieda Murphy leaned over her backyard fence and said to Mrs. Sophie Holbrook, "You call those shirts white?"

Mrs. Holbrook blushed and said, "They're as white as I can get them with this ordinary laundry soap."

"What you should use is this Formula Cake soap which guarantees against the dull washtub gray look that the family wash has always had."

Skeptical, but adventurous, Mrs. Holbrook tried the Formula Cake Soap, which happily did take the gray out of her husband's shirts. But what Mrs. Holbrook didn't know was that after the water was drained from the tub, it emptied into the sewer, which emptied into the Blue Sky River, killing two fish.

Three years later Mrs. Murphy leaned over the fence and said to Mrs. Holbrook. "It's none of my business, but are you still using that Formula Cake soap?"

"Yes, I am."

"No wonder your husband's shirts always look dirty around the collar."

"I can never get the dirt off the collar," Mrs. Holbrook cried.

"You can if you use Klonk Soap Chips. They were designed especially for collar dirt. Here, you can have my box."

Mrs. Holbrook used the Klonk and the next time her husband put on his shirt he remarked, "How on earth did you get the collar clean?"

"That's my secret," said Mrs. Holbrook, and then she whispered to no one in particular, "and Mrs. Murphy's."

But unbeknownst to Mrs. Holbrook, the water from Klonk Soap Chips prevented any fish downstream from hatching eggs.

Four years later, Mrs. Murphy was hanging up her shirts and Mrs. Holbrook said, "How did you ever get your cuffs so white, surely not with Klonk?"

"Not ordinary Klonk," Mrs. Murphy said. "But I did with Super Fortified Klonk with the XLP additive. You see, Super Fortified Klonk attacks dirt and destroys it. Here, try it on your shirts."

Mrs. Holbrook did and discovered that her husband's shirt cuffs turned pure white. What she couldn't possibly know was that it turned the river water pure white as well.

The years went by, and poor Mrs. Murphy died. Her daughter-in-law took over the house. Mrs. Holbrook noticed how the daughter-in-law always used to sing as she hung up her wash.

"Why do you always sing?" asked Mrs. Holbrook.

"Because of this New Dynamite detergent. It literally dynamites my clothes clean. Here try it, and then let's go to a movie, since Dynamite detergent takes the drudgery out of washing."

Six months later the Blue Sky River was declared a health hazard.

Finally, last year Mrs. Murphy's daughter-in-law called over to Mrs. Holbrook, "Have you heard about Zap, the enzyme giant killer?"

A few days later, as Mr. Holbrook was walking home from work, he accidentally fell into the Blue Sky River, swallowed a mouthful of water and died immediately.

At the funeral services the minister said, "You can say anything you want about Holbrook, but no one can deny he had the cleanest shirts in town."

HILARY SANDOVAL, SMALL BUSINESS ADMINISTRATOR

Mr. MURPHY. Mr. President, the Los Angeles Times of Tuesday, February 24, contains an open letter to the President signed by leaders of the Mexican-American community in California commending President Nixon for his appointment of Hilary Sandoval as Administrator of the Small Business Administration. Mr. Sandoval holds the highest appointive office a person of Mexican descent has ever held in the history of our country, and I am very pleased that the President has recognized the potential contributions to our Government which can be made by our Mexican-American citizens. The letter praises Mr. Sandoval for making available greater economic opportunity for the disadvantaged and praises President Nixon for his wisdom in selecting Hilary Sandoval for this highly important Government position.

I ask unanimous consent that the letter and the accompanying list of signatories be printed in the RECORD.

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

AN OPEN LETTER TO THE PRESIDENT

PRESIDENT OF THE UNITED STATES OF AMERICA,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: We commend you for the appointment of Hilary Sandoval to the highest appointive office a person of Mexican descent has ever held in the history of our Country.

We are proud of what he has accomplished for our community, for all Americans!

As Administrator of the Small Business Administration, Mr. Sandoval has implemented your programs to provide economic opportunity for the disadvantaged. He has actively promoted private enterprise in our communities.

Administrator Sandoval has met with us frequently. Through his efforts, private enterprise has acted to cooperate with the Small Business Administration for the economic development of our community. Your support of him and of his agency's programs is concrete evidence of your deep commitment to provide an opportunity for all Americans, to build a bridge to human dignity across the chasm that has often separated one group of Americans from another.

We realize that goals are achieved over a period of time, but we can now look forward with hope and confidence to seeing that more of the ten million Spanish speaking Americans have a "piece of the action", and with it, the dignity and self respect that comes only from participation in the economic mainstream.

America, our Country, is a great nation not because of what government does for the people; but because of what the people do for themselves, and their neighbors. Your Administration has begun to adjust to the people's needs. It has encouraged, in a positive way, the voluntary means of providing an opportunity for all Americans.

The economic iron curtain surrounding our community is disappearing. The bridge you designed to bring us together is becoming a human reality.

Our thanks to Mr. Sandoval.

And thank you, Mr. President.

SIGNERS

Aguirre, Machine Salesman.
Alba, Alba Office Equipment.
Richard Amador, Agency Director.
Bob Apodaca, ABC–TV.
Gil Apodaca, Contract Compliance Officer.
Manuel Aragon, The Fluor Corporation.
Manuel Aranda, Attorney-at-Law.
Joe Arellano, La Colonial Tortilla Products.
Hon. John A. Arguelles, Judge of the Superior Court.
Sergio Arrendondo, Businessman.
Henry Ayala, Tu-Vets Printing Co.
Manuel Bagues, Bagues Mortuaries.
Jim Baiz, Olympic Blue Printing Co.
Ramona Banuelos, Ramona's Food Products Inc.
Frank Biamontes, Businessman.
Francisco Bravo, M.D.
John Calderas, San Diego Service Center.
Julio Campos, Campos Auto Body Shop.
Art Cano, Community Redevelopment Agency.
Oscar Carabello, Carabello Furniture Store.
Carlos Carbojal, Imperial Ink Company.
Ramon Cardenas, Bilingual Systems Company.
Frank Casado, Businessman.
J. B. Casos, Sr., Jobs for Progress, Inc.
Felix Castro, Youth Opportunities Foundation.
Rudolph Castro, Special Assistant to Governor Reagan.
Bay M. Ceniseroz, Del Manufacturing Company.
Rudy Ceniseroz, R. & R. Sheetmetal.
Rudy Cervantes, Cervantes Neckwear Inc.
Anthony Chavez, Prudential Insurance Company.
Carlos Chavez, Repro-Chrom Company.
Mike Chavez, Pacific Telephone Company.
Art Chayra, General Contractor.
Ruben Chayra, M.D., Physician-Surgeon.
Elias Chico, Mexican American Nurses Recruitment Program.

Robert Collins, Hi-Pro Food Company.
V. Cornejo, Mission English Language Center.
Charles M. Cruz, Certified Public Accountant.
Ralph Cruz, Atkins Supper Club.
Hector Cruz, D.D.S.
Joe Delgado, Landscaper.
Manuel M. Delgado, Del Manufacturing Company.
Peter Diaz, State Program Administrator.
Richard Diaz, Businessman.
Gil Enriquez, Enriquez Bail Bond Agency.
Richard P. Esporza, The Management Council of L.A.
John Espinozo, Sr., Real Estate Broker.
Ramon A. Estrada, Interracial Council for Business Opportunity.
Ben Fernandez, Research, Inc.
Armando Figueroa, Pharmacist.
Frank Fouce, Spanish Speaking International Television.
Peter Galindo, Businessman.
Oscar Gallegos, Director, Industrial Center.
Rudy Gallegos, General Contractor.
August Garcia, Eastland Savings & Loan.
Gilbert Garcia, D & H Industries, Inc.
Joe Garcia, El Rey Food Products.
Leon Garcia, Manager, Pan American Bank.
Gil Gerakos, Public Works Administrator.
Hector Godinez, Postmaster of Santa Ana.
Blanch M. Gomez, Housing Authority Commissioner.
Don Gomez, P.H.D., Professor Cal. State College.
Sal Gomez, Businessman.
Dario Gonzales, M.D.,
David Gonzales, Jr., Property Investment Consultant.
Eugene Gonzales, P.H.D., Assoc. State Superintendent of Public Instruction.
Henrietta Granado, Cervantes Neckwear, Inc.
Mario P. Gonzales, Attorney-at-Law.
Joe Hermosillo, Banker.
Richard Hernandez, Attorney-at-Law.
Sal Hernandez, Businessman.
Frank Herrera, Cosa Herrera Tortilla Machine Mfg. Company.
Gilbert Herrera, Jet Propulsion Laboratory-Cal Tech.
Manuel Hidalgo, Attorney-at-Law.
Hector Holquin, Olympia Liquors.
Alfonso, Luis & Sal Hurtado, Steel Rule Die Cutting Company.
John K. Inadomi, JonSons Markets.
Yosh Inadomi, JonSons Markets.
Max Infante, KCET, Channel 28.
Bob Jimenez, Standard Oil Company of Calif.
David Jimenez, Governor's Representative.
Jose Jimenez, Jr., Union Mortgage Company
Ray Jones, Jones Enterprises.
Mark Landeros, Mark's Printing.
Edward Lozo, Chiropodist.
Carlos Leybo, P.H.D., Administrator, Cal. State, LA.
A. J. Lopez, A. P. Lopez Realty.
Albert Lopez, Parks & Recreation Commissioner.
Claudion Fenner-Lopez, KCET, Channel 28.
Daniel Lopez, Man Power Executive.
Gilbert Lopez, Attorney-at-Law.
Sal Lopez, Camelia Nursery.
Henry Lozano, Artist.
John Lozano, Cement Masons Union President.
Al Lucero, Insurance Agent.
Robert Lopez, E.L.A. Service Center.
Joe Luna, Glendale Federal Savings.
Jim Madrid, Western Auto Parts.
Henry C. Marin, Pico-Union Neighborhood Council.
Fr. Victor Marquez, Salesian Boys' Club.
Anthony Maxwell, Pres. Pan American Bank.
Gil Mejia, Signet Paper Company.
Al Mendoza, Computax Company.
Marcelo Mendoza, Barber.
Alex Miramon, Businessman.

Lionel Miranda, Operation SER.
Rudy Mireles, Businessman.
F. Albert Molina, Achievement Associates.
Arturo Monroy, ACA Auto Salvage.
Gilbert Montero, World Wide Dictation Service.
Dionicio Morales, Mexican American Opportunity Foundation.
Victor Morales, Morales Insurance Agency.
Greg Moran, Photographer.
Charles Moreno, Squire Men's Shop.
Louis Moreno, Moreno Plumbing Company.
Teodoro Moreno, Aztec Insurance Co.
Gilbert Moret, Attorney-at-Law.
Antonio Munoz, United Furniture Workers Union.
Alfonso Najera, Najera Bros. Furniture Company.
Edward Negrete, Congressional Assistant.
Larry Neri, Medallion Printers & Lithographers.
Hector Olivas, Ford Agency General Manager.
Fernando Oroczo, Ferns' Meats.
Richard Oroczo, Pres. E.L.A. Jay Cees.
Adrian Ortega, M.D.
Alfred Otero, D.D.S.
Jose R. Pacheco, LULAC.
Joab Pacillas, Venice Service Center.
Milo Padilla, Laborers, Local 200.
George Paldi, Vice President Guardian Life Insurance Company.
Cristino D. Perez, Camara de Commercio Mexicana de Los Angeles.
Manuel Perez, Businessman.
Robert Perez, KWKW Radio.
Albert Pienado, Peinado Photograph Co.
Robert Portillo, Los Angeles Police Dept.
Edward Ramirez, Pharmacist.
Vic Ramirez, Equal Opportunity Officer.
Lou Ramos, Governor's Representative.
Robert Ramos, Bonanza Furniture Company.
S. M. Ramos, California Services Company.
Arthur V. Rendon, Daniel, Mann, Johnson, & Mendenhall Attorney.
Manuel Renterio, Laborer's Local 300.
Mauro Robles, La Reina Tortilleria.
Roberto Rachal, Rachal Printing Company.
Ben Rodriguez, Cost Brokers Inc.
Carlos Rodriguez, Attorney-at-Law.
Gilbert Rodriguez, Real Estate Broker.
Jay Rodriguez, TV Administrator.
Andrew Roque, M.D.
Jose Ruiz, La Espiga de Oro Baker.
Robert Salazar, Southern California Gas Co.
Russell Salazar, Cal State Products Inc.
Arturo Salcido, Salcido Markets.
Jess Salinas, Salinas Self-Service Laundries.
Jess Samaniego, Samaniego Meat Co.
Charles Samario, Sunset Realty Co.
Chris Sanchez, Flash Steak Co.
Hon. Leopoldo Sanchez, Judge of the Superior Court.
Philip Sanchez, Fresno County Chief Administrator.
William Sandoval, Eastway Market.
Sanford Weiss, The Guardian Life Insurance Co. of America.
Don A. Serna, Angelus Rental Company.
August Serrato, La Ideal Restaurant.
Mike Serrato, Best Meats Company.
Eddie Sloan, Sr., Sloans Dry Cleaners Co.
Eddie Sloan, Jr., California Financial Investment Co.
Estella Sotello, La Imperial Tortilleria.
Richard Tafoya, Agency Administrator.
Jesus Tarrango, Tarrango Sheetmetal Co.
Antonio Tejada, Real Estate Broker.
Hon. Carlos M. Teran, Judge of the Superior Court.
Arturo Tirado, Teatro Azteca.
Armando Torres, Mexican Chamber of Commerce.
Esteban Torres, The E.L.A. Community Union.
Edward Turbey, Don Giovanni California Inc.
Gil Vargas, Business.

Rudy Vargas, Electro-Opticals Company.
Joseph A. Vargas, Vargas Nut Company.
Dan Vasquez, Certified Public Accountant.
Ruben Jourequi, Businessman.
Hon. Benjamin V. Vega, Judge of the Municipal Court.
Peter Vega, Krikis Investment Company.
Rafael Vega, Jr., Casa Vega Restaurant.
Manuel Veiga, Veiga-Robison Mortuaries.
Frank D. Veiga, Del Manufacturing Company.
Al Villa, Attorney-at-Law.
Luis Carlos Villa, Optometrist.
Sy Villa, Health Facilities Development.
Alfred R. Villalobos, Villalobos Laundromat Company.
Pedro Villalobos, Villalobos Markets.
Danny Villanueva, Manager, Station KMEX-TV.
Robert Weber, Miramar Plastics Company.

UTILITY CONSUMERS' COUNSEL ACT, S. 607—SUMMARY OF THE HEARINGS

Mr. MUSKIE. Mr. President, under the very able direction of the Senator from Montana (Mr. METCALF), the Subcommittee on Intergovernmental Relations held some 21 days of hearings last session on S. 607, the Intergovernmental Utility Consumers' Counsel Act of 1969.

This proposed legislation is designed to provide a greater opportunity for consumers of electricity, gas, and telephone services to be presented before Federal, State, and local regulatory agencies, and to be informed as to financial and operating policies of the companies providing such services.

Because of the broad range of facts and statistics developed by the hearings on S. 607, and the importance of the issues raised by the legislation, I asked Senator METCALF to have prepared a summary of the testimony for the benefit of subcommittee members in their consideration of S. 607.

I feel that this summary will be of special interest to other Members of Congress who may have a special concern for the interests of utility consumers; accordingly, I ask unanimous consent that it be printed in the RECORD.

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

S. 607: UTILITY CONSUMERS' COUNCIL ACT OF 1969—BACKGROUND OF LEGISLATION AND SUMMARY OF HEARINGS, DECEMBER 1969

BACKGROUND OF THE LEGISLATION

In 1966 the Subcommittee on Intergovernmental Relations sent questionnaires to each of the State utility commissions. A summary and tabulation of the information submitted by the commissions was published in 1967. (90th Congress, 1st Session, Senate Document 56, "State Utility Commissions.")

In the introduction to Senate Document 56, Subcommittee Chairman, Edmund S. Muskie stated:

"An area of governmental activities in which responsibility is divided among the several States and between the States and the Federal Government is the regulation of utility companies. Here, as in other areas of public responsibility, facts are vital to the development of sound public policy. There has, however, been lacking any comprehensive and organized body of knowledge regarding the State commissions charged with regulation of utilities, the authorities under which they operate, their organizational resources, and the range of their responsibilities and functions . . .

"This compilation is intended to assist

Federal and State legislators and members of regulatory agencies, as well as others associated with the regulated industries. It is hoped also that it will be of assistance to students of government and public administration."

The information in Senate Document 56 is categorized as follows:

I. The Commission
II. The Commission Staff
III. Commission Organization
IV. Annual Budget of the Commission
V. Commission Jurisdiction
VI. Appeal from Commission Decisions
VII. Policies of State Utility Commissions on Inclusion of Various Items in Rate Base
VIII. Questionnaire to State Regulatory Commission
IX. Footnotes

Fifty-seven commissions were queried. Some states have two or three commissions, and the District of Columbia and Puerto Rico were included in the survey. Two commissions did not respond.

Annual expenditures for fifty-two commissions totaled approximately $50 million. One state spent $9 million, another $5.7 million, 11 other states more than $1 million. Twenty-seven states spent less than $500,000, including three below $100,000.

The survey showed that most state commissions were charged with regulation of dozens, and in many cases hundreds,of electric, gas, telephone, telegraph and water companies, in addition to hundreds, and in some cases thousands, of transportation utilities or carriers.

The survey also showed that from twenty to thirty of the commissions had two or fewer employees in the following key categories: attorneys, rate analyst, engineer, accountant. More than half of the commissions had no security analyst. Five of the States had one or more economists on their staff. Relatively few professional staff members received salaries above $11,000 annually.

On February 6, 1968, Senator Metcalf, joined by Senators Aiken, Gruening, Kennedy of Massachusetts, Kennedy of New York and Nelsen introduced S. 2933, the Intergovernmental Utility Consumers' Counsel Act of 1968. The bill would "modernize regulation of the major electric, gas, telephone and telegraph utilities," said Senator Metcalf in his introductory remarks, and had four principal objectives:

"1. To require the utilities to report to regulatory bodies certain additional information which is pertinent to regulation and to public understanding of utility rates and procedures;

"2. To require the Federal Power Commission and Federal Communications Commission to report this and other information to Congress and the public in a timely and convenient manner, using automatic data processing to the fullest possible extent;

"3. To establish, at the Federal, State and local levels, offices of Utility Consumers' Council, to represent the interests of utility consumers before regulatory commissions; and

"4. To establish a grant program to finance study of regulatory matters."

"The bill will not work hardship on any utility," he said. "It is designed to provide utility consumers the tools to obtain fair rates."

Senator Metcalf reintroduced the bill, as S. 607, on January 24, 1969. Cosponsors are Senators Aiken, Dodd, Hart, Gravel, Kennedy, McGovern, Mansfield, Nelson, Pell, Tydings, Yarborough and Young of Ohio.

TITLE I—UTILITY CONSUMERS' COUNSEL

Federal Agency Support

The Federal regulatory commissions supported S. 607.* As Federal Power Commission Chairman Lee White testified:

"The adversary process, as I understand it, is right at the heart of your proposal. The proposal says in effect that the consumers shall be represented by effective, able counsel, whose sole purpose it is to represent the customers in a proceeding in which there are conflicting interests . . . A Utility Consumer's Counsel, such as that proposed by S. 607, could, in our view, contribute significantly to the resolution of regulatory issues in the broad context of the public interest through vigorous and effective advocacy of utility consumers generally. The Federal Power Commission would welcome such presentations which could materially assist the Commission in the performance of its quasi-judicial function of determining and protecting the overall public interest, of which the consumer interest is a notable part . . .

"I know how helpful the adversary process is to me as an individual who must make some tough decisions. I just believe it is unfair to the State regulators not to have before them the full range of views and arguments as they make their decisions." (Part II, pp. 290, 296, 304).

Federal Communications Commissioner Kenneth A. Cox, speaking for the Commission, testified that:

"In short, it is important that consumers of utility services be made aware of their right and be represented fully and in the most effective way before regulatory agencies in these complicated proceedings. We believe that S. 607 will further these objectives, and we would therefore welcome the participation in our proceedings of a counsel particularly representing consumer interests . . . The function is so complicated, the proceedings are so intricate, our staff is so small, that any assistance we can get in this area through the uncovering of additional information would be of advantage to us and the public." (Part II, pp. 272, 277).

Chairman Hamer H. Budge of the Securities and Exchange Commission advised the subcommittee that "we welcome representatives of the public interest in such proceedings (as the Public Utility Holding Company Act)." (Part II, p. 456.)

Curtis L. Wagner, Jr., special assistant to the Army Judge Advocate General and Defense Department spokesman on S. 607, testified that he is "blessed with a client who has the facilities of economists, statisticians, most anything that your heart desired to present a case." His testimony materially assisted the staff in its recommendation to delete Section 104, under which representation of the Federal Government's interest in utility matters would be transferred from General Services Administration and the Defense Department to the Office of Utility Consumers Counsel. Mr. Wagner noted that:

"The Federal agencies as large consumers of utilities services are entitled to bulk rates the same as large industrial consumers. These rates are quite often lower than those of the small business and residential customers whose interests are the primary concern of the Counsel, since they are the ones who currently have no voice in these proceedings, and the main issue in such a rate proceeding often concerns which class of customers should bear the burden of an increase." (Part V, p. 1177).

Mr. Wagner also noted that S. 607 could be of definite and timely value to other groups, such as servicemen and churches. (Part V, pp. 1184, 1190.)

The General Services Administration did not take a definite position on S. 607, except in opposition to Section 104, which the Subcommittee may delete. GSA stated that with respect generally to provisions of the bill other than Section 104 it would defer to the views of the FPC, FCC and other agencies more directly and immediately concerned. (Part II, p. 454).

The FCC and FPC have a relatively minor role in rate-setting. Chairman White testified that total electric revenues annually total roughly $20 billion, of which $16 billion goes to investor-owned utilities, of which approximately $1 billion—about 5 per cent—is subject to Federal regulation. (Part II, p. 311.) The FPC subsequently advised the Subcommittee that, in regard to natural gas, it had jurisdiction over pipeline sales for resale amounting to approximately $4.5 billion annually. The FPC does not regulate sales to customers. Total sales to ultimate customers by investor-owned gas utilities approximates $8.25 billion annually. Commissioner Cox testified that annual telephone and telegram services total $16 billion, and that FCC has jurisdiction over about 25 per cent of that amount. In a few states there is neither Federal nor State rate regulation. The major responsibility for rate-making rests with State utility commissions.

Industry and NARUC opposition

In contrast with the generally favorable, and in some cases enthusiastic support for S. 607 from Federal regulators, the trade association of the State utility commissions—the National Association of Regulatory Utility Commissioners, opposed the bill as did the trade association of the investor-owned electric, gas and telephone utilities, all citing similar reasons.

William R. Connole, representing the American Gas Association, said the bill would create "a regulatory czar to second-guess the Commissions' actions (and) concentrates the enormous prestige, money and capabilities of the Federal Government in the wrong place, at the wrong time for the wrong reasons. By creating a new layer of bureaucracy, not responsible to any identifiable person or group, the existing staffs of the Federal and State regulatory agencies will find their morale shattered, the ranks raided, their motives and ability questioned, and their places taken." (Part IV, p. 809)

William J. Crowley, executive vice president of AGA, said "the gas consumer is already fully protected," that existence of a Counsel "might be disadvantageous to consumers because of a possible overemphasis on residential rate reductions whether justified or not." (Part IV, p. 806).

American Telephone and Telegraph Company found "no useful or beneficial purpose to be accomplished through enactment of S. 607. If there are weaknesses to be found in the existing regulatory structure, it does not follow that the structure should be further weakened or destroyed, as the establishment of a Federal Office of Utility Consumers' Counsel would do." (Part IV, p. 1114.)

A spokesman for the U.S. Independent Telephone Association, President Clarence H. Ross of Central Telephone and Utilities Corporation, Chicago, differentiated between present representation of the Federal Government's interests in utility matters, through General Services Administration, and the proposed representation of consumers generally by the proposed Utility Consumers' Counsel, as indicated by the following colloquy:

"Mr. Ross: But somehow I don't trust the Consumers' Counsel.

"Senator Metcalf: You trust the GSA but you don't trust the Consumers' Counsel?

"Mr. Ross: Yes." (Part IV, p. 1029.)

Edwin Vennard, managing director of Edison Electric Institute, trade association of the electric utilities, testified that "the personnel, procedures and requirements of this bill would duplicate functions already being performed by Federal, State and local government agencies." (Part IV, p. 896.)

Similarly, the spokesman for the National Association of Regulatory Utility Commissioners (NARUC), chairman of the Pennsylvania Public Utility Commission, said "the State commissions in general, without any prodding by anyone, and through the use of their own counsel and technical staff, are

*FPC Commission Carl E. Bagge opposed Title I.

regulatory performing the very duty which S. 607 would place upon the separate offices of consumers' counsel to perform." (Part II, p. 219.)

Opponents of the bill relied heavily on a message by Franklin D. Roosevelt, who, when Governor of New York, 39 years ago, vetoed a bill establishing a People's Counsel to represent the public before the New York Public Service Commission. Roosevelt said the bill would transfer from the commission "what is really the function of the Commission itself," continuing:

"It would in effect reduce the Public Service Commission to the role of a mere utility court in which the people would have to fight their unequal battle against the huge resources of public corporations. The functions of the 'People's Counsel' provided for in this bill should be exercised by the Commission through its own counsel, assistant counsel, or any other employees . . ."

Substantially testimony before the subcommittee showed that the Rooseveltian concept of a State utility commission, as both judge and prosecutor, did not develop. Dr. James W. Fesler, Cowles Professor of Government at Yale University and author of *The Independence of State Regulatory Agencies* published in 1942, advised the subcommittee as follows:

"The central problem to which my 1942 chapters on state utility commissions were addressed was the growing judicialization of the commissions, whether because of inadequate funds and staff, the rationalization of inertia or utilities' political power, or the embarrassment of appearing to be both prosecutor and judge. The trend toward judicialization automatically posed the problem of who can be counted on to represent the consumer's interest. That problem had not then found a solution in most states, though Maryland had established the Office of People's Counsel and some other states considered creating similar offices. Governor Franklin D. Roosevelt vetoed a People's Counsel bill that passed the New York Legislature, on the ground that existence of such an office would encourage the commission to neglect its own role as an agent of the public.

"Regrettably, in the period since my study appeared, utility commissions in many, if not all, states have continued to settle into a passive, judicial role. Governor Roosevelt's veto has not had the result he hoped for, if what I read in the New York press accurately indicates the orientation of the New York State Public Service Commission. Despite the passage of time since they were formulated, my study's conclusions appear surprisingly applicable to the regulatory scene in 1969. I cite two that relate to the concerns of S. 607:

"1. Independence for a policy-determining, regulatory agency often throws the agency into the hands of the special interests it is supposed to regulate (p. 65).

"2. The experience of the utility commissions seems to indicate . . . that independence for them has characteristically meant a cultivation of a judicial attitude that left little room for vigorous protection of the consumer who, without such protection, cannot readily pit his resources against those of a utility company . . . (p. 69).

"So I warmly support the effort, through S. 607, to establish a United States Office of Utility Consumers' Counsel . . ." (Part II, p. 233–4.)

Chairman John Dingell of the House Small Business Subcommittee on Regulatory Agencies testified that his subcommittee had found that some State utility commissions "are established not to protect the consumer, but actually to call balls and strikes between competing economic interests and simply to be umpires.

"In fact, some of them have the general understanding that they are established to protect not the consumer at all, but to regulate fights and to decide fights between so-called regulated interests."

Consumers' handicaps

A witness for an unregulated competitor of utilities, Vice President Robert D. Lynch of the National Oil Fuel Institute, pointed up the consumers' handicap under such circumstances:

"The expense of carrying a case to the State commission, the requirement to have expert witnesses, rate experts, the length of time, all of this makes it practically impossible for individual ratepayers to follow through to satisfactory conclusions . . . S. 607, by creating a separate and alternate channel for protection of the consumer, will actually strengthen the hands of present commissioners by forcing utilities to provide information and cooperation to State commissions or risk exposure to a consumers' counsel which can intervene when and if necessary." (Part V, p. 1280–1282.)

Nevertheless, the consumers do finance expensive rate presentations—for the utilities. Joe Tally, counsel for ElectriCities of North Carolina, an association of municipally owned utilities, said:

"But in an electric rate proceeding the giant private electric company has paved the way before the proceeding with persuasive media advertising and careful political conditioning, and proceeds with its case before commissions and courts, and, at the end of it all, presents its bills to its customers, and the law requires them to pay it.

"All large private power companies are, fully and well, informed, organized, staffed, consulted, advised and prepared. The public is not informed, not organized, not staffed, has no regular counsel, is ill advised, rarely prepared." (Part III, p. 547.)

Specifically, the hearings revealed that in State after State utility hearings are one-sided affairs. The customers pay, through its inclusion in utilities' operating expenses, for any array of legal, financial, public relations and technical talent for the utility. But nowhere, through either the rate or tax structure, does the public adequately provide for its own protection. Commission staffs are inadequate for the jobs imposed upon them by the legislatures, and in few states does the commission attempt to provide the utility with an adversary. Sometimes the hand of the regulator is so light that neither the utility nor the governor is aware that regulatory law exists. For example, a former chairman of Anchorage Natural Gas Corporation, who subsequently became governor, then Secretary of the Interior, testified before another Senate Committee early in 1969 that the utility was not subject to State regulation. However, it was and is regulated by the State commission, according to reports filed by its parent company, Alaska Pipeline, with the Securities and Exchange Commission. The gas company and holding company earned 29 per cent on its equity in 1965 and more than 64% during the first half of 1966. (Part IV, p. 838; Senate Interior Committee, Interior Nomination, Jan. 15218, 1969, p. 220–4.)

Present inequities before State and Federal commissions

Arizona

Commissioner Dick Herbert of the Arizona Corporation Commission testified that "we are to some small extent able to watch the activities of the utilities under our regulation by an analysis of the information prepared by those utilities generally for their stockholders." He testified that a utility in Arizona is represented by "the best, well-known firm, with all the brilliant lawyers in Phoenix . . . well stacked with briefs and law and facilities" while the consumer is represented by "a deputy attorney general assigned to our commission along with a number of other assignments that he may have, such as the narcotics board and the tax commission and a few other assignments."

"Our commission is very large in its jurisdictional boundaries. We take securities and insurance and incorporating and a few other things, but in the utilities division I think there are 14 people in that department, a portion of which are secretarial help. We have no attorneys. We have to rely on the attorney general's office to supply us with our legal assistance. We have no economists. We have no full-time CPA on our staff. We have one registered civil engineer, and the rest is technical help (for) collecting the assessment."

Commissioner Herbert testified that Arizona Public Service Company has employees "that serve in key positions in that legislature and that the legislature failed to provide funds for an outside accountant requested by the commission, or an engineering study. In a recent rate case the commission issued an order written by Arizona Public Service Commission, including material not put before the commission during the rate case and not subject to adversary review. (Part I, pp. 60–90.)

Ed Berlin, counsel for Consumers Federation of America, testified that in the ongoing Potomac Electric Power rate case, "the only representation thus far of the consumers of this city in this proceeding will be undertaken by a staff attorney associated with the Neighborhood Legal Service Program. The particular staff attorney who is assigned to this case is a very dedicated and, I know, a competent attorney.

"However, she graduated from law school less than a year ago and has absolutely no experience in the utility area.

"I am also aware of the fact that the company in this particular proceeding has acquired the services of no less than four law firms." (Part VI, p. 1468.)

Illinois

The Illinois Commerce Commission staff, according to an American Gas Association witness, consists of "20 enginers, 17 accountants, 11 rate analysts, 65 inspector-investigators, all engaged in programs of continuous surveillance of the rates, facilities, services and financing of investor-owned utilities in the State." Illinois Commerce Department reported to the subcommittee that it was responsible for regulation of 24 gas utilities, 14 power companies, 88 telephone companies, 136 water companies, 7 steam companies, 67 railroads, 58 motor carriers, 4 airlines, 876 contract carrier trucking companies and 9,516 common carrier trucks. The Illinois commission further reported to the subcommittee that the average salaries of its employees was $9,400 for the engineers, $7,700 for the accountants, $7,345 for the rate analysts and $3,920 for the inspector-investigators. The Illinois commission, according to a report filed with the subcommittee by AGA, approved more than $3 billion in utility securities during the past 6 years. Yet the commission does not have a single security analyst on its staff. As in Arizona, the commission is dependent on the Attorney General's office for legal assistance. (Part IV, p. 839, 842, 1038.)

Maryland

Maryland is one of the few states which has a People's Counsel to represent utility consumers. William O. Doub, formerly People's Counsel, is now chairman of the Maryland Public Service Commission. He supported S. 607, stating:

"The function of the people's counsel, as the advocate of the people, is a totally different one from the function of our general counsel, as the adviser and advocate of the commission. The relations of the people's counsel to the general counsel and the commission are as independent as those the district attorney sustains to the judge and the

attorneys for defendants. To operate most effectively the office should be completely independent and not treated as a commission staff position. . . .

Unquestionably Federal funds would be a tremendous benefit in upgrading the People's Counsel office, and giving him more staff. A good argument can be made that he should have his own staff, that he should not have to rely on the commission's staff . . . during the 15 months that I was People's Counsel, I initiated one complaint for a reduction of utility rates, and then had to wait 3 or 4 months to get the funds from my request through the board of public works. I got them, and I got exactly what I asked for, but through a budgetary allocation of $25,000 a year, which is just a drop in the bucket. At least, it would give him a start toward retaining these experts, and this is where the benefits of your bill would be so helpful to the operation of his office. With Federal funds available, unquestionably the degree of participation would be enlarged, and the number of quality of outside consultants could be increased in a variety of different cases. (Part I, pp. 55–59.)

Massachusetts

The Massachusetts legislature created a Consumers' Council in 1963. Its chairman is Dr. Edward R. Willett, chairman of the Department of Finance and Insurance at Northeastern University in Boston.

"It is to me simply astounding," he testified, "that the private utilities' side of a rate case is financed from consumer-paid operating expenses but no provision is made through the rate structure for any similar financing of the consumers' side in the rate case . . . It is quite clear to me that the consumer often does not obtain adequate rate reductions because the successful political and propaganda activities of all the utilities have created a situation in which the regulatory commissions are unable to reduce rates because of a lack of staff and/or disinterest in rate reduction."

Dr. Willett testified that he and another member of the Consumers' Council were not permitted to appear at a hearing on the blackout, nor were representatives of complaining towns and cities, although utility representatives were. The commission, he said, "does not have sufficient staff to gather information," and has "adopted the philosophy that it exists as a quasi-judicial body, which meets simply to hold hearings and render judgments." (Part I, pp. 20–33.)

Montana

Mayor William Hunt of Chester, Montana, president of the Montana Consumers' Council, testified that Montana Power, which served his town, had the highest net profit of any utility in the country in 1967 "25.37 cents profit on the dollar after payment of taxes, expenses and other costs." Nevertheless, last year the power company "directed its district offices to inform the county, city, town and school district officials to increase their 1968–69 budgets to allow for an additional 15 per cent increase in the company's rates." Actually, the power company asked for more than a 25 per cent increase in its application . . .

"Senator Metcalf: You mean that they had an application in to the Public Service Commission for a 25 per cent increase, and they came to you before there was any hearing and suggested that you increase your budget 15 per cent?

"Mr. Hunt: That is precisely right, Senator, and they did not ask me to, you know. They told me to."

Mayor Hunt testified that he and nine other Montana mayors and county commissioners formed the Montana Consumers' Council, and asked 125 cities and towns to join them in fighting the rate increase. About 20 contributed.

"Much of the opposition that we ran into in asking cities to join with us came from council members in cities such as Missoula and other cities where employees of the Montana Power Company served on the council, and effectively blocked any action. The only time any State official showed any interest was when the State examiner asked me by what authority cities could use money to investigate rate increases."

The Council raised about $15,000, less than one twentieth of the reported utility expenditure on the case. The Council hired an expert consultant who, Mayor Hunt said, "had not yet been paid in full, and I am sure the difficulty he has encountered regarding his fee will make it more difficult in the future to get highly qualified rate experts to represent the consumer."

"We did not have the time or the means to effectively raise the money that we so desperately needed. As public officials, we had our regular jobs to perform and worry about, including citizens' complaints about dogs, streets, water, law enforcement, budgets, taxes, lack of service, too much service and all the other endless matters that city and county officials must contend with. These men who serve on the council also have full-time jobs.

"While we had only weeks to prepare a case, the Montana Power Company had been on the job for years. We had to beg for money while they collected theirs from the consumer who had no choice. To us in Montana interested in consumer affairs, this bill represents the only effective and meaningful law to help the consumer educate and protect himself."

Mayor Hunt testified that he and other local officials were at least able to delay the increase for 6 or 7 months and "this amounted to savings just for the State alone around $15,000 a month." The commission granted the 15 per cent increase—the same percentage increase which the utility had told local officials to budget for, prior to the hearing. (Part I, pp. 145–151, 186.)

New Jersey

Rear Admiral Arthur H. Padula (USN, ret.), president of the Arthur H. Padula construction Corporation in New Jersey, testified regarding his attempts to obtain the benefit of master meters rather than individual retail meters (and consequent lower rates for large amounts of electricity) for his three Federally-assisted, low and moderate income rental units, which house approximately 1,000 families. This saving would amount to approximately $30,000 a year or $2.50 per month per family.

"After prolonged discussions," testified Admiral Padula, "I filed a suit before the New Jersey Public Utility Commission that ran for 13 hearing dates in which the Public Service Electric & Gas Company had a battery of 10 to 15 high paid executives, staff and legal personnel at all times, at the expense of the public, while I was forced to pay for all of the necessary documentation, exhibits, expert witnesses, legal counsel, at my expense." (Part V, pp. 1162, 1170–1.)

New York

Last December the New York Legislature's Joint Legislative Committee on Consumer Protection released its unanimous interim report following a year long study of New York utilities and the New York Public Service Commission. The report said the commission neither represented nor informed consumers. The committee recommended establishment of a State office of consumer affairs designed to represent consumer interests:

"It should have within it a division dealing solely with the affairs of public utilities and the Public Service Commission. This division should receive or have access to copies of all materials filed by the utilities with the Public Service Commission or material prepared by the Commission itself. The division should represent the public at all hearings held before the Public Service Commission and should make its expertise and staff available to work with interested consumer groups and governmental units."

Northwest States

Attorney Frank J. Jestrab, testifying on behalf of the North Dakota Association of Rural Electric Cooperatives, testified that "on these rate procedings, in these states that I am talking about, out in North Dakota, South Dakota, Montana, Idaho—even Minnesota actually—the commissions have perhaps one lawyer . . . And the utility comes in with an enormous case. They have rate experts, all sorts of executives, company officers who come in. But over on the other side, there are 600,000 consumers with no representation, no effective representation. And it is to deny reality to say the State commission can do it." (Part V, pp. 1314–7.)

Pennsylvania

The Honorable Norman S. Berson, a Philadelphia lawyer and member of the Pennsylvania legislature, told how he attempted to contest the $31 million a year rate increase—with an especially hard impact on small residential users—filed last December by Philadelphia Electric, which "has engaged the services of the largest law firm in Philadelphia." The consumer protection bill approved by the Pennsylvania legislature recently explicitly excluded representation of consumer interests:

"The State utility commission was so concerned about what might happen if we got real legislation in this area, that as a condition of that bill passing, they were able to insist that a provision be put in that would in no way effect the operations of the utility commission, nor would the consumers' counsel be authorized to appear in ratemaking proceedings. They got that provision in the law solely in order to protect themselves from the kind of adversary proceeding that we desperately need in these rate regulation cases."

Representative Berson went to the commission for information:

"The staff (of the commission) had made an analysis of the requested rate increase for the commission, and I both wanted to see that and I wanted to be present at the commission's hearing when they would decide whether to suspend the increase or not, because since the suspension involved 6 months it would involve a saving to the consumer of over $15 million. I was told I could not be present at the hearing or the meeting of the commission or whatever it was where they decided to suspend, and that I could not see the staff study that had been made presumably for the guidance of the commission.

"Now, where does that leave me? I have nobody to turn to. I do not have any assets to invest in all this sort of technical assistance. The electric company will come in. The filing alone is over 100 and some odd pages, for which the commission is asking 75 cents a page just to Xerox, so you have got to be prepared to lay out $75 just to get a copy of the tariff filing. From there the costs pyramid endlessly if you are going to be able to meet what they undoubtedly will present. With S. 607, I do not think the consumer is going to find himself in that position." (Part I, pp. 139–144.)

Richard A. Hesse, staff attorney for Community Legal Services in Philadelphia and co-counsel for a consumers action group whose members live in Philadelphia ghettoes, likewise testified that the Pennsylvania commission's staff study was not available to his clients, who were without funds to obtain competent counsel.

"Hearings have been held during which the PUC staff cross-examined the company's witnesses; but copies of the transcript are

not available for use by my clients except for a single copy which may be inspected at the office of the PUC . . . The first round of hearings referred to above was conducted in Philadelphia. The second round, during which the complainants are scheduled to cross-examine the company's witnesses, is scheduled for Harrisburg, despite the fact that nearly all the complainants are from the immediate vicinity of Philadelphia. Our protests have been met with the response that the convenience of the Commonwealth is paramount, and, therefore, the hearings will be held in Harrisburg."

Mr. Hesse testified that, except in rate cases, the complainant has the burden of proof before the Pennsylvania commission and that counsel was sometimes required:

"I know of cases in which the PUC did nothing to aid complainants appearing without counsel. In fact, in at least one case, the PUC hearing examiner created a hostile atmosphere and denied the complainant the opportunity to cross-examine the utility company's witnesses because the complainant was not an attorney . . . From my own experience the only aid the PUC staff will give relates to procedure and not to substance of the complaint." (Part V, pp. 1261–2.)

Milton J. Shapp, Philadelphia businessman and chairman of the Pennsylvania Democratic Study Committee, told the subcommittee:

"The issue has been well summed up for my statement in a wry understatement of Professor Joseph Rose, chairman of the Transportation and Utilities Department at the University of Pennsylvania's Wharton School. According to Professor Rose, the Pennsylvania PUC has traditionally been very generous with those companies it regulates . . . In the present rate hearings in both Suburban Water Company and Philadelphia Electric, the consumers who are protesting this are really up against it. They do not have money to hire good accountants and good attorneys. Unless somebody comes forward and volunteers services, somebody who has had experience in ratemaking proceedings, who has had experience in reading the records as they are kept by utility companies—and they are entirely different, as you know, from records of the average businessman—it is virtually impossible in a ratemaking proceeding to ask the questions regarding the figures that are put forward by the utility companies in expert fashion. They know how the books are kept, they know how to ask the questions, and unless the person testifying on behalf of the consumer also has this knowledge, the protest of rate making at these proceedings becomes a joke." (The Pennsylvania PUC subsequently granted Philadelphia Electric the $30 million increase it requested, before the consumer groups had completed their case before the commission.)

Rhode Island

Congressman Robert O. Tiernan of Rhode Island's Second District testified that "in many instances the power companies have ignored the rate ceilings and compiled record profits in the absence of State controls. In our State, they just haven't been able to have these rate hearings, because they can't hire the experts, because of the expense involved and the States find themselves at a great disadvantage when they have a rate hearing by any of these utility companies . . . S. 607 would give the States a needed boost in assisting them to effectively represent their citizens."

The State utility commission, he said, had two executive secretaries, each paid $4,100 a year, one engineer, paid $9,200, no rate analyst, two inspector investigators, paid $4,700 a year, two accountants each paid $8,200 and three or four secretaries and typists. (Part II, pp. 325–9.)

Executive Director Edwin P. Palumbo of the Rhode Island Consumers' Council, created by the State legislature, said S. 607 "goes straight to the heart of the problem by providing the people with their own advocate . . .

"We are not concerned here with duplicating facilities, but with creating a much needed new role. At present, the regulatory body has only the applicant's presentation to evaluate. This is not an ideal situation."

Mr. Palumbo said the Rhode Island Director of Business Regulation (which functions as the state utility commission) also supported S. 607.

Texas

Congressman Bob Eckhardt, who testified in support of S. 607, told the subcommittee he was especially interested in the help it would provide local governments. He explained the Texas situation in words Sam Rayburn used in the well of the House 34 years ago "because this is exactly the case today." Congressman Rayburn, speaking for the Public Utility Holding Company Act of 1935, told the House:

"Do you know the only regulation of utilities we have in Texas, the holding companies, big operating companies, go to the town commission, for instance, in a town, and those great experts argue rates with the mayor and two commissioners . . . Some of the same gentlemen who do me the honor to listen from the gallery today have been the instrumentalities throughout the year of defeating in the Texas legislature the passage of any effective utility legislation. They confess to be for utility regulation in Texas but always make proposals that no considerable number of legislators are for. And the final outcome, no law. Yet, they have their friends in Texas today wiring Members of Congress from Texas that they are, by the passage of this bill, arranging to take away from Texas some of its power and some of its prerogatives."

Congressman Eckhardt said that "over a period of at least the 8 years in which I served in the Texas House of Representatives there were introduced sporadically utility control bills of various types." He testified that legislation providing for utility regulation was again before the Texas legislature this year, and that passage of S. 607 would be helpful in getting it enacted. (Part II, pp. 340–1, 344, 356.)

(According to the August 11 NARUC Bulletin, the legislation died upon adjournment of the Texas legislature, which adopted a resolution providing for a committee to study the feasibility of creating such an agency and to report back to the legislature in 1971.)

Virginia

State Senator Henry Howell testified that legislative attempts to provide for a State consumer counsel, or a study of the subject, had been unsuccessful over a period of years. Virginia's largest city, Norfolk, considered attempting to obtain reductions in both electric and telephone rates but decided not to because, according to its city manager, "We cannot afford to represent the people of Virginia; it is too expensive, too complicated a subject for one big city to take on . . ."

Local governments in northern Virginia as well as the Norfolk area had commissioned expert studies which indicated that utility rates were excessive. Senator Howell emphasized the value of S. 607's provision for grants to such local governments, which might be more interested in initiating a rate case than State government would:

"Senator Gurney: Let me ask you this. Since these big boys are so powerful, what makes you think they won't kill legislation in the State legislature which would provide matching funds for this bill?

"Mr. Howell: Well, what the great thing is about this bill, they cannot kill the Norfolk City Council. . . . We are not worried about the big boys in Norfolk. People can get through to that city council. (Part I, pp. 96–7, 136.)

Federal Power Commission

The testimony revealed a similar lack of adequate consumer representation before Federal regulatory commissions. According to Ed Berlin, counsel for the Consumers Federation of America:

"A recent pipeline rate case before the Federal Power Commission illustrates the disparity between representation of industry and consumer interests. In the Natural Gas Pipeline of America case, the Company called upon an impressive array of outside professionals, as well as making liberal use of its own executives and employees.

"On the issue of rate of return alone the company presented eight witnesses, including two distinguished economic consultants, a prominent New York investment banker, the vice president of a large insurance company, a partner in Arthur Andersen, a bank president, and top vice presidents of Natural and its corporate parent, the Peoples Gas Light and Coke Company. The case was assembled and coordinated by five lawyers, all of whom are utility specialists from a prestigious Chicago law firm.

"Although the public record does not show the exact company expenditures allocated to this case, its annual outlays for regulatory expenses and outside professional services are matters of public information. In 1967, the company reported that it spent $304,504 for regulatory commission expenses, almost all relating to Federal Power Commission rate proceedings. And this does not include any allocation of executive salaries, many of whom worked on the rate case and several of whom testified on the rate of return issue.

"Aside from the Commission's staff, the only active consumer representation was undertaken by the city of Chicago. The city retained the services of a small Washington consulting firm and presented one witness on rate of return. It was represented by lawyers from its corporation counsel's office, none of whom was a specialist in the complex and technical ratemaking area. (Part VIA, P 1468.)

Federal Communications Commission

American Telephone and Telegraph Company told the subcommittee that "the FCC staff has consistently played an adversary role in proceedings involving the Bell system. In continuing surveillance reviews and in the formal docket proceedings, the staff takes a position adversary to that of the carrier and ably represents the public as a group of consumers. The staff is an effective consumer advocate for rates and other measures which it deems proper." (Part IV, p. 1111.)

AT & T declined the subcommittee's invitation to testify, choosing instead to deliver a statement through Washington counsel. Direct testimony and exhibits provided the subcommittee are in direct conflict with AT & T's statement on the fundamental issue of adversary proceedings. Robert J. Leigh, counsel and director of industry relations for the National Telephone Cooperative Association and formerly an attorney for both Bell and the FCC, testified as follows:

"Let's look now at some Federal regulatory consumer protection. To use some readily available facts, let's choose the biggest utility rate case in the history of our Nation. We mean the Federal Communications Commission's investigation of the interstate and foreign services of AT & T where the all-time record was set for dollars and consumers involved. This great rate case was instituted on October 27, 1965. It continues on today still in its first phase after more than 22,000 page of formal record transcript, and it is destined to last into the 1970's. The issues are complex and the outcome will be the pattern of the future for telephone ratepayers.

"More than 70 groups intervened through attorneys to protect their varying interests. The key question is: Who was the advocate for the small consumer unable to present his own case?

"The fantastic and shocking answer to that question is that in this greatest of all rate proceedings, the small consumer of the Nation was and is unrepresented.

"In other words, there was no voice for the millions of small telephone users who provide Bell with about 90 percent of its total revenues.

"Why no advocate? Well, immediately after instituting the rate case, the FCC emasculated small consumer protection by issuing a procedural order crippling its staff's advocacy in behalf of the unrepresented consumer.

"And we quote now from the Commission's order of December 22, 1965.

"Senator Metcalf: Will you put the entire order in the record? (The order referred to may be found in the appendix of Part II, p. 475.)

"Mr. Leigh: Yes, Mr. Chairman, we will. I have a copy of it right here.

"We quote from this order the salient parts.

" 'The function of the Common Carrier Bureau (FCC) staff is *not* (and that underlining is the Commission's emphasis) to be an advocate of a preconceived position or to take a conventional adversary position. Rather it is to insure the development of a full and complete record which presents the facts and other ratemaking considerations relative to a fair and meaningful legislative determination of the Commission of the complex issues involved.'

"This is amazing. When the Commission tells its staff not to be an advocate for a preconceived position and not to take a conventional adversary position, it is cutting off the best and only way to provide effective advocacy for the main consumer interest. The purpose of all legislation providing for administrative regulation of public utilities is to assign to the regulatory agency the task of protecting the interest of the typical consumer who is in no position to litigate in his own behalf. Forbidding the staff to engage in advocacy for small consumer interests kills any meaningful consumer protection.

"Utility rate cases are trial-type hearings where effective advocacy will maximize the strength and minimize the weakness of each position so that the regulatory authority will be helped to understand all sides fully. Any procedural arrangement that destroys or weakens the advocacy for one major interest partially defeats the fundamental purpose of a rate case. The Commission's procedural order seriously impaired the advocacy for the main consumer interest. The staff is forbidden to serve as advocate for the interest. Bell is permitted to be an advocate for a preconceived position and to take a conventional adversary position but the staff is not. All-out advocacy on one side is not matched by all-out advocacy on the other side. Instead, the staff—the consumer protector—is something in the nature of a middle position, a hybrid position, a referee.

"What an astonishing spectacle with Bell's battery of lawyers and experts on one side fully committed to fighting for that side but no one to engage in frank advocacy for the interests of millions of consumers on the other side." (Part II, pp. 402–3.)

Bess Myerson Grant, Commissioner of Consumer Affairs for the City of New York, testified that "indeed, at this very moment (July 9), the Federal Communications Commission is meeting with AT&T officials to hear Bell's plea that it be given another huge jump in its allowable interstate earnings. There is no one else in the room. The proceeding is closed to the public.

Two years ago, AT&T was granted an increase in its interstate of return to a range of 7 per cent to 7½ per cent. The new rates to consumers set at that time have, however, brought in profits at a rate of well over 8 per cent. So Bell wants to keep all this new money. (Part VIA, pp. 1653.)

The impact in dollar terms, of minimal changes in Bell's rate of return was pointed up by David C. Fullerton, executive manager of the National Telephone Cooperative Association:

"As an example of the magnitude of Bell operations, if Bell's overall rate of return could be lowered by one tenth of one per cent, that is from 7.6 per cent to 7.5 per cent, we would be talking of an annual reduction of $70 million per year in consumer telephone bills."

Analysis of Bell's rate of return shows great disparity, bearing out Mr. Fullerton's point that "when utility revenue requirements need to be met, they can, it seems, most easily be garnered by spreading them over vast multitudes of unorganized, unrepresented, usually unsuspecting small ratepayers." The summary of Bell's interstate earnings for a study period just prior to institution of the FCC's rate investigation shows that, although the overall rate of return was 7.5 per cent, the rate of return on various types of service ranged from 0.3 percent to 10.1 per cent, the latter for wide area telephone service (WATS). Bell earned a rate of return of 10 per cent on message toll telephone service—typical residential long distance calls. In contrast, the rate of return was only 2.9 per cent on teletype writer exchange service (TWX), which is subject to competition from Western Union's Telex service, 1.4% for Bell's telegraph grade private line (such as a stock ticker—Western Union competes with Bell for this business) and only 0.3 per cent for TELPAK (bulk communications circuitry rented by Bell to subscribers), a service which, unlike residential service, is subject to competition from private microwave systems. (Part II, pp. 397, 401, 415.)

Power of the Counsel

The hearing brought out the inherent weakness in present regulatory procedure as the following colloquy indicates:

"Senator Metcalf: Let me ask you. You were on the Federal Power Commission. Suppose your staff came in and made a recommendation, and you didn't follow that recommendation, as is quite appropriate. Who decides whether or not that decision shall be appealed to the appellate court? Can the staff appeal it?

"Mr. Connole: The staff of the Federal Power Commission cannot appeal; no sir.

"Senator Metcalf: Of course not. Who makes that decision?

"Mr. Connole: It is the Natural Gas Act. The Natural Gas Act doesn't contemplate it.

"Senator Metcalf: So there isn't any counsel in there to decide that that matter should be appealed to the court, is there?

"Mr. Connole: That is correct." (Part IV, p. 821.)

Another former member of the FPC, Charles Ross, emphasized the same point:

"Mr Ross: You see, Senator, one of the critical factors in this whole game is the staff's position if there are no intervenors. If the staff all by itself opposes the Commission, and the Commission overrules staff, staff is completely helpless to do anything about the Commission's decision if there are no other intervenors because the staff cannot appeal a case." (Part III, p. 636.)

The New York Legislature's Committee on Consumer Protection noted another procedural shortcoming in its interim report:

"There are numerous difficulties confronting opponents of a rate increase because of other procedural regulations. Testimony revealed that in contrast with other administrative hearings, interested parties have no subpoena power." (Part VIB, p. 1722.)

Bess Myerson Grant, Consumer Counselor for the City of New York urged that "in order to facilitate this vital information retrieval function, the Counsel should be vested with subpoena power—so that it need not be dependent on possibly hostile regulatory agencies or, worse, for representations by industry officials." The Counsel, testified Mrs. Grant, "must have the power to initiate proceedings, as well as the power to intervene in proceedings which are already pending before some court or regulatory commission." (Part VI, p. 1655). Similarly, Attorney Berlin of Consumers Federation of America testified that, "Owing to the grossly understaffed status of most regulatory commissions it is essential that the Consumer Counsel be given the ability to initiate action." (Part VIA, p. 1473.) FPC Chairman White also recommended, on behalf of the FPC, that the Counsel "be given the authority to initiate complaints." (Part II, p. 299.)

FCC Commissioner Cox testified that the Counsel "should not be dependent upon the availability of personnel from other agencies," that it would be "highly desirable for the Office of Consumers' Counsel to be independently and adequately staffed." (Part II, p. 272.) Dr. Arthur A. Brown of Arthur D. Little, Inc., noting that the field of electronic data processing "is one in which snow is easily blown about" suggested that the Counsel staff include personnel "fully qualified in data processing," lest the Counsel "find his efforts to get information and use it frustrated by what looks like technological difficulties, but which may in fact be noncooperative." (Part VIA, page 1484.)

Attorney Berlin of the Consumers Federation of America emphasized that the legal independence of the Consumers' Counsel should be clearly established:

"The legal independence of the Consumer Counsel should also clearly be established. As you probably know, unless there is a provision to the contrary, the Justice Department is the official legal representative of Government agencies. Moreover, appeals may not be taken either to the court of appeals or the Supreme Court. The Solicitor General's responsibility applies not only to appeals in Federal courts but in State courts as well.

"We suggest that it is most appropriate, if not essential, that the Consumer Counsel be relieved of these restrictions. In view of the fact that he often will be desirous of challenging the actions of Government agencies, it is imperative that he be his own master insofar as the form and extent of litigation is concerned." (Part VIA, p. 1472.)

General Manager Radin of the American Public Power Association (Part VIA, p. 1453.) and the Honorable Andrew Biemiller, Director, Department of Legislation, of AFL–CIO (Part VIA, p. 1634.) noted the need for representation of the broad public interest in environmental protection, an area which, according to the interpretation of Chairman Seaborg of the Atomic Energy Commission, the Counsel would not—as S. 607 was originally drafted—be authorized to enter. (Part II, p. 447.)

Attorney Berlin of Consumers Federation of America pointed up the importance of Counsel authority to appear in proceedings before municipalities, noting that in Texas, for example, "all of the rate regulation that now exists with respect to the private utilities is, in fact, discharged by commissions operating on the municipal level, by municipal executives.

"We think it particularly important that when private utility rates are established by local commissions or local municipal executives, that the Consumer Counsel have the opportunity to participate in those proceedings. It would seem particularly critical on that level, because of the real paucity of any expertise available to local executive." (Part

VIA, p. 1471–1472.) Ohio is another State where "each municipality has the legislative power to fix the rates for electric service rendered to consumers within its corporate limits." With the Public Utilities Commission having appellate jurisdiction, as well as original jurisdiction in unincorporated areas, according to the testimony of D. Bruce Mansfield, president of Ohio Edison.

Grants to State and local government

NARUC Witness Bloom proposed as an alternative to S. 607 that "if the Congress determines to spend money in this area, we believe the consumers will receive the maximum benefit per dollar by the establishment of a grant-in-aid program direct to those State regulatory commissions requiring financial assistance to strengthen their staffs."

"In other words, we believe that consumer interests can best be protected by using available Federal funds to strengthen existing commission, rather than by creating another layer of government bureaucracy through the establishment of Consumers' Counsel on the Federal, State and local levels as proposed in Title I of the bill."

The preponderant testimony before the commission shows that this approach would not likely lead to the needed creation of an adversary role within the State commissions. The action of Mr. Bloom's own Pennsylvania commission is a case in point.

The Pennsylvania Commission successfully opposed legislation which would authorize a consumer's counsel to appear in ratemaking proceedings. It denied an attorney for protestants and a member of the legislature access to staff studies on Philadelphia Electric's proposed rate increase. The commission subsequently approved the proposed increase in full, without hearing the opponents' presentation. Such procedures do not warrant Federal assistance.

The flexibility of S. 607 was underscored by Michael F. Collins, secretary-treasurer of the Municipal Electric Association of Massachusetts;

"Mr. Collins: Although we think it preferable that the States set up their own Office of Utility Consumers' Counsel, we like the provisions of section 103 of the bill which authorizes the United States Office of Utility Consumers' Counsel to intervene in State and local proceedings affecting consumers. Until a State sets up its own Office, such intervention is the only effective help consumers will have and can serve to stimulate the lagging States to do something themselves." (Part III, p. 683.)

A Republican State legislator from Ohio, Hon. George E. Mastics, thought help from a Utility Consumers' Counsel would be welcome at the State level:

"Why do we need the Metcalf bill, or S. 607? Well, first we need it in those areas where States will not act, either because the utility lobby is so powerful they cut you down before you start, or because the States, for other reasons, have not gone forward. As I understand it, in 607, it does provide that the Utility Consumers' Counsel can come in and I am sure he would be a welcome addition in a State rate matter. There should be no concern about him intruding himself into State affairs." (Part V, p. 1307.)

James L. Oakes, former attorney general of Vermont, saw long-range advantage to the grant provisions:

"Mr. Oakes: I also like section 106 of the act, permitting grants to State and local government for establishing and carrying out the functions of an office of utility consumers' counsel. This has been on a case-to-case basis. It is only for individual rate hearings, and the like. Our Vermont law has provided for representative of the public for many years and has provided for the funds to pay for such representation, and this has been one of the very reasons that we have been able to do so well in terms of Electric rates as previously mentioned. The proposal of section 106 would, it seems to me, make it even easier, and make it possible to establish not just on a case-by-case basis but have an established office with long-range thinking that is necessarily involved." (Part III, p. 677.)

Danville (Va.) Councilman Carter testified to interference from New York, rather than Washington, in discussing American Electric Power's attempts to defeat Danville's bond issue for expansion of the municipal light plant:

"I think there is something morally reprehensible when such a juggernaut of a cartel goes into a municipality and undertakes to confuse and disseminate information that is not true or which is half true for the purpose of gaining from the people who own as asset in common this asset for their stockholders." (Part III, page 545.)

A number of witnesses, including Chairman Doub of the Maryland Public Service Commission, testified that the bill would not encroach upon the powers of the regulatory commission. (Part I, p. 59.)

"The thing that I see in this bill relating to the State regulatory agencies," testified Dr. Willett of the Massachusetts Consumers' Council, "is that it gives them a tremendous amount of assistance in doing the job that really they are supposed to be doing. I think it would be very helpful to them."

Grants to nonprofit organizations and universities

The provisions of S. 607 for study grants in the regulatory field drew support from numerous witnesses, including spokesmen for the telephone and natural gas industries. Executive Vice President Douglas Gleason of United Utilities, a witness for the U.S. Independent Telephone Association, said:

"The fourth objective of S. 607 deserves support. Regulators and manager of utility companies alike should welcome supported studies of regulatory matters. It would be helpful to all concerned if a broader understanding of the objectives of utility regulation could be achieved. It is and will continue to be useful to explore ways to achieve these objectives more efficiently and more effectively." (Part IV, p. 1035.)

William Crowley, executive vice president of the American Gas Association, testified that:

"It would be wonderful if we could do something to stimulate public utility departments or teaching public utility courses in our major universities, because we need a backlog of people both in our utility companies and in our regulatory staffs . . ."

"Unfortunately, there is an extreme paucity of utility economic expertise in universities. Virtually no universities possess public utility departments devoted to the education of students in public utility economics and related concepts." (Part IV, pp. 874, 793.)

Mr. Crowley noted the difficulty which the gas industry and regulatory agencies have in finding people with training and interest in public utility matters. So did Defense Department spokesman Wagner:

"One of the most difficult areas to fill is a job in the utility area, primarily because the people who are experienced in the field are making far more than the Government could offer them. There is no question about it. And No. 2, the opportunities to gain experience in this field are extremely limited." (Part V, p. 1187.)

Charles Ross, with experience as both a Federal and State regulator, now teaching, had this observation:

"Furthermore, so far, for all intents and purposes, I have managed to avoid becoming too involved—with too many utility clients. This is a fact that I desire. I have turned down some and I have done this because it allows me to teach a little more objectively, I think. But this is why this particular section of this bill, by providing some assistance to the universities, to lecturers, to people who want to specialize in the study of regulation, people who want to make constructive criticisms of regulation, would enable them to continue to do so without the necessity of seeking clients, either public or private power clients. The public might thereby gain something in objectivity from these people." (Part III, p. 626.)

"Second, I want to strongly endorse Title I, Section 107 and Section 108. For many years, both the quality and quantity of research coming out of our universities on the economics of public utilities has been woefully lacking. As you know, rightfully or wrongfully, research effort is directed where there is financial support. The private sector of the utility industry has given virtually no support to research efforts in universities on the economic aspect of the industry. One can only wonder why. Have they been afraid to let the cold unbiased eye of the academic researcher take a good look at their operations, rates, structure, and other areas? As far as I am aware, the money that the private sector—IOU's—has spent at the university level, has largely been of a public relations type. (Part VIA, p. 1490.)

The executive director of the Missouri Basin Systems Group, Robert O. Marritz, questioned the scholarship of some of the university research and writing financed by utilities:

"At sections 107 and 109–11 provision is made for grants to be furnished to college, universities and nonprofit corporations for the purpose of making studies and reports relating to regulation and decisions regarding consumers in fields of energy and communication. This seems appropriate, in that there appears to be very little research and study presently being conducted on the electric industry. Normally the System Group would not be concerned about the scholarly research in the utility field, but for the recent publication of a book entitled "Mid-Continent Area Power Planners," by W. Stewart Nelson, and published by the Institute of Public Utilities, Division of Research, Graduate School of Business Administration at Michigan State Univeristy.

"Very briefly, the book seems to us to be an unscholarly, superficial and often inaccurate source of information on the history and present development of power supply in the Missouri Basin, as I hope to demonstrate below . . ." (Part II, p. 418.)

"Mr. Turner: May I interrupt your testimony to ask you a little bit about this Institute of Public Utilities?

"Mr. Marrits: Yes.

"Mr. Turner: Do I understand you to say that all of the industry members, members of the institute's advisory committee are officers of investor-owned gas, electric and telephone utilities?

"Mr. Marritz: That is my understanding; yes." (Part II, p. 431.)

FCC Commissioner Cox testified that the bill's study grant provisions would create new interest in the utility area:

"There would be the stimulation to young people, and to others, to develop a specialization in this field, which could supplement the work that has to be done." (Part II, p. 279.)

Model laws

FPC Chairman White warmly endorsed a companion role of the Counsel, that of preparing model laws:

"The responsibilities of the Consumers' Counsel for the preparation of legislative recommendations and model State and Federal laws are of vital importance in protecting the economic interests of utility consumers. In its role as proponent of legislation, the Counsel has a significant opportunity to focus legislative attention on unmet consumers needs and to point out statutory changes which would create a more sensitive regulatory framework." (Part II, p. 292.)

Vermont's former Attorney General Oakes told how the model law section of S. 607 would have been helpful to Vermont officials:

"Mr. Oakes: Certainly the proposition of model laws for utility regulations contained in section 112 is highly desirable. I think it is particularly so, having assisted Commissioner Ross when he designed our long-range legislative program back in 1959 and 1960. But we have no model laws on which to base our legislative proposals. This is, after all, an esoteric field, the specialized knowledge of which is largely confined to a few private and a few public lawyers, economists, and engineers. (Part III, p. 677).

Appropriations authorized

The authorized appropriation ceiling for S. 607 would amount to one tenth of 1 per cent of the aggregate annual gross operating revenues for all utilities, as defined in the Act. Those revenues, in 1967, totalled approximately $40 billion dollars. At that level the annual appropriation authorizations for S. 607 would be $40 billion. Because of the growth of the regulated industries, the authorization would increase by approximately eight per cent ($3.2 million) annually.

Because of the inadequacy of utility reports, it is not possible to estimate how much utilities spend on preparing and presenting their cases. One witness, Mayor William Hunt, president of the Montana Consumers Council, reported that Montana Power spent an estimated $300,000 in its 1968 rate case (Part I, p. 151). Several witnesses testified that utility advertising and public relations expenditures rose during rate cases and municipal bond election.

The appropriation authorization—one tenth of one per cent of gross revenue—is comparable to utility contributions, which many commissions permit to be included in operating expenses. (Detailed description of this practice in Florida appears in Part 6A (p. 1495–6) and in a March 1969 series of articles in the St. Petersburg Times, Part 6A, (beginning on page 1511). In a 30 September letter to Senator Metcalf which arrived too late for inclusion in the printed record, Chairman John Nassikas reported that total donation of major electric companies in 1968 totalled $20,139,000. Revenues were $19,539,000,000. Thus donations amounted to slightly more than one tenth of one per cent of revenue.

Senator Gurney said (Part VI, p. 1496.) that utility contributions are "so negligible," as to be undeserving of consideration, unless principle is involved, and too small to be significant to customers. By that reasoning, the comparable authorization for S. 607 is too modest to dispute.

TITLE II—PUBLIC INFORMATION

Adequate and timely information is essential to the regulatory function. A regulator, before he can determine whether an expenditure is allowable as an operating expense or as part of the rate base first has to know what the expenditure is, and how it is carried in the accounts. A party in a rate case, such as a representative of the consumers, needs the same information.

As with Title I, NARUC and the trade associations of the investor-owned utilities opposed Title II, which was supported by Federal and other witnesses. Mr Bloom, NARUC, spokesman and Pennsylvania commission chairman, testified that Title II "would impose an enormous and unnecessary burden on the FPC and the FCC . . ." and that "substantially all of the information called for by Title II of the bill is available to the public today." (Part II, pp. 224, 226.)

Mr. Vennard of Edison Electric Institute said that "regulatory commissions should, of course, have available to them all information necessary for them to do their job. Much of these data are of a highly technical nature which the general public may not be able to interpret properly." (Part IV, p. 902.)

Informing commissions not the same as informing public

NARUC and the industry trade associations stressed the importance of providing *the commissions* with information held necessary for regulation. Other witnesses emphasized the necessity for providing *the public* with information, in understandable form, on a comparative basis and in a timely manner. As Chairman White of the FPC testified:

"The commission agrees with the basic premise of Title II of S. 607 that adequate and readily available information is essential for effective utility regulation and is keenly aware of the importance of providing the public with understandable and readily comparable data concerning the finances and operations of electric utilities, licensees and natural gas companies." (Part II, p. 293.)

Defense Department witness Wagner emphasized the difficulty of obtaining needed information about utilities, despite the considerable resources of his client:

"We are very much in favor of those sections of the bill dealing with the information to be supplied by the utility. The most difficult job we have in defending a utility case or prosecuting a complaint case against any utility is obtaining information from a utility.

"In those instances where we have been able to get cost information, we have been much more successful. This has come about often by hook or crook methods, even using trickery to get the information, but we have been much more successful in those instances, and we heartily endorse those sections of the bill dealing with information requirements." (Part V, p. 1181.)

AT&T wrote the subcommittee that the information specified in S. 607 "could be utilized by utility consumers if made available to them."

"The question of whether legislation is necessary arises again, however, for with few exception the information specified in the bill is already reported to regulators in the telecommunications industry." (Part IV, p. 1112.)

AT&T like other industry witnesses and NARUC, thus regarded as sufficient the provision of information to *commissions*, rather than the *public*. The record before the subcommittee shows the insufficiency of informing only commissions.

For example, AT&T stated that "in addition to its annual report, all duly filed, preserved and available under FCC rules and the Administrative Procedures Act, "a monthly statement of the earnings of each Bell system associated company is furnished by the FCC to and at the request of NARUC for distribution to the State commission". (Part IV, p. 1113.) State Senator Howell told how he was unable to obtain these monthly reports from either the Chesapeake and Potomac Telephone Company or the Virginia State Corporation Commission:

"I wrote and asked the State Corporation Commission to get me one year's monthly reports so I could attempt to get a CPA to tell me what was in this report, because I saw some interesting figures that I did not understand, like 8 something per cent.

"I was called up to the SCC and met with representatives of C.&P. and they spent two hours explaining to me why I did not want this form. It was not really relevant. Well, I told them I did. The SCC wrote me back saying that they were not going to require the C & P to furnish it. It was an internal report on their finances, and the C & P general counsel wrote me and told me that they were not going to furnish it. I am a State Senator and I am interested in these things. And so I have no way at the present time of getting the financial picture not only of who owns the stock, but what the earnings are." (Part I, pp. 110–1.)

Senator Howell further testified that he had called public attention to rate disparities under which it was cheaper to call Toronto, Canada than another part of Virginia. The information showing this rate disparity had been printed on the telephone book's inside cover. After he publicized the rate disparity the telephone company abandoned the practice of putting information on long-distance rates in the phone book. (Part I, pp. 99, 106, 110, 111.)

Dr. Willett of the Massachusetts Consumers' Council testified that information filed by utilities with the Massachusetts commission "is not disseminated to the public, and the public does not realize it is there." Attorney Hesse of the Philadelphia Community Legal Services testified that "my clients are unable to acquire the necessary experts and the PUC will not share the work product of its staff with us. (Part V, p. 1262.) The New York Legislature's Committee on Consumer Protection found it "difficult, if not impossible, for interested parties to examine the basic reports, figures and memoranda of both the utility and the Public Service Commission." (Part VIB, p. 1722.)

Miami City Commissioner Maurice Ferre testified that Florida Power & Light refused to open its books to the City of Miami, and that the Florida Public Service Commission denied the City of Miami's petition to look at the company's books and records. (Part VIA, p. 1551.) The Attorney General of the State of Florida has brought action to attempt to get direct access to utility records, so that they may be studied and evaluated. (Part VIA, p. 1491.)

Ohio State Representative George E. Mastics testified that the bill's provision for "a central information center where this utility information can be reached by anyone" is "one of its finest points, because this is where I have had so much difficulty and our commission has had difficulty in trying to find out what is the corporate and rate structure of these utilities." (Part V, p. 1307.) Arizona Corporation Commissioner Herbert testified that "the provisions of Title II with respect to the acquisition and distribution of information relating to utilities will substantially help the commission keep abreast of trends in the public utility industry . . . (and) compare the operations of its utilities against nationwide performance." (Part I, p. 60.)

James Richardson, associate professor of Finance at the University of Florida and former mayor of Gainesville, testified that the value of Title II to public officials, researchers, security analysts and many others would be tremendous. "While some may argue that the records and data are in the hands of the various commissions and the Federal Power Commission, the cold hard fact is that frequently important data, such as that provided for in this section, are simply not available or if available, only after long and expensive search and complex accounting and financial adjustment." (Part VI, p. 1491.)

The large utility companies, testified Mr. Shapp of Pennsylvania:

"Have dozens, in some cases hundreds of persons working on their books and they keep one set of books in one department and another set in another, and there are few people who know the key of putting all of these records together.

"So they keep the two sets of books, but if you try to pry into these, either set of books, you have to go back really to the source of the data that is buried in some department and that source is very seldom revealed at the hearings, or even in their records." (Part V, p. 1244.) Another Pennsylvania witness, Attorney Hesse of Philadelphia Community Legal Services, noted that "the Philadelphia Electric Company's books have not been examined by the PUC staff for at least 4 years and no detailed audit of the company's books has ever been conducted by the PUC. In the present case, we find our-

selves dealing with books which have been certified by an accounting firm which has been convicted of fraud in connection with its certification for another corporation." (Part V, p. 1262.)

NARUC Witness Bloom's statement that "substantially all of the information called for by Title II of the bill is available to the public today" was subverted by a statement of the Nevada Public Service Commission which he himself put in the hearing record. That statement, according to Mr. Bloom, "is very much in accordance with the views of the National Association of Regulatory Utility Commissioners."

The Nevada statement held requests for information in three of the categories "both unreasonable and presumptuous" for anyone "less well informed than State regulatory commissions, whose daily business it is to know and understand the circumstances of every utility they regulate . . ." Information in nine of the categories admittedly had to be obtained from utility annual reports or Congressional request to Federal regulatory agencies. The Nevada Commission said that most of the remaining information requested was unimportant, or strictly a State affair. The commission warned especially against publication of information about rate base, a matter "beyond the comprehension of most consumers." The all-important matter or rate base is one "for determination at the regulatory level by commissions who are the sole experts in a position to be adequately informed and to pass intelligent judgment. (Part II, pp. 226–230.) Apparently in the view of NARUC and the Nevada commission the public is on its own in obtaining information about regulated utilities and, anyway, possesses neither sufficient information or intelligence to make proper judgments.

Present availability of information called for in Title II regarding electric power and natural gas pipeline companies appears in Part II, pp. 492–496. Chairman White testified that of the 24 specific information items in S. 607 as introduced, 10 or so are already published periodically, a half dozen or so are on forms that are already available, without any change in reporting by the companies, and another half dozen or so "would require some change in commission and company procedures." (Part II, p. 319.) The FPC does not publish or collect statistics on gas distribution companies, as Congressman Eckhardt learned from Chairman White of the FPC when Congressman Eckhardt was attempting to obtain basic data about gas companies in his district. (Part II, p. 347.) Indeed, even the American Gas Association could not provide the Subcommittee with basic financial statistic, the return on common stock equity, of individual gas distribution companies. (Part IV, p. 816.) In the landmark *Hope Natural Gas* case, in which the U.S. Supreme Court laid down the doctrine of "end result" in 1944, the Court stated that "the return to the equity owner should be commensurate with return in other enterprises having corresponding risks." One must wonder how both commissions and courts have been able to make meaningful determinations absent basic data based on uniform reporting standards.

The need to know specific information provided in title II

Beneficial Ownership

NARUC Witness Bloom foresaw benefit in knowing who beneficial stockholders of utilities are:

". . . We could take a much better look at some of the service contracts to determine whether those beneficial owners have service contracts with a utility. We could take a mighty hard look at the service contract to see if they are in any way being favored as a result of the fact that they have a large interest in the utility which was not disclosed." (Part II, p. 267.)

Similarly, Frank H. King, manager of the Holyoke (Mass.) Municipal, said this reporting requirement would have helped his city in its effort to find out who was behind a private utility's attempts to lease and subsequently take over the municipal light plant.

"Such constructive legislation (as S. 607) would have been of great interest and value to us as public officials at the time." (Part III, p. 658.)

Certainly the FPC's present reporting requirements on security holders provide scant, even misleading, information as may be seen from excerpts of such reports filed last year by Pennsylvania and Montana electric utilities and appearing in Part I, pp. 154–185. For example, Philadelphia Electric reported a a number of investment firms and insurance companies as principal stockholders. Nowhere in the Form 1 report to the FPC is there indication of the substantial financial and directorate ties between utilities, banks, insurance companies, and railroads as developed by the Patman Committee (summarized, as regards Philadelphia, in staff memorandum, Part I, pp. 152–3). "Cede & Co."—which the Interstate Commerce Commission ruled last year can no longer be used as a cover for hiding the names of real owners of railroad stock, appears as one of the 10 top security holders of Philadelphia Electric. On the other hand, Montana Power states that it does not know who the top security holders are, and then lists street names of investment houses which are nominees for beneficial owners. Figures under the final column of the FPC report form, cryptically headed "other," list unexercised stock option held by insiders. It is impossible to verify the nature of these "other" holdings by reading the report, and it is likewise impossible to determine the extent to which individual insiders benefit from these holdings by reading the entire Form 1 reports, reports to stockholders and Form 4 reports on insider transactions filed with the Securities and Exchange Commission.

Fees for Professional Services

A number of witnesses questioned whether certain types of utility expenditures should be included in the operating expenses which are paid by customers. S. 607 would, of course, in no way impinge on the prerogatives of commissions which determine inclusion or exclusion of items from operating expenses and rate base. S. 607 would enable commissions to identify such expenditures and thus make their judgment based on complete information.

Several witnesses discussed utility advertising, lobbying and the retaining of public officials, in relation to changes in rates and law. Among them was Ohio State Representative George Mastics:

"Why should they advertise or spend this kind of money? I think the reason is very obvious, at least in our area, with respect to the utilities that tend to come in with their rate increases.

"No. 1, they want to soften up the customer, subdue the customer, and convince him that they have kept the rates down. You see these television commercials with a hand over a telephone indicating how low those rates have been. That is our money paying for these advertisements, and it is unnecessary. They have no competition.

"Then even at the State level, when they go around and wine and dine the legislators and lobby them, whose money are they really spending? They are spending the ratepayers' money.

"The point I would like to make is: Unless someone comes in and complains, you really do not get much action insofar as the structuring of rates in our State." (Part V, p. 1305.)

Mitchell D. Moore, Osceola, Arkansas, city attorney, described Arkansas Power & Light's effort to cancel the city's contract for wholesale power with the Southwestern Power Administration:

"Throughout most of the history of this matter, Arkansas Power & Light intensified its newspaper and radio advertising to influence the news media. It was in some measure successful in doing so. It is my firm belief and conviction that no public utility should be able to write off advertising expense to the degree and to the extent permitted . . . The power companies are permitted to advertise in the paper that they are taxpaying public utilities. This is the grossest sort of misleading advertising . . . It is the consumer who pays the taxes." (Part V, pp. 1224–5.)

Another Osceola witness, Mayor Charles H. Wiygul, testified that "it would be conservative to say that at least 75 lawyers are employed in Arkansas to represent Arkansas Power & Light Co. In addition to this number, a majority of the members of the Arkansas Legislature who are attorneys have represented Arkansas Power & Light Co."

"Senator Metcalf: How many members does the Arkansas Legislature have?

"Mr. Moore: They have 100 members of the House.

"Senator Metcalf: Of the House of Representatives. How many in the Senate?

"Mr. Moore: It would be 35.

"Senator Metcalf: And you say a majority of the members who are attorneys, the majority of attorneys who are members of the legislature represent the Arkansas Power & Light?

"Mayor Wiygul: They have at one time or another.

"Senator Metcalf: Do you know how many members of the Arkansas Legislature are attorneys?

"Mr. Moore: No, sir; I do not.

"Senator Metcalf: Would you say it was a substantial number?

"Mayor Wiygul: It is a substantial majority; I would say a majority of them" (Part V, pp. 1231–2.)

W. C. McCubbins, Mayor and Council President in Danville, Virginia, described the tactics of American Electric Power, whose subsidiary Appalachian Power attempted to defeat the Danville bond issue for expansion of its municipal power plant:

"The attitude, objectives and methods of American Electric Power, though somewhat more sophisticated than those of Samuel Insull, are largely the same. There is an utterly ruthless, completely cynical attitude on the part of this company to use unlimited amounts of money taken from the ratepayers to monopolize, to restrain trade, and generally to confuse and cheat the public. The statements in the advertising campaign waged by American Electric Power in Danville deliberately falsifying a comparison of power costs if purchased from the company to the costs if produced by Danville, are a shocking and inescapable example." (Part III, p. 507.)

Another Danville witness, one who sided with American Electric Power and its subsidiary, Appalachian Power, in the bond issue dispute, indicated the utility's commanding role in the community:

"Mr. Turner: Because of the fact that H. K. Porter was one of Appalachian's largest suppliers, Appalachian went to H. K. Porter and said why do you not help out those people in Danville.

"Mr. Stinson: That is right, and we were selfish enough to want to take it. They had to go some place.

"Mr. Turner: They had to go where Appalachian suggested they go.

"Mr. Stinson: That is right. That is what we need in Danville and that justifies the statement I made here that Danville needs Appalachian a whole lot more than Appalachian needs us." (Part III, p. 604.)

Pennsylvania witness Shapp testified that at the Pennsylvania constitutional convention last year "there were 135 registered

lobbyists for that convention, and almost 40 per cent of them represented utility companies. This did not include those who did not register as lobbyists. (Part V. p. 1242.)

Colloquy during Congressman Eckhardt's testimony dealt with reports that there were four utility lobbyists per state Senator during this year's session of the State legislature—at which proposed legislation providing for utility regulation in Texas was killed.

Franchises

Testimony showed that utility franchise arrangements range from operation without franchise to perpetual rights:

"Senator Erwin: Don't the telephone companies, and the gas companies and the electric power companies according to Texas law operate under the public franchises granted by some governmental body?

"Mr. Eckhardt: They sometimes do and sometimes don't. For instance, the telephone company in San Marcus operated for some 20 years without a franchise. And as long as no one sued to stop it, and perhaps even if they did, the company may continue to operate." (Part II, p. 350.)

On the other hand, according to Osceola City Attorney Moore:

"In Arkansas, we have a situation which makes an electric franchise from a municipality to the power company perpetual whether or not the municipality intended it to be so." (Part V, p. 1226.)

Fuel Costs

The original language of Section 201(b)(23) provided for reporting information with respect to coal purchase contracts in the manner now prescribed by Pennsylvania and West Virginia. The need for broadening this requirement to cover all fuels was emphasized by George Spiegel, counsel of the Municipal Electric Association of Massachusetts:

"I would recommend that (paragraph 23) be broadened beyond the question of coal, to cover all fuels. I would also recommend that the provision be worded so that the information produced and disseminated by the Commission is done on a uniform, a unit basis—per million B.t.u., for example. We had great difficulty when we started to try to analyze the fuel costs of the New England Electric System, what those costs were and why, of this one system, which appeared to be paying considerably higher for its fuel than other systems. It was a most enormous expenditure of time and effort to dig up this information to find out what the coal was being bought for, to convert cost per ton into cost per million B.t.u.—because different types of coal have different amounts of heat values—trying to compare oil with coal and gas on a standard basis. . . We finally came, after literally months of research and deposition, to the point where we think we understand just what the coal procurement practice of this company is and how it, in our view, may be deficient." (Part III, p. 695.)

Pooling Agreements

Testimony indicated that, despite the importance of power pooling to electric reliability, pooling arrangements are sometimes extremely casual. Gary Tabak, assistant staff counsel-engineer for the National Rural Electric Cooperative Association, testified that "in the Northeast many people have tried to learn what the plans of certain pools were and they were really never able to get this information. The utilities said they do it by phone and this is the way these agreements are put together." (Part III, p. 175.)

John R. Kelly, director of public utilities in Gainesville, Florida, testified as to the difficulty his city had in discovering the terms of a pooling agreement important to it:

". . . We made an effort to obtain a copy of an interconnection agreement between Florida Power Corporation and Florida Power and Light Company. Florida Power Corporation said it was on file with the Florida Public Service Commission, but, on inquiry, the Commission would not release a copy. When Florida Power Corporation finally produced the paper, under threat of Federal Power Commission subpoena, it turned out to be a 1½ page unsigned memorandum prepared by Florida Power Corporation and never reviewed by Florida Power & Light Company, and in this shape was accepted for filing by the Florida commission. The memorandum itself was incomplete, and referred to so-called left overs of an old contract and verbal agreements. Nobody, from the president of Florida Power Corporation on down, could tell us what these left overs and verbal agreements were, nor could they tell us the names of anyone who would know. Finally, the company's trial counsel laid it on the line:

"I don't know and I don't know anybody in the company who does know. As I understand it, the only man who did know is Mr. McKean, who is dead." (Part IVA, p. 1508.)

Robert Marritz, executive director of the Missouri Basin Systems Group, pointed out the particular advantage of reports on pooling agreements to small utility systems:

"Investor-owned utilities in the Missouri Basin and around the country have been generally unwilling to make available to the smaller systems the type of information which would be provided under paragraph (24). Particularly this portion of S. 607 would be helpful to fill the information gap which exists today—not only between utilities and their retail consumers, but also between larger and smaller utilities, with which the larger ones are too often unwilling to share economic benefits." (Part II, p. 418.)

Contributions and Donations

The FPC requires utilities subject to its reporting requirements to itemize donations and contributions, and to enter political expenditures in non-operating accounts. Thus State regulatory commissions can readily identify and exclude expenditures which it believes would not be passed on to the consumers. Some utilities disregard these reporting regulations. Arizona Corporation Commissioner Herbert testified that contributions are lumped, that political expenditures are included among donation, in operating expense accounts (Part I, p. 73.) The witness for the New Day for Danville Committee testified that Appalachian Power and American Electric Power made no contributions to it. (Part III, p. 592–3.) The FPC audit showed that Appalachian Power made substantial contributions, directly and indirectly, to the New Day for Danville Committee. (Part VIB, p. 1665.)

Promotional practices

Congressman Dingell, testifying to the subcommittee regarding the findings of his House Small Business Subcommittee on Regulatory Agencies, reported that utilities are decreasing their competition by offering "payola" under a variety of methods:

"We found, for example, that the payola situation in these industries has reached a point now where payola is required from installers in order to do the payola business that the utilities themselves are engaged in something which to me is quite frankly shocking. We found that the utilities are moving over into the area of real estate operations. They are buying tracts of land, subdividing it, putting restrictive covenants on these tracts of land so that their kind of power has to be used, something which I regard as entirely wrong. They are literally impoverishing and making subject to destitution, the jobbers, the petroleum jobbers, and are well on the way to making them an extinct kind of animal.

"They will engage in such unwholesome practice as giving a contract—that they will give you a certain guaranteed rate exclusively, at the conclusion of which the consumer who has signed one of these contracts, all of a sudden finds his rate is adjusted to reflect what I must assume is the cost of service to him, at a much higher level. We find this doesn't always afflict the original buyer of the house. We found that the original buyer has ofttimes sold to what you might want to call a patsy, or sucker, or paleface, who would all of a sudden find his rates going up.

"We found some very interesting things with regard to the question of the gold medallion. And we found the gold medallion is not a gold medallion at all. It says "Live better electrically," but Mr. Potvin here, my good friend and counsel of the subcommittee at that time, had put 'caveat emptor' on it, because the insulation and other things, other desirable features of supposedly all-electrical homes weren't all there." (Part II, p. 389.)

Congressman Dingell suggested a specific remedy:

"Senator Metcalf: As I understand it, you suggest that we amend S. 607, so that we can at least find out what promotional practices are being used so that the regulatory agencies will know.

"Mr. Dingell: I think this would be a very desirable and helpful amendment, Mr. Chairman. We found this to be most distressing. One of the recommendations of the subcommittee was that this kind of practice be made a matter of rate filings. It should be made a matter of public information. It should be a required portion of the tariff structure, so that the agency concerned would know how much of the money that flows through the hands of these utilities from the consumers—it is the consumers' money really—is being used to buy customers, and is being used to inflate the rate base.

"Senator Metcalf: Or drive out competition."

Automatic Data Processing

FPC Chairman White emphasized the importance of applying modern methods of information storage and retrieval to the regulatory process, as proposed in S. 607:

"Title II of S. 607 emphasizes, as I think it properly should, the importance of having a great deal of information. That information is only as valuable as it is available and to the extent that it can be put into computer banks, and made accessible to the State agencies that have need for it and to the Federal agencies, and to the public at large, we think a useful purpose will have been served . . . The Commission concurs in the objective of Section 202 of S. 607 to promote expanded use of automatic data processing techniques. In today's increasingly complex society, expanded reliance on automatic data processing technology offers the only hopeful means of collecting and rendering useful the volume and detail of information needed to support sound regulatory decisions in the public interest . . ." (Part II, pp. 300, 294.)

Also, Chairman White said:

". . . The data revolution has led corporate managements throughout the country to automate their information processing. This is not simply a matter of saving on labor costs since, as the current experience of stockbrokers dramatizes, the quantities of business data coming into company offices has multiplied so fast that no manual system seems able to keep up with the flood. Moreover, corporate managements apparently insist on knowing more about the performance of their companies from day to day and month to month as a guide to decision making. It is a thesis of S. 607, and a thesis which we share, that in the sphere of utility corporations the regulatory agencies and the corporate managements both need sophisticated ADP techniques to keep abreast of developments and to perform their respective functions properly.

"The solution to the ever increasing de-

mand for information and the regulatory need for reliable utility data lies, we are convinced, in reliance on ADP over the long run rather than on manual processing or more shelf space." (Part II, p. 295.)

Peter James, president and board chairman of Photo Magnetic Systems, told the subcommittee that "full use of electronic data processing could save the public many millions of dollars if properly applied to the utility industries."

"However, it must be borne in mind that the computer can only be effective where proper data is fed into it on a daily basis. It would necessarily follow that the various public utilities investigatory agencies must be willing or required to implement the supply of data and information when and where applicable."

The NARUC witness, Mr. Bloom, limited his endorsement of ADP use to development of a system "so that regulatory *commissions* will have direct access to utility data needed for effective regulation." In contrast, Chairman White emphasized throughout the *public's* need to know the information collected from the regulated companies. This view by Chairman White accords with that of other witnesses. That publication of information by itself performs a useful regulatory function. The following colloquy among the acting chairman, minority counsel and AFL-CIO Economist George Taylor is to the point:

"Senator METCALF. Mr. Taylor, many of these things are cured just by public exposure.

"Mr. TAYLOR. Mr. Biemiller made this point, that the fact that this informtion is going to be reported publicly to the President, to the Congress, has a regulatory effect in itself without the passage of a single bill.

"Mr. BERRY. A good deal of it is now reported, is that not right?

"Mr. TAYLOR. Yes, but I think many of us who—I am not a born-Washingtonian; thank heavens, but I have been here for about 15 years, and it has taken me about ten years to know how to find this material, and this has been part of my job." (Part VI, p. 1638.)

Charles R. Ross, formerly a member of the Federal Power Commission and chairman of the Vermont Public Service Board, summed up the case for Title II in these words:

"As you have already pointed out, Senator, adequate disclosure of public information most of the time serves as a very effective regulator in and of itself. As a result of my experience in regulation, I would say that the assistance Title II would provide, whether to a State or Federal regulator, should be welcomed by every regulator. In some areas it seeks to provide answers to questions that some of us have sought unsuccessfully for years. I mention, for example, the names and addresses of the 100 principal stockholders and the terms of restricted stock option. When I was first on the Vermont Public Utilities Commission I heard rumors to the effect that two of the larger utilities were going to merge. I was not taking a position whether they should or should not but I wanted to know who controlled each corporation and I came down to Washington and asked the Federal Power Commission if they could find out for me. I was a naive young State regulator and I thought by coming down here I could get all the answers and, Mr. Chairman, to my surprise, I never did find out and I have not found out yet.

"Senator Metcalf: And the Federal Power Commission cannot find out.

"Mr. Ross: That is right. So, in this particular respect, I think it would be very helpful, at least in my personal opinion.

"In other areas, Title II seeks to force the FPC to make meaningful comparison so that independent observers could try to develop meaningful criteria in seeking to measure effectiveness of regulation. Certainly the public should not have to rely upon their public representatives, Members of Congress, and Representatives in the State legislatures, to devote their time and their staff's time in requesting such warranted information. Actually, the Federal agencies could make many of the studies presently called for but there seems to be a reluctance to do so. It is really a sad commentary that this has to be spelled out. Yet, in a way, it is understandable since one regulator does not like to show up another or to be shown up himself and in many cases, in dealing with industry, regulators are sensitive about kissing and telling.

"Frankly, regulation more than any other institution, should be responsive to the public." (Part III, pp. 630–1.)

INTERRELATIONSHIP OF TITLE I AND TITLE II

S. 607 deals with two basic consumer rights as set forth in the Presidential consumer messages of 1962, 1964 and 1968. They are the right to be heard (Title I) and the right to be informed (Title II).

The witness for the American Trial Lawyers Association, Stanley E. Preiser, emphasized the interrelationship of these two rights in both commission and court proceedings:

"The basis for any successful adversary system is the counsel's ability to discover all the facts in any case and be able to disclose these facts as a skilled advocate. Any lawyer who has ever tried a lawsuit or presented a matter, whether it be before a utility commission or elsewhere—and again I am digressing from the text, if I am permitted—knows that the matter is not won or decided in the courtrooms, or in the utility hearing room. It is won long before you walk into that room by full and complete acquisition of all the facts, acquisition of all the necessary expert witnesses and knowledge, and acquiring a full and complete knowledge of the breadth of the law applicable to that proceeding." (Part VIA, p. 1403).

WITNESS LIST

Hearings on S. 607

On January 24, 1969, Senator Metcalf reintroduced his proposal for a Utility Consumers' Counsel. Entitled S. 607, it differed from S. 2933 of the 89th Congress only insofar as it added three additional information requirements to Title II.

Cosponsors of S. 607 are Senators Aiken, Dodd, Gravel, Hart, Kennedy, McGovern, Mansfield, Nelson, Pell, Tydings, Yarborough, and Young of Ohio.

Hearings on S. 607 were held on February 17 and 18, March 10, 11, 12, 13, 17, 19, 20 and 21, April 21, 22 and 25, May 12, 13, 14 and 15, June 26, 27 and 30 and July 9, 1969. Witnesses at these hearings included a broad spectrum of representatives from the regulatory, legislative and business communities.

Those who testified were:

I. Members of Congress

Honorable Robert O. Tiernan, U.S. Representative in Congress from the 2nd District of Rhode Island;

Honorable Bob Eckhardt, U.S. Representative in Congress from the 8th District of Texas; and

Honorable John Dingell, U.S. Representative in Congress from the 16th District of Michigan.

II. Federal Officials

Honorable Lee C. White, Chairman of the Federal Power Commission;

Honorable Robert Kunzig, Administrator, General Services Administration;

Honorable Kenneth A. Cox, Member of the Federal Communications Commission;

Curtis L. Wagner, Jr., Special Assistant to the Judge Advocate General of the Army for Communications, Transportation, and Utilities, also, Chief of Regulatory Law Division of the Army; and

Honorable Charles R. Ross, former member of the Federal Power Commission, now visiting lecturer at the University of Vermont and a member of the International Joint Commission.

III. State officials

Honorable William O. Doub, Chairman, Maryland Public Service Commission;

Commissioner Dick Herbert, Arizona Corporation Commission;

Dr. Edward R. Willett, Chairman, Massachusetts Consumers Council and Chairman of the Department of Finance and Insurance at Northeastern University, Boston, Massachusetts, accompanied by Dermot Shea, Executive Director, Massachusetts Consumers Council;

Edwin P. Palumbo, Executive Director, Rhode Island Consumers Council; and

Honorable James L. Oakes, former Attorney General of the State of Vermont.

IV. State legislators

Honorable Henry Howell, Jr., State Senator from Norfolk, Virginia;

Honorable Norman S. Berson, Member, House of Representatives, State of Pennsylvania; and

Honorable George E. Mastics, Member, House of Representatives, State of Ohio.

V. Municipal Officials

Honorable Maurice A. Ferre, Commissioner, City of Miami, Florida;

Honorable Bess Myerson Grant, Commissioner of Consumer Affairs, City of New York;

Honorable Charles H. Wiygul, Mayor, Osceola, Arkansas;

Mitchell D. Moore, City Attorney, Osceola, Arkansas;

Honorable William Hunt, Mayor, Chester, Montana and President of the Montana Consumers Council;

Honorable W. C. McCubbins, Mayor, Danville, Virginia and President of the City Council, accompanied by Philip P. Ardery, Special Counsel;

John W. Carter, Councilman, City of Danville, Va. and Chairman of Finance Committee, City of Danville;

Berkley G. Adkins, Superintendent of the City of Danville (Va.) Electric Department;

John R. Kelly, Director of Public Utilities, Gainesville, Florida;

Michael Collins, Secretary-Treasurer, Municipal Electric Association of Massachusetts and Manager, Municipal Electric System, Wakefield, Massachusetts, accompanied by George Spiegel, Counsel to Municipal Electric Association of Massachusetts; and

Frank H. King, Manager, Municipal Gas and Electric Department, Holyoke, Massachusetts.

VI. Representatives of Trade Associations

Honorable George I. Bloom, Second Vice President, National Association of Regulatory Utility Commissioners and also, Chairman of the Pennsylvania Public Utility Commission, accompanied by Honorable Harry T. Westcott, President of NARUC and Chairman of the North Carolina Utilities Commission; Paul Rodgers, General Counsel, NARUC; Commissioner Francis Pearson, First Vice President, NARUC and Member of the Washington Utilities and Transportation Commission; Ralph Wickberg, Chairman, Western Conference of Utility Commissioners and President of the Idaho Public Utilities Commission; Norman A. Johnson, Jr., Chairman, Mississippi Public Service Commission; William R. Clark, Chairman, Public Service Commission of Missouri; Carl Johnson, Chairman, Ohio Public Utilities Commission; Bernard T. Helhowski, director, Bureau of Rates and Research, Pennsylvania Public Utility Commission; Harry C. Cordier, Financial Analyst, Pa. Public Utility Commission; and David M. Bramson, Director of Public Relations and Information, Pa. Public Utility Commission;

William J. Crowley, Executive Vice President, Finance and Corporate Services, the American Gas Association; accompanied by

Richard L. Rosan, General Counsel, Columbia Gas System;

William R. Connole, representing the American Gas Association;

Edwin Vennard, Vice President and Managing Director, Edison Electric Institute; accompanied by John Thornborrow, Assistant Managing Director, EEI;

D. Bruce Mansfield, Chairman, Edison Electric Institute, Committee on Regulation, President, Ohio Edison Company and Chairman of the Board and President of the Pennsylvania Power Company;

Dr. Leon H. Keyserling, consulting economist, representing the Edison Electric Institute;

Alfred E. Borneman, Vice President, Kidder, Peabody and Co., New York, appearing on behalf of the Edison Electric Institute;

Hugh R. Wilbourn, Jr., Chairman, Committee on Legislation, United States Independent Telephone Association and President, Allied Telephone Co., Little Rock, Arkansas;

William C. Mott, Vice President, U.S. Independent Telephone Association;

Clarence H. Ross, President, Central Telephone and Utilities Corp., Chicago, Ill.; appearing on behalf of the U.S. Independent Telephone Association;

Douglas Gleason, Executive Vice President, Finance of United Utilities, Inc., Westwood, Kansas, appearing on behalf of the U.S. Independent Telephone Association;

Honorable Andrew J. Biemiller, Director, Department of Legislation, AFL–CIO;

Joseph Brennan, Director of Research and Marketing, United Mine Workers of America;

Alex Radin, General Manager, American Public Power Association;

Stanley E. Preisir, Chairman, Special Ad Hoc Committee for Products Liability Services, American Trial Lawyers Association;

Mrs. Erma Angevine, Executive Director, Consumer Federation of America;

Ed Berlin, Counsel representing Consumer Federation of America;

David C. Fullarton, Executive Manager, National Telephone Cooperative Association;

Robert J. Leigh, Counsel and Director of Industry Relations, National Telephone Cooperative Association;

Thomas F. Policastro, President, New England AFL–CIO Labor Council;

Joseph O. Tally, Jr., General Counsel, ElectriCities of North Carolina;

Gary Tabak, Assistant Staff Counsel-Engineer, National Rural Electric Cooperative Association;

Robert O. Marritz, Executive Director, Missouri Basin Systems Group;

Frank H. Sahlman, Sr., Executive Vice President, Northeast Public Power Association;

Robert D. Lynch, Vice President, National Oil Fuel Institute, New York; and

Frank F. Jestrab, representing North Dakota Association of Rural Electric Cooperatives.

VII. Business Executives

Arthur H. Padula, President of Arthur H. Padula Construction Corporation, Newark, New Jersey; and

Peter James, President and Chairman of the Board, Photo Magnetic Systems, Inc., Beltsville, Maryland, and investor of the Comput-A-Phone.

VIII. Other

Milton J. Shapp, Chairman of the Pennsylvania Democratic Study Committee, Philadelphia, Pennsylvania;

James G. Richardson, Professor of Finance, University of Florida, Gainesville, Fla., and former Mayor of Gainesville;

Dr. Arthur A. Brown, A.D. Little, Inc., Cambridge, Mass.; and

Richard A. Hesse, Attorney, Office of Consumers' Advocate, Community Legal Services, Inc., Philadelphia, Pennsylvania.

BACKGROUND ON LAOS

Mr. GOLDWATER. Mr. President, lately I have listened to some of my colleagues berate the United States for supposed activities in Laos and have read similar incomplete stories in the New York Times and Washington Post, I have kept wondering when some one of that group would come out with the whole truth. Not having seen it so far, I am going to offer it on the floor of the Senate today in the hope that the Foreign Relations Committee, its members, and those not on the committee who have been critical of our country might see the real culprit.

The 1962 Conference on Laos supersedes the agreements reached at the 1954 Geneva Conference with regard to that country.

Russia is given a responsibility to maintain peace in Laos both as a signer of the 1962 Declaration on the Neutrality of Laos and as a cochairman of the 1962 conference.

This may come as a surprise to some Senators and even to the press that I have mentioned, but the Russians, and let us add to them the People's Republic of China and the Democratic Republic of Vietnam, all pledged themselves to respect the neutrality of Laos and they did this when they said in the declaration:

> They will not introduce into the Kingdom of Laos foreign troops or military personnel in any form whatsoever, nor will they in any way facilitate or connive at the introduction of any foreign troops or military personnel.

Now, who is causing the trouble in Laos and, as long as we are at it, the trouble in South Vietnam and Northwest Thailand? The Communists, whether they be Russian, North Vietnamese, or Red Chinese. The United States is not the culprit. The United States has been trying to live up to its responsibilities under the declaration and has been giving the Laotian army air support on the Plain of Jars. I have a feeling that this is the least we can do for that country which is allowing us to bombard unmercifully at the Ho Chi Minh trails and the three major passes by which access is gained from North Vietnam and into Laos and then into Cambodia and South Vietnam.

Again, who are the troublemakers? The Communists. So I would hope that in the future that when Senators or members of the press decide to ascribe all of the trouble in Laos to the United States, that they point their finger at Russia, Red China, and North Vietnam and ask the question, What are you doing upsetting the neutrality of Laos?

Mr. President, I ask unanimous consent that the entire Declaration on the Neutrality of Laos, which appears in a document printed by the Committee on Foreign Relations in the 90th Congress, 1st session, 1967, "Background Information Relating to Southeast Asia and Vietnam," from pages 104 through article 20 on page 112 be printed at this point in the RECORD.

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

DECLARATION ON THE NEUTRALITY OF LAOS, JULY 23, 1962[1]

The Governments of the Union of Burma, the Kingdom of Cambodia, Canada, the People's Republic of China, the Democratic Republic of Viet-Nam, the Republic of France, the Republic of India, the Polish People's Republic, the Republic of Viet-Nam, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, whose representatives took part in the International Conference on the Settlement of the Laotian Question, 1961–62;

Welcoming the presentation of the statement of neutrality by the Royal Government of Laos of July 9, 1962, and taking note of this statement, which is, with the concurrence of the Royal Government of Laos, incorporated in the present Declaration as an integral part thereof, and the text of which is as follows:

"THE ROYAL GOVERNMENT OF LAOS,

"Being resolved to follow the path of peace and neutrality in conformity with the interests and aspirations of the Laotian people, as well as the principles of the Joint Communiqué of Zurich dated June 22, 1961, and of the Geneva Agreements of 1954 in order to build a peaceful, neutral, independent, democratic, unified and prosperous Laos,

"Solemnly declares that:

"(1) It will resolutely apply to five principles of peaceful co-existence in foreign relations, and will develop friendly relations and establish diplomatic relations with all countries, the neighboring countries first and foremost, on the basis of equality and of respect for the independence and sovereignty of Laos;

"(2) It is the will of the Laotian people to protect and ensure respect for the sovereignty, independence, neutrality, unity, and territorial integrity of Laos;

"(3) It will not resort to the use or threat of force in any way which might impair the peace of other countries, and will not interfere in the internal affairs of other countries;

"(4) It will not enter into any military alliance or into any agreement, whether military or otherwise, which is inconsistent with the neutrality of the Kingdom of Laos; it will not allow the establishment of any foreign military base on Loatian territory, nor allow any country to use Laotian territory for military purposes or for the purposes of interference in the internal affairs of other countries, nor recognise the protection of any alliance or military coalition, including SEATO.

"(5) It will not allow any foreign interference in the internal affairs of the Kingdom of Laos in any form whatsoever;

"(6) Subject to the provisions of Article 5 of the Protocol, it will require the withdrawal from Laos of all foreign troops and military personnel, and will not allow any foreign troops or military personnel to be introduced into Laos;

"(7) It will accept direct and unconditional aid from all countries that wish to help the Kingdom of Laos build up an independent and autonomous national economy on the basis of respect for the sovereignty of Laos;

"(8) It will respect the treaties and agreements signed in conformity with the interest of the Laotian people and of the policy of peace and neutrality of the Kingdom, in particular the Geneva Agreements of 1962, and will abrogate all treaties and agreements which are contrary to those principles.

"This statement of neutrality by the Royal Government of Laos shall be promulgated

[1] Treaties and Other International Acts Series 5410.

constitutionally and shall have the force of law.

"The Kingdom of Laos appeals to all the States participating in the International Conference on the Settlement of the Laotian Question, and to all other States, to recognise the sovereignty, independence, neutrality, unity and territorial integrity of Laos, to conform to these priciples in all respects, and to refrain from any action inconsistent therewith."

Confirming the principles of respect for the sovereignty, independence, unity and territorial integrity of the Kingdom of Laos and non-interference in its internal affairs which are embodied in the Geneva Agreements of 1954;

Emphasising the principle of respect for the neutrality of the Kingdom of Laos;

Agreeing that the above-mentioned principles constitute a basis for the peaceful settlement of the Laotian question:

Profoundly convinced that the independence and neutrality of the Kingdom of Laos will assist the peaceful democratic development of the Kingdom of Laos and the achievement of national accord and unity in that country, as well as the strengthening of peace and security in South-East Asia;

1. Solemnly declare, in accordance with the will of the Government and people of the Kingdom of Laos, as expressed in the statement of neutrality by the Royal Government of Laos of July 9, 1962, that they recognise and will respect and observe in every way the sovereignty, independence, neutrality, unity and territorial integrity of the Kingdom of Laos.

2. Undertake, in particular, that—

(*a*) they will not commit or participate in any way in any act which might directly or indirectly impair the sovereignty, independence, neutrality, unity or territorial integrity of the Kingdom of Laos;

(*b*) they will not resort to the use or threat of force or any other measure which might impair the peace of the Kingdom of Laos;

(*c*) they will refrain from all direct or indirect interference in the internal affairs of the Kingdom of Laos;

(*d*) they will not attach conditions of a political nature to any assistance which they may offer or which the Kingdom of Laos may seek;

(*e*) they will not bring the Kingdom of Laos in any way into any military alliance or any other agreement, whether military or otherwise, which is inconsistent with her neutrality, nor invite or encourage her to enter into any such alliance or to conclude any such agreement;

(*f*) they will respect the wish of the Kingdom of Laos not to recognise the protection of any alliance or military coalition, including SEATO;

(*g*) they will not introduce into the Kingdom of Laos foreign troops or military personnel in any form whatsoever, nor will they in any way facilitate or connive at the introduction of any foreign troops or military personnel;

(*h*) they will not establish nor will they in any way facilitate or connive at the establishment in the Kingdom of Laos of any foreign military base, foreign strong point or other foreign military installation of any kind;

(*i*) they will not use the territory of the Kingdom of Laos for interference in the internal affairs of other countries;

(*j*) they will not use the territory of any country, including their own for interference in the internal affairs of the Kingdom of Laos.

3. Appeal to all other States to recognise, respect and observe in every way the sovereignty, independence and neutrality, and also the unity and territorial integrity, of the Kingdom of Laos and to refrain from any action inconsistent with these principles or with other provisions of the present Declaration.

4. Undertake, in the event of a violation or threat of violation of the sovereignty, independence, neutrality, unity or territorial integrity of the Kingdom of Laos, to consult jointly with the Royal Government of Laos and among themselves in order to consider measures which might prove to be necessary to ensure the observance of these principles and the other provisions of the present Declaration.

5. The present Declaration shall enter into force on signature and together with the statement of neutrality by the Royal Government of Laos of July 9, 1962, shall be regarded as constituting an international agreement. The present Declaration shall be deposited in the archives of the Governments of the United Kingdom and the Union of Soviet Socialist Republics, which shall furnish certified copies thereof to the other signatory States and to all the other States of the world.

In witness whereof, the undersigned Plenipotentiaries have signed the present Declaration.

Done in two copies in Geneva this twenty-third day of July one thousand nine hundred and sixty-two in the English, Chinese, French, Laotian and Russian languages, each text being equally authoritative.

PROTOCOL TO THE DECLARATION ON THE NEUTRALITY OF LAOS

The Governments of the Union of Burma, the Kingdom of Cambodia, Canada, the People's Republic of China, the Democratic Republic of Viet-Nam, the Republic of France, the Republic of India, the Kingdom of Laos, the Polish People's Republic, the Republic of Viet-Nam, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America;

Having regard to the Declaration on the Neutrality of Laos of July 23, 1962;

Have agreed as follows:

Article 1

For the purposes of this Protocol—

(*a*) the term "foreign military personnel" shall include members of foreign military missions, foreign military advisers, experts, instructors, consultants, technicians, observers and any other foreign military persons, including those serving in any armed forces in Laos, and foreign civilians connected with the supply, maintenance, storing and utilization of war materials;

(*b*) the term "the Commission" shall mean the International Commission for Supervision and Control in Laos set up by virtue of the Geneva Agreements of 1954 and composed of the representatives of Canada, India and Poland, with the representative of India as Chairman;

(*c*) the term "the Co-Chairmen" shall mean the Co-Chairmen of the International Conference for the Settlement of the Laotian Question, 1961–1962, and their successors in the offices of Her Britannic Majesty's Principal Secretary of State for Foreign Affairs and Minister for Foreign Affairs of the Union of Soviet Socialist Republics respectfully;

(*d*) the term "the members of the Conference" shall mean the Governments of countries which took part in the International Conference for the Settlement of the Laotian Question, 1961–1962.

Article 2

All foreign regular and irregular troops, foreign para-military formations and foreign military personnel shall be withdrawn from Laos in the shortest time possible and in any case the withdrawal shall be completed not later than thirty days after the Commission has notified the Royal Government of Laos that in accordance with Articles 3 and 10 of this Protocol its inspection teams are present at all points of withdrawal from Laos. These points shall be determined by the Royal Government of Laos in accordance with Article 3 within thirty days after the entry into force of this Protocol. The inspection teams shall be present at these points and the Commission shall notify the Royal Government of Laos thereof within fifteen days after the points have been determined.

Article 3

The withdrawal of foreign regular and irregular troops, foreign para-military formations and foreign military personnel shall take place only along such routes and through such points as shall be determined by the Royal Government of Laos in consultation with the Commission. The Commission shall be notified in advance of the point and time of all such withdrawals.

Article 4

The introduction of foreign regular and irregular troops, foreign para-military formations and foreign military personnel into Laos is prohibited.

Article 5

Note is taken that the French and Laotian Governments will conclude as soon as possible an arrangement to transfer the French military installations in Laos to the Royal Government of Laos.

If the Laotian Government considers it necessary, the French Government may as an exception leave in Laos for a limited period of time a precisely limited number of French military instructors for the purpose of training the armed forces of Laos.

The French and Laotian Governments shall inform the members of the Conference, through the Co-Chairmen, of their agreement on the question of the transfer of the French military installations in Laos and of the employment of French military instructors by the Laotian Government.

Article 6

The introduction into Laos of armaments, munitions and war material generally, except such quantities of conventional armaments as the Royal Government of Laos may consider necessary for the national defence of Laos, is prohibited.

Article 7

All foreign military persons and civilians captured or interned during the course of hostilities in Laos shall be released within thirty days after the entry into force of this Protocol and handed over by the Royal Government of Laos to the representatives of the Governments of the countries of which they are nationals in order that they may proceed to the destination of their choice.

Article 8

The Co-Chairmen shall periodically receive reports from the Commission. In addition the Commission shall immediately report to the Co-Chairmen any violations or threats of violations of this Protocol, all significant steps which it takes in pursuance of this Protocol, and also any other important information which may assist the Co-Chairmen in carrying out their functions. The Commission may at any time seek help from the Co-Chairmen in the performance of its duties, and the Co-Chairmen may at any time make recommendations to the Commission exercising general guidance.

The Co-Chairmen shall circulate the reports and any other important information from the Commission to the members of the Conference.

The Co-Chairmen shall exercise supervision over the observance of this Protocol and the Declaration on the Neutrality of Laos.

The Co-Chairmen will keep the members of the Conference constantly informed and when appropriate will consult with them.

Article 9

The Commission shall, with the concurrence of the Royal Government of Laos, supervise and control the cease fire in Laos.

The Commission shall exercise these functions in full co-operation with the Royal Government of Laos and within the framework of the Cease-Fire Agreement or cease fire arrangements made by the three political forces in Laos, or the Royal Government of Laos. It is understood that responsibility for the execution of the cease-fire shall rest with the three parties concerned and with the Royal Government of Laos after its formation.

Article 10

The Commission shall supervise and control the withdrawal of foreign regular and irregular troops, foreign para-military formations and foreign military personnel. Inspection teams sent by the Commission for these purposes shall be present for the period of the withdrawal at all points of withdrawal from Laos determined by the Royal Government of Laos in consultation with the Commission in accordance with Article 3 of this protocol.

Article 11

The Commission shall investigate cases where there are reasonable grounds for considering that a violation of the provisions of Article 4 of this Protocol has occurred.

It is understood that in the exercise of this function the Commission is acting with the concurrence of the Royal Government of Laos, and shall carry out its investigations in full co-operation with the Royal Government of Laos and shall immediately inform the Co-Chairmen of any violations or threats of violations of Article 4, and also of all significant steps which it takes in pursuance of this Article in accordance with Article 8.

Article 12

The Commission shall assist the Royal Government of Laos in cases where the Royal Government of Laos considers that a violation of Article 6 of this Protocol may have taken place. This assistance will be rendered at the request of the Royal Government of Laos and in full co-operation with it.

Article 13

The Commission shall exercise its functions under this Protocol in close co-operation with the Royal Government of Laos. It is understood that the Royal Government of Laos at all levels will render the Commission all possible assistance in the performance by the Commission of these functions and also will take all necessary measures to ensure the security of the Commission and its inspection teams during their activities in Laos.

Article 14

The Commission functions as a single organ of the International Conference for the Settlement of the Laotian Question, 1961–1962. The members of the Commission will work harmoniously and in cooperation with each other with the aim of solving all questions within the terms of reference of the Commission.

Decisions of the Commission on questions relating to violations of Articles 2, 3, 4 and 6 of this Protocol or of the cease-fire referred to in Article 9, conclusions on major questions sent to the Co-Chairmen and all recommendations by the Commission shall be adopted unanimously. On other questions, including procedural questions, and also questions relating to the initiation and carrying out of investigations (Article 15), decisions of the Commission shall be adopted by majority vote.

Article 15

In the exercise of its specific functions which are laid down in the relevant articles of this Protocol the Commission shall conduct investigations (directly or by sending inspection teams), when there are reasonable grounds for considering that a violation has occurred. These investigations shall be carried out at the request of the Royal Government of Laos or on the initiative of the Commission, which is acting with the concurrence of the Royal Government of Laos.

In the latter case decisions on initiating and carrying out such investigations shall be taken in the Commission by majority vote.

The Commission shall submit agreed reports on investigations in which differences which may emerge between members of the Commission on particular questions may be expressed.

The conclusions and recommendations of the Commission resulting from investigations shall be adopted unanimously.

Article 16

For the exercise of its functions the Commission shall, as necessary, set up inspection teams, on which the three member-States of the Commission shall be equally represented. Each member-State of the Commission shall ensure the presence of its own representatives both on the Commission and on the inspection teams, and shall promptly replace them in the event of their being unable to perform their duties.

It is understood that the dispatch of inspection teams to carry out various specific tasks takes place with the concurrence of the Royal Government of Laos. The points to which the Commission and its inspection teams go for the purposes of investigation and their length of stay at those points shall be determined in relation to the requirements of the particular investigation.

Article 17

The Commission shall have at its disposal the means of communication and transport required for the performance of its duties. These as a rule will be provided to the Commission by the Royal Government of Laos for payment on mutually acceptable terms, and those which the Royal Government of Laos cannot provide will be acquired by the Commission from other sources. It is understood that the means of communication and transport will be under the administrative control of the Commission.

Article 18

The costs of the operations of the Commission shall be borne by the members of the Conference in accordance with the provisions of this Article.

(*a*) The Governments of Canada, India and Poland shall pay the personal salaries and allowances of their nationals who are members of their delegations to the Commission and its subsidiary organs.

(*b*) The primary responsibility for the provision of accommodation for the Commission and its subsidiary organs shall rest with the Royal Government of Laos, which shall also provide such other local services as may be appropriate. The Commission shall charge to the Fund referred to in sub-paragraph (*c*) below any local expenses not borne by the Royal Government of Laos.

(*c*) All other capital or running expenses incurred by the Commission in the exercise of its functions shall be met from a Fund to which all the members of the Conference shall contribute in the following proportions:

The Government of the People's Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America shall contribute 17.6 per cent each.

The Government of Burma, Cambodia, and the Democratic Republic of Viet Nam, Laos, the Republic of Viet Nam and Thailand shall contribute 1.5 per cent each.

The Governments of Canada, India and Poland as members of the Commission shall contribute 1 per cent each.

Article 19

The Co-Chairman shall at any time, if the Royal Government of Laos so requests, and in any case not later than three years after the entry into force of this Protocol, present a report with appropriate recommendations on the question of the termination of the Commission to the members of the Conference for their consideration. Before making such a report the Co-Chairman shall hold consultations with the Royal Government of Laos and the Commission.

Article 20

This Protocol shall enter into force on signature.

It shall be deposited in the archives of the Governments of the United Kingdom and the Union of Soviet Socialist Republics, which shall furnish certified copies thereof to the other signatory States and to all other States of the world.

In witness whereof, the undersigned Plenipotentiaries have signed this Protocol.

Done in two copies in Geneva this twenty-third day of July one thousand and nine hundred and sixty-two in the English, Chinese, French, Laotian and Russian languages, each text being equally authoritative.

THE PRESIDENT'S OEO BUDGET REQUESTS

Mr. KENNEDY. Mr. President, 2 weeks ago the President submitted his budget for fiscal year 1971 requesting $73.6 billion for defense and $2.08 billion for the Office of Economic Opportunity. That figure for OEO is only $32 million more than the budget request for fiscal year 1970, which itself was grossly inadequate. With over 26 million citizens presently below the poverty line, the new budget will not meet even the most immediate needs.

The budget also proposes to divorce from OEO the bulk of its manpower programs and a large portion of its successful neighborhood health centers. In the past year, Job Corps and Headstart have disappeared from the OEO masthead and the report on the progress of those programs within the Departments of Labor and Health, Education, and Welfare has been less than auspicious. I hope that OEO will meet its pledge to consult with appropriate committees of Congress before acting unilaterally to delegate any more programs to other agencies.

Many of us remained unconvinced when administration officials argued last year there would be only minor reductions in the number of unemployed and disadvantaged youths served by the Job Corps when its control shifted to the Labor Department. The administration carried out its decision, closing down 59 Job Corps centers, and the consequences of that act are only now becoming apparent.

A recent news report disclosed that of the 10 new centers scheduled for opening last September, only four are in fact now operating and with greatly reduced enrollments. The Department's year-end statistical breakdown on the number of Job Corpsmen also shows a dropoff of 11,600 enrollees last year with another 4,800 less enrollees anticipated this year.

Although the increase in the budget item for comprehensive health services is substantial, it still falls some $50 million short of the $160 million authorized by Congress. As a result, despite the tre-

mendous gaps in rural health services discovered by the Select Committee on Nutrition and Human Needs, OEO apparently does not plan to extend additional health delivery services in rural areas. Nor are these funds intended to expand the total number of neighborhood health centers, according to OEO officials, despite applications from 200 communities. While I commend pilot projects and Hill-Burton programs designed to revamp hospital outpatient services to more adequately meet the health requirements of the poor, it is distressing to see the administration ordering its priorities so that no money is set aside for new OEO neighborhood health centers.

The same questionable value judgments are reflected in the 1971 appropriation requested for emergency food and medical services. The sum of $33 million is less than one-fifth of the $175 million authorized by the Congress for 1971. Through its efforts, EFMS has managed to increase participation in food programs by as much as 15 percent in many of the 1,000 counties where it was operating. The minimal increase requested by the administration means that the specialized delivery services necessary to obtain food supplements will be denied to many of the 20 million poor Americans who presently do not receive any form of Federal family food aid and the 5 million poor children who still are excluded from school lunch programs. Bulging food sacks will continue to sit in warehouses while qualified families will not receive desperately needed food because they lack transportation.

The limited increase also means that little new money will be available for EFMS to focus its energies on environmental health and sanitation. Without that assistance, intestinal parasites will continue to plague the poor—and 10 years hence, another select committee will find another generation of infants and young children whose stomachs are distended from malnutrition and parasitic infections and whose lives are warped by diseases that should not exist in a modern society.

The OEO budget falls short in other areas as well. The special impact program seeks to develop a partnership between the poverty community and the business community through the creation of multipurpose community development corporations. The Bedford-Stuyvesant experiment is a rich example of this program's potential. The community corporation has involved local residents in their own economic development, reducing economic dependency and lessening community tensions.

A year ago, President Nixon asked for $46 million and the Congress authorized that amount for special impact programs. Now the President has slashed his request to only $32.1 million for 1971. Moreover, since June 30, 1969, OEO has funded only one planning grant of the more than 200 proposals it has received. While I applauded the recent grant of program money to Bedford-Stuyvesant I cannot understand the foot-dragging by the OEO in its evaluation and approval of special impact planning grants. The sense of urgency that prompted the special impact program appears to be sadly lacking from current planning.

The budget also exhibits a disturbing lack of concern for the 7.6 million persons over 65 who are living at or near the poverty line. For 1971, the Congress authorized $12 million for senior opportunities and services. But the 1971 budget documents contain a request of only $7.8 million. At best, this may permit the continuation of the present 200 centers. No new money is being asked for the 300 proposals that have been gathering dust since last June because of the lack of funds.

And the young are shortchanged by this budget. The Headstart program served an estimated 150,000 less children last year because the shift to HEW and to a full-year program with its increased cost was not matched by any increase of funds. Now the budget provides that another 50,000 children will be dropped from the program as more summer programs are shut down without a corresponding increase in all-year programs. This action comes on the heels of the Labor and Public Welfare Committee report that:

> A cutback in the number of children served by this program—which currently serves only about 10 percent of the preschool children in need—cannot be justified. Just when we are learning more about effective ways to help disadvantaged young children, the committee feels it would be unfair and unwise to propose serving fewer children.

Apparently, the administration does not share that belief.

The OEO apparently has decided to proceed extremely slowly in two areas of concern that will not brook delay. Congress has authorized $15 million for 1971 for a community-based drug rehabilitation program aimed not only at drug addiction but also at drug abuse. The program emphasizes the reentry of the addict into society rather than his confinement in an institution. The Congress also has authorized $15 million for a new alcoholic counseling and recovery program to focus research and treatment on a disease that afflicts some 5 million adults. For both programs, the OEO has asked a combined total of $7 million.

Mr. President, I have touched on only a few of the programs where the budget seems to fall short of the needs of the poor. But they are only the most stunning examples of the disregard for congressional desires expressed in Public Law 91–177. I myself introduced the amendments to bring the authorization to $60 million for special impact programs, $160 million for comprehensive health services and $12 million for senior opportunities and services programs for fiscal year 1971. I hope the Congress will revise the budget as it has been presented to us to more accurately mirror the needs of the poor in this country. At the same time, I hope we will be particularly careful in our evaluation of the process by which the OEO intends to delegate programs to other agencies and to insure that the elements vital for those programs' success are not shuttled aside and lost during their transfer.

CLIFFORD HOPE

Mr. DOLE. Mr. President, many present Members of Congress were here during the time the Honorable Clifford R. Hope served in the House. He will be best remembered for his yeoman service to agriculture and for chairmanship of the House Committee on Agriculture during the 83d Congress.

This outstanding gentleman has continued to serve his State and community in various ways, but he has remained especially devoted to the advancement of agriculture, particularly in Kansas. One of his activities has been devoted to writing articles on agriculture and agriculture legislation carried in two Kansas dailies, the Hutchinson News and the Salina Journal.

Mr. President, I ask unanimous consent that his most recent article, "Farmers Have Been Working To Help Themselves," appearing in the February 8, 1970 issue of the Hutchinson News be printed in the RECORD.

I am grieved, Mr. President, to inform Members of Congress that this great American has recently suffered a severe stroke and is in the hospital near his home in Garden City, Kans. I know that his family and friends will welcome your prayers for his early and complete recovery.

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

FARMERS HAVE BEEN WORKING TO HELP THEMSELVES

(By Cliff Hope)

For many years we have heard the cry, why don't farmers do more to help themselves. The complaint I may say comes mostly from the uninformed because as a matter of fact, farmers have been and are doing a great deal to help themselves.

In view of this complaint it was rather startling to note the recent introduction in Kansas House of Representatives of a bill to repeal the tax provision of the Kansas Wheat Act, which was passed in 1957 and has been operating successfully ever since. It is definitely a self help program.

Under this legislation a small excise tax, one fifth of a cent, or two dollars per thousand bushels, has been levied upon wheat marketed in commercial channels in the state. The purpose of this tax is to increase the sale and consumption of Kansas wheat in this country and abroad—certainly a worthy objective.

Of the fund thus created twenty percent goes to the general fund of the state and eighty percent is deposited in a special fund known as the Kansas Wheat Commission Fund. This fund is administrated by a commission of seven members appointed by the Governor. No more than four members shall be from the same political party. Members are required to be residents of the state, at least twenty five years of age and must have been actually engaged in growing wheat in the state for at least five years immediately preceding their appointment.

The Commission is authorized and directed to conduct a campaign of development, education and publicity and to find new markets for wheat and wheat products. It is also authorized to cooperate with any local, state or national organization having the same purposes and objectives. It is specifically authorized to cooperate with, and advance funds to the Great Plains Wheat Market Development Association, and to appoint an administrator and an assistant administrator.

LARGEST WHEAT PRODUCER

There is nothing strange or unusual about the creation of such a commission. Kansas by far the largest producer of wheat in the nation was the third state to establish such a program. Oregon was the first. This was in 1947. Nebraska followed in 1955 and Kansas in 1957. Colorado and Washington established their commissions in 1958. Idaho and North Dakota in 1959 and South Dakota in 1961. The last two were Montana and Oklahoma. Thus all of the Pacific Northwest states have commissions and all but one of the great plains states. The missing one is Texas, which is prevented from establishing a commission by a provision of its constitution.

Rates of taxation vary from state to state. Kansas and North Dakota have the lowest, one-fifth of a cent per bushel. Nebraska and Washington have one-fourth of a cent, South Dakota, three-tenths, Colorado has two-fifths and Idaho and Oregon one-half of a cent.

In Kansas, North Dakota and South Dakota any grower can receive a refund of the tax simply by making an application. In Kansas general satisfaction with the law on the part of growers is indicated by the fact that over the years less than one percent of those who have paid the tax have asked for a refund. I understand that substantially the same situation exists with reference to the Dakota's.

Wheat growers are not alone among agricultural producers in their efforts to expand and develop markets for their products, at their own expense.

Among the first were the citrus producers of Florida. The list is far too long to include here, but it covers producers of beef, dairy products, poultry, soybeans, feed grains, rice, dry beans, potatoes and many others. In all, something like forty groups are involved.

WHEAT STATE

Kansas is the premier wheat state. Wheat is by far its most important crop. In 1969 it produced 305 million bushels, only two million less than the record breaking crop of 1952, which was produced on four million acres. Substantially half or more of our total crop acreage of the state was planted to wheat during the decade of the sixties. It brought in more money during that period than any other agricultural product except beef cattle.

With wheat in trouble all over the world this is no time to destroy a program which costs Kansas Wheat growers practically nothing. It has worked in the past and will continue to benefit wheat producers. Next week I will point out some of the achievements under this law up to date.

SENATOR MONDALE URGES REORDERING OF NATIONAL PRIORITIES

Mr. KENNEDY. Mr. President, there is no greater task facing the country today than the establishment of a responsible set of national priorities.

Earlier this week the Committee on National Priorities of the Democratic Council heard testimony from Members of Congress on the question of priorities. The junior Senator from Minnesota (Mr. MONDALE) presented a particularly eloquent statement at that hearing.

Expressing his concern about the "set of national priorities that places hardware above humans," Senator MONDALE called for a shift of resources from marginal military projects to vital human programs, such as early childhood development programs for deprived children.

I commend Senator MONDALE'S thoughtful statement to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

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

STATEMENT BY SENATOR WALTER F. MONDALE

Let me begin by saying how much I support the review of national priorities your Committee is conducting, and how grateful I am to be able to participate in it.

This review is long overdue. America can no longer afford to let the Pentagon have a hammerlock on federal revenues, while programs such as education, and health that seek to meet our nation's pressing human needs are forced to fight for the leftovers. This approach, which has characterized the budget making process no matter which political party has controlled the Executive Branch, must be changed.

The Senate began a serious review of national priorities last summer when it analyzed and debated for two months a military authorization bill containing such far reaching and expensive commitments as the antiballistic missile system, the new manned bomber, and additional nuclear-powered aircraft carriers. While this exercise did not produce any immediate modifications in the Pentagon's plans, it raised a number of fundamental and yet-unanswered questions about military requests. I, for one, was hopeful that the President's pronouncements and budget requests would reflect this emerging dissatisfaction with past priorities.

Obviously, this has not occurred. Since that historic Senate debate took place, the President has vetoed an HEW-Labor appropriations bill containing an additional $1¼ billion for desperately needed education and health programs and submitted a Budget that includes no important reductions in military procurement goals, and proposes—of all things—to escalate spending for the ABM by reportedly adding $600 million or more for phase II of the system.

While the President has reduced the cost of Vietnam both in terms of funds, and more importantly, lives, and has reduced his budget requests for the Department of Defense from last year's level, he has *not* acted to control Pentagon spending for non-Vietnam purposes. Thus, new weapons systems with limitless capacities to absorb funds are receiving high priority and under the Administration's budget would steal the "peace dividend" our human programs so desperately need.

I am deeply concerned about this set of national priorities that places hardware above humans. The Budget's heavy emphasis on start-up costs for ABM's, MIRV's, and SST's will cripple needed nutrition, health, education and environment efforts this year, and threatens to continue stunting human programs throughout the foreseeable future. History warns us that a renewed arms race and its predictable cost overruns will both shake the delicate balance of terror in our nuclear world, and starve other government programs of needed funds.

America must not ignore either of these warnings. We must begin at once to shift our resources from a fascination with military gadgetry to high priority investments in human beings.

Let us begin with young children. Of all areas of unmet human needs, our unwillingness to provide help to deprived children is perhaps our most tragic and costly mistake.

There are at present about 6 million disadvantaged children under age six. Most of them are growing up without adequate nutrition and health care, and without the active mental and intellectual stimulation that is necessary during these early years.

As a result, many of these children are very depressed, withdrawn, and listless. Child development specialists who have worked with some of the children report that it is difficult in the beginning to get them to smile or show interest in anything around them. Young children in many of these homes are considered well-behaved if they sit quietly in a corner during the day, instead of talking, playing, and exploring.

Yet the critical effect of the first years of life has been well documented. We know, for example, that about 50 percent of an individual's intellectual development takes place between conception and age 4. These early years are the formative years; they are the years in which permanent foundations are laid for a child's feelings of self-worth, his sense of self-respect, his motivation, his initiative, and his ability to learn and achieve.

We know, moreover, that a child's intelligence is not fixed once and for all at birth, and that children are most eager and often most able to learn during their early childhood years. As Dr. Benjamin Bloom, an authority in early childhood learning, concluded:

As time goes on . . . more and more powerful changes are required to produce a given amount of change in a child's intelligence . . . and the emotional cost it exacts is increasingly severe.

I would like to underscore the role that inadequate nutrition plays in perpetuating this cycle of poverty. As a member of the Select Senate Committee on Nutrition and Human Needs, I have had an opportunity to hear expert testimony about the tragic and permanent effects of nutritional deficiency during pregnancy and the first few years of life. Presently, there is no Government program that deals adequately with the critical nutrition needs of infants from the period before birth until they reach school age. Pediatricians have pleaded eloquently before the committee for national recognition of disaster—mental as well as physical—which befalls undernourished infants.

For example, Dr. Charles Lowe, chairman of the Committee on Nutrition of the American Academy of Pediatrics, testified before the Nutrition Committee that:

Severe malnutrition suffered during childhood affects learning ability, body growth, rate of maturation, ultimate size, and if prolonged, productivity throughout life.

Dr. Lowe stated further that:

In effect, the quality and quantity of nutrition given during the first formative years of life may have the effect of programming the individual for all the years of his life. Malnutrition during the last trimester of pregnancy and certainly during the first months of life may seriously compromise ultimate intellectual achievement.

Fortunately, most American children have the benefit of a stimulating, secure environment in their early years. Most of them receive the physical and mental nourishment that is necessary for full development.

But poor children under age six arrive at school without these same advantages. Many of them may have suffered irreparable damage in their early years. Many have not received sufficient nutrition, health care, and intellectual stimulation.

Research reveals quite clearly the costly and lasting effects of deprivation in these early years. It reveals, for example, that as early as 18 months of age, disadvantaged children start falling behind middle-class children in tests of language development, and general intelligence. It reveals, furthermore, that this intellectual gap between poor and non-poor children that appears so early in life tends to grow larger over time.

I want to emphasize the point at which differences begin to occur between the abilities of poor and non-poor children. This point is not birth. Testimony which I have heard—particularly examples from projects in Mississippi and the District of Columbia—

suggest that nature distributes intelligence fairly equally among infants, poor and non-poor alike. It is only later—typically between the ages of one and three—after hunger and deprivation have made their impact—that differences in abilities begin to develop.

Records show, for example, that poor, black infants in the Mississippi Delta who scored an average of 115 on a Developmental Quotient test at age one had fallen to an average DQ of 35 by age 4. This decline can be prevented. The Infant Research Project in Washington, D.C., by providing tutors for children in the early years, was able to maintain the IQ's of impoverished children at an average of 105 from age 1½ to age 3, while the average IQ of a control group of poor children who did not receive tutoring fell 17 points in this period. This is not just another "interesting statistic". It represents the difference between a person's ability to do satisfactory college work or only marginal high school work.

We know how to prevent a great deal of this deterioration from occurring. Hundreds of projects such as the one I mentioned in Washington, D.C., and the Parent and Child Centers that are providing Head Start experiences to poor children below age 3 are producing very promising results. Even the study by Westinghouse Learning Corporation which found that an eight week summer Head Start program for 5 year old poor children does not save a child for the rest of his life—and has been cited by critics of child development efforts as proof that "nothing works"—recommended "offering intervention programs of longer duration, perhaps extending downwards toward infancy."

I believe the evidence is indisputable that comprehensive early childhood programs must be made available, on a voluntary basis, to all impoverished families with young children—beginning with medical and nutritional assistance to pregnant women and infants. Our present failure to do so is causing human misery, and wasting human ability.

The alternatives are very clear—more generations of school dropouts, functional illiterates, unemployables, welfare dependents, and more expensive yet necessary programs like the Job Corps that seek to remedy these problems later in life.

The most humane, economical and efficient way to give every citizen a fair opportunity to exercise his rights is by *preventing* poverty from causing this near irreparable damage during early childhood.

Substantive child development programs could have a tremendous impact on the quality of American life. They could give poor children the tools to gain a better life. They could insure that opportunities can be seized, and rights can be exercised by all.

Just last week the Senate concluded a long debate on the problems surrounding de facto segregation arising from adventitious events such as residential patterns. One can try to dismiss these problems summarily by citing Fair Housing laws, and saying that the poor can escape the problems of ghetto life by moving elsewhere. I fought hard to get this legislation passed preventing racial discrimination in the sale and rental of housing, and I think it is important. But I realize that other factors, such as poverty, unemployability, and the lack of low income housing outside the ghetto can make these laws irrelevant to the poor.

Equal opportunity requires more than open housing, integrated schools, or fair employment practices. Equal opportunity requires an equal start—*from the very start*. Making substantive child development programs available to poor families is one very important way to insure their equal start.

I was encouraged last year when the President declared a "national commitment to the crucial early years of life." I thought this commitment might mean that a greater urgency and higher national priority would be attached to early childhood efforts.

A year has now passed since this declaration was made. Unfortunately, the rhetoric rings hollow. Despite some bureaucratic window-dressing, and modest funds for research, the Budget recommends a mere one per cent increase in Head Start funds. As a result, this promising program, including its Parent and Child component, will continue reaching only about five percent of the poverty stricken children who need it.

It haunts me to think of the millions of children whose potential is being severely compromised simply because we are unwilling to make the necessary investments. Our indifference to the needs of poor children, whether measured in humane or financial terms, cannot be justified.

We absolutely must change national priorities which allot only one-half the funds to Head Start as are allotted for the hurried deployment of phase two of an untested and potentially dangerous ABM system.

FORCED INTEGRATION

Mr. HANSEN. Mr. President, underlying the swing in sentiment which resulted in the passage of the Stennis amendment last week was the growing conviction that it was unfair to force integration resulting from de jure segregation and to ignore de facto segregation.

But a deeper question arises in the minds of more and more Americans: Is it moral for society to apply to children the force which, if it were applied to adults, men would know immoral?

Vermont Royster writing in the February 26, 1970, issue of the Wall Street Journal discusses the moral implications of forced school integration dispassionately and with considerable good common sense.

I ask unanimous consent that his observations be printed in the RECORD.

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

FORCED INTEGRATION: SUFFER THE CHILDREN

(By Vermont Royster)

"Surely it is time to face up to a fact that can no longer be hidden from view. The attempt to integrate this country's schools is a tragic failure."

The words of Stewart Alsop in Newsweek will serve as well as any. They are startling, honest and deeply true. Whatever anyone else says otherwise, however shocked we may be, we know he is right.

The proof lies in the fact that Congress, in a confused sort of way, has made it clear that it no longer thinks forced integration is the way to El Dorado. Since Congress is a political body, that in itself might be evidence enough. But Mr. Alsop has also put the statement up for challenge to a wide range of civil rights leaders, black and white, ranging from Education Commissioner James Allen to black militant Julius Hobson, and found none to deny it. Beyond that, we have only to look around ourselves, at both our white and our black neighbors, to know that the failure is there.

But that only plunges us into deeper questions. Why is it a failure? And why is it tragic? Why is it that something on which so many men of good will put their faith has at last come to this? Where did we go wrong?

And those questions plunge us yet deeper. For to answer them we must go back to the beginning. It is the moment for one of those agonizing reappraisals of all our hopes, emotions, thoughts, about what is surely the most wretched of all the problems before our society.

A SIMPLE PROPOSITION

We begin, I think, with a simple proposition. It is that it was, and is *morally* wrong for a society to say to one group of people that because of their color they are pariahs—that the majesty of law can be used to segregate them in their homes, in their schools, in their livelihoods, in their social contacts with their fellows. The wrong is in no wise mitigated by any plea that society may provide well for them within their segregated state. That has nothing to do with the moral question.

In 1954, for the first time, the Supreme Court stated that moral imperative. Beginning with the school decision the judges in a series of decisions struck down the legal underpinnings of segregation.

Since emotions and prejudices are not swept away by court decisions there were some white people in all parts of the country who resisted the change. But they were, for all their noise, in the minority. The great body of our people, even in the South where prejudice had congealed into custom, began the task of stripping away the battens of segregation. Slowly, perhaps, but relentlessly.

Then some people—men of good will, mostly—said this was not enough. They noticed that the mere ending of segregation did not mix whites and blacks in social intercourse. Neighborhoods remained either predominantly white or black. So did schools, because our schools are related to our neighborhoods. So did many other things. Not because of the law, but because of habit, economics, preferences—or prejudices, if you prefer.

From this came the concept of "de facto" segregation. This Latin phrase, borrowed from the law, describes any separation of whites and blacks that exists in fact and equates it with the segregation proscribed by law. The cause matters not. These men of good will concluded that if segregation in law is bad then any separation that exists in fact is equally bad.

From this view we were led to attack any separation as de facto segregation. Since the first attack on segregation came in the schools, the schools became the first place for the attack on separation from whatever cause. And since the law had served us well in the first instance, we chose—our lawmakers chose—to use the law for the second purpose also. The law, that is, was applied to compel not merely an end to segregation but an end to separation by forced integration.

It was at this point that we fell into the abyss. The error was not merely that we created a legal monstrosity, or something unacceptable politically to both whites and blacks. The tragedy is that we embraced an idea *morally* wrong.

That must be recognized if we are to understand all else. For what is wrong about forced integration in the schools is not its impracticality, which we all now see, but its immorality, which is not yet fully grasped.

Let us consider.

Imagine, now, a neighborhood in which 95% of the people are white, 5% of them black. It is self-evident that we have here a de facto imbalance. We do not have legal segregation, but we do not have integration either, at least not anything more than "tokenism."

Let us suppose also that for some reason—any reason, economics, white hostilities, or perhaps black prejudice against living next door to whites—the proportion does not change. The only way then to change it is for some of the whites to move away and, concurrently, for some blacks who live elsewhere to move into this neighborhood. One is not enough. Both things must happen.

CREATING AN IMBALANCE

Or let us suppose the proportion does change. Let us suppose that for some reason—any reason, including prejudice—large numbers of white families move out of the neighborhood, making room for black people to move in, so that after a few years we have entirely reversed the proportions. The neighborhood becomes 95% black, 5% white.

Again we have an imbalance. Again we do not truly have segregation but call it that, if you wish; de facto segregation. In any event we do not have integration in the sense that there is a general mixing together of the blacks and whites.

Now suppose that we act from the assumption that this is wrong. That it is wrong to have the neighborhood either 95% white or 95% black. That the mix, to be "right," must be some particular proportion.

What action is to be taken? In the first instance, do we by law forcefully remove some of the white families from the neighborhood so that we can force in the "proper" number of black families? Or, in the second instance, do we by law prohibit some of the white families from moving out of the neighborhood? If we do either, who decides who moves, who stays?

The example, of course, is fanciful. We do none of this. No one has had the political temerity to propose a law that would send soldiers to pick people up and move them, or to block the way and prevent them from moving. No one stands up and says this is the moral thing to do.

Stated thus baldly, the immorality of doing such things is perfectly clear. No one thinks it moral to send policemen, or the National Guard bayonets in hand, to corral people and force them into a swimming pool, or a public park or a cocktail party when they do not wish to go.

No one pretends this is moral—for all that anyone may deplore people's prejudice—because everyone can see that to do this is to make of our society a police state. The methods, whatever the differences in intent, would be no different from the tramping boots of the Communist, Nazi or Fascistic police states.

All this being fanciful, no one proposing such things, it may seem we have strayed far from the school integration program. But have we?

The essence of that program is that we have tried to apply to our schools the methods we would not dream of applying to other parts of society. We have forced the children to move.

There are many things wrong with the forcible transfer of children from school to school to obtain the "proper" racial mix. It is, for one thing, wasteful of time, energy and money that could better be applied to making all schools better.

To this practical objection there is also the fact that in concept it is arrogant. The unspoken idea it rests upon is that black children will somehow gain from putting their black skins near to white skins. This is the reverse coin of the worst segregationist's idea that somehow the white children will suffer from putting their white skins near to black skins.

Both are insolent assertions of white superiority. Both spring from the same bitter seed.

Still, the practical difficulties might be surmounted. The implied arrogance might be overlooked, on the grounds that the alleged superiority is not racial but cultural; or that, further, both whites and blacks will gain from mutual association. That still leaves the moral question.

Perhaps it should be restated. Is it moral for society to apply to children the force which, if it were applied to adults, men would know immoral? What charity, what compassion, what morality is there in forcing a child as we would not force his father?

It is a terrible thing to see, as we have seen, soldiers standing guard so that a black child may enter a white school. You cannot help but cringe in shame that only this way is it done. But at least then the soldiers are standing for a moral principle—that no one, child or adult, shall be barred by the color of his skin from access to what belongs to us all, white or black.

But it would have been terrifying if those same soldiers had been going about the town rounding up the black children and marching them from their accustomed school to another, while they went fearfully and their parents wept. On that, I verily believe, morality will brook no challenge.

Thus, then, the abyss. It opened because in fleeing from one moral wrong of the past for which we felt guilty, we fled all unaware to another immorality. The failure is tragic because in so doing we heaped the burdens upon our children, who are helpless.

MUST WE TURN BACK?

Does this mean, as many men of good will fear, that to recognize as much, to acknowledge the failure of forced integration in the schools, is to surrender, to turn backwards to what we have fled from?

Surely not. There remains, and we as a people must insist upon it, the moral imperative that no one should be denied his place in society, his dignity as a human being, because of his color. Not in the schools only, but in his livelihood and his life. No custom, no tradition, no trickery should be allowed to evade that imperative.

That we can insist upon without violating the other moral imperative. So long as he does not encroach upon others, no man should be compelled to walk where he would not walk, live where he would not live, share what company he would shun, think what he would not think, believe what he believes not.

If we grasp the distinction, we will follow a tragic failure with a giant step. And, God willing, not just in the schools.

THE NOMINATION OF JUDGE CARSWELL

Mr. KENNEDY. Mr. President, the Senator from South Dakota (Mr. McGOVERN) today released a statement concerning his views on the nomination of Judge Carswell. In his absence, I ask unanimous consent that Senator McGOVERN's statement be printed in the RECORD.

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

STATEMENT BY SENATOR GEORGE MCGOVERN

I am opposed to the confirmation of Judge Carswell as a Justice of the U.S. Supreme Court. More than that, I am appalled that our President would regard this nominee as a worthy appointment to the nation's highest Court.

Mr. Carswell is not qualified either by his record or his view of civil justice to serve on the Court. Indeed, having studied his record, I wonder why he has served as a federal judge at all.

The President has plainly manifested poor judgment in submitting this nomination for the Supreme Court. For Mr. Carswell is not only a mediocre and undistinguished jurist; he has a long and consistent record of racial bias, lacking in appreciation for the most elementary principles of civil rights.

He began his public career with a declaration of his undying belief in white supremacy. "I yield to no man in the firm, vigorous belief in the principles of white supremacy, and I shall always be so governed," he said on August 2, 1948.

It is questionable if any candidate for the Supreme Court has ever made a more clearly disqualifying statement than that. But what is worse, that philosophy has seemed to guide Mr. Carswell's decisions and conduct as a public official. He never once repudiated or modified his public declaration of 1948 until it was challenged in relationship to his pending confirmation.

Two of the nation's most consistent civil rights advocates, Mr. Clarence Mitchell and Mr. Joseph Rauh, provided the Senate Judiciary Committee with so convincing a critique of Mr. Carswell's public record that no Senator who believes either in civil justice or a high quality Supreme Court can read that critique without being deeply troubled by the Carswell nomination.

In fifteen decisions involving civil rights issues, Judge Carswell was overruled fifteen times by unanimous decisions of the appellate court. In other words, the three-member appellate court composed of Judge Carswell's fellow southern judges compiled a solid record of 45 to 0 in reversing these fifteen decisions.

In addition, while he was a U.S. District Attorney in 1956, Mr. Carswell participated as an incorporator in the transfer of a municipal golf course to private owners in his home city of Tallahassee for the express purpose of preventing Negroes from using the golf course.

Beyond this, several distinguished witnesses have testified that he manifested a hostile bias against civil rights attorneys and other civil rights advocates during the 1960's.

I am not a lawyer, but I have avoided making a hasty judgment on Judge Carswell until I could study his record as a jurist. I find that record to be distinguished largely by two qualities—racism and mediocrity.

His judicial rewards as a Democrat converted to Republicanism in the 1950's and his recent elevation to the Fifth Circuit Court of Appeals last year provided Judge Carswell with an ascendancy as a jurist which is more puzzling than reassuring.

I realize that some Senators who voted as I did against the confirmation of Judge Haynsworth are reluctant to reject a second nomination by the President. Some Senators may feel that each time we reject a nominee, the President will retaliate with an even weaker and more objectionable nominee as he apparently has done in passing from Judge Haynsworth to Judge Carswell.

But the poor judgment of the Chief Executive does not entitle the Senate to confirm that poor judgment. Indeed, we will have betrayed one of the most vital constitutional roles of the Senate if we confirm a Supreme Court nominee who is not qualified for that high responsibility. Long after the President and members of the Senate may have been retired from office, the men we confirm to the Court will be molding the nation in their lifetime appointments. Unlike Congressmen, Senators and Presidents, a Supreme Court Justice is not subject to removal by the voting public. Furthermore, the Supreme Court has the power to overrule both the President and Congress.

For these reasons, it seems to me that we should demand the highest standards from those nominated as justices. We should insist that the nominee be free from taint or bias or prejudice. We should look for a record of judicial excellence, hopefully distinguished by outstanding opinions and writings that have stood the test of the appellate process. In these areas Judge Carswell is unknown except for the pedestrian caliber of his decisions and the paucity of writings bearing his name.

At a time when our nation is already divided by racial tensions and by the skepticism of many citizens, especially the young and the minorities, about the reliability of our political and judicial process, it is regrettable that so unfortunate a nominee should be offered. In a profound sense, this nomination is an affront to the Senate, to

the Supreme Court, and to the American people.

The time has passed when an Administration should be allowed to use the Supreme Court for narrow political purpose, whether it be the implementation of a so-called Southern Strategy or a larger design to delay the nation's fulfillment of civil justice. We must insist that the best judicial mentality of the nation, coupled with the highest standards of personal conduct, be the major qualifications we look to for the Supreme Court. Plainly, Judge Carswell falls short of these standards.

As Michael Harrington has stated: "Richard Nixon acts toward the Supreme Court like a radical activist who wants to politicize that body much more than Franklin Roosevelt, the man who was supposed to have invented court-packing."

Let the Senate avoid repeating the bad judgment of the President. Let us deny confirmation to Judge Carswell.

COUNTRY'S NO. 1 HEALTH PROBLEM; DR. EGEBERG NARRATES NEEDS IN U.S. NEWS & WORLD REPORT

Mr. YARBOROUGH. Mr. President, over the last few months the news media has touched on many facets of what I consider a national tragedy—the chaotic conditions of our medical delivery system. The consensus is that something must be done soon if we are to avert a complete breakdown. The enormity of the problem was discussed by Dr. Roger O. Egeberg, Assistant Secretary for Health and Scientific Affairs in the Department of Health, Education, and Welfare, in an interview appearing in the February 23, 1970, issue of U.S. News & World Report.

In this article Dr. Egeberg points out that the Nation needs 50,000 more physicians, almost a couple of hundred thousand more nurses and almost 150,000 more technicians. He states that there are 800 million cavities in Americans' teeth right now, that one-quarter of the people in this country have no teeth and another quarter have only half their teeth.

Dr. Egeberg points out that the cost of training a physician is extremely high but not as high as the cost of training a pilot to fly one of our modern military planes. Certainly, Mr. President, if we can afford the expense of training military pilots we should be able to afford increased sums of money to train our young people to save human lives through a career in the medical professions.

I was very impressed by Dr. Egeberg's candor. I commend him for it. Because I think that what he said will be of interest to my Senate colleagues, Mr. President, I ask unanimous consent that the interview in question be printed in the RECORD.

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

COUNTRY'S NO. 1 HEALTH PROBLEM—INTERVIEW WITH TOP PRESIDENTIAL ADVISER

How to make medical care available to all, when and where needed, is the big health mystery now. Medicare and medicaid have added 30 million patients to an overburdened system.

On top of that are rising problems of alcoholism, drugs, "the pill," more aged people, a shortage of doctors and nurses. Dr. Roger Egeberg, head of federal medical agencies, described the outlook in this interview in the conference room of "U.S. News & World Report."

Q. Dr. Egeberg, what is the No. 1 health problem in the country now?

A. The No. 1 health problem is the distribution of health care—making it possible for all people to have adequate care. That includes preventive health care, education in how to live healthfully, and treatment when you need it—including hospitalization.

Q. How can you provide that for everybody?

A. It has to be solved in a number of different ways:

In the first place, we need just sheer numbers of people—50,000 more physicians than we have now, almost a couple of hundred thousand more nurses than we have now, almost 150,000 more technicians.

Then we must have the institutions from which this care can come. It's hard to draw a doctor to a place where he might rent a little office, perhaps, but have no other doctor's company in trying to make an impact on local health problems.

We must also find new ways of delivering health care.

There are many things that doctors now do that nurses—or doctors' assistants, or other technical help requiring a lot less education—could do.

Q. For example—

A. For example, we must educate people about how to live, eat and what to do to keep themselves healthy. That is in the province of the health educator. A doctor probably couldn't do it as well as somebody who was trained just to educate people on various aspects of remaining healthy—or, if they have a chronic illness, on how to live with the illness and best take care of it.

Then there's testing and diagnosis. We now have enough methods of blood testing, using computers and so forth, that we can do a whole series of tests—let's say 10 or 15—as readily as we used to do one or two.

Q. That's automation—

A. Yes, and all of these tests are done by people other than the doctors.

Also, we have worked out types of patient histories that can be taken by someone not a physician, so he can screen a large number of patients without taking the doctor's time.

There's a tremendous potential in other areas we haven't done much about yet. If you want a gruesome example, the Veterans Administration has been looking into the question of autopsy rooms.

It's very hard to find pathologists—they're at a great premium. Yet the pathologist used to do the complete autopsy. And there are many, many autopsies each year.

Now they are developing a system where, let's say, a man with a master's degree will be in charge of the autopsy room. Under him will be people—college graduates, high-school graduates—who open the body, expose the organs and, possibly, remove them. The pathologist, who used to take an hour and a half to do the whole job, can now come in and take a look at what he thinks is important and say, "I'd like a section [for microscopic examination] on that, and I'd like to study that later," and maybe in five minutes do what used to take him an hour and a half. In a large hospital, that approach can extend the pathologist's hands many, many fold.

Q. Is the basic medical problem the lack of doctors?

A. The basic one—the one that's going to be most difficult to correct—is the lack of health professionals.

Doctors are very important. But no matter what you do right now, you're not going to increase your number of doctors very much in the next six or eight years.

Q. Does that mean there's going to be no real improvement in medical care until after 1975?

A. No, I think that the allied health professions—those who can extend the doctor's arms—are going to make a big difference in the picture.

But this brings up the question of education. I don't know how many medical schools have begun to expose the medical students to education with nurses, technicians and others, to instill the pattern of later association.

When you have a doctor who is in his 50s or 60s, he has set a pattern of work and it's pretty hard to change him—he just can't quite bring himself to trust somebody else to do something that he has done for 10 or 20 or 30 years. I don't suppose one can expect much change there.

But one can begin to influence the younger doctors in practice. I see no reason why 100 doctors couldn't take care of half again as many patients as they used to take care of five or 10 years ago—or as they take care of right now. We have to create many more physicians and we have to create many times as many of these other health professionals.

Q. Are there other basic problems, besides the shortage of qualified people?

A. Yes, the matter of distribution. In a large city, you almost have to have an institution of some kind—nice offices or a good clinic—to draw health professionals into the slums. They may not want to live there, but in a big city that isn't a large problem. They can have offices in one place and live elsewhere.

Out in the country, one has to face the fact: Do you need to have a physician in every town no matter how small it may be? After all, if a physician is available within 50 miles in the country, you can make that distance probably in an hour or less, and in a big city it's rare that you get to your doctor's area and get parked and into his office in much less than an hour. So we have to get people realizing that they may have to go farther to their physician.

In some of our Southern States, there's enough poverty so that the State is at a loss to know what to do about doctors for rural areas. The counties are virtually bankrupt. Many consist mostly of utterly poor people. You're going to have a job getting doctors to go there unless you give them some kind of base to work from—and get more than one or two to go there, so they can give each other moral support and rapport and build up something.

Q. Are you suggesting a small health center, in effect?

A. A small health center that's related to a nearby hospital which could be 50 or 60 miles away and still be a very good back-up support.

Q. What about the quality of medical care? Can the average person get good care, even when he can afford the price?

A. I think all medical care—almost all—could be improved. So much has been discovered, and it's so hard to keep up with it, that there's always going to be a lag between what we could have and what we have.

Now, the place where new discoveries occur is a medical center where there is a school or research unit. It will be the first to have the advantages of such care, which is likely to be important only in 1 per cent of the instances. That's something to remember. Let's put it another way:

Ninety-nine per cent of the people who go to a physician have problems that that physician, or the specialists he refers them to, can take of. But for the care of the other 1 per cent, you may need to go to a center. And it is the chance to get that extra-special care which makes the difference between medicine in this country and elsewhere.

Our regional medical programs were

started with the idea of trying to spread that degree of competency outward. I hate to say "that degree of competency," because that implies that there is a lack of competency in many places. It isn't. It's a different kind of competency.

Q. Doctor, the chief medical problem for many people is paying the hospital bill. Is there any hope of holding down the constant rise in hospital costs?

A. I think it might begin to level off. The big reason for the rise in hospital costs is that, in general—with the exception of physicians and dentists—people in the health professions were not as well paid as people with an equal education who were working equally hard in other professions.

They were way behind. They began to wake up to it about the time the laws came along making medical care a right for everyone in this country. So there has been increased demand for care at the same time these health people were getting fairer treatment.

Now they're getting pretty close to what they probably should get. The gap has narrowed very, very much, so one won't see the disproportionate rise in the pay of health professions in the future that one has seen in the last five years. That should help level things off.

Certainly everybody is looking at hospital efficiency. I'm sure that gradually hospitals will become more efficient, both in the way they do their work and in their financial affairs.

Q. After availability and costs, what other health problems are most important?

A. Perhaps the most important is control of population. If we don't tackle this one, everything we do in the way of health care, housing and food is built on a very unstable foundation—a sort of morass.

Then there is the continuation of medical research. We have a tremendous research setup in this country which is the best in the world. I would hate to see it hurt.

The research budget at the National Institutes of Health has been steady for four years—which, in effect, cuts it by about 30 per cent, because research costs have gone up about 8 per cent a year.

We have probably benefited in some ways by this. There has been research that was unimaginative—very pedestrian, that one could hardly give much of a priority to—which has been cut out in this period.

Still, I think that if we are going to solve the problems of cancer, of aging, of our circulation, of respiratory disease, our great dental problems, and so forth, we have to keep our research going at least at the rate we're continuing now. I would fight extremely hard to see that that isn't jeopardized.

Next comes the question of our environment—

Q. Is pollution a medical problem?

A. I don't know how much time we have left to try to reverse what we are doing to the air, the ground and our waters, including rivers, lakes and oceans. We have been grossly negligent.

After environment, I personally would list the health of children, from minus nine months to plus five years of age, as a primary national health problem. President Nixon has emphasized that improving care for infants and preschool children is one of the things he would like like to see us push.

If you could start children healthy, physiologically and emotionally, in those first five years—and I think it's possible—there might be an awful lot less crime, a lot less hatred.

We're full of hatred at the present time. I'm sure that the hatred isn't really inborn. A lot of it is distrust and resentment created in the early years of life. That is a terribly important time, too, because it's during the nine months of pregnancy and the first five years of life that the level of nutrition can affect total intelligence.

Q. Is alcoholism a national problem?

A. Alcoholism is a disease that demands a broad approach, and I would like to get something started on it. Along with alcoholism, I list drug use—addiction and abuse. They also have become national problems, so often indicative of immaturity on the part of people.

Alcoholism has been so great that we've tended to accept and ignore it in this country. I don't mean alcohol in itself. Alcohol is a very good medicine and has—look, if you stopped all drinking and drugs, your murder rate would go up awfully. You have to give people some release, some opportunity to, let's say, evade reality for a while. And yet alcoholism is our biggest illness, because it affects not only 6 or 7 million alcoholics but all their families.

MARIHUANA'S DANGER TO THE YOUNG

Q. Do you regard marijuana as a danger?

A. I think the use of marijuana by the young is as bad as if they all went out and got drunk habitually. By the young, I mean those under 21 years old. The widespread use of marijuana has helped keep some young people from growing up.

A lot of others use marijuana in a different way—occasionally—and get some pleasure out of it. Physiologically, or pharmacologically, it's not too different in its effect from alcohol.

On the other hand, you wouldn't want to have all the young boys and girls start the social pattern of drinking at age 14 or 15. I think marijuana, in a sense, belongs with alcoholism as a problem.

I once answered a question rather quickly to the effect that I thought the punishment for marijuana was utterly out of proportion to the "crime" of having it in one's possession; that this was a punitive and vindictive type of punishment. I still feel very strongly the same way on that score. Therefore, people assume that I think marijuana is great.

Well, I don't know whether or not we're going to go into a marijuana culture. Probably a million people are using marijuana regularly. Ten million have used it at least once.

Regardless of what we feel about marijuana, its use—along with alcohol or any other drug that helps to take people away from reality—is something we have to approach as one of our very serious problems. And I think it has got to be approached by a combination of law and medicine.

Q. Can anything be done to check the flow of amphetamines and barbiturates from the drug industry into the illegal market?

A. Much has been done to try. But there are three or four steps between the manufacturer and the user, so it's pretty easy for these products to ooze out through hijacking and other means. We're going to have to have a much more careful check eventually on the production of all of these drugs, so that we know where almost every 100 pills are.

EIGHT HUNDRED MILLION CAVITIES

Q. Earlier, you mentioned "our great dental problems"—

A. There are 800 million cavities in Americans' teeth right now. One quarter of the people of this country have no teeth. Another quarter have only half their teeth.

Because tooth decay doesn't seem life-threatening, we have sort of let it go by the board. But it does become life-threatening. They are finding that a great deal of malnutrition among people who could afford to buy good food is due to the fact that they can't chew, or they can't chew well. So they pick the foods that suit their mouths, and they don't get enough protein or minerals. And they do get infections from bad teeth.

Now, 800 million cavities is too many. You can't fill them all, even if you multiplied the number of dentists and dental technicians and associates that you have by 10 or 20. So you've got to begin doing something to prevent cavities.

A number of things can be done. Certainly fluoridation of water supply, which is available to only about 40 per cent of our population at the present time, is an important step.

Fluoridation has been attacked as a political issue by some of our ultraconservative people who claim that it softens the brain and makes you susceptible to Communist ideology. Fluoridation, as a result, has been thwarted in many places.

I fail to understand that, let alone agree with it. Fluoridation can cut down tooth decay by about 75 per cent. It seems to me we've got to have fluoridation, as well as early prophylactic care, which can be provided in schools if it can't be done at home.

Q. Are the medical problems of aging more urgent now, with a larger percentage of older people in the country?

A. This is a very important area, and I include it, really, in my thinking, as part of the problem of delivering health care.

Medicare was set up for the aged. So there is momentum, an interest, that we must support and push.

I don't know how much of the aging problem is health and how much of it is social—finding a way of living. You've seen plenty of people who, when they didn't have to work, went "plop" and died in one, two or five years, whereas if they had things that kept them interested and made them feel necessary, they would go on living and be very happy. I don't think we've begun to solve the psychological problems associated with aging.

PROS AND CONS OF "THE PILL"

Q. You were talking about population. The birth-control pill is under some question now as possibly contributing to some types of cancer and to blood-clotting. What is your opinion of the pill and the current uproar over it?

A. The pill is certainly the best thing that has come along to solve a problem that could be disastrous if we don't solve it.

Statistically, it would look as if the chances of thromboembolic phenomenon—that's the blood-clotting—are greater if you take the pill than if you don't. Forty-seven women per 100,000 between the ages of 20 and 44 enter the hospital because of clotting if they are on the pill, whereas it's down around five to eight if they are not on the pill.

Now, what does that mean? It's a hard one to figure out. If those women go on having intercourse and become pregnant without the pill, then the amount of thromboembolism would be five times as high among them as it is with the pill.

You can get somebody to come to Washington and say, "The pill is dangerous." But I can go up and say, "Aspirin will hurt more people than the pill."

We are in a phase of looking for new approaches in educating people about medicines. Nearly everything has some risk inherent in it.

It seems to me that one has to come back again to the question of the doctor's evaluating a number of factors and saying finally, "Well, I think you should take the pill. You want to have intercourse; I recommend the pill. I feel that the risk to you is less with the pill than without it." And this is aside from the over-all question of what will happen if we have far too many children.

The British came out with a statement recently saying that if you had more than a certain number of milligrams—50—of estrogen in the pill, it caused more embolic phenomena than in doses of less than 50 milligrams. We've called them up four or five times—on the phone with London—trying to get the facts rather than just accepting a committee decision. We haven't received them so far. We're looking forward

to learning more about the pill when we do get the British statistics.

Members of Congress are looking at this earnestly and honestly, with a view of trying to put before the people potential risks. They are trying to protect the people. Sometimes that gets done with enough enthusiasm to hide the good.

Q. Do you favor less restrictive abortion laws now?

A. Increasingly, yes. I've been rather conservative about that. But, increasingly, I feel we've got to face abortion as the backup of many methods of contraception which aren't perfect. I don't like to see abortion become a terribly important part of the picture, but I do think that facing a continually growing population is the most horrible thing we can face.

Q. Would you favor a federal law on abortions?

A. Yes. There have been several efforts at getting State laws carried to the U.S. Supreme Court, in order to get a decision with broad effects that might have nationwide application. Backers of more liberal abortion laws hoped they might accomplish that in California, but the opposition to the California measure crumbled before the issue could be carried to the Supreme Court. I think the opponents decided they wanted to keep it away from the Court.

Any State or group of States that sets up broader laws on abortion is helping other States to accomplish the same. If the Federal Government had a stance on it, that would help, too.

Q. Coming back to the shortage of doctors and other health professionals: Do you think the Federal Government is doing enough to increase the supply of physicians?

A. We're doing a great deal more than you think, and we're looking at the possibility of doing more. We feel that it is a crisis. But you hate to jump into a crisis and run off in a lot of directions until you see how the things that you are doing actually work.

We are supporting students in all the different health professions. You say, "Enough?" I say, Well, never enough—but enough against the background of a stringent budget.

We are helping medical schools build additions to their facilities, since that's the fastest way to get more students. We have helped in the establishment, in the last six years or so, of 17 new medical schools, 14 of which are open.

We are encouraging and helping to support many different programs where they are trying innovative measures of taking care of patients—the neighborhood health center is one.

Local medical societies are becoming interested in trying to solve these problems. We're supporting or helping to support a number of medical societies that are trying to take care of people, in both rural areas and city slums. We are helping to build hospitals and clinics in some places where this can be done.

We're going forward on many fronts, trying to find out what might be the best approach. When we do, I think we will find the money to support the best in a much cheaper way.

Q. Some medical schools claim they are so badly off financially that they are in danger of closing. Is that true?

A. Yes. Seventeen medical schools are threatened with closing. Private universities wonder why they should be assuming the burden of keeping up a medical school that is having difficulties.

The cost of medical education is surprisingly much. On the other hand, the cost of training a pilot to fly one of our modern military planes is many, many times more than the cost of educating a physician. The average cost of educating a physician is about $10,000 a year. That sounds awful. That does not include what it costs him to live during that period. The cost runs from as low as $7,000 at some schools to as high as $21,000 a year.

Don't ask me where the money goes, because I was on a committee once that had to try to find out. We couldn't.

Q. Have you considered opening federal medical schools?

A. I can tell you I played with that idea. The Veterans Administration has enabled a group of new medical schools to train an additional 1,200 to 1,500 physicians.

In Louisiana, Dr. William H. Stewart, formerly Surgeon General of the United States Public Health Service and now chancellor of Louisiana State University Medical Center, has joined with a Veterans Administration hospital at Shreveport to create in that hospital a medical school. He has done it with relatively little money, and I think it could be something that would show the way.

The University of Illinois is establishing a number of medical schools around the State based on clusters of hospitals. Minnesota is looking into the possibility of a medical school at Duluth, with the idea of using hospitals up there. These would all be cheaper approaches—some federal, some by States.

IF EVERYONE IS TO GET MEDICAL CARE

Q. Dr. Egeberg, do you envision an extension of medicare to cover the entire population? Would you call it a national health service?

A. Those who don't like it call it "compulsory health insurance" or "socialization." Those who like it call it "a universal health service."

Q. What do you call it?

A. I'm not calling it at the moment.

We have to find a way of seeing that health care is provided for all people—not only for humanitarian reasons that go along with our ethics, but also because the laws have caught up on it, too, and indicate that this should be done.

Medicare [for the aged] and medicaid [for the needy] started off with the idea that both programs could purchase care from an unlimited supply of health services. Where the shortsightedness—as to supply—came from, I'm not sure. But the idea of taking care of these people is one with which I heartily agree, though there are some who still disagree with it.

These new programs added 30 million people to the rolls of those who will get health care. They are 30 million people in this country who have been poor and haven't known what health care was. One can cite many examples of such people, including the fellow down in Appalachia who, shot through the belly by friends or people with whom he had a slight disagreement, would curl up in bed and say, "Well, my uncle got shot in the belly and he just took a lot of hot coffee and he got over it."

And then there are people such as I have run into in Watts [the Los Angeles area hit by riots in 1965]. When we had a meeting with a group we were going to ask to run a clinic there, we said: "What do you think you need most here?"

As they looked at each other, finally a woman stood up and said: "Well, I think we need a slab on every corner."

We asked: "Why?"

She answered: "Oh, to lay them out on while they're waiting for the ambulance or the hearse."

This is a picture of the attitude of poor people about health care. It's not only that they don't have any care—it doesn't even exist in their thinking. So they don't go to a physician, they don't know what foods are most important, or how to live more healthily. And, of course, there is so much they can't afford. I don't want to underplay that. The point is that we now have 30 million people who have been told they can be taken care of as far as their health is concerned, and they don't know what that means. Some of them think it means a doctor will come and hold their hand. Others think it means they should be getting shots or pills.

We have to educate them to what it means. Of these 30 million people, 10 or 12 million are now being taken care of, with the others not having reached the medical "production line" as yet. But even those 10 to 12 million have put a tremendous strain on a system which was just able to take care of the load it already had—the patients who were coming to doctors and hospitals before medicare and medicaid.

Q. How many people were getting care then?

A. I would say probably 160 million—something like that. So we are adding an appreciable percentage to the patient load.

I figured it out one time, and if you take out of the picture the doctors who are working at 40-hour-a-week jobs and those doing research or in government service, it would add 18 hours a week to the average physician's work load if we tried to give adequate care to 30 million additional patients.

The average physician is already working 65 hours a week, so this would get him up to 83 hours a week. Well, I worked 84 hours a week as a physician before World War II, and I didn't like it. I don't know how long I could have kept it up.

There are doctors who work that hard, not to earn money, but because they see the patients who need to be taken care of. In fact, for every five hours a week that is added to a physician's working time, his average pay goes up somewhere around $1,000 a year after taxes. There have been some studies on that. It's just amazing.

The facts indicate that the physician is working as hard as he is in order to take care of the people who are in front of him. That also gives you some idea why he has been slow to worry about the people he can't see, who do not get into his office.

I think the typical physician of this country has been maligned by society. He works extremely hard and, on the whole, extremely conscientiously. While some have gotten more money than one thinks they should have, if those people had gone into business I'm sure they would have gotten still more.

You should be amazed at the number who don't have so much. The average net income among general practitioners is apparently $31,000 a year. When you think that's before income taxes, and when you think how long they had to study to get to that point, and how little time they have left to earn, that isn't an outrageous figure, in my estimation.

FINDING WAYS TO PAY THE BILLS

Q. Is part of the problem that many people can't afford to pay doctor bills, no matter how justified?

A. Yes. Well, the private health-insurance industry and the Government programs of medicare and medicaid have all looked at various ways of providing health insurance. A system of insurance is one answer to the cost problem for the individual family.

As one of those who, as a dean, was responsible for producing the product that all these private and Government plans are buying, I get furious when I think of the fact that they haven't shown enough interest either in experiments in new ways of delivering health care, or in helping to create some of the institutions and train some of the people who are going to deliver the health care.

You have these three big purchasing agents who have felt responsible only as actuaries. I don't think this has been a healthy approach to our very great problem.

In my purview, I have a direct responsibility for about 3 billion dollars of health expenditures—in the National Institutes of Health, the Environmental Health Service, the Health Services and Mental Health Ad-

ministration, and the Food and Drug Administration.

Medicare and medicaid involve 12 billion dollars a year of Government money, by comparison.

I can't see the money coming out of these other programs that will be needed to develop all the people required to deliver the medical services that medicaid and medicare and the private health-insurance industry want to purchase. I personally think we have got to find a way to see to it that these programs which finance health care show a greater concern with and make a direct contribution to improving the delivery of health care. Otherwise, they're just going to be paying more and more for less and less service.

AHEAD: UNIVERSAL HEALTH INSURANCE

Q. Would you favor universal health insurance?

A. I think that very likely one of these days we will find a broad means of seeing to it that everybody is covered in more or less the same way for health insurance. But it won't do very much good until we have the people who can furnish the care.

Therefore, our first job is to try to make good on medicare and medicaid.

Medicaid has done a lot of good in some areas, but it has bought services that weren't particularly useful in others. There haven't been enough rules, and there aren't enough trained doctors and nurses to supply the needs of medicaid.

Q. Will this broadened health insurance be a federal program—such as medicare, for example?

A. There are people who would like to see this whole thing run by the Government. There are others who would like to see the private health-insurance industry play a part in it, maybe a major part.

I feel that one gets more ideas and perhaps more efficiency if there is more than one way of accomplishing a task. My own philosophy is that I would like to see it be a broadly joint effort between the private health-insurance industry and the Government.

Q. How soon would you expect a universal health-insurance system?

A. I think something like that will come, but if it comes next year, or even the year after, there will be a lot of people who will say: "Well, I can go to the doctor. I've had an ache in my left knee for three years. Now I'll go see him."

And it will not take, percentagewise, many people like that before the doctors will be completely swamped and you'd have chaos.

If you approached this universal system too quickly, you could end up with two levels of health care. You could have the middle class buying the care away from those who had it paid for by the Government, either through favored treatment from doctors, or—as was done in some places in Europe—by extra payments under the table. This would demoralize many people with respect to health care.

I want everybody to be taken care of, but to reach that point as fast as we can in an orderly procedure rather than creating laws that would raise expectations way ahead of anybody's ability to meet them.

Q. What time schedule do you have in mind for a universal insurance system?

A. I would say it probably would be six or seven years before you could feel that you were anywhere near ready to tackle this, without having a degree of chaos.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 14465.

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

The LEGISLATIVE CLERK. A bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will resume the consideration of the bill.

Mr. BYRD of West Virginia. 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.

Mr. JAVITS. Mr. President, I would like the attention of the Senator from New Jersey.

The PRESIDING OFFICER. The Chair would like to interrupt the Senator from New York to state that the question is on agreeing to the amendment of the Senator from New Jersey (Mr. WILLIAMS), amendment No. 513.

Mr. JAVITS. Mr. President, it is my intention to submit to the Senate a substitute on behalf of Senator GOODELL and myself to the amendment submitted by Senators WILLIAMS and CASE.

The amendment obviously deals with the grave problem of a fourth jetport in New York, in the New York metropolitan area, including northern New Jersey, which is served by one of the three great jet airports in the area—to wit, Newark. The substitute will endeavor to give to the Secretary of Transportation somewhat more authority than does the Williams-Case amendment, but not all the authority which is contained in the committee bill.

The reason why I should like to make a brief preliminary statement is this: I hope that the Senate, in deciding what to do among these three alternatives—I wish to emphasize that there are three alternatives—will not write it down as the classic struggle between States—New York and New Jersey—because it is not. I wish to declare to the Senators from New Jersey our utmost sympathy and understanding of their situation and of the deep concern of their citizens for what a fourth jetport may mean to New Jersey. Their concern is the same as that of the citizens of New York.

Perhaps it is best epitomized, in explaining the situation, by pointing out that it is not a family fight, but that we really are doing our utmost to find some way out of a grave situation for all of us; for example, together, we have been exploring some very serious suggestions that a fourth jetport be placed out in the Atlantic Ocean. If this could be done within any proximate period of time and the terms of financing were sensible—that is, the cost-benefit ratio compared with a conventional jetport—I think this would have great sympathy from the people of New York, regardless of whether it was located off the coast of New York or off the coast of New Jersey.

Also, the airports in the whole area are run by a bi-State agency, the Port of New York Authority, one of the most successful of multi-State agencies that exists; and the Governors of New York and New Jersey enjoy excellent relations with each other, as do our respective constituents. We share many other problems, in many of which the highest form of cooperation and accommodation has been shown.

I wish to emphasize that cooperation, because I would not wish the Senate to think that some life and death struggle between New York and New Jersey is involved. But we feel it our duty, because the need is so urgent, to lay before the Senate the varying alternatives which are available, and then the Senate will choose. I shall do my utmost—and I believe Senator GOODELL feels the same way—to argue the issue as objectively as I humanly can, without in any way leading to some conclusion that a fourth jetport must necessarily be located in New Jersey. We do not believe that, and it would not be fair for the Senate in any way to pass on that question. But we do believe that, with a lively, new, exciting initiative in the airport field—as the bill before us is—and we have had that experience with the Senator from Washington (Mr. MAGNUSON) and the Senator from Nevada (Mr. CANNON) before—one which is so gratifying to me, because I authored a bill very similar in concept to this one, we should use this opportunity to help solve what has become a very pressing national problem.

If we could only find a better way to deal with the airport selection problem than we have so far. The committee felt the same way, obviously, because it wrote a provision in itself, but it was a much stronger one than the one my colleague Mr. GOODELL and I submitted, and certainly stronger than the one the Senators from New Jersey (Mr. WILLIAMS and Mr. CASE) are submitting.

So, Mr. President, I wish it clearly to be understood that in submitting the substitute we do so only in the desire to give the Senate the three alternatives which we think are available. Someone else may have another alternative but as we are the people whose ox is being gored, I would suppose it logical to assume that the alternatives will come from us.

In that spirit, Mr. President, on behalf of my colleague, Mr. GOODELL, and myself, I send to the desk a substitute for the Williams-Case amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. On page 71, line 6, strike out through the period on line 17 and insert in lieu thereof the following:

If, within two years after the written notification by the Secretary referred to in the preceding sentence, he has not received notification from the governing authorities con-

cerned of the selection of a site and the intention to submit a project application for the additional airport, the Secretary may establish such priority in the use of funds granted pursuant to this Act for aviation facilities serving such metropolitan area as is necessary in order to provide for the construction of such additional airport as soon as practicable: *Provided, however,* he shall first consider a public report of the total effect such an establishment of priorities would have on the metropolitan area, prepared by an Airport Priority Review Panel that he shall establish to advise him. The Airport Priority Review Panel shall consist of the Secretary, or his designate, the governing authorities concerned, or their representatives, and such additional members experienced in transportation, urban planning, or the problems of the environment as the Secretary may designate.

Mr. JAVITS. Mr. President, for the information of the Senate, I have tried to write an exact substitute for the precise part of the language in the bill which is contained on page 71, line 6, the part which is sought to be amended by the Williams-Case substitute.

Because I did it yesterday in dealing with the whole bill and in view of the fact that the committee has already dealt with the matter, I do not believe it is necessary to lay before the Senate the reasons why we have this problem in the great metropolitan area of New York.

It seems to me there is factual proof that some way must be found to deal with any airport question which arises in what the committee defines as metropolitan areas. It will be noted that the committee amendment relates metropolitan areas, "comprised of more than one unit of State and local government." That is the definition on page 70, lines 22 and 23.

We can take it, therefore, that the whole question we are trying to solve is, what are we going to do about giving the Secretary of Transportation the necessary authority to bring about the selection of an airport site, bearing in mind that it has been 13 years, for example, in the New York area, since it has been determined that a fourth jetport is essential. For at least 10 years a site has been sought.

It seems to me this is a pertinent consideration before the Senate when determining whether to arm the Secretary of Transportation with the necessary authority. Obviously, I do not think there is any question about the desire and the need for a fourth jetport being established. The only question is where to put it and who will make the choice of the site. So far, the two Governors of the two States themselves have been unable to agree.

One after another of the sites have been knocked down. At least 30 sites—as I mentioned in my discussion of yesterday—have been considered and, for one reason or another, by one or another of the parties, they have all been rejected.

This does not mean that they still cannot agree but it does mean that this is a tough situation and that time is running out.

Mr. President, this situation will affect the whole national picture for this reason: there are about 16 million to 17 million people in the metropolitan area affected, in New York, New Jersey, and Connecticut—indeed, it reaches over, to some extent, even into Pennsylvania and Delaware, and it is a fact—and I am sure that that was one of the reasons why the committee acted as it did—that the congestion, the great delays, and the danger to safe flying which exists in the New York-New Jersey metropolitan area communicate themselves throughout the country; that advised by authorities who deal with safety in traffic the congestion and delay in New York extends in ripples—both to arriving and departing aircraft—throughout the United States.

Thus, it seems to me that the real question at issue before the Senate is, which of the three ways now before will it choose in order to help—and I emphasize that word "help"—bring about a resolution of the serious situation in the New York-New Jersey metropolitan area, and probably in other metropolitan areas similarly affected?

The first proposition—and I should like to start with that because it is only fair—comes from the Williams-Case amendment, which is the same as the amendment adopted in the House of Representatives. For all practical purposes, all that that would do would be to require there be the finding of a site within 3 years.

The only power that is given to the Secretary of Transportation, beyond any he would otherwise have, which did not relate directly to the airport site situation, is that "the Secretary shall exercise such of his authority under this part as he may deem appropriate to carry out the provisions of this paragraph."

In short, he is given no additional authority to try to bring about a resolution of the problem. The only thing that the Williams-Case amendment would do, should it be adopted in the bill, is that the governing authorities would be required to confer and agree upon a site for the location of such additional airport and notify the Secretary of their selection.

Well, Mr. President, they have been conferring and endeavoring to agree for a long time now, without success. As I said, many sites have been considered and rejected. So that looks like a very promising suggestion. Beyond that, there is no authority except the moral suasion of the Secretary, and perhaps the fact that he might stretch his power in respect to safety by withholding funds on the ground that safety is endangered. But these are extreme measures. We certainly do not want him to get to the point where he would be put in the position of having no alternative but to shut down one or more airports, because he is withholding funds on the ground that the present three are unsafe.

Therefore, we believe, my colleague from New York and I, that it is desirable to give some additional authority to the Secretary which would enable him to bring about a resolution of the question.

In my judgment, and I am sure that the two Senators from New Jersey will argue the case for themselves very eloquently, to the Williams-Case amendment gives the Secretary no power beyond what he already has in various other parts of the bill.

Our amendment—Senator GOODELL'S and mine—would give the Secretary somewhat less authority than does the committee bill. The committee bill gives the Secretary plenary authority, because he would be entitled to select the site. Naturally, the States concerned—the State of New York and, I assume, the State of New Jersey—are very unhappy about letting the Secretary of Transportation make a decision that they themselves ought to make. So I think it is fair to say that our amendment and, probably, the amendment of the Senators from New Jersey, are dictated by an effort to deny authority to the Secretary at this time to make the choice, in lieu of letting the States do so. That is the negative part. Our amendment, just as the amendment of the Senators from New Jersey, would deny the Secretary such authority.

The next question is, Can we do anything else? That is where I think we propose a compromise. Instead of giving authority to the Secretary to pick a site, we give him authority to withhold money from that metropolitan area, money that possibly could and should be used, in the judgment of the Secretary, for an additional airport, provided that he first consider the report of a public panel, which we call an Airport Priority Review Panel, which would also publicize its recommendations, so that the public would be assured that it is not an arbitrary selection by the Secretary, perhaps based on the authority which he already has to withhold money, but that it really represents a matter on which he has had an appraisal by reasonably disinterested and interested people. That is the essence of our compromise. We do give the Secretary authority to withhold money on grounds related to airport selection. That authority, however, he may exercise only insofar as the priority in the use of the money is concerned; such a priority in the use of funds is to be exercised only after there has been a public finding by a public panel as to the propriety of the particular need for the funds that he is insisting on.

But the Secretary cannot choose a site and mandate it upon the States concerned, not even under the limited authority he possesses to withhold some funds—mind you, not funds of the whole State or even of the whole metropolitan area; it is just that he may establish a higher priority for that needed airport and may withhold funds because that priority is not being met, because of the failure of the parties to agree.

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

Mr. JAVITS. I yield.

Mr. CANNON. I have not found in the Senator's amendment the provision to which he refers, relating to the withholding of funds.

I am concerned as to whether the Secretary, if he is authorized to withhold funds, would be authorized, for example, to withhold funds from other airports besides the one project which had No. 1 priority. Would he be permitted

under this amendment, to authorize the withholding of funds for the purpose of creating a new airport?

Mr. JAVITS. I think he would be authorized to make the finding that there should be a priority for a new airport; but that priority would require, say x dollars. Let us be arbitrary; let us say that $50 million in resources is available for that particular area, and that the priority which he would provide for an airport would represent $20 million of the $50 million. That would be the sum he would be authorized to withhold until the priority was met. He might say, "I have set a priority of $20 million for a major airport. I will not disburse that $20 million until my priority of agreement upon a major airport has been met. I have $30 million for other airports other than the first priority I have established. That amount I will disburse." That would be our intention. But it would also be our intention that the Secretary not just withhold funds but also spend them, but spend them in such a way that would in fact provide for reduced congestion and greater safety; for example, by stressing a spending on air traffic control facilities.

Mr. CANNON. So it would be clear that other airports in the affected area would be eligible for assistance under the airport program?

Mr. JAVITS. Exactly.

Mr. CANNON. Notwithstanding the fact that the No. 1 priority was a new airport in the area?

Mr. JAVITS. Except that the Secretary could carve out a sum of money which would be allocable to the first priority, and which he could withhold.

Mr. CANNON. The Senator's amendment reads, in part:

> The Secretary may establish such priority in the use of funds granted pursuant to this Act for aviation facilities serving such metropolitan area as is necessary in order to provide for the construction of such additional airport as soon as practicable.

Is that the provision the Senator says would authorize the Secretary to withhold funds?

Mr. JAVITS. That is our purpose. We will, naturally, accept whatever language the committee may think appropriate. It is our idea that, having established a priority, and having allocated a given amount of resources to be devoted to that priority, the Secretary could not disburse it until the priority had been achieved.

Mr. CANNON. Would the Secretary be the chairman of the panel?

Mr. JAVITS. Yes; of a panel made up of other people representative of the area in addition.

Mr. CANNON. Suppose the panel could not agree or could not come to a decision. Would that tie the Secretary's hands?

Mr. JAVITS. Not at all. That is why we ask that its findings be made public. If it cannot agree, it cannot agree. The Secretary still retains the authority. The panel is strictly advisory.

Mr. CANNON. The Secretary presently has authority to establish priorities in the use of funds, he would still have that authority. If he appoints an airport priority review panel, and the panel has held hearings and has been able to arrive at a decision, it would publish the decision?

Mr. JAVITS. The Secretary would not be bound by that.

Mr. CANNON. But he should take it into consideration, obviously, since he is the chairman of the panel?

Mr. JAVITS. That is correct. We say that as a condition precedent to his determination he should have the advice of the panel. If he cannot get the advice, he cannot get it.

Mr. CANNON. I thank the Senator from New York.

Mr. JAVITS. That is our thought. I wish to emphasize that to my very dear friends—and in this case it happens to be literally true—the Senators from New Jersey (Mr. CASE and Mr. WILLIAMS). We are not trying to get the Secretary to decide or to have a war between the States. We believe that this is a technique which could perhaps facilitate agreement. Let the Senate choose. If there is any other alternatives that my colleagues have to suggest, I hope they will be as openminded as we will be under these circumstances.

Mr. CASE. Mr. President, first of all, on behalf of my colleague from New Jersey (Mr. WILLIAMS) and myself, I reciprocate most warmly the pleasant remarks about our personal relations. They are and will remain warm and close. That does not, of course, blunt the fact that we have separate interests. Our interests, I think, are the interests of the country, and the Senator's interest, and that of his colleague, the junior Senator from New York (Mr. GOODELL), are the interests of New York as they conceive them.

In the larger view, of course, we believe that New York's interest and New Jersey's, and the country's, are best served by leaving decisions of the kind that are involved here in the hands of the representatives of the areas concerned. This has been the historic, traditional method of dealing with such problems in this land of ours.

I think one of the strongest, one of the most important reasons why, in a nation so large, with interests so diverse, we have managed to avoid flying apart on account of sectional rivalries and differences in interests—shortrun interests, which is all they are—is that we do not force a decision like this upon any of our States or areas.

Especially you do not do it by action of the Federal Government. I can see that the Senators from New York have moved away considerably from the language which their colleague in the House had added in the House committee.

Mr. JAVITS. Representative MURPHY.

Mr. CASE. And which was added in the Committee on Commerce in the Senate at the instance of the Senator from Maryland (Mr. TYDINGS) acting for a representative of the State or city of New York. The Senators from New York have moved away considerably from language vesting in the Federal Government the stark power of site selection to almost an amorphous situation in which they, I think, would likely retain the substance although not the form of the power that the committee provision represents.

The amount of pressure that could be put upon communities by the secretary's authority and its exercise under sanctions of the Senators' language, would, I think, and for all practical purposes, be the same as if he had the power in specific terms to make the selection of the site himself. This is precisely what we do not want.

The Senator can argue that there is no absolute grant of power; that the Secretary has the right now to establish priorities because he has the right of granting or refusing applications for use of funds. So be it. To that extent my colleague from New Jersey and I are quite content to leave the matter where it stands under the law in the absence of any such provision here. But to give to the Federal Government, although not in specific terms, in general approving language, the authority to make these decisions and impose them on the localities, is something I think we should resist in this body and I have from the time the Republic has been in existence.

Mr. JAVITS. Mr. President, I am so pleased the Senator understands we are dealing with this matter without heat and in the greatest friendship. That statement is true not only with respect to us but also our States which have enjoyed fine relations and will continue to do so.

I cannot accept the Senator's contention that we are acting in the interest of New York and that he and his colleague are seeking the interest of the Nation. I believe where there is a pattern of such disagreement on something that will seek to undo so dangerous a situation as we face in Metropolitan New York and New Jersey, that we have a right to feel it is the interest of the whole Nation if dangerous and inordinate delays in New York can be effectively dealt with. Therefore, I believe we have a common purpose in the interest of the Nation as well as our States. The Senator would not wish us to suppose he and his colleague are proceeding without regard to the State or States, or that we are proceeding only in the interest of New York and not the Nation.

Mr. CASE. Before the Senator proceeds to leave that point, I was talking entirely about the subjective attitude each of us has for his own proposition.

Mr. JAVITS. That is correct. I think that is an objective attitude, if Senators want to do everything they can for their States, as they do.

Mr. CASE. That is the Senator's statement about our position. Our feeling is that we represent not only the proper interest of our State, but recognize the general interest of the entire area in adequate transportation and safety, and can see that the traditional approach of a solution of these problems by agreement among all the jurisdictions, and particularly among States of an area, in the long run is likely to produce the best results in the interest of safety and convenience.

Mr. JAVITS. The senior Senator from New York affirms the fact that it is

strange that the motives of the Senator from New Jersey are purer than the motives of the Senator from New York; nothing else.

Mr. CASE. May I concur in that.

Mr. JAVITS. But the main point is that without the history of the fourth jetport dilemma the Senator would be right; but in view of the history the question is not whether or not any authority should be given to the United States, because the committee already decided that that very plenary authority, much greater than the Senators from New York or New Jersey would give, should be given the United States. That decision has been made by them, an objective body representing the pattern of the country in our committee.

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

Mr. JAVITS. I yield.

Mr. CANNON. I have grave doubts myself about the authority we have proposed to give the Secretary in the bill. I recognize this is a very difficult problem and certainly it would be better, in the first instance, if all authorities involved could agree on a location. But in this dispute we have a knotty problem where obviously no one can agree, and this creates the difficulty.

One aspect of the amendment bothers me. Suppose the advisory authority meets and either publishes its report, or does not publish its report. They conclude, "We cannot agree on anything." The Secretary can set his priorities and he says, "Our first priority for this area is going to be a new jetport, and we are going to set aside so much money." Nothing happens. He then goes into the next year and says, "We are going to set aside x dollars." Nothing happens again. This goes on for 3 or 4 years. If they cannot agree on a location of the new jetport, those moneys might have served a better purpose for the airport problem if they had gone into improving some of the developments in existing airports.

Mr. JAVITS. I agree thoroughly with the Senator. My answer is that it is the difference between pressure and summary decision. Certainly, it is pressure, and it has a double-edged effect. It is difficult and it deprives us of something—to pressure versus summary decision; and none of us would rather have summary decision. The Senator from New Jersey would rather leave it as it is. We come in with some kind of modern approach—pressure; there is no denying that—but it is better than summary decision.

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

Mr. JAVITS. I yield.

Mr. GOODELL. Mr. President, the amendment which I have coauthored with my colleague from New York (Mr. JAVITS), which we are offering as a substitute to the Williams-Case amendment, will serve as an important catalyst in alleviating air traffic congestion crisis affecting the metropolitan area of New York and thereby the entire pattern of national and international travel and commerce. Its acceptance by the Senate will facilitate the construction of a fourth jetport in the New York metropolitan area, an accomplishment which seems as far from reality today as it was 13 years ago when it was first proposed.

Before discussing the specific provisions of this amendment, I would like to make some general comments about the bill itself, and the growth of our Nation's aviation facilities. In providing a major program for the expansion and improvement of our airport and airway system, we are enacting legislation that is of vital national importance. As a member of the Commerce Committee, which has presented this bill to the Senate, I am confident that H.R. 14465 will more than help make possible the promise of our jet age.

Aviation development in the United States has surely been astounding, and there is every indication that this will continue to be the case. As the committee report pointed out, in the past 7 years the number of passengers carried by U.S. scheduled airlines increased from 62 million to 153 million; it is expected to increase within the next 10 years to approximately 400 million passengers a year, an average of a million a day boarding scheduled airlines. The fleet of general aviation aircraft has grown from 77,000 to 124,000; it is expected to total 205,000 by 1978.

The scheduled airline industry provided directly over 300,000 jobs at the end of 1968, an increase over the employment level of 1963 by two-thirds. Seventy-two and a half percent of intercity common carrier passenger miles in 1968 were traveled by air, as contrasted to 39.3 percent some 10 years earlier.

The indirect benefits of this growth in terms of related employment and the provision of services is greater still.

The anticipated development of the role of aviation in our everyday lives has been clearly recognized in this legislation through its funding mechanism of a trust fund patterned after the highway trust fund established by Congress in 1956. In this manner, predictable and increasing funds obtained from the users and beneficiaries of the system will be available for airport and airways development to handle expected needs. The provisions in the bill for cost allocation and revenue allocation and apportionment studies will insure that the funds provided under the bill will be expended in the light of these rapidly growing needs.

H.R. 14465 does contain certain provisions to insure that this growth is not accomplished in an atmosphere detrimental to our Nation's environmental resources, and these may be further strengthened.

Obviously, aviation growth and development are meaningless unless they are accomplished with safety as the paramount consideration. This clearly requires a reduction in the congestion of our airports and the development of an overall framework for a national airport system. This is, as it should be, the thrust of this bill. It is also the basic rationale for the amendment which Senator JAVITS and I are offering today.

The air congestion crisis in the New York metropolitan area has a multiplier effect which reaches beyond the harassed traveler who circles La Guardia Airport for an hour waiting to land. The congestion in New York airspace and airports is beginning to have an economic effect upon the region.

Against the backdrop of the fantastic growth in aviation use across the country which I cited, I am informed that fewer domestic passengers used Kennedy International Airport last year than the year before. A study completed in 1968 estimated that unless airport capacity increases were achieved in New York City at Kennedy and La Guardia Airports, 16,400 annual flights—carrying 980,000 passengers—would not come into the area annually. The estimates for 1975 show a still greater loss to the area of 47,000 flights and a corresponding number of 3,800,000 passengers; by 1980 it could total 109,500 flights and 11,000,000 passengers.

The passenger loss means an economic loss. When the potential employee earnings lost annually—comprised of airport employees, other airline employees and air transport related employees—are added to the potential spending of air travelers who annually would not fly into the area, the forecasts grow from $54 million in 1970 to $205 million in 1975 and $589 million by 1980. In a jet era, we should be forecasting increases in economic impact on a region as a result of airline growth, not decreases.

The subject of an additional airport for the New York region is usually discussed in frustration and resignation. Thirteen years—and over 32 possible site selections—later, we have moved no further off the ground than the weighty bookshelf containing study reports and recommendations. Experts differ on where the site should be; some do not think that an additional airport is necessary now if existing facilities could be adequately expanded.

Nonetheless, the stark facts remain: the airspace is too crowded, the safety of the air passengers and New York region residents is a real concern, and the New York area is beginning to feel the economic impact. New York is the major center for commerce and industry in this country; it is a center for international business and travel. In 1968, 37 million passengers utilized the three New York airports and the New York Port Authority estimates that 90 million passengers will do so in 1980. Its air congestion problems are, therefore, not merely regional in nature; they are national. If we pass a bill for the improvement of our national airport system, we must, at the same time, do everything possible to improve the situation in the New York region, or else we are abdicating our responsibilities as legislators.

Under the provisions of this bill, the Secretary of Transportation is directed to prepare and publish every 2 years a national airport system plan for the development of public airports in the United States over a 10-year time period. This provision will enable the Secretary to expand funds for airport development in a rational and planned fashion, consistent with the needs of the country as a whole and the role of aviation development throughout the United States.

Both the Senate and House versions of

the bill presently provide that if the Secretary determines that a metropolitan area is in need of an additional airport to adequately meet the air transportation needs of that area and that this is consistent with the national airport system plan which he has prepared, the Secretary shall notify in writing the governing authorities or that area of this need and request that they confer, agree upon a site for the location of this additional airport, and notify him of their selection. The bill defines a "metropolitan area" as a standard metropolitan statistical area as established by the Bureau of the Budget, subject, however, to such modifications and extensions as the Secretary may determine to be appropriate. It covers metropolitan areas comprised of more than one unit of State or local government. An example of this would be the New York-New Jersey metropolitan area presently served by three major airports.

This amendment provides a 2-year time period for the governing authorities to notify the Secretary of their selection of a site and their intention to submit a project application for the additional airport. If he does not receive such notification after 2 years, the Secretary then may establish such priority in the use of the funds granted pursuant to this act for aviation facilities serving the metropolitan area as is necessary in order to provide for the construction of the additional airport as soon as practicable.

The purpose of this provision is to assist the Secretary in providing for the safety of the use of the airspace and airports in the area. It is our intention that he should utilize the funds granted under this act to the extent of not spending for aviation facilities which would increase the air traffic capacity of the airports in such a way as to result in further congestion and delay.

This amendment requires the Secretary to appoint an Airport Priority Review Panel to advise him, in a public report, of the total effect of establishing these priorities before—and only before—actually putting them into effect. The Airport Priority Review Panel thus provided for shall consist of the Secretary or his designate, the governing authorities concerned—in the case of the Metropolitan New York City metropolitan areas it might include the Governors of New York and New Jersey, the mayors of New York City and Newark, and a representative from the Port of New York Authority—and such additional members experienced in transportation, urban planning, and the problems of the environment as the Secretary may designate.

Any such determination of priorities should clearly be established for the purpose of sound coordinated growth of the region within a national transportation framework. The setting of proper priorities will insure that any severe economic repercussions on the region will be avoided. The Airport Priority Review Panel will evaluate this to the fullest extent. It is our clear intention that the Secretary's fundamental responsibility is to plan for the maintenance of the safety of the passengers and aircraft owners, the airline and airport personnel and the residents of the region when he establishes any priorities for continued airport development. Through this Panel, all those directly concerned with stimulating the proper utilization of aviation facilities will have a direct participation in the Secretary's decision, and the public dissemination of the Panel's report will be an important contributing factor in this regard.

In summary, therefore, this amendment offers the Secretary a means whereby he may, if he so chooses, facilitate the building of an additional airport as an integral part of an improved national transportation plan. The State and local authorities still retain their traditional responsibilities for selecting the site for an additonal airport, in contrast to the present section 206(g)(1) now in the bill which allows the Secretary to do so. The governing authorities of the region will have a means through which they can continue to stimulate proper growth of the region's airport and airway system through coordinated transportation planning.

In the New York metropolitan region, throughout the long controversy over where an additional airport might be located, arguments have been advanced as to which State will be the winner or the loser in this contest of wills. I do not view this amendment as advancing one site over another. It has been designed to facilitate the decisionmaking process, and its benefits will be enjoyed by all of the people in the metropolitan region. Certainly, the facts are clear enough that benefits do not accrue from a decrease in air traffic brought on by congestion and delays.

New York's air crisis is, in fact, the Nation's, and a Federal interest in and encouragement of its solution is not only desirable but essential.

With reference to this colloquy, when we talk about the discretion of the Secretary, this is done in terms of what is in the best interest of the transportation needs of the area. Presumably the Secretary is not going to withhold funds that would jeopardize the safety of people. There is no doubt it will be a difficult decision for him, if the local governing authorities are unable to agree. He may have a very difficult choice in withholding funds on a temporary basis that would relieve an acute situation in order to put pressure on local governing authorities. The Senator from New Jersey made the point that he wants local governing authorities to make a decision, but the fact remains that for 13 years the aviation experts have indicated the need for a fourth jetport in the New York-New Jersey area, and nothing has happened. We also know that the local governing authorities find it easy to agree, "Yes, we ought to have a jetport," but they find it difficult to accept that jetport in their own area. In this process, we believe some kind of pressure has to be brought to bear on the local governing authorities to make a decision—a hard decision, but a decision in the best interests of the area.

The committee bill provides that in a situation of exasperation and frustration which exists, particularly in New York, the Federal Government will say, "You have not made a decision now after 13 years. We will give you 3 more years. If you cannot decide, the Secretary will decide." I am afraid that will be unworkable. If the Secretary decides the jetport should be put on Long Island, or in New Jersey, or in Westchester, or somewhere else, how is he going to implement his decision without acceptance on the part of the local governing authorities?

Mr. CANNON. He cannot implement it. All he can do is withhold funds and say, "We are not going to give you funds until such time as you take action."

Mr. GOODELL. Which brings the committee provisions very close to the Javits-Goodell amendment; only our amendment is directed toward putting pressure on the local governing authorities in the beginning and saying, "Here is the situation, we cannot bring more pressure on the part of the Federal Government unless you make a decision."

Mr. CANNON. I would like to ask the Senator if his intention is to affect in any way sections 204 and 205, which relate to the authority of the Secretary in making his allocations, and distribution of funds, and so on.

Mr. JAVITS. Not at all.

Mr. CANNON. In other words, would this amendment supersede any of the authority that the Secretary is given under sections 204 and 205?

Mr. JAVITS. Not at all. That is not our intention.

Mr. GOODELL. No. That is not our thought.

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

Mr. JAVITS. I yield to the Senator from New Jersey.

Mr. CASE. Mr. President, the junior Senator from New York has pointed up the issue, I think, in his reference to a decision by the Secretary—that is what is involved—a decision by the Federal Government, regardless of the wishes of a State. We are not talking about a village; we are not talking about local residents, a handful of them; we are talking about a sovereign State of the United States and its duly elected representatives; the Secretary may decide that that State shall have a major jetport.

I think the Senator was right also when he suggested that the proposed substitute is very close to the provisions of the committee bill in substance. In effect, I would suggest that it is identical. I think that is pointed up by the other section of the airport site selection provision which says that in nonmetropolitan areas, there shall be no such power as this. That is the difference.

The suggestion that my colleague from New Jersey and I make to this body is that the way to leave the matter is to leave it as it has always been left—that if the appropriate group in any State decides that it does not want a major jetport, it does not have to have one crammed down its throat. We are not talking about just a location; we are talking about a decision as to whether there shall be an airport or not.

I suggest to you that this kind of decision is not one we want, contrary to all tradition and custom in this country, now placed in the hands of the Federal Government.

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

Mr. JAVITS. I yield.

Mr. GOODELL. I would like to ask the Senator from New Jersey what he would do in this kind of situation: Assume that all aviation authorities agree—and there is a very large agreement on this point, although I will not say that all agree—that there shall be a fourth jetport in the New York-New Jersey-Connecticut area. The people in New Jersey agree to that. The people in New York agree to it. The people in Connecticut agree to it. The people in New Jersey say, "Yes, we need a jetport here, but it is not going to be in New Jersey." The people in New York say, "Yes, we need a fourth jetport, but it is not going to be in New York." And likewise the people in Connecticut.

This is where the problem is. We can all agree that there ought to be a fourth jetport, but we do not want to have it in our own backyard. So there has to be some pressure brought to bear to decide on a location.

Our amendment does not say, "We will tell you to put a new airport in New York or in New Jersey." It says that the Federal Government will have additional power to put pressure on the local governing authorities to decide where it shall be.

Mr. CASE. The Senator is making my point for me—to put pressure on them——

Mr. GOODELL. Certainly.

Mr. CASE. To put the enormous prestige of the Federal Government behind it.

Mr. GOODELL. How much longer do we have? Fifteen or 18 years? We have to have a dicision here.

Mr. CASE. If the Senator will permit me to engage further in colloquy with my delightful friend at this time, the Senator assumes something we are not assuming. There has been no conclusive determination that we need a fourth jetport in the metropolitan area or that that is the only solution of our problem. There are many alternatives. I think, for the benefit of the whole area, some of them ought to be considered more fully.

The argument goes to the point of assuming that all authorities and experts agree on this. Let us assume that all the experts in road transportation agree that there should be four highways crossing New York City to carry traffic between New Jersey, the South, and the West, to New England. The citizens of New York City do not like that. They say, "Yes, there ought to be more highways, but they ought to be put around through Westchester or somewhere else."

The location with regard to our major interstate roads is left to the sovereign States to decide, and so it should be here. All these horrendous suggestions of disaster mean that eyes and ears have been shut to other possible solutions. That is so here. It is said that only such a solution, a fourth jetport, is acceptable. That is a short-range solution, and I believe it ought not to be accepted and forced down the throat of the people who live there, because living conditions, far more than any temporary solution in what probably is a transitory form of transportation, ought to count here.

That is why it is so utterly basic and sound that we leave the decision in the hands of the people of the area and not in any central government, impelled by any temporary sense of importance and need, to decide these questions against the wishes of the people whose lives are affected.

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

Mr. JAVITS. I yield.

Mr. GOODELL. I respect very much what my beloved colleague from New Jersey has said. These is no desire in our offering this amendment to jam anything down the throats of the local officials.

I believe the Javits-Goodell amendment accomplishes the best compromise here. The local communities will have full opportunity, in the next 2 or 3 years—and the Secretary has not at this point developed and presented the national airport system plan called for in this bill—to make the arguments that the Senator from New Jersey does. But if, after all these discussions, we come to the point where it is very clear that a fourth jetport is necessary, the Javits-Goodell amendment would simply permit the Federal Government to put a little increased pressure on the local communities to make the decision, on where the fourth jetport ought to go. They could go on negotiating, but the Secretary does not say, "It goes right here in New Jersey" or "right here in Long Island." The amendment also provides for a panel for that must meet before the Secretary makes his final determination on what funding priorities could be established because a site was not chosen. This panel must make a public report.

Then, in this process, there will be a dynamic situation of negotiation, with just a little increased pressure from the Federal level which points up that we have got to serve the interests of aviation in the New York metropolitan area, and local communities must not be entirely provincial about the matter.

I say to the Senator, we share this difficulty. If the Secretary is determined that a fourth jet airport is to go in the New York area, none of us are going to be happy about having to have it in our particular neighborhood. I have yet to find a community that has voted in favor of having a jetport intrude into its local area. This is not a desirable thing for a single neighborhood community, but it is very obvious that it is an extremely necessary thing for the metropolitan area.

I concede to the Senator that the debate about the necessity of a fourth jetport must be carried forward from this point, and there may be resolution that there is not a need for a fourth jetport. I will agree with my colleague that we have open minds about the matter, but we do have quite a bit of expert opinion thus far from aviation experts that a fourth jetport will be needed in the next 5 years in the New York area.

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

Mr. GOODELL. My colleague has the floor.

Mr. JAVITS. I yield to the Senator from New Jersey, so that he may respond.

Mr. CASE. The Senator is moving in the right direction. From the assumption, for example, that a fourth jetport is essential to whatever interests may be relevant here, he has now come to the position that that question is not necessarily decided. I encourage him to keep talking, and as he does, and as his senior colleagues does, I have great hope that they may, as they often have in the past, come to see the matter in the true light in which we hope they will come to see it.

Mr. GOODELL. Let me say to my friend that if there is movement in my position, and I do not think there is, it is more a result of the eloquence and persuasiveness of the Senator from New Jersey than of my persuading myself.

Mr. CASE. That kind of persiflage will get the Senator almost anything except a change in my position on this amendment.

I just asked the senior Senator from New York to yield so that I may respond to this suggestion of his junior colleague that we in New Jersey are provincial.

Mr. GOODELL. If I may so state to the Senator, I was making reference to all places when it comes to having a jetport go into a neighborhood community.

Mr. CASE. It is perfectly true that my friends from New York have always thought that the world stopped at the Hudson River, and that beyond its boundaries on the west there was nothing but Indians, and a certain touch of that has crept into this debate.

We call to their attention that in the Constitutional Convention it was New Jersey that stood out for the interests of small States, and that that is the only reason why my colleagues from New York are here representing their State, and the junior Senator from New Jersey and I are here representing our State, with any kind of equal position. The New Jersey position is the only reason why the States have survived, and I think it ought to be respected here, in all seriousness. I call for support from all the representatives of States in this Nation who believe that our federal system, embodying decentralized decision and actual agreement, not pressure, is important.

I commend the junior Senator from New York for reducing the force of his suggestion about pressure to describe it as slight pressure. But, Mr. President, there should be no pressure at all here, except the pressure of the rightness, the self-evident rightness, the inherent rightness of a situation, and certainly no pressure based upon granting or withholding of funds by any centralized Federal authority.

Several Senators addressed the Chair.

Mr. BYRD of West Virginia. Mr. President, will the Senator from New York yield me one-half minute?

Mr. JAVITS. I am not ready for a unanimous-consent request.

Mr. BYRD of West Virginia. No; only for a brief comment.

Mr. JAVITS. I yield.

Mr. BYRD of West Virginia. Mr. President, Plato thanked the gods for having permitted him to live in the age of Socrates. I thank the benign hand of destiny for permitting me to live in an age when

the senior Senator from New Jersey (Mr. CASE) has at last come around to embracing the doctrine of States rights.

Mr. CASE. The Senator from New Jersey has always felt very strongly about that, and his only concern has been that the abuse of this principle by some of our States on some difficult issues has rendered its perpetuation doubtful.

Mr. JAVITS. Mr. President, I yield to my colleague from New York.

Mr. GOODELL. Mr. President, may I clarify the record with reference to my use of the word "provincial"? I certainly did not mean to demean the people of New Jersey.

Mr. CASE. Not just New Jersey.

Mr. GOODELL. I believe that we all tend to be concerned, and rightly so, with our own neighborhoods' property values, when a large decision in the interests of the entire metropolitan community is to be made. It is very difficult to get any local community to look beyond the problem of having jets come into its own area. They will always say, "We need a jetport, but it should go elsewhere."

Somewhere, there has to be a resolution of this matter. But I would say to the Senator from New Jersey that we in New York certainly do not think that New Jersey is an underdeveloped area. All we have to do is go down to Staten Island and breathe deeply, and we know there is more than Indians in New Jersey.

Mr. CASE. Mr. President, I call the Senator to order under the rule. [Laughter.]

The PRESIDING OFFICER. The Senate will be in order. Persons in the gallery are reminded that they are the guests of the Senate.

Mr. CASE. Mr. President, I call the Senator to order under the rule. He has defamed a State, and must take his seat. The rule is clear.

Mr. GOODELL. Mr. President, the Senator did not let me finish my sentence.

The PRESIDING OFFICER. Under rule XIX, if a Senator is called to order, it is within the discretion of the Chair to direct a Senator to take his seat and whatever ruling the Chair makes is subject to appeal.

Mr. CASE. Will the Chair order the Senator to take his seat?

The PRESIDING OFFICER. That is within the discretion of the Chair; likewise a motion that the Senator may proceed in order is in order and that question is determined without debate.

Mr. GOODELL. Mr. President, may I be permitted to conclude my sentence?

Mr. CASE. Mr. President, I move that the Senator from New York be permitted to proceed in order.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The Senator may proceed in order.

Mr. GOODELL. Mr. President, the completion of my sentence was that all the people of New Jersey have to do, to know that there is more than Indians in New York, is, when the wind changes, stand outdoors and breathe what comes from our city.

Mr. JAVITS. Now, Mr. President, I move——

[Laughter.]

I will not make the motion, Mr. President.

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Mr. President, this sort of thing is bound to happen in a debate of this character, and I would warn my fellow Senators that New York has been whipped around the head for being the metropolitan center that it is to the point where I think now it is becoming counterproductive, and New York will begin to exact the sympathy of the Senate, since, whenever anyone fails in any other argument, they always talk about the sophisticates in New York who do not believe that anything west of the Hudson is composed of anything other than Indians.

I might say, Mr. President, that such a statement is really in derogation of New York, because most of our elite citizens have come from west of the Hudson.

I think one important point in the debate has been missed so far, and that is that most of us—not just one State, but the United States, is proposing to spend $10 billion under this bill, $5.5 billion of it for airport and airways development, and that that is considered to be in the interest of all the people of the United States.

I do not think we need to rest on the fact that any one State can put a bone in the throat of the United States any more in respect of airports than of military camps. Mr. President, suppose it was in the interest of our country, the best and most desirable, that a large military encampment should be located in northern New Jersey, and suppose northern New York rebelled against it and said it will not do it? Fortunately for us, we have had ways of resolving those controversies. But in extremus—and the extremus has happened—in many States the United States can act. You cannot frustrate our country. The reason we have the doctrine of interstate commerce is precisely that. New York cannot throw up a barrier, nor can New Jersey, to the Interstate Commerce of the United States, whether it be in the air, in the water, or on land.

So we must come to some accommodation if we want to retain State's rights, or they will break down, and they must yield to the national interest. That is the paramount thrust of the Constitution. We are trying to find a technique; we are trying to find a way. I do not believe and my colleague does not believe, and I think the people of our State do not believe, that, absent any opportunity to put some pressure for agreement upon these States, there is going to be an agreement. The Federal Government's national airport plan which I have in my hand and which is a plan for the fiscal years 1960 to 1973, calls in terms for a new airport for the New York area. There is no question about that.

So, Mr. President, we have to find some way of accommodating the federal system. I respectfully submit—and that is the issue before us, and I shall yield to the Senator from West Virginia on that—that we have tried to propose a way of reconciling the interests of the whole country in its expenditure of important resources, in the interests of safety and facility of air travel everywhere, including the New York-New Jersey metropolitan area, and the doctrine that States should not have imposed on them what they do not want. We have tried to come to a fair compromise. That is the way the Senate has always worked, and we hope it will work in that way in this instance.

I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I am about to propound a unanimous-consent request.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a time limitation on the pending substitute offered by the able Senator from New York (Mr. JAVITS) of 20 minutes, the time to be equally divided between the Senator from New York (Mr. JAVITS) and the Senator from New Jersey (Mr. WILLIAMS), with the understanding that either of the principals may ask for a quorum call within the time, without the time on the quorum being charged against either side.

The PRESIDING OFFICER. Is there objection?

Mr. BROOKE. I reserve the right to object.

Mr. CASE. I reserve the right to object.

Mr. BYRD of West Virginia. Mr. President, I also ask unanimous consent that following the vote on the substitute, if the substitute is rejected, the time on the amendment offered by the two able Senators from New Jersey (Mr. CASE and Mr. WILLIAMS) be limited to 10 minutes, the time to be equally divided between the Senator from New Jersey (Mr. CASE) and the able manager of the bill, the Senator from Nevada (Mr. CANNON), and with the same understanding that a quorum call may be called by either of the principals without the time for the quorum being charged against either side.

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

The PRESIDING OFFICER. Is there objection?

Mr. BROOKE. I object, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Objection is heard.

The clerk will call the roll.

The Senate will be in order, and persons not authorized to be on the floor of the Senate will leave the floor.

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.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on the substitute.

The yeas and nays were ordered.

Mr. JAVITS. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. Pres-

ident, I ask unanimous consent that the time on the pending substitute offered by the able Senator from New York (Mr. JAVITS) be limited to one hour, the time to be equally divided and controlled by the Senator from New York (Mr. JAVITS) and the Senator from New Jersey (Mr. WILLIAMS); that in the event the substitute is rejected, the time on the amendment offered by the two Senators from New Jersey (Mr. WILLIAMS and Mr. CASE) be limited to 30 minutes, the time to be equally divided between the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Nevada (Mr. CANNON); that the time on any amendment thereto, substitute, appeal, or motion, with the exception of a motion to lie on the table, be limited to 20 minutes, the time to be equally divided between the mover of the amendment and the minority leader or whomever he may designate.

Mr. CASE. Reserving the right to object, is there provision also for a quorum call?

Mr. GRIFFIN. Mr. President, reserving the right to object——

Mr. BYRD of West Virginia. Mr. President, I also ask unanimous consent that the call of a quorum may be requested by the principals identified without the time being charged against either side.

Mr. GRIFFIN. Mr. President, reserving the right to object—may I inquire—I just came in the door—whether the agreement applies only to the amendment of the Senators from New Jersey and to the substitute but will not apply to other amendments?

Mr. BYRD of West Virginia. The Senator from Michigan is correct.

Mr. GRIFFIN. Just to amendments to these amendments but does not apply to any other amendment.

Mr. BYRD of West Virginia. The Senator is correct.

Mr. JAVITS. Mr. President, reserving the right to object, is that satisfactory to the assistant minority leader?

Mr. GRIFFIN. Yes.

Mr. JAVITS. And to the Senator from Massachusetts?

Mr. BROOKE. Yes.

Mr. JAVITS. Does it protect the rights of the Senator from Vermont (Mr. PROUTY)?

Mr. BROOKE. Yes; and also the Senator from New Hampshire (Mr. COTTON).

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER. The Chair is uncertain about the last part of the Senator's request. Will he please restate it?

Mr. BYRD of West Virginia. With regard to quorums?

The PRESIDING OFFICER. No; on the other.

Mr. BYRD of West Virginia. That the time on any amendment to the amendment, substitute, appeal or motion with the exception of a motion to table, may be limited to 20 minutes, the time to be equally divided between the mover of the amendment and the minority leader, or whomever he may designate.

The PRESIDING OFFICER. Is that on the rest of the bill?

Mr. BYRD of West Virginia. No; not on the rest of the bill. I am sorry, I thought I made that clear.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I yield 10 minutes to the distinguished Senator from Maryland (Mr. TYDINGS), from our time on the substitute, and would appreciate it if the Chair would restore order in the Chamber.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). The Senate will please be in order.

The Senator from Maryland may proceed.

Mr. TYDINGS. Mr. President, I apprecite the opportunity to speak in support of the Javits-Goodell amendment offered as a substitute for the ending Williams-Case amendment which was offered in this Chamber.

A little background on the issue might be of interest to Senators.

In the markup of the pending Airport and Airways Development Act of 1969 within the Commerce Committee itself, I was the Senator who pressed the language of the present section, 206(g)(1) in H.R. 14465, which basically gives the Secretary the right, when all else fails, to determine where a major regional airport should be developed. I took this position because I felt that in any modern transportation system, adequate major regional airport terminals are a fundamental necessity in the era in which we live.

These regional airports, of necessity, take up a great deal of land. They are not popular in the heavily populated areas; indeed, they are not popular in many of the sparsely populated areas of our country.

I was concerned because of the obvious problems in locating a major air terminal in the overcrowded traffic corridors of the eastern part of the United States.

I—as all my colleagues are—am a frequent air traveler. We have all witnessed the major air traffic jams which have taken place in recent years because of tremendously increased air traffic, particularly in the major urban airports of this country.

Many Members of this body perhaps do not even realize that they probably were in one or two "close call" situations, because of the tremendous increase in air traffic going into the major airport terminals. This is especially true if they were flying into one of the airports between Washington and New York. The fact that no Senator has been killed in an air traffic crash over the period of the past 5 or 6 years is a happy circumstance. But every time an additional plane flies into an overcrowded airport in the eastern corridor, the danger increases.

It is also obvious to me, as an objective bystander, that where the politics of States and communities enter into an airport location decision it is frequently impossible, despite the merits of the case, for local political leaders to accept a desirable site because of the political pressures from their constituents in that area.

It is for that reason that I persuaded the Commerce Committee to agree to an amendment which in the case of regional airports, when all else fails, provides a mechanism for the Secretary of Transportation to make an objective decision.

Mr. President, a major additional air terminal is desperately needed in the New York-New Jersey complex which we know as Greater New York. There are going to be other situations where other regions of the United States will need another major air terminal. There are going to be future disputes, just as there are now, as to where an individual airport should go. But we cannot afford continued airport location delays because of the subjective pressures arising out of political opposition in the various location possibilities.

My amendment would have offered an alternative or a way to break the logjam. That amendment was in the Senate version of H.R. 14465 which is now before us. The Williams-Case amendment, in effect, would have stricken that language and left no machinery within the Department of Transportation to make the hard decisions, when all else fails.

I am willing to accept and support the Javits-Goodell amendment because although it does not give the Secretary of Transportation the power I would give him in my amendment as incorporated in the bill reported to the floor, nevertheless, it does give him some tools, some powers of persuasion to make an objective decision.

I like my version better but I am happy to support the Javits-Goodell amendment.

We are foolish if we wish and hope to get a comprehensive national air traffic plan if we do not have any machinery, when all else fails, to overcome the political objections of the site location. We have to accept some machinery to bring about some kind of decision, and I believe that the Javits-Goodell amendment is a step in the right direction.

For that reason, I am delighted to support it.

I might say that I have great sympathy for the mayors of the great cities with all their problems, and if this will be of some assistance to them in the future, I believe it will be little enough that we can do, since we—particularly this body—should realize the importance of an effective air transportation system.

I thank the Senator from New York, a sponsor of the amendment, for permitting me to speak in its support.

Mr. JAVITS. Mr. President, how much time was just taken?

The PRESIDING OFFICER. Eight minutes.

Mr. JAVITS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. JAVITS. I want to thank the Senator from Maryland (Mr. TYDINGS) for his support of our amendment and for understanding the purpose for which it was prepared. I agree with him that it is not as strong in its terms of Federal power as the provision in the bill, but considering the practicalities of the feel-

ings of the States about their own prerogatives, the urgent national interest in air safety, and the effort to dispel air congestion in the most crowded corridors in the United States, perhaps in the world.

I appreciate very much his acceptance of our effort to find a compromise that will breach both situations. I support him. I think it is very generous, very understanding, and extremely valuable to us. I hope very much that the Senate will pay strict attention to the words of the Senator from Maryland on this matter.

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator is recognized for 4 minutes.

Mr. WILLIAMS of New Jersey. Mr. President, I rise to oppose the substitute that has been offered by the Senators from New York.

The debate, with the exception of the discussion of the Senator from Maryland, has focused basically on the airport situation as it relates to the Greater New York metropolitan area. And the issue there is whether the Greater New York metropolitan area will be best served by a new jet airport located in New Jersey. This problem is of great concern to myself and Senator CASE.

But I think we must understand that what is done here today in laying out the guidelines and the authority for the determination of major airport facilities will have a profound effect not only on the New York metropolitan area but also upon many parts of the country in the years and decades ahead.

Our Nation, in its selection of priorities, has put air transportation high indeed, as exemplified in the development of the 747 and the SST. We have decided it is more important, for some reason, to get from New York City to London in a shorter time than it takes to travel from Scarsdale or Morristown into New York City or from the city to the airport.

Some of us feel that in this selection of priorities we have been way off the mark. But the fact is that this is where we are headed, while we fail to confront basic questions. If we have the SST tomorrow, where will it be permitted to fly and land? Where will the SST terminals be located?

They say the plane will fly at highest speeds only over water. But that does not mean that it will be used only over water. Up and down the coast, we will have the same question. We will have the noise and the congestion and all the critical problems that come with a major airport. What we are deciding here today is who will have the authority or the right to decide these questions.

The amendment which my senior colleague and I have offered states that the decision on airport locations will not be arbitrarily made by the Secretary of Transportation. The Secretary has already commented that he does not want or need this authority. He concurs with our view that State and local decisionmaking should not be diluted through increasing the involvement of the Federal Government. As the bill comes to us from the committee, no commentary is provided on the decisionmaking mechanism proposed in Senator JAVITS' substitute amendment. But I do not believe the Secretary of Transportation could accept this extensive authority—the establishment of priorities for metropolitan area airport development funds—any more than that of arbitrary site selection.

What we are beginning to recognize is a developing "monomania" on airports: The airports and airlines must be served in disregard of the people that have to carry the burdens of noise, congestion, and other hazards day in and day out, every minute of every day. Our responsibility today is to counter this monomania by recognizing that these airports have a massive impact on the lives of local populations.

We were sounding almost like a site selection committee here on the floor. I do not think we are. But I will say that I think with respect to an airport for the New York-New Jersey area, my senior colleague and I have shown our full degree of responsibility in the discussions We have gone into every aspect of the question on a jet airport for New Jersey, if that is where the site will be.

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

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 4 additional minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for an additional 4 minutes.

Mr. WILLIAMS of New Jersey. We have suggested sites that would not have a crushing, adverse effect on living in our State, in areas that could well handle this facility.

We have gone very far, frankly. This leads me to one further observation; namely, that we have not had a great deal of help, that I know of, from the Federal authorities in intelligently looking at the whole question of airport development as it relates to the impact on the life of people in the decision of where a jetport should be to serve New York and New Jersey.

While the amendment my senior colleague and I have offered deletes the authority for the Secretary to select the site, it does call upon the Secretary, with all of his present powers and resources, to render every possible assistance to State and local authorities in reaching an intelligent decision. The amendment states:

> In order to facilitate the selection of a site for an additional airport . . . the Secretary shall exercise such of his authority under this part as he may deem appropriate to carry out the provisions of this paragraph.

That assistance has been lacking. I know that the day the jetport was suggested for New Jersey some 10 years ago, it came as a blockbusting surprise when the Port of New York Authority announced the site. It was a surprise even to the commissioners of the Port Authority. We do not want that to happen again. All State and local governing authorities, directly responsible to the people, should be involved in the decision.

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

Mr. WILLIAMS of New Jersey. Mr. President, I yield one minute.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CASE. Mr. President, I supplement what my colleague has so well said in regard to the position of the Department of Transportation. And I am sure he would not have spoken without administration authority. The Secretary of Transportation specifically says he does not believe the power to select jetport sites should be given to him. He does not want it. And I think it is very clear that this is something that he would be unwilling to have thrust into his hands.

Mr. JAVITS. Mr. President, I yield myself 1 minute.

Mr. CASE. Mr. President, I have the floor. If I may proceed, I had not quite finished.

I am sure that I anticipate what the Senator from New York will say. The Senator from Maryland was talking about the provision in the bill.

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

Mr. WILLIAMS of New Jersey. Mr. President, I yield an additional 2 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for an additional 2 minutes.

Mr. CASE. Mr. President, it is based upon a decision of the executive branch of the Government, expressed here by the Secretary of Transportation, Mr. Volpe, talking about any kind of operation and verifying the basic law as it would be set out in the bill, without any of this language. He said:

> We believe that the provisions that we have discussed above are not in keeping with the purposes of the airport-airways development legislation.

The Secretary has used and will continue to use his authority to facilitate these local decisions. But we believe that they must remain primarily local decisions.

Mr. JAVITS. Mr. President, I wish to make one observation on this matter. I gather that neither of the Senators is contending that the Secretary of Transportation has expressed his opinion to the committee or the Senate that he does not favor the substitute. I am informed by the committee staff that he has not given any communication on this particular subject.

Mr. CASE. This was quoted by me just now in a letter to me from Secretary Volpe, which appears in yesterday's RECORD—I see the Senator from New York now has the page—dealing, as I indicated, and as the Senator from New York corroborated, with the so-called Tydings amendment and not the language of the substitute.

But my point was, as I understood the Secretary, expressing the view of the administration, that they do not want anything in the bill beyond what there was when it was proposed by the administration and on the ground this decision should be a local decision.

Mr. JAVITS. I shall read this letter. I see no point in commenting on it until I have done so.

Mr. President, I yield 5 minutes to the junior Senator from New York.

Mr. GOODELL. Mr. President, before the Senator from New Jersey leaves the Chamber, I would like to say, and I will state this as carefully and as accurately as I can, I have been informed, through my staff, that either the Javits-Goodell amendment or the Williams-Case amendment is acceptable to the Department of Transportation in lieu of the present provision in the bill. I am also informed they would not want to choose between the two. I think it can be stated that they are not expressing a preference for the Javits-Goodell amendment, but I believe the reason the Javits-Goodell amendment is acceptable is that it does essentially leave the final choice to the local governing authorities and only gives the Secretary authority to promote that choice.

Mr. CASE. The Senator makes clear that is his belief; they have not expressed it.

Mr. GOODELL. That is correct; that the Javits-Goodell or Williams-Case amendment is acceptable to them.

Mr. CASE. On the ground this should be left as it is traditionally left, as a matter of local decision.

Mr. GOODELL. That is the Senator's view.

Mr. CASE. Did not the Secretary say that?

Mr. GOODELL. No; he did not.

Mr. CASE. I do not think the Secretary adverted to the Goodell-Javits amendment.

Mr. GOODELL. They just adverted to it in conversation. They informed me that either is acceptable.

The letter that the Senator from New Jersey referred to was asking the administration only to choose between his amendment——

Mr. CASE. On the Tydings amendment.

Mr. GOODELL. And the provisions in the bill. They preferred the Williams-Case approach to the Tydings approach.

Mr. CASE. On the grounds——

Mr. GOODELL. As stated in the letter the Senator referred to.

Mr. CASE. That is correct.

Mr. GOODELL. I think this emphasizes that the administration said they think the choice of a site should be left to the local authorities. They do not like to have a matter of such urgency, in the opinion of their experts, to be deferred interminably. So they find our amendment acceptable also.

Mr. CASE. Mr. President, will the Senator yield on that point?

Mr. GOODELL. I am glad to yield.

Mr. CASE. In a sense, the question should be, first, shall there be a jetport or not? If there is not a decision to build it, then there is a decision not to build it.

Mr. GOODELL. As the Senator from New Jersey indicated earlier, and I agreed, I think the larger question of whether a jetport is necessary should always be under continuing consideration. It would appear there is a rather overwhelming view among aviation experts that a fourth jetport is going to be desperately needed in the New York metropolitan area in the next 5 years, and certainly in the next decade. However, I keep an open mind that they could come up with a plan to increase the efficiency of airports in the handling of air traffic in the New York metropolitan area at the same time maintaining the highest standards of safety, which would make it unnecessary. Obviously, no one wants a fourth jetport there if it is unecessary.

I have suggested along with others that consideration should be given to the possibility of placing a major jetport out some distance into the ocean. I think this may well be feasible, particularly at a later date. Neither the Senator from New Jersey, nor I, nor other Senators, are experts in the technicalities of aviation. We must leave that to the experts. We can assess their views. Of course, as is usually the case when we are trying to make policy decisions, we always find experts who disagree, but we have the responsibility to assess their views in trying to come up with a sound answer which is in the public interest.

I do not think a decision on a fourth jetport in the New York metropolitan area, and whether or not it is necessary at this time, can be made by local officials in the community. The Senator from New Jersey is aware, as I am aware, of the natural phenomena. Whether it is in Queens, Nassau, Suffolk, Westchester, or New Jersey, when a jetport is proposed in a local community, the people understandably resist. They want to be convinced, because it is not exactly a desirable neighbor. So they come up with evidence that rather than having it in New Jersey, it should be in Westchester, or instead of having it in Westchester, it should be in New Jersey or on Long Island. I think that in this process what it really involved is the benefit to be enjoyed by all the people in the metropolitan area, and there has to be a decision made.

The Javits-Goodell amendment is based on the premise that the decision will be made by the local governing authorities. Nothing in our amendment gives the power to the Secretary to say, "The airport goes right here; you accept it and nothing else."

We do give him the power to push and prod the local authorities to negotiate and to sit down and say, "We accept the fact that the fourth jetport is necessary. Where does it go?"

Mr. CASE. Then, the word is "pressure."

Mr. GOODELL. The word "pressure" has been used. I accept it. I did not say "pressure" in my last observation. I said "push and prod," or to stimulate.

Mr. CASE. The Senator is moving.

Mr. GOODELL. I think movement should be made in this respect in the interest of all people in the metropolitan area.

Mr. CASE. Mr. President, will the Senator yield further?

Mr. GOODELL. I am happy to yield.

Mr. CASE. I think we once and for all should understand—not that anyone's decision should affect or control, but so that there can be no more argument on this point; namely, the view of the administration—the administration does not want any language. That is the first preference. The administration, as it expressed in the letter from Secretary Volpe to me, does not want any. That is its first choice on the ground this should be a matter for local decision.

But as among the three alternatives we are now talking about—the amendment of the other Senator from New Jersey and me, the substitute proposed by the two Senators from New York, or the so-called Tydings amendment which was incorporated in the bill reported by the committee—the Secretary, speaking for the administration, prefers the New Jersey position. This has been stated just now by Mr. John Baker, officially on behalf of the Secretary of Transportation.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. CASE. I yield.

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

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield to me 10 seconds?

Mr. CASE. If I have the time, I yield the Senator 1 minute.

Mr. WILLIAMS of New Jersey. I am glad our position is the position of the administration.

Mr. CASE. I take comfort from that, too.

Mr. GOODELL. Mr. President, will my colleague from New York yield to me?

Mr. JAVITS. I yield.

Mr. GOODELL. Mr. President, I think now we have reached the point of no particular value in quoting the administration.

Mr. CASE. I would understand how the Senator would feel that way.

Mr. GOODELL. We are quoting different officials in the administration——

Mr. CASE. No. No. No.

Mr. GOODELL. The words that were given to me were that "the Javits-Goodell amendment is acceptable to us. We would not like to choose between the Javits-Goodell and Williams-Case amendments."

Mr. CASE. The administration has since that time made its choice and announced it. The Senator would not in any sense state anything he had any doubt about on the floor, and neither would I. We just got this.

Mr. GOODELL. I got it from officials at the Department of Transportation through my staff, as the Senator from New Jersey got it from Mr. BAKER through his staff. But we are not going to resolve this question on whether the administration prefers one or the other.

Mr. CASE. But he——

Mr. JAVITS. Mr. President, may we have order in the Senate? Senators should yield time or not yield it. I ask that the procedures of the Senate be followed.

The PRESIDING OFFICER. Senators will proceed in order.

Mr. GOODELL. Mr. President, I think it is clear that the administration does feel that the decision of the location of a jetport should be made by the local governing authorities. I think on that we can agree. It is my view that the Javits-Goodell amendment provides for this. It guarantees it.

The PRESIDING OFFICER. The Senator's time has again expired.

Mr. JAVITS. Mr. President, I yield 2 additional minutes to my colleague.

Mr. GOODELL. It provides that, after 2 years, if the local governing authorities have not made a decision, the Secretary will have some powers to begin to push and prod the local governing authorities to make what may be a painful and difficult decision to resolve their differences, so we will have a jetport.

The amendment does not provide that the Secretary shall determine where the location of the jetport shall be. It does not provide that the Secretary shall choose the location, as does the provision in the committee bill. The Javits-Goodell amendment leaves this question open for the local governing authorities. After two years, if they have not resolved the question of site selection, then the Secretary can use this authority to prod them along by establishing a priority in the use of funds granted to him under this bill.

The amendment also provides that a review panel must be appointed in order to advise the Secretary before he makes his final decision. That panel will make its report public in order to assess the possible effect upon the metropolitan area of any decision regarding the establishment of these priorities.

I think this is a highly respectable compromise which will see to it that we get movement and a resolution of the problem.

Mr. JAVITS. Mr. President, I yield myself 1 minute. For the information of attaches, if Senators are willing to yield back their time, we can have a quorum call and then have a vote.

Mr. CASE. Mr. President, if the Senator will yield, I think that would be well. I think we have said everything we can say to each other. We should have a quorum call, with perhaps a minute or two, not committing ourselves, after the quorum call.

Mr. JAVITS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New Jersey has 20 minutes remaining, the Senator from New York has 13 minutes remaining.

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

The PRESIDING OFFICER. On whose time?

Mr. JAVITS. I ask unanimous consent that the time not be taken out of either side.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. 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. JAVITS. Mr. President, I yield myself 2 minutes, then the Senator from New Jersey (Mr. WILLIAMS) will take 2 minutes, and then I hope we can yield back the remainder of our time and vote.

Mr. President, it seems to me that the issue has been very clearly drawn. The issue is not between New York and New Jersey and it is not between the Senate and the Secretary of Transportation. Cabinet officers have to do what they have to do. They have lots of authority. I do not suppose anyone ever wants to exercise some knotty authority, but occasionally he is called upon to do it. We have to and they have to.

So I just do not think that is what must count here. I think we have two competing problems. We have a national airport problem, for which we are putting up $10 billion, and we have local option problems.

I must say I smile a bit to hear the passion with which the Senator from New Jersey (Mr. CASE) addresses himself to the issue of the life of residents of New Jersey. We have two airports, not one, in New York City, LaGuardia and Kennedy, and they make lots of noise and cause lots of problems. They have one in New Jersey, and I am sure it makes lots of noise and causes lots of problems. But the point is, this is not a matter exclusive to either of us. The jetport may well be located somewhere in the Hudson River Valley, just as easily as in New Jersey, if that is finally decided upon. We should get just as passionate, but what can we do about it?

That is the issue, as I see it. Somehow we have got to reconcile the march of time and progress and the national interest with the local interest. What we have tried to do is find some way of serving both objectives, and this is the only way I could find, without allowing the Secretary to make the site selection—and I agree with all my colleagues on that I do not want site selection, Secretary Volpe does not want it, nor Senator CASE, nor Senator WILLIAMS, nor Senator GOODELL. None of us want site selection.

So the only way I could find was for the United States to use the power to which the Secretary was entitled—the power to disburse the money. That is the stick, and the carrot is that they get the money.

That is the best we can do. I do not agree that we should do nothing, because if you do nothing, you simply continue the present situation, and that idea can extend to everything, whether it is army camps or airports.

I think the compromise we offer the Senate is a fair one, and a way out for these two conflicting forces, and I hope the Senate will accept it.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of New Jersey. Mr. President, I yield to my colleague from New Jersey.

Mr. CASE. Mr. President, first, I just wish to state that I have just had reconfirmed the administration position. Really, they do not want any of these positions. They do not want to have to say that the position of the Senators from New York is utterly unacceptable, but they prefer the Williams-Case amendment to the other two alternatives.

I think that is a fair and conservative statement of the administration position, for such weight as the Members of this body feel it should be given.

Second, just one point in response to the statement of the Senator from New York: We are not dealing with this as a novel proposition. We are dealing with it against a history in which, for years, the Port of New York Authority tried to have this jetport placed in the most desirable part of New Jersey, one of the few remaining areas where there is still a bit of natural beauty and green space. So we are very sensitive about the issue, and we are dealing with it, not as a general proposition, but against this background, which gives the matter and the issue particular meaning to our State.

Mr. JAVITS. Mr. President, I yield myself 30 seconds to state a fact. The authority which is trying to force the jetport on New Jersey, according to Senator Case, is a bistate authority of New York and New Jersey.

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 1 minute.

The Senator from New York (Mr. JAVITS) has correctly asserted that the United States has the right to see that its money is not wasted. However, the people of these States have the right to give or withhold their consent to governmental spending, having a major impact on their lives and property, but dictated solely by the interest of accommodating airport passengers and traffic. That right—the consent of the governed—must be defended.

Mr. President, we have here an incredible situation of an unwilling authority that could exercise an unsought power against the wishes of an unwilling people. I oppose the substitute amendment offered by my very good friend, the distinguished Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, I think we have thoroughly elucidated the subject. I do not expect that I am going to win over the Senators from New Jersey, and I do not expect they are going to win us. I think we had just as well leave it to the Senate.

The PRESIDING OFFICER. Is the remaining time yielded back?

Mr. JAVITS. I yield back the remainder of my time.

Mr. WILLIAMS of New Jersey. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the substitute amendment of the Senator from New York. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

I further announce that, if present and

voting, the Senator from Connecticut (Mr. DODD) and the Senator from Iowa (Mr. HUGHES) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. FANNIN), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Nebraska (Mr. HRUSKA) is detained on official business.

If present and voting, the Senator from Arizona (Mr. FANNIN) the Senator from South Dakota (Mr. MUNDT), and the Senator from Illinois (Mr. SMITH) would each vote "nay."

The result was announced—yeas 15, nays 72, as follows:

[No. 61 Leg.]

YEAS—15

Bellmon	Goodell	Moss
Dole	Griffin	Percy
Dominick	Hansen	Sparkman
Eastland	Hatfield	Stevens
Fong	Javits	Tydings

NAYS—72

Aiken	Gore	Muskie
Allen	Gravel	Nelson
Allott	Gurney	Packwood
Anderson	Harris	Pastore
Bayh	Hart	Pearson
Bennett	Hartke	Pell
Bible	Holland	Prouty
Boggs	Hollings	Proxmire
Brooke	Inouye	Randolph
Burdick	Jackson	Russell
Byrd, Va.	Jordan, N.C.	Schweiker
Byrd, W. Va.	Jordan, Idaho	Scott
Cannon	Kennedy	Smith, Maine
Case	Long	Spong
Cook	Magnuson	Stennis
Cooper	Mansfield	Symington
Cotton	Mathias	Talmadge
Cranston	McClellan	Thurmond
Curtis	McGee	Tower
Eagleton	McGovern	Williams, N.J.
Ellender	Metcalf	Williams, Del.
Ervin	Miller	Yarborough
Fulbright	Montoya	Young, N. Dak.
Goldwater	Murphy	Young, Ohio

NOT VOTING—13

Baker	Hughes	Ribicoff
Church	McCarthy	Saxbe
Dodd	McIntyre	Smith, Ill.
Fannin	Mondale	
Hruska	Mundt	

So the Javits-Goodell amendment was rejected.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senators from New Jersey.

Mr. CANNON. Mr. President, I yield 2 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, the Senate has fought this thing out. It was fought squarely and fairly. We lost it fairly. That is the choice of the Senate.

Speaking for myself, it is my judgment as a Senator who represents in part a State with enormous problems in our area that something must be done, that it cannot be left at nothing.

That is what the Williams-Case amendment contends for, that we do nothing, that we leave it as it is.

This is shocking and intolerable in relation to the safety, congestion, and danger to the air transport system of this country.

If we are going to spend $5½ billion for airports, it seems to me that the United States should have something to say about how that money will be used.

For that reason, Mr. President, I intend to support the committee and vote nay on the Williams-Case amendment.

Mr. WILLIAMS of New Jersey. Mr. President, I yield to the Senator from New Hampshire (Mr. COTTON).

Mr. COTTON. Mr. President, in filing individual views on this problem, I stated as follows:

3. *Airport Site Selection.*—A new subsection 206(g) has been added by the Committee which would require the Secretary of Transportation to facilitate the selection of new airport sites in metropolitan areas. It also would prohibit the Secretary from approving an airport development project outside metropolitan areas when the communities where the airport is located have not approved. This provision makes a drastic change in the historic role of airport site selection which traditionally has been the responsibility of State and local governments. Aside from the fact that this particular provision suffers the infirmity of vagueness, it also delegates a responsibility to the Secretary but confers no authority which he, as Secretary, probably could and would exercise in any event. It, therefore, represents, in my opinion, a disabling provision in the bill and one which probably should not be accepted by the Senate.

Mr. President, I merely want to say that I agree with what has just been said by the distinguished Senator from New York (Mr. JAVITS), that the United States should have something to do with airports if we are to have a national system. It is inevitable that it would have something to do with the selection of airports. It is my feeling, in the first place, that the Secretary of Transportation does not want this authority. He has made it known in unmistakable terms to me, as the ranking minority member of the committee, that he does not want the authority which is in the bill.

Thus, I feel constrained, for the reasons stated in my individual views, and because I have discussed the subject thoroughly with the Department of Transportation, that I shall support the amendment of the Senator from New Jersey.

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 30 seconds to say that I was encouraged, in drafting the amendment and offering it, by the individual views of the ranking minority member of the Commerce Committee, the distinguished Senator from New Hampshire (Mr. COTTON).

His views very clearly state that historically this has been a decision for the people in the States, and that is where the power is and should remain, rather than in the authority of the Secretary of Transportation, who wants no part of that power.

Mr. CANNON. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 1 minute.

Mr. CANNON. Mr. President, we are confronted here with a situation where we have directed the Secretary of Transportation to prepare a national airport system plan. If we are going to have a national airport system plan that carries out the air transportation needs, or serves the air transportation needs of the country, then there has got to be a national plan to serve the needs of all the country.

All we have provided here is that when the Secretary determines that a metropolitan area cannot settle on a site selection and this type of condition goes on for a period of 3 years and it still cannot settle on a site, then the Secretary is directed to determine where in that metropolitan area he would approve a site for which funds were being made available. They do not have to go ahead and locate on the site. That should be made clear. But he does select an area where he would apportion funds under this act to carry out the purpose and intent of the national transportation bill.

That is all we are attempting to do. I urge the Senate to reject the amendment.

Mr. WILLIAMS of New Jersey. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS of New Jersey. Mr. President, I yield back the remainder of my time.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from New Jersey. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Utah (Mr. MOSS) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Nebraska (Mr. HRUSKA) is detained on official business.

If present and voting, the Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) would each vote "yea."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from Arizona (Mr. FANNIN). If present and voting, the Senator from Illinois would vote "yea," and the Senator from Arizona would vote "nay."

The result was announced—yeas 56, nays 31, as follows:

[No. 62 Leg.]

YEAS—56

Aiken	Gore	Nelson
Allen	Gravel	Packwood
Allott	Gurney	Pastore
Bayh	Hansen	Pell
Boggs	Harris	Percy
Brooke	Hatfield	Prouty
Burdick	Inouye	Proxmire
Byrd, Va.	Jackson	Randolph
Byrd, W. Va.	Kennedy	Ribicoff
Case	Mansfield	Schweiker
Cook	Mathias	Scott
Cooper	McClellan	Smith, Maine
Cotton	McGee	Thurmond
Cranston	McGovern	Tower
Dodd	Metcalf	Williams, N.J.
Dole	Miller	Yarborough
Eastland	Mondale	Young, N. Dak.
Fong	Montoya	Young, Ohio
Fulbright	Murphy	

NAYS—31

Bellmon	Hart	Russell
Bible	Hartke	Sparkman
Cannon	Holland	Spong
Curtis	Hollings	Stennis
Dominick	Javits	Stevens
Eagleton	Jordan, N.C.	Symington
Ellender	Jordan, Idaho	Talmadge
Ervin	Long	Tydings
Goldwater	Magnuson	Williams, Del.
Goodell	Muskie	
Griffin	Pearson	

NOT VOTING—13

Anderson	Hruska	Mundt
Baker	Hughes	Saxbe
Bennett	McCarthy	Smith, Ill.
Church	McIntyre	
Fannin	Moss	

So the amendment of Mr. WILLIAMS of New Jersey was agreed to.

Mr. CASE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WILLIAMS of New Jersey. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT ON ACTIVITIES AND ACCOMPLISHMENTS UNDER THE COMMUNICATIONS SATELLITE ACT OF 1962—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 Commerce:

To the Congress of the United States:

On July 20, 1969, from the Oval Office in the White House, I spoke by telephone with Neil Armstrong and Edwin Aldrin on the surface of the Moon. This historic event was simultaneously televised to the world through the medium of communication satellites. Under Section 404(a) of the Communications Satellite Act of 1962, I am sending to the Congress this seventh report on the program that helped bring this historic event to millions of people throughout the world.

Communications between Earth and the Moon, while certainly the most dramatic use, is only one of many ways in which satellite communications can now be employed. The Intelsat Consortium of more than 70 nations has been highly successful in bringing the benefits of communications satellite technology to the people of many nations. This report reflects the steady progress being made toward an improved global communications network. Already we see major improvements in international telecommunications capabilities—improvements that will ultimately benefit all of the world's people.

The Communications Satellite Act speaks of the contribution to be made to "world peace and understanding" by a commercial communications satellite system. Just as this technology has enabled men to speak to each other across the boundary of outer space, so, I am convinced, satellite communications will in future years help men to understand one another better across boundaries of a political, linguistic and social nature. World peace and understanding are goals worthy of this new and exciting means of communication.

RICHARD NIXON.

THE WHITE HOUSE, *February 26, 1970.*

REPORT OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY—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 Foreign Relations:

To the Congress of the United States:

It is with a sense of gratification that I transmit to the Congress the Ninth Annual Report of the U.S. Arms Control and Disarmament Agency.

The events of the past year have shown that through negotiation we can move toward the control of armaments in a manner that will bring a greater measure of security than we can obtain from arms alone.

There is reason to be hopeful of the possibility that an understanding can be reached with the Soviet Union which will permit both nations to reduce the burdens and danger of competitive development of strategic arms.

The process has begun. The preliminary, exploratory phase of the Strategic Arms Limitations Talks was held in Helsinki in November and December. Ambassador Gerard Smith, the Director of the Arms Control and Disarmament Agency, whom I named to head our delegation to the Talks, reported to me that the exchange of views was serious and augured well for the next phase to begin in Vienna in April.

We have undertaken these negotiations because it is in our interest to do so. We believe the Soviet Union recognizes a similar interest. In addition, continuing technological advances in weapons systems give warning that delay will only complicate the arduous task of achieving agreements.

The other nations of the world are looking to the United States and the Soviet Union to limit and reduce our strategic arsenals. I believe that a verifiable agreement which will limit arms on both sides will in fact enhance mutual security.

The report which I now send to you describes the contribution of the Arms Control and Disarmament Agency to the preparation for, and the conduct of negotiations on strategic arms limitation. The report also describes efforts in pursuit of other arms control measures directed to controlling chemical warfare and bacteriological research, to bringing the non-proliferation treaty into effect and to banning nuclear weapons and other weapons of mass destruction from the seabed.

In transmitting this report, I reaffirm my Administration's concern with the substance rather than the rhetoric of arms control. Wherever possible, consistent with our national security, I want our talents, our energies and our wealth to be dedicated, not to destruction, but to improving the quality of life for all our people.

RICHARD NIXON.

THE WHITE HOUSE, *February 26, 1970.*

FEDERAL ECONOMY ACT OF 1970—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 263)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States:

To the Congress of the United States:

I propose reduction, termination or restructuring of 57 programs which are obsolete, low priority or in need of basic reform. These program changes would save a total of $2.5 billion in the fiscal year 1971. Of this amount, $1.1 billion savings require Congressional action—roughly the equivalent of the amount by which the 1971 budget is in surplus.

No government program should be permitted to have a life of its own, immune from periodic review of its effectiveness and its place in our list of national priorities.

Too often in the past, "sacred cows" that have outlived their usefulness or need drastic revamping have been perpetuated because of the influence of special interest groups. Others have hung on because they were "too small" to be worthy of attention.

At a time when every dollar of government spending must be scrutinized, we cannot afford to let mere inertia drain away our resources.

Some of these programs are the objects of great affection by the groups they benefit. But when they no longer serve the general public interest, they must be repealed or reformed.

No program should be too small to escape scrutiny; a small item may be termed a "drop in the bucket" of a $200.8 billion budget, but these drops have a way of adding up. Every dollar was sent to the Treasury by some taxpayer who

has a right to demand that it be well spent.

As an extreme example, the government since 1897 has had a special board of tea-tasters. At one time in the dim past, there may have been good reason to single out tea for such special taste tests; but that reason no longer exists. Nevertheless, a separate tea-tasting board has gone right along, at the taxpayer's expense, because nobody up to now took the trouble to take a hard look at why it was in existence. The general attitude was: It did not cost much, it provided a few jobs, so why upset the teacart?

That attitude should have no place in this government. The taxpayer's dollar deserves to be treated with more respect.

Most of these programs have the strong support of some special interest group, and in many cases the changes I am proposing will be resisted. Overcoming this resistance will not be easy. I urge, therefore, that the Congress examine the possibilities of establishing special arrangements for consideration of this legislation. The Joint Committee on Reduction of Federal Expenditures may be able to provide the focus needed to secure the savings I have included in this Federal Economy Act; or, perhaps, a joint select committee empowered to propose legislation to both Houses should be established.

This Administration is making extraordinary efforts to hold down spending; it would be fitting for the Congress to approach the need for economies in the same spirit.

Of the 57 savings actions I have proposed to prune the 1971 fiscal year budget and slow down the momentum of Federal spending, forty-three are within the authority of the President to effect; four are already before the Congress and awaiting action; ten more are submitted with the Federal Economy Act.

Of the total savings effort, these are the most significant items:

1. *I propose that we reform assistance to schools in Federally-impacted areas to meet more equitably the actual burden of Federal installations.*

In origin this program made good sense: Where a Federal installation such as an Army base existed in an area, and the children of the families living on that installation went to a local school; and when the parents made no contribution to the tax base of the local school district, the Federal government agreed to reimburse the local district for the cost of educating the extra children.

But this impacted aid program, in its 20 years of existence, has been twisted out of shape. No longer is it limited to payments to schools serving children of parents who live on Federal property; 70 percent of the Federal payments to schools are now for children of Federal employees who live off base and pay local property taxes. In addition, the presence of a Federal installation (much sought-after by many communities) lifts the entire economy of a district. As a result, additional school aid is poured into relatively wealthy communities, when much poorer communities have far greater need for assistance.

One stark fact underscores this inequity: Nearly twice as much Federal money goes into the nation's wealthiest county through this program as goes into the one hundred poorest counties combined.

The new Impact Aid legislation will tighten eligibility requirements, eliminating payments to districts where Federal impact is small. As it reduces payments to the wealthier districts, it will re-allocate funds to accord more with the financial needs of eligible districts. Children whose parents *live* on Federal property would be given greater weight than children whose parents only *work* on Federal property.

While saving money for the nation's taxpayers, the new plan would direct Federal funds to the school districts in greatest need—considering both their income level and the Federal impact upon their schools.

Reform of this program—which would make it fair once again to all the American people—would save $392 million in fiscal year 1971 appropriations.

2. *Medicaid.* The original purpose of this program was to provide medical treatment to all persons, regardless of age, who could not afford such care. As many States have discovered, an additional item—long-term residential care in nursing homes and mental hospitals that often involves little medical treatment—has been an unexpected cause of great expense. I propose that we direct Federal matching funds toward medical treatment rather than custodial care and provide new incentives to the States to emphasize more efficient forms of extended care.

Estimated savings to the Federal government in fiscal 1971 appropriations would be $235 million.

3. *Space research.* After the recent successful Apollo missions, scientific needs for more manned lunar explorations were reassessed. We concluded that fewer manned expeditions to the moon were needed, and production of additional Saturn V launch vehicles and spacecraft has been suspended. Eight Saturn Vs remain in our inventory for manned flights during the early 70s. Savings as a result of these and related space research decisions total $417 million in fiscal year 1971 appropriations.

4. *Duplicated veterans benefits.* During the past twenty years, Social Security and other legislation has been enacted which often duplicates benefits due to veterans with wartime service to defray burial expenses. I have proposed to limit Veterans Administration payments to the difference between $250 and the total of non-VA benefits due the veteran's survivors, saving $54 million in fiscal year 1971.

In addition, I propose to require insurance companies to reimburse the Veterans Administration for the general hospital care of veterans with non-service connected medical problems who have purchased private health insurance but who elected to receive that care in VA hospitals. At present, most insurance contracts preclude payment to VA facilities, which is unfair; insurers should not be relieved of payments because their policyholders choose to be treated in VA hospitals. This will save the government $40 million in fiscal year 1971.

Modern medical treatment makes possible permanent recovery from tuberculosis, and over a year ago the Congress ended future payments of $67 per month to veterans whose disease is completely arrested. However, about 40,000 veterans, whose disease has been cured, are still on the compensation rolls; since their cure makes further compensation unnecessary, I propose that they be removed from the rolls at a saving of about $46 million.

5. *Lower-priority agricultural programs.* The Federal government currently cost-shares with farmers certain conservation practices, a substantial part of which are in fact profitable farming techniques; as the number of large farms using these techniques has increased, there is less need for this program that now would require $211 million in fiscal year 1971 appropriations. In addition, $84 million per year is appropriated to subsidize the purchase of milk in schools for children, a great many of whose families are not poor; these resources should be reallocated to more effective nutritional programs to benefit children of poor families which will include milk as a part of the total program.

Federal crop insurance, a useful program, has developed to the point where Federal assistance can be gradually reduced. This insurance is now subsidized by the Federal government, and it should be made self-supporting over a period of time. I propose legislation adjusting premiums to cover administrative costs, which will produce a first full-year saving of $12 million.

6. *The government-owned Alaska Railroad.* It is time for the Federal government to get out of the operation and ownership of the Alaska Railroad. With the discovery of oil and other potential economic development in Alaska, the need for Federal ownership has passed and the Alaska Railroad has become an attractive investment. It should be sold either to the State of Alaska or to private enterprise for a substantial sum.

7. *Replacement of hospital grants with loan guarantees.* At one time, hospitals were not generating enough income to pay off capital construction loans; today, *through reimbursements by Medicare, Medicaid and private insurance plans,* the financial status of hospitals has been markedly improved. Accordingly, using the same principle that has been so successful in the Federal Housing Administration program, the 1971 budget terminates direct grants to hospitals in favor of a new program of mortgage guarantees to hospitals for construction capital with a liberal subsidization of the interest rates they will be charged. The new program, which will be more effective in stimulating hospital construction, will save the taxpayer $65 million in fiscal year 1971.

8. *Miscellaneous items requiring Con-*

gressional action. These include charging the industries involved to recover the costs of Federal grading, classing, and inspecting of tobacco, cotton and grain, saving $4 million; charging to recover the costs of administering marketing agreements and orders, $2 million; ending Federal formula grants to schools of veterinary medicine, a low priority item, $3 million; turning over Federal maintenance of recreational marinas to the users of such facilities, $1 million the first full year.

9. *Terminating the Coast Guard Selected Reserve Program.* The elimination of the Coast Guard Selected Reserve program would not significantly reduce the overall effectiveness of the Coast Guard.

The proposed legislation eliminates the statutory requirement for a Selected Reserve within the Coast Guard Ready Reserve after fiscal year 1971.

It provides that personnel who are fulfilling their Selective Service obligation through the Coast Guard Reserve may be transferred, with their consent, to other Reserve components, with the assurance that their Coast Guard service will be credited toward fulfillment of that obligation. It is also anticipated that some personnel in the Selected Reserve would be retained in the Ready Reserve in a no-training status. All will be offered the opportunity of accepting a discharge from the Coast Guard Reserve or volunteering for extended active duty for the purpose of fulfilling their military service obligation. First full year savings are approximately $25 million.

10. *Sale of stockpile commodities.* The greatest bulk of the stockpile materials to be disposed of in fiscal year 1971 would be sold in accordance with standing authorizations. With respect to those stockpile surpluses for which there is presently no disposal authority, we have already sent to the Congress twenty bills requesting the necessary authority. In addition, we have endorsed three other pending bills. The proposed sales program, including disposals which would be authorized under new legislation, would produce about $750 million in fiscal 1971.

I am transmitting with this message a proposed Federal Economy Act of 1970.

Never has the need to curtail unnecessary spending been as vital as it is now. The rising cost of living, which causes so much hardship to so many of our people, must be arrested; a balanced budget is needed to hold the line on rising prices and interest rates.

In this fight, no time-honored program is sacrosanct if it cannot be justified on the grounds of high priority; there is too much that needs to be done for all the people to permit special benefits to be conferred unfairly upon some of the people.

Of course animal-lovers want more veterinarians, but Federal funds should be spent on providing more doctors for people; of course harbors should be kept clear for pleasure craft, but Federal funds should be directed to help clean water for people to drink; of course all the elderly should be cared for, but Federal funds should be directed to medical rather than custodial care of the elderly who are poor and ill.

That is why we have looked at Federal spending with new eyes—not on the basis of government as it is, but on the basis of what comes first for now and tomorrow. The time is past for "more of the same."

Federal spending must be in response to present needs, not a reflex caused by old habits. The savings we make now are dollars enlisted in the fight against inflation, and there is no need more urgent to all the people than the need to hold down the rising cost of living.

I have already made a great many of the hard decisions that are mine to make to hold down nonessential domestic spending, above and beyond the substantial cuts already made in our defense budget, and I urge the Congress to make the hard, responsible decisions that the Congress is charged to make. This is no time for business as usual, spending as usual, politics as usual. This is the time for cutting out waste and cutting down costs with new vigor and new determination.

RICHARD NIXON.

THE WHITE HOUSE, *February 26, 1970.*

Mr. CANNON subsequently said: Mr. President, at the desk is a message from the President of the United States with respect to the Federal Economy Act of 1970. I ask unanimous consent that the message be jointly referred to the Committee on Commerce, the Committee on Agriculture and Forestry, the Committee on Labor and Public Welfare, and the Committee on Finance.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(For nominations received today, see the end of Senate proceedings.)

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airports and airway system, for the imposition of airport and airway user charges, and for other purposes.

Mr. CANNON. Mr. President, I send to the desk a technical amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CANNON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 93, line 15, strike out "3" and insert "2".

On page 93, line 17, strike out "5½" and insert "4½".

Mr. CANNON. Mr. President, yesterday the Senate agreed to an amendment by a voice vote reducing the fuel tax on general aviation from 7 cents to 6 cents. This is a perfecting amendment with relation to other corrections in the bill and it has no other effect.

The PRESIDING OFFICER. The question is on agreeing to the amendment (putting the question).

AMENDMENT NO. 529

Mr. COTTON. Mr. President, I call up my amendment, No. 529.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. COTTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

AMENDMENT NO. 529

On page 52, line 12, beginning with "construction" strike out all through the end of line 14.

On page 79, line 9, beginning with "or directly" strike all to the period in line 20.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

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

Mr. COTTON. I yield.

Mr. CANNON. Mr. President, I would like to propose a unanimous consent request.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator will suspend. Attachés are not in order.

The Senator may proceed.

UNANIMOUS-CONSENT AGREEMENT

Mr. CANNON. Mr. President, I would like to propose a unanimous-consent request that each side be limited to 1 hour on this amendment, with the time on the amendment to be controlled by the Senator from New Hampshire (Mr. COTTON) and the time in opposition to be controlled by the Senator from Nevada; 1 hour on each side.

Mr. COTTON. Mr. President, reserving the right to object, will the Senator withhold his request for about 3 minutes so that I may suggest the absence of a quorum, and then very shortly thereafter withdraw it? Then, I would be prepared to agree.

Mr. CANNON. Mr. President, I ask unanimous consent that the request take

effect after the conclusion of a quorum call to be commenced at this time.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, will the Senator include verbiage in his unanimous-consent request to provide for any amendments, motions, or appeals thereto, with the exception of motions to lay on the table.

Mr. CANNON. Mr. President, I request that amendments, and motions, except a motion to table, be included in the time limitation.

The PRESIDING OFFICER. One hour to each side. Without objection, it is so ordered.

Under the unanimous-consent agreement, there will be 2 hours on the amendment and any amendments there to.

Is there objection? The Chairs hears no objection, and it is so ordered.

Mr. COTTON. Mr. President, it is my understanding that the unanimous-consent agreement is to take effect after the completion of the quorum call.

The PRESIDING OFFICER. The Senator is correct.

Mr. COTTON. 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. COTTON. 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. COTTON. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. COTTON. Mr. President, this amendment strikes out on page 52 of the bill the following language: "construction, alteration, and repair of airport passenger or freight terminal buildings and other airport administrative buildings and the", and it strikes out on page 79 the following language: "or directly related to the handling of passengers or their baggage at the airport. The cost of construction, alteration, or repair of buildings or those parts of buildings directly related to the handling of passengers or their baggage shall not be an allowable project cost unless the Secretary finds that no reasonable financial alternative to inclusion as an allowable project cost exists. Such a finding must be based upon consideration of the feasibility and extent of other sources of financial participation, the financial condition of the airport sponsor as disclosed by uniform accounting procedures promulgated by the Secretary and any other factors relevant to such determination."

Mr. President, this amendment is a rather simple one. It involves, however, a major policy question with respect to the extent of Federal assistance in airport development.

Until today with the provisions provided for in H.R. 14465 by our Committee on Commerce, it consistently has been the policy to limit allowable airport project costs to those which are directly related to the welfare and to the safety of the traveling public. However, by virtue of certain language contained in paragraph (2) of section 201, defining "airport development" and, more particularly, in new language to be found in subsection (b) of section 201 of the bill, this limitation would be removed.

In the first instance, airport development would be so defined as to include "the construction, alteration, and repair of airport passenger or freight terminal buildings and other airport administrative buildings." In the second instance allowable project costs, subject to certain findings, would be extended to those buildings or parts of buildings intended to house facilities or activities "directly related to the handling of passengers or their baggage at the airport."

Mr. President, my amendment would seek to strike the language providing for this extension of allowable project costs into areas heretofore excluded. In so doing, I might add, the Senate could eliminate an annual expenditure of some $50 million which I understand was added to the administration's proposal by our Committee on Commerce to finance this extension of allowable project costs.

Mr. President, this issue of allowable terminal costs is not new. I recall having to do battle over this same issue on several earlier occasions and, most recently, in the last Congress, considered it at length with our former distinguished colleague, Senator MONRONEY of Oklahoma. Then, as it consistently has over the last 10 years or more, our Committee on Commerce acted in an affirmative fashion to limit allowable airport project costs to those which are directly related to the welfare and to the safety of the traveling public.

Additionally, Mr. President, the administration is opposed to any such extension with respect to Federal assistance for terminals. In his message the President stated:

> Airport terminal buildings are a responsibility of local airport authorities.

The Secretary of Transportation in a letter of November 12, 1969, stated:

> We recognize that a very substantial requirement exists for new and improved terminals and passenger requirement handling facilities. However, we do not believe it appropriate for the Federal Government to provide grants-in-aid for their construction. * * * Terminal facilities are usually good revenue producers and capable of being financed by revenue bonds.

In support of this position by the Secretary, I shall later submit for inclusion in the RECORD materials on representative airports evidencing their revenue producing capability.

Also, when on June 19, 1969, the former Chairman of the Civil Aeronautics Board, the Honorable John H. Crooker, Jr., appeared before our committee, I specifically questioned him concerning Federal assistance to terminals. At that time, Mr. Crooker responded as follows:

> Senator, I would be hopeful that the Federal funds would *not* be used for terminal facilities unless in some discretionary area where, under whatever Act is adopted, the Department of Transportation has some funds for discretionary use. * * * I am on the side of trying to preserve most, if not all, of the Federal funds for airfield development rather than terminal development.

Mr. President, it has long been my view that Federal assistance should be limited to the area of paramount importance—safety. It should not be dissipated in any way, shape, or form by possibly financing areas not related to safety but rather to personal comfort. In this connection, I shall also later submit for inclusion in the RECORD materials furnished to me by the Library of Congress documenting attempts over the last several years to divert funds from the highway trust fund for nonhighway purposes. To the best of my knowledge, none of these attempts has been successful and I would hope that my amendment will be adopted so as to stop the attempt now being made to encroach upon future funds inuring to the airport/airways trust fund.

Mr. President, I am somewhat concerned also with respect to the ambiguity raised concerning the extension of allowable project costs to activities "directly related to the handling of passengers or their baggage at the airport." It has come to my attention, for example, that in recent months one local authority has undertaken a multimillion-dollar expansion project which would include the Nation's first airport autobag check system allowing motorists to drive into a garage, check baggage automatically, and then park. There would seem to be little doubt that under the language now provided in subsection 210(b) of H.R. 14465, this project could be construed as being "directly related to the handling of passengers or their baggage at the airport" so as to be eligible for Federal assistance.

Mr. President, the purpose of this legislation is to develop a safe and efficient national airport and airways system. It is not, to my mind, intended to provide a vehicle for Federal funds to finance baggage handling facilities or automobile parking facilities.

Mr. President, this is a $5 billion program, which I predict, before we get through, will exceed that amount. It is a program to establish a national airport and airways system. It is a program that fundamentally must have, as its first object, the safety of our air traffic.

For example, anyone who reads the daily paper or listens to the news over television at night certainly is aware of our growing air traffic control problem. It has been the cause of several delays during peak traffic periods. We simply are straining our resources to control air traffic to their very utmost.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COTTON. I yield myself 5 more minutes.

The more traffic is held up in patterns circling above airports, the greater the danger of collisions and the greater the danger of the loss of life.

I was quite confident, when the committee started considering this measure, that we would continue the policy of safety first, and of devoting every cent of every dollar to the safety of traffic before we diverted funds to anything else. But when the bill finally came out of com-

mittee, it contained this provision on page 79 dealing with the matter of handling the baggage of the passengers.

It was argued that that was very essential from the standpoint of speeding up traffic and the convenience of the passengers. I submit again that the convenience of the passengers is not the fundamental issue here at stake. But, if this one exception is made to divert Federal funds to baggage handling facilities within the airport, what will that mean?

As I noted earlier, some airports are undertaking construction of large multistory buildings for parking. Passengers will drive into parking places in such buildings, and check their baggage.

It will be a great convenience. I would like to be able to do it myself, but the cost is considerable for such facilities.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COTTON. I yield myself 4 additional minutes.

I say, Mr. President, with all the emphasis at my command, that we are going to need every last dollar in this program we are inaugurating with this bill—every last dollar—to organize, control, rearrange, and refurbish the methods of transporting people by air with safety.

Mr. President, how much of my time have I used?

The PRESIDING OFFICER. The Senator has used 17 minutes.

Mr. COTTON. At this point, I ask unanimous consent to have printed in the RECORD a report from an economic analyst in the Library of Congress, showing the number of bills containing legislative proposals to divert funds from the highway trust fund for purposes other than highway construction.

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

THE LIBRARY OF CONGRESS,
Washington, D.C., February 11, 1970.

To: The Honorable NORRIS COTTON.
From: Economics Division.
Subject: Legislative proposals to divert funds from the Highway Trust Fund for purposes other than highway construction.

Attached is a list of legislative proposals to divert funds from the Highway Trust Fund for purposes other than highway construction.

In our attempt to make the list as comprehensive as possible we have contacted: The Treasury Department, the Bureau of Internal Revenue, the National Highway Users Conference, the Federal Highway Administration, Bureau of Public Roads, the House Ways and Means Committee, the House Public Works Committee and the Senate Public Works Committee.

Bills which provide for the coordination of Federal assistance for highways and mass transportation facilities, but do not specify that funds are diverted from the Highway Trust Fund, are not included in this list.

We are also including several articles which pertain to this subject.

Also excluded are (1) bills which appropriate new revenues to establish a Highway Beautification Trust Fund, an Auto Burial Fund or a highway safety research and development program and (2) bills which deprive States of 10 percent of the trust fund unless they undertake specific functions, usually highway beautification.

WILLIAM E. HALSEY,
Economic Analyst.

BILLS INTRODUCED IN THE 85TH TO 91ST CONGRESS TO UTILIZE THE HIGHWAY TRUST FUND FOR NONHIGHWAY PURPOSES

91ST CONGRESS, 1ST SESSION 1969

S. 3293. Mr. Randolph; December 22, 1969 (Public Works): The bill would use Federal-aid highway money for the construction of mass transit facilities.

H.R. 8772. Mr. Farbstein; March 12, 1969 (Public Works): State Air Quality Financing Act—Authorizes the appropriation of funds from the highway trust fund to be used as grants for air pollution control programs by a State. Provides that the amount to be used for such grants shall be determined by the Governor of such State. Requires the Governor to specify the amount to be deducted from one or more of the States. Federal-aid highway system apportionments in order to make available to the Secretary of HEW amounts elected to be used for air pollution control programs.

Provides that such amount shall not be reduced as a result of an interstate apportionment adjustment, unless the downward adjustment exceeds the remainder available for interstate construction.

Provides that the election of such sums by the Governor shall not be considered in making adjustments under the Highway Revenue Act.

H.R. 48. Mr. Ryan; January 3, 1969 (Public Works): Mass Transportation Financing Act—Provides that the Governor of a State may elect to have all or part of such State Federal-aid highway system apportionments for a fiscal year made available to be used for urban mass transportation under the Urban Mass Transportation Act.

90TH CONGRESS, 1ST SESSION 1967

H.R. 262. Mr. Bingham; January 10, 1967 (Public Works): Mass Transportation Financing Act—Provides that the Governor of a State may elect to have all or part of such State's Federal-aid highway system apportionments for a fiscal year made available to be used for urban mass transportation under the Urban Mass Transportation Act.

H.R. 34. Mr. Ryan; January 10, 1967 (Public Works): Mass Transportation Financing Act (Same as H.R. 262 above).

89TH CONGRESS, 2ND SESSION 1966

H.R. 14844. Mr. Kupferman; May 3, 1966 (Public Works): Mass Transportation Financing Act—(Same as above).

H.R. 12934. Mr. Rees; February 21, 1966 (Public Works): Mass Transportation Financing Act (same as above).

H.R. 12852. Mr. Ryan; February 16, 1966 (Public Works): Mass Transportation Financing Act (same as above).

89TH CONGRESS, 1ST SESSION 1965

H.R. 10765. Mr. Helstoski; August 31, 1965 (Public Works): Mass Transportation Financing Act (same as above).

H.R. 10170. Mr. Ashley; July 29, 1965 (Public Works): Mass Transportation Financing Act (same as above).

H.R. 10126. Mr. Bingham; July 27, 1965 (Public Works): Mass Transportation Financing Act (same as above).

S. 2339. Mr. Tydings and others; July 28, 1965 (Public Works): Mass Transportation Financing Act (same as above).

86TH CONGRESS, 1ST SESSION

S. 2149. Mr. Humphrey; June 10, 1959 (Public Works): Includes relocation and demolition costs within the definition of the term "construction" for the purpose of the Federal-aid highway laws. [amending U.S.C. 23: 101(a)].

85TH CONGRESS, 1ST SESSION

H.R. 11085. Mr. Gary; February 27, 1958 (Appropriations): Treasury-Post Office Appriation Act, 1959—Makes appropriations for the Treasury and Post Office Departments, and the Tax Court of the United States for the fiscal year ending June 30, 1959.

Note: This bill attempted to pay for the administrative costs of the Treasury Department with $3.5 million from the Highway Trust Fund.

In July of 1956 the Department of Labor attempted to have $1 million be appropriated from the Highway Fund for administrative expenses.

Mr. COTTON. On this point, Mr. President, I would like to say that as a freshman Senator, I was a member of the Committee on Public Works of this body when we laid out the Interstate Highway System, and when we created the trust fund for the building of interstate highways.

Ever since then, Mr. President, time after time, there have been attempts to dig into the interstate highway trust fund, to use the money for other purposes, to use it for beautification or for any of many purposes. This report which I obtained from the economic analyst of the Library of Congress lists more than a dozen separate bills that have been introduced since the 85th Congress to this, the 91st Congress seeking to divert funds from the highway trust fund for various other purposes, in spite of the fact that we have fought to keep the highway trust fund inviolate. Such bills have been introduced to dig into the fund for mass transportation, for facilities for commuting, and for various other reasons.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COTTON. I yield myself 2 additional minutes.

I ask also unanimous consent to have printed in the RECORD a summary report on the airports at Atlanta, Ga., at Chicago, Ill., at Denver, Colo., and at Los Angeles, Calif. As I noted earlier, I offer reports on these airports because they are tangible proof of the income derived from concessions at these huge airports.

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

ATLANTA

About half of total revenues were derived directly from aviation, principally the commercial airlines, through lease charges for terminal and cargo facilities and landing and flight fees. The remaining revenues were generated by leases to airport vendors (newsstand, bank; pharmacy, etc.), the parking lot concessionaire, and franchise and related revenues from concessions.

The largest single category of revenues ($1.5 million or 29% of the total) was derived from non-aviation, concession revenues. This was followed closely by landing fees (28%) and aviation rentals (26%). The remainder was accounted for by parking lot rental (11%), rentals to vendors (4%), and utility and other fees (2%).

The major sources of revenue growth over the 1962–1966 period at Atlanta Airport were landing and flight fees which tripled over 1962 and accounted for 44% of the gain in total revenues; all types of rentals, up 45% over 1962 and contributing 30% of the overall increase; and concession revenues which rose by 64% and accounted for 26% of the gain in total revenues. In keeping with the principle of direct airline support for the airport's operations and expansion, flight and landing fees were raised twice within the 1962–1966 period in connection with new airport revenue bond issues, in order to meet statutory requirements for revenue coverage of debt service.

TABLE III—ATLANTA AIRPORT, COMPARATIVE INCOME STATEMENTS 1962-66 YEAR ENDED DECEMBER 31

[Dollars in thousands]

	1966	1965	1964	1963	1962
Revenues:					
Rentals	$2,104	$1,867	$1,730	$1,592	$1,452
Concessions	1,455	1,210	1,066	942	888
Landing fees	1,402	927	514	497	466
Utility fees	123	112	107	104	117
Other	7	55	46	42	27
Total revenues	5,092	4,172	3,463	3,178	2,950
Expenditures:					
Wages and salaries	$646	$627	$541	$542	$483
Contractual-services, utilities, etc	397	445	429	435	389
Material and supplies	34	36	22	24	50
Fixed insurance, rentals, etc	87	26	24	24	24
Total expenditures	1,165	1,134	1,017	1,025	945
Income before bond interest	3,928	3,038	2,447	2,152	2,005

Source: City of Atlanta, Department of Aviation.

CHICAGO

Operating revenues

Operating revenues generated by O'Hare International Airport have declined slightly, while expenditures have gradually increased. As detailed in Table IV, from 1963 to 1966, gross revenues declined 2.2%, from $21.3 million to $20.8 million. Net income reached $2.1 million in 1963, and as a result, flight fees in subsequent years were reduced sharply, producing deficits of $1.3 million in 1964, $0.5 million in 1965, and $0.2 million in 1966. Excluding flight fees, however, O'Hare airport revenues rose 21% from 1963 to 1966.

Although the available financial statements reveal no explicit allocation of revenues between aviation and non-aviation sources, detailed analysis of the income accounts indicates that more than three quarters of total revenues were generated directly from aviation, principally from the commercial airlines through landing fees, ramp rentals, and lease charges for hangars, terminals, and cargo facilities. This is a considerably larger proportion than at other major airports such as Los Angeles and Miami, which derive approximately half their revenue support directly from the airlines. The remainder of O'Hare's revenues stemmed from spending of airline passengers and airport visitors for automobile parking, ground transportation, terminal services, and at terminal shops, plus sales of utilities and miscellaneous activities.

The largest single category of revenues in 1966 ($6.5 million or 31% of the total) was derived from concessions. This was followed by building rentals (30%), ramp rentals (21%), flight fees (18%), and miscellaneous revenues (less than 1%).

Over the 1963–1966 period, concession revenues showed the largest increase, over 62%, and accounted for 83% of the growth of revenues excluding flight fees. Building rentals rose 8% and accounted for another 15% of this growth, with miscellaneous revenues making up the rest. These increases, however, were more than offset by a 49% drop in flight fees, and which caused total revenues to decline by 2% from 1963, as previously noted.

Airport expenses

Expenses of operating and maintaining O'Hare International Airport rose 13% to $22.1 million during 1966 compared with $19.5 million in 1963. About 40% of these outlays were for actual operations, maintenance and repair, and general and administrative expenses. The rest consisted of non-operating or non-cash charges for bond interest and depreciation.

Serial maturities on long term debt totalled $5 million in 1966 including final retirement of general obligation bonds issued prior to 1959. Such retirements were somewhat less than the cash thrown off through depreciation, as shown in Table IV.

DENVER

Allocation between aviation and non-aviation derived revenues, the distribution of revenues by source indicates that in 1966 approximately 60% of the total was derived directly from aviation, principally the commercial airlines, through landing fees, rental charges for terminals, hangars, ramps, and ground areas, and by gasoline sales. The remaining revenue was generated by concessions, management services, and utility sales.

The largest single category of revenues ($1.7 million or 35% of the total) was derived from non-aviation, concession revenues. This was followed closely by landing fees (21%) and terminal rentals (20%). The remainder was accounted for by other rentals (hangar, ramp, ground and other, totaling 15%), management and other services (5%), and gasoline sales (4%).

TABLE IV—CHICAGO—O'HARE INTERNATIONAL AIRPORT, COMPARATIVE INCOME STATEMENTS

[Dollars in thousands]

	1966	1965	1964	1963
Revenues:				
Building rentals	$6,193	$6,273	$6,159	$5,722
Concessions	6,473	5,569	4,762	3,992
Ramp rentals	4,302	4,302	4,302	4,302
Flight fees	3,635	4,296	3,473	7,121
Other	173	171	145	115
Total revenues	20,776	20,511	18,852	21,254
Expenditures:				
Bond interest	6,881	7,057	7,057	7,057
Depreciation	6,607	6,410	6,372	6,098
Operations	6,010	5,802	5,218	4,526
General and administration	1,276	1,166	1,069	1,260
Maintenance and repair	1,132	1,425	1,023	521
Other	228	145	49	49
Total expenditures	22,134	22,005	20,788	19,511
Operating deficit	(1,358)	(1,494)	(1,936)	1,743
Investment income	1,203	1,027	685	399
Net profit (loss)	(155)	(467)	(1,251)	2,142
Accumulated profit	269	424	891	2,142

Source: Chicago—O'Hare International Airport, Financial Statements 1964, 1965, 1966.

The principal sources of revenue growth over the 1963–1966 period at Stapleton International were concession revenues which rose 75% over 1963 and accounted for 30% of the gain in total revenues; terminal rentals which tripled over 1968 and accounted for 28% of the over-all increase; and landing fees which rose 150% and contributed 25% of the gain in total revenues.

TABLE III.—DENVER-STAPLETON INTERNATIONAL AIRPORT, COMPARATIVE INCOME STATEMENTS 1963-66, YEARS ENDED DECEMBER 31

[Dollars in thousands]

	1966	1965	1964	1963
Revenues:				
Concessions	$1,688	$1,262	$1,063	$965
Landing fees	1,039	868	478	415
Terminal rentals	1,007	769	335	328
Hangar rentals	450	384	366	367
Ramp, ground, and other rentals	261	114	102	83
Management services	248	193	182	164
Gasoline sales, net	186	135	132	119
Total revenues	4,879	3,726	2,657	2,441
Expenditures:				
Operations	1,054	744	603	496
Maintenance	305	331	184	149
Administrative	205	167	140	140
Bond interest	779	793	660	343
Total expenditures	2,343	2,035	1,587	1,128
Net operating income	2,536	1,691	1,070	1,313
Interest on investments	115	122	103	123
Net income	2,651	1,814	1,173	1,436

Source: Stapleton International Airport, financial statements.

LOS ANGELES

The biggest single category of revenues ($5.7 million or 38% of the total) was derived from the non-aviation function of terminal concessions. This was followed by building rentals (19%), landing and flight fees (17%), lease of ground areas (11%), and ground transport fees (10%).

The major sources of the fiscal 1966 revenue growth at Los Angeles International Airport were landing and flight fees, which rose 57% over fiscal 1965 and accounted for 41% of the gain in total revenues; terminal concessions up 11% over 1965 and contributing 31% of the overall rise; and ground transport fees which increased by 28% and accounted for 15% of the gain in total revenues.

Airport expenses

Expenses of operating and maintaining Los Angeles International Airport rose 16.4% to $10.2 million during fiscal 1966 compared with $8.7 million in fiscal 1965. About half of these outlays related to actual operations, including maintenance and repair, staff salaries, advertising and publicity, and general administration. The rest consisted of non-operating or non-cash charges for bond interest and depreciation.

TABLE IV—LOS ANGELES INTERNATIONAL AIRPORT, COMPARATIVE INCOME STATEMENT, 1964-65—1965-66

[Dollars in thousands]

	Year Ended June 30		
	1966	1965	Percent change
Revenues:			
Aviation:			
Terminal, cargo, building rentals	$2,863	$2,799	2.3
Landing and flight fees	2,603	1,661	56.7
Lease of ground areas	1,607	1,435	12.0
Other	333	348	(4.3)
Subtotal	7,407	6,243	18.7
Nonaviation			
Concessions	5,731	5,026	11.4
Ground transport fees	1,508	1,176	28.2
Other	344	272	26.4
Subtotal	7,583	6,474	17.1
Total Revenues	14,990	12,717	17.8

TABLE IV—LOS ANGELES INTERNATIONAL AIRPORT, COMPARATIVE INCOME STATEMENT, 1964–65—1965–66—Con.

[Dollars in thousands]

	Year Ended June 30		
	1966	1965	Percent change
Expenditures:			
Maintenance and repairs	3,649	3,447	5.9
Bond interest	2,624	1,614	62.5
Depreciation	2,208	2,101	5.1
Administration, salaries, etc. and publicity	1,372	1,264	8.5
Other	318	305	4.3
Total expenditures	10,171	8,741	16.4
Operating Income	4,819	3,976	18.7

Source: Los Angeles Department of Airports, 1966 and 1965 Annual Reports.

Mr. CANNON. I yield 5 minutes to the distinguished Senator from Kentucky.

Mr. COOK. Mr. President, I think that what the distinguished Senator has said about the history of this matter is correct. This was a ruling that prevailed for many years and was in fact correct. But that was because during that period of time the only amount of money that the airports throughout the United States and the air traffic systems got came as a direct contribution in an appropriation bill from the general fund revenues of this Nation.

One of the finest things about this bill—and I give a great deal of credit to my senior Republican member on the Committee on Commerce—is the fact that, for the first time in history, an airport bill is being presented that creates and sets up a trust fund.

The industry itself puts the money into this fund; the passengers put it in; the owners of private aircraft put it in as a result of the tremendous increase in gasoline taxes. The reason why I oppose this amendment is that it is not a matter of "This is the first foot in the tent"; it is not a matter of, "This is the first foot in the door." It is a matter that we are creating, for the establishment of a system, a trust fund; and we are closing the door on many communities throughout the country that will not be able to create the increased services and will not be able to establish the facilities when a 747 lands and 350 people get off and wonder where their luggage is.

If we think that the problem in the immediate future is going to be that they have to circle around and cannot land because other traffic is on the runway down there, it will not be very long when they are going to be circling around with 350 people on a plane because the airport cannot handle the 350 people and the airport cannot handle the baggage of 350 people. So they are going to hang them in the air until they can be brought down and taken care of.

Mr. President, I should like to make one thing clear: one of the main reasons why I object to this amendment is that in essence we have usurped practically all of the income that is going to be available from the industry. I will soon offer an amendment—it has already been printed—to increase the 50–50 figure to 75–25. In the highway program, we made it 90–10. I am going to ask to make it 75–25 because we have almost excluded the States and the local agencies from a source of revenue by reason of this very bill.

The Senator may say that he would like to have all the money that is collected in the Los Angeles Airport for 1 day, but let us look at the ledger sheet of the Los Angeles Airport and see what it cost to build that facility, see what their bonding authority had to be, and see what they had to borrow.

We are creating a bill with such low percentage, 50–50, and we are creating a bill that excludes so many things that are absolutely necessary for the benefit of the traveling public that we are in essence saying to the communities, "We are going to create these big airplanes, and we are going to give Federal money for SST's, and we are going to get Federal money, as we did, for a 747, and then you worry about where you are going to put it and where you are going to land, and what you are going to do with the passengers."

This, in essence, is why I object to this amendment. I say that for once in our lifetime we are creating a trust fund which the industry and the passengers are going to pay; and we are saying to the passengers, "We are absorbing all the income for a Federal program, but whatever inconvenience you may fall into when you get off or get on that airplane, or can or cannot get your luggage, that is your problem, and you take it up with the local airport manager."

I suggest to everybody within hearing that, when they go into a terminal that some airline has just built and it is beautiful and wonderful, there are not very many airline stocks on the New York Stock Exchange that I am going to put my money into, because not one is very lucrative, and I do not know of many that have paid dividends recently.

So, Mr. President, I would honestly say, with all due respect, that it is not a foot in the door or a foot in the tent. It is an opportunity to establish, once and for all, that the airlines, the private pilots, and the airport managers no longer will have to come to Congress, year after year after year, and say, "Please increase the budgets for airport facilities." We have eliminated that, once and for all, with the trust fund. We are going to take advantage of that trust fund in the future and say, "We are not going to give you any more, because we have now established a fund for yourselves."

Mr. COTTON. Mr. President, will the Senator yield on my time?

Mr. COOK. I yield.

Mr. COTTON. I ask for 2 minutes.

First, I am afraid that I must differ with the Senator. I think he would be wise to check this. Under the present planned program, the trust fund will not cover what is contemplated even in the next 5 years. It still will require additional appropriations from Congress. It will not pay for itself.

Mr. COOK. I agree with that.

Mr. COTTON. So that it is not taken care of once and for all time.

There is much logic in what the distinguished Senator has said, and I am always impressed by his unerring logic. I would be very much inclined to support his amendment for 75–25 instead of 50–50 if I were convinced that the Federal contribution at 75 would all be pointed at what I so thoroughly believe is the most necessary object—safety of persons.

I do not claim that all airports are making money. I come from a locality where we have small airports, and they do not have any luxuries. But, these smaller airports need navigational instruments. They need to be equipped with ILS and other navigation facilities. If I could be certain that the Federal money in this program would be devoted to safety and it would not be drained into these other sources, the Senator's amendment would appeal to me greatly. I cannot, however, vote for it when we have the seeds in this bill of diverting the money somewhere else.

I doubt that any of us really have any conception of the vast projects that will be necessary to try to improve the safety of the air—longer runways, more terminals, the separation of traffic, the tremendous demand for trained controllers, and all the rest. I want to see that done first. I think I could go the full way and vote with the Senator—I think his idea of a 75–25 ratio is good—but only if we are going to make sure that the money would go straight to the target for which it should be aimed—air safety.

Mr. COOK. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. I yield myself 10 minutes.

Mr. President, I thank the distinguished Senator from Kentucky for his remarks. I must say that I agree with him in the things he has said. He certainly has pointed up the issue before the Senate in this amendment.

This is one of the most important questions that came before the committee in connection with this measure—whether the trust fund revenues were to be made available to airport sponsors for financing all or any part of the terminal area construction program.

Now a major portion of the testimony received by the committee in the extensive public hearings we had has been directed to this particular issue. The committee decision to make limited funds available to selected parts of the terminal area will, I hope, deserve the support of the Senate. When the Federal Airport Act was passed in 1946, Congress did provide grant-in-aid assistance for air field development, runways, taxiways, lighting, and for terminal area projects. As the distinguished Senator from New Hampshire said, in 1961, Congress changed that policy. Why did we change it? Because funds were scarce and because Congress felt that a program funded from general tax revenues should concentrate on the safety problems of airports—that is airfields, rather than terminal area facilities.

Now that is the policy that was enunciated at that time. As stated by the distinguished Senator from Kentucky, that is the policy we are following now. We are not going to use general revenues for the support of this particular part of the program. We are, it is true, going to have to have some general revenues to carry

on the operations and the maintenance of the system until the revenues in the trust fund are increased substantially; but we are going to have, as provided in the bill, not less than $3 billion over a period of 10 years for airport development. We are going to have not less than $2½ billion for airways facilities development. And, of course, the remainder of the revenues will be used to pay for the operation and maintenance of the systems.

But testimony before the committee showed conclusively that a major problem in existing airport systems is that of congestion of passengers and their baggage in today's terminal buildings.

Surveys of small, medium, and large hub airports indicate that some 60 to 75 percent of all their development requirements in the next 10 years will be for terminal area projects.

I should like to point out that the $3 billion that will be spent for airport development will have to be spent on a matching basis. It is to be a 50–50 matching basis with the sponsor putting up half the money.

The Senator from Kentucky says that he will offer an amendment to change that. Parking lots are not eligible under the terms of this bill.

Bars and restaurants and other concessions in terminal facilities would not be eligible, under the bill, as it is now written.

Mr. COTTON. Mr. President, the high-rise parking facility would be eligible, and the Federal Government could end up paying part of the cost for conveyors and baggage facilities in it.

Mr. CANNON. I would have to differ with the distinguished Senator from New Hampshire. I do not believe that any kind of parking facility would be eligible, because we specifically stated in the report that it would not be eligible.

Mr. COTTON. Mr. President, I yield myself 1 minute on my own time.

The PRESIDING OFFICER (Mr. TYDINGS in the chair). The Senator from New Hampshire is recognized for 1 minute.

Mr. COTTON. Here is a report which shows that a commission in one of our largest cities, which happens to be the residence of a member of our Committee on Commerce so I am not going to name the city, has let a $19.5 million contract for the construction of the first phase of a multilevel parking facility and 5 miles of access freeway and terminal area drives. It is part of a $115 million expansion program. The article then goes on to state that it will have the Nation's first auto baggage checking system allowing a motorist to drive in the garage, have his baggage checked automatically, and then park his car.

Then it says it is designed to connect with an interstate freeway. The baggage there goes clear through from the approaches to the terminal and on to the gate.

Mr. CANNON. The parking facility would not, I say categorically, be eligible for support under this provision in the bill. I refer the Senator to the committee report, on page 35, as follows:

> The Committee is of the view that most, if not all, of the nation's giant jet ports have a complete capability to finance, from local revenue, the necessary terminal area requirements. At these airports, revenues derived from concessions and from landing fees paid by the airlines are ordinarily sufficient to guarantee the payments on local revenue bonds issued to finance terminal area development programs.
>
> The Committee believes that terminal area assistance grants should be strictly limited to that portion of the terminal facility which the passenger requires for his journey. Such airport terminal areas utilized for restaurants, cocktail lounges, entertainment centers, shops, ticket counters and other airport space utilized by concessionaires should not be eligible for federal assistance. Furthermore, such airport facilities as parking lots, hangars, maintenance and service areas, administrative offices, etc., could not be included as allowable project costs in a terminal area development project.

Mr. COTTON. Mr. President, will the Senator from Nevada yield there?

Mr. CANNON. I may say further, Mr. President, before yielding to the Senator from New Hampshire, that the Secretary is required to approve a project before it is eligible. The Secretary must find that no reasonable financial alternative to inclusion as an allowable project cost exists before Federal funds may be granted.

That certainly offers a number of safeguards, I believe.

I am happy now to yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I yield myself one-half minute of my own time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 30 seconds.

Mr. COTTON. Mr. President, that is in the report, but the bill states—the bill that we will be voting on:

> SEC. 210(b) The following are not allowable project costs:
>
> (1) cost of construction of that part of an airport development project intended for use as a public parking facility for passenger automobiles—

And so forth. Fine. But, then it goes on to say—

> except such as those buildings or parts of buildings intended to house facilities or activities directly related to the safety of persons at the airport or directly related to the handling of passengers or their baggage at the airport.

So that after making a flat prohibition in the bill, it proceeds to change it. That is what I meant when I said "a foot in the door."

Mr. COOK. Mr. President, the only point I want to raise is, what is wrong with that, if the passenger is going to pay for it? The passenger wants his luggage.

Last Sunday night I flew down from New York. I guess everyone else flew down to Washington from New York because it took me longer to get my luggage than to fly from New York to Washington.

The point I am trying to make is that this facility, at whatever airport it is, will cost $19.5 million. But suppose the amount of the facility that deals with luggage will cost $1 million. The passenger is paying the tab, as he will be under this bill. The passenger wants to get his luggage, and he is entitled to get it. That is what we are failing to see.

Mr. COTTON. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 2 minutes.

Mr. COTTON. I want to say in response to the Senator from Kentucky that there is nothing wrong with it. I am just as anxious to get my baggage, which sometimes also take me an hour or two to collect. I am just as anxious to have convenience and comfort in our airports as anyone else. That is fine. There is nothing wrong with it.

The point I am making is that the first thing we have to do with Federal money is meet safety needs such as air traffic controllers.

But I will say to the Senator that I am much more interested in feeling that when I get on the airplane, sit down in my seat and the wheels begin to turn and the plane leaves the ground, that I shall have a little more assurance of safety in my travel through the air.

I can wait a half hour or I can wait an hour for my baggage. If we are dependent on Federal money in the bill, I would rather wait an hour than run the risk of not having any more hours in which to wait. It is just a matter of priorities. I am all for this development. I think it is fine.

The first thing we have to do, and I do not want to see a dollar diverted from it, is to guarantee the air safety.

The second thing that is wrong is that if we let the baggage facilities in, then pretty quickly they will let something else in and then let something else in. The whole purpose of the program would be distorted.

I would not feel so strongly if it had not been for the fact that while in the Public Works Committee and later during the consideration of the whole story of the Interstate Highway System, we saw them chipping away and chipping away to take the money from the trust fund.

These are the only things that are wrong.

Mr. CANNON. Mr. President, the Senator is sort of mixing apples and oranges, if he argues that he does not want to spend money on terminal facilities because he wants to be safe in the air. Funds for safety-related facilities are contained in a completely different section of the bill.

The terminal facilities are unrelated to the safety features and financing is provided for both.

We have provided $300 million a year for airport development. If it is not used for baggage handling and gate space among other items it is not going to go into the airways. We have provided $250 million separate and apart for those facilities.

The Senator is, it seems to me at least, trying to make it appear that these are moneys that are being diverted from the airways, moneys that were intended to provide safety for the passengers. And that is just simply not the fact. We have provided in the bill not less than $250 million a year for airway facilities.

Speaking of air controllers, we will provide sufficient revenues to hire 19,909 controllers over this 10-year period.

And we have made an investment in addition, in this air safety area, in the airway development and in the improvement and training of controllers. This is what the testimony supported, Mr. President.

Had they indicated any need for $1 more for safety-related facilities, I would have been for it, because I think we cannot do too much in this area. But it seems to me that it is not fair to indicate or to raise an inference or an implication that we are neglecting the safety of passengers by spending a portion of the airport facilities money for some terminal improvements that are going to help take care of the passengers.

I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, I am as much concerned about safety as is the Senator from New Hampshire or anyone else.

I might suggest to the Senator that there is nothing in the bill that attempts to reorient the FAA. There is nothing to say that FAA cannot give the safety now.

In Louisville, every time they get a new service from TWA to go from Louisville to Los Angeles, within the next 30 days we have other airlines running at the same time to the same place. The FAA is not doing anything about that.

We had a service running at 8:30 in the morning for the benefit of the businessmen. Within 30 days, every airline going to the same city had a flight leaving between 8 and 8:30 in the morning.

There is nothing in the bill that says anything about that.

That is something the FAA can do now. And I do not know why they do not do it. However, I still insist that when we establish this and say to the passengers, and not to the Government, that the passengers will pay for the program, the passengers are vitally interested in the services they will get. And they are not looking for anything fancy.

A passenger goes to the airport with a piece of luggage. He wants to get the right airplane. And he does not want to wait forever for baggage. And I think it is an integral part of the program.

Mr. CANNON. Mr. President, I would say further than when a passenger lands in an airplane at an airfield, he wants to be able to be provided a gate for the airplane to taxi up to, so he may deplane. He wants to be sure that he will get his baggage quickly and get out of the airport. It is that simple.

A lot of our airports do not have adequate facilities. They do not have adequate funds or resources to obtain these facilities.

The administration's estimate of airport needs of $3.5 billion in terminal areas in the next decade was thought by many witnesses who discussed this matter to be a conservative figure.

The committee looked into separate parts of the terminal question: Why have the needs for terminal area development grown so large in recent years? Should Congress reverse its 1961 decision and offer assistance for terminal area projects? How could we be assured that terminal area assistance from the trust fund would be properly controlled?

As every Member of the Senate knows from his travels through airports around the Nation, terminal area congestion abounds and is getting worse. Passenger traffic has grown at a fantastic growth rate in recent years and will continue to do so in the future. New generations of aircraft like the 747 jumbo jet will deposit larger numbers of passengers on facilities which have not been designed to handle them.

Our aviation system has a huge "people problem" and this affects the terminal area problem directly. In the 1970's jumbo jets will hold up to 490 passengers each and thousands of pieces of baggage.

The committee concluded that to help solve only the airfield problems of the system through this legislation would be folly. It makes no sense to fly from Washington to New York in 1 hour and then sit for a half hour or more on the airfield because there is no gate space available. Faster and faster travel in the air makes little sense if there are endless delays in claiming baggage and continuing on to a final destination.

The 1961 decision of Congress not to assist terminal area development was reasonable at that time and because the airport program was financed by general tax funds. But when the users are paying for the system, as they will be under this legislation, it seems reasonable to let them pay to solve all parts of the congestion problem, including terminal areas. The passenger would want his increased travel costs to reduce his delays in all parts of the system. Because of this reasoning, the committee has recommended that trust fund revenues be made available for helping airport sponsors with terminal areas requirements.

But the assistance provided under the committee recommendation would be limited, would be strictly controlled and would, as in the past, put safety requirements first. Under this legislation, no funds would be available for those parts of the terminal building which are capable of generating their own income. Not a single dollar would be provided for cocktail lounges, shops, restaurants, parking lots, ticket counters, and the like. Only those buildings or parts of buildings housing facilities directly related to the handling of passengers and their baggage would be eligible for assistance. Aircraft gates, passenger waiting areas, baggage claim areas, and mechanical systems for moving passengers and their baggage through the terminal complex would be eligible.

Additional controls would be imposed to assure that all eligible development would be accomplished on a moderate and economical scale. No terminal area aid could be provided unless the Secretary found that there is no other reasonable alternative by which these projects could be financed.

Mr. President, this legislation recognizes that we are beginning a new era in aviation. The solutions of the past are no longer valid. We must consider new concepts and meet new challenges. And facing up to the terminal area requirements of the system for the 1970's is a major factor. Unless we make assistance available for solving these "people problems" of congestion and delay in our Nation's terminals, we will have to admit that we will be sacrificing millions of hours of passenger travel time over the life of this legislation. And, as President Nixon himself said in his message to Congress on this legislation:

> The purpose of air transportation is to save time.

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

Mr. CANNON. I yield.

Mr. MAGNUSON. Mr. President, we have discussed this matter in the committee at some length. I appreciate the dedication the Senator from New Hampshire has to this question of air safety. All of us feel the same way.

What has been bothering me about air safety is that when we have congestion in the terminal and lack of gates to unload passengers, it causes more congestion in the air around the city. It has happened many times.

I have such experiences. Many aviation people, operators and pilots, consider the most serious safety problem to be the congestion in the terminal area air space. This is a real safety problem. We are trying to relieve this problem somewhat through provisions in the bill which will provide for some terminal area needs. I know of cases where the planes arrive at the airport on time and wait as long as an hour and a half to get a gate.

Mr. CANNON. The Senator is correct, and this has a pyramiding effect. They frequently get notice to hold long before they are going in.

Mr. MAGNUSON. I want to call this to the attention of the Senator from Kentucky. An amendment is pending, and this has been the subject of much discussion in the Committee on Commerce over the years, in connection with the scheduling practices of the airlines, which the Senator mentioned.

As of now the FAA could control schedules if the piling up causes a safety hazard. An amendment has been made to provide for the DOT to take a look at scheduling problems.

Mr. CANNON. Yes.

Mr. MAGNUSON. That suggestion has been made to see if we can get a report to see what might be done because we have here a tremendous potential safety problem.

Mr. COOK. The Senator is correct.

Mr. MAGNUSON. There is a tremendous safety problem created when too many planes are trying to come in at the same time. Maybe the CAB should have authority to approve some of these schedules in order to take care of the problem.

Mr. COOK. The traveling public has not had to worry about it because the airlines always did it for the convenience of the traveling public.

Mr. MAGNUSON. It is not unusual for a person to leave at 8:30 in the morning and return home at 6 o'clock, but he arrives at a crowded airport and does not get to his destination until after 8 o'clock usually. I think he would rather have a bigger spread in schedules and be able to arrive at an airport that is less congested.

Mr. CANNON. I would like to make one further comment in response to the comment by the Senator from New Hampshire about our safety. The problem of our safety is not being given second place in this bill. In the committee report we pointed out:

> Finally, in re-emphasizing the priority of safety over all other considerations, the Secretary should not make grants for terminal area assistance projects until he is reasonably satisfied that the airport for which the terminal area grant has been requested has completed, or has funded and is completing, all necessary airfield development and improvements which he considered to be essential to the safety of the passengers and users of the airport.

So the airport safety issue was uppermost in our minds and we wanted to be sure this takes priority over every other consideration. We wanted to be sure there would be funds and we have funds in the bill, over the life of the bill, to take care of airport development and the airways development we consider necessary.

The remaining terminal facilities—the Taj Mahals, as they are referred to on occasion, that airport authorities like to build—would have to be built with local money and such facilities would not be eligible under this measure.

Mr. GOODELL. Mr. President, will the Senator yield to me for a clarification?

Mr. CANNON. I yield.

Mr. GOODELL. Mr. President, I wish to clarify for the RECORD that on page 31 of the committee report, listing the authorization of funds that would go to airport sponsors in large, medium, and small hub areas based on the number of passenger enplanements, under New York the cities of Buffalo and Niagara Falls are listed as $81,000. It is my understanding that the figure should be $720,000. Can the manager of the bill clarify that for me?

Mr. CANNON. The Senator is correct. The correct figure for Buffalo and Niagara Falls on page 31 of the committee report should be $720,000; that is, under the $90 million allocation of the total authorization allocated to airport sponsors based on annual numbers of enplaned passengers.

Mr. GOODELL. I thank the Senator. As the Senator can understand that is very important to the Buffalo-Niagara Falls area and it caused distress when they read that in the report.

I am prepared to yield back the remainder of my time.

Mr. COTTON. Mr. President, I do not yield back the remainder of my time yet. I yield myself 5 minutes at this point because I sought to respond to the distinguished Senator from Nevada when he was interpreting my remarks a few moments ago. I want to clear up that point.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, according to the distinguished Senator from Nevada, he claimed I was asserting that all air safety was a matter after the airplane left the ground. He said he was interested in having a place to land and a gate to get to. As a matter of fact, it seems to me that the statements of the Senator from New Hampshire have made it absolutely clear that a significant part of air safety is on the ground, and that in contributing Federal funds to air safety, we are contributing and will be contributing vast sums for the airports of this country because we do have to have gates and longer runways. We also do have to have in these airports, and small airports especially, control towers. That is part of the building, but it is a part the Federal Government should be contributing to because it is a matter of landing safety and a matter of congestion at the airport.

So to suggest I was talking about the wrong section of the bill because the matter of air safety is surely as much involved in improvement in the airport, I would say by far the larger part of money spent in this program will be in expanding airport facilities to handle traffic and prevent endangering life. It will go right up to the gate. It will go beyond the gate and to the control tower within the building. So it was not a matter of mixing apples and oranges because it is all a part of safety.

I note the distinguished Senator keeps referring to the principle that was laid down in 1961 as if that were outmoded now with the requirements we have today. I would like the RECORD to show that in 1968, the committee, in connection with S. 3641, filed a report. There again this principle was laid down. I wish to quote one line from that report:

> Continue to limit Federal grants to items directly related to safety.

That is just as clear language as one can expect to have.

I also wish to remind the Senate that the President in his message is quoted as saying:

> Airport terminal buildings are a responsibility of local airport authorities.

Again in his letter of November 12, the Secretary of Transportation stated the following:

> We recognize that a very substantial requirement exists for new and improved terminals and passenger requiring handling facilities. However, we do not believe it appropriate for the Federal Government to provide grants-in-aid for their construction.

Mr. President, I shortly want to yield to my colleague on the committee (Mr. PROUTY) for a moment, but I just wanted to make sure that this is understood. It is not that the Senator from New Hampshire objects so vehemently to this one matter of baggage facilities. The trouble is that once you breach the policy and start using this money for other purposes, then there is a little more and a little more and a little more, such as has taken place in the matter of the Interstate Highway System. At least for the first part of this program, I feel we should maintain the principle without exception and without breaching the wall; that the money should be devoted to safety and to nothing that does not have a direct connection with safety.

I yield 5 minutes to the distinguished Senator from Vermont (Mr. PROUTY).

Mr. PROUTY. Mr. President, I think we should recognize that under existing law all terminal assistance must be related to safety—that is, control towers, aprons, and facilities of that nature.

Last year, in appearing before the committee, Mr. John H. Crooker, Jr., who was at that time chairman of the Civil Aeronautics Board, answered a question relating to the use of funds for terminal assistance by the distinguished senior Senator from New Hampshire, in the following manner:

> Senator, I would be hopeful that the Federal funds would not be used for terminal facilities unless in some discretionary area where, under whatever act is adopted, the Department of Transportation has some funds for discretionary use. I would hope that no major part of the funds would be used for terminals, and that most would be available for land, paving, and safety buildings.

I think that the logic of this position has been made most effectively by the distinguished Senator from New Hampshire. Most of us recognize that there is a critical need to expand terminal facilities at some of our major airports. On the other hand, I should like to point out that many of these terminals are extremely profitable. Many are earning a great deal of money for the cities and municipalities where they are located. Often money has not been used for the development of airport facilities. Instead it is being used for programs completely unrelated to airports or even transportation. I understand that in at least one major city airport profits support major segments of the poverty program. While that may be worthwhile and needed I could not justify granting terminal funds to an airport that would simply siphon them off for programs unrelated to airports and airways. Therefore, until we have some means of accurately determining how much profit these major airports realize, we are not going to be in a position to intelligently determine real needs for airport terminal assistance.

I included in my individual views a list of 15 major airports in the country that showed profits after deducting all costs for operations and for debt services. These profits ranged from $337,500 to $10,478,000. That money could well be used for the expansion of terminal facilities.

If there are instances where a municipality is unable to provide the necessary facilities, perhaps we can justify funds for that purpose. However, until we have made an exhaustive study to determine the income from these terminal facilities and how it is being spent, I think it would be most unwise to go along as the committee has recommended.

I certainly support the amendment proposed by the Senator from New Hampshire. I hope very much it will be approved.

In conclusion, let me point out that O'Hare Airport, in Chicago, in fiscal year 1969 realized something in excess of $114,000 income from pay toilets alone. Multiply that by all the other income-producing facilities, and Senators will understand and appreciate that a tremendous income is being derived from terminal facilities. Some of the income

from profitable terminal facilities should be spent by the municipalities for the improvement of those facilities.

Mr. CANNON. I yield 2 minutes to the Senator from Kentucky (Mr. COOK).

Mr. COOK. Mr. President, I would like to sum up the remarks that have been made by saying that I am delighted that there are some airports in the country that make a profit, because the expansion program they are looking at right now will take every bit of that, and it will all be utilized. I wish O'Hare Airport could solve all its problems with the $114,000 it gets from pay toilets, but it cannot, and it is not doing it. So much money is needed to solve the problems of the immediate future that the amounts are rather phenomenal.

We stand here and we say that we should not use Federal funds for this purpose; we should not use Federal funds to help somebody get his luggage after he gets off an airplane. I would like to say to the Senator for the first time that when this trust fund gets into operation, it is not going to be Federal funds; it is going to be the passengers' funds, and it is going to be the money of the man who owns the private airplane and the man who pays for a license on that airplane. That money is going into this fund specifically for that purpose. I think rather than continue to say that we are going to spend Federal funds, we should put the matter in perspective and say we are really going to spend the passengers' money, and it is the passengers who will be convenienced when they get off the airplanes and go into the terminals. The answer is that he pays, and he wants to be able to know that when he gets into the terminal he will not have to wait 30 or 35 minutes or an hour to get his luggage. I think that is what we are looking at.

If the airports are making a profit, I say they are going to need every bit of it, because this body just got through appropriating sums of money to build an SST. They will build it. All of a sudden they are going to be ready to go across the country and land at an airport on the east coast or the west coast. They are going to say, "Here it is. You have helped build it and helped pay for it. Now you worry what you will do with all the people who get off it."

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

Mr. COOK. I yield.

Mr. PROUTY. Does the Senator not agree that all profits realized by an airport should be spent to improve airport facilities?

Mr. COOK. They are doing it.

Mr. PROUTY. No. I understand that in many instances they are not doing it.

Mr. COOK. What are they doing with the money?

Mr. PROUTY. They are spending it for numerous purposes wholly unrelated to airport facilities. I gave a good example a moment ago of airport profits being devoted to poverty programs.

Mr. President, I previously placed in the RECORD figures showing that the major airports are making profits ranging from $337,500 to $10,478,000. Actually, those figures should have been from $337,685 to $47.8 million. That last figure represents the profits of the air terminal of the Port of New York Authority.

It seems to me that, unless and until we can be assured that the profits realized by air terminal facilities are going to be devoted to terminal or airport facilities, we would be extremely unwise in having the Federal Government move in and build the facilities while the municipalities themselves spend the profits from terminal operations for purposes completely unrelated to airport facilities.

Mr. COOK. I can only reply by saying that the bill sets up a trust fund. This bill almost usurps what they are going to derive from the facilities. The bill comes very close to saying to the airports and the communities that run them, "We have taken all the sources of revenue. If you want something done, you have to match it with 50 percent." I completely disagree with that, because, when somebody takes all the sources of revenue, then they should take the responsibility of doing something about it.

I cannot quibble about the Senator's figures on the Port of New York Authority, but I would suggest that that profit probably comes from a multitude of sources, which may not be just from the airports themselves. Frankly, if they are making that much money, they should not get any help out of this bill.

But there are many airports throughout the country that should. They do need it; they are bonded to the hilt, and cannot borrow any more money. We are setting up a program that we are going to continue in existence forever more, and saying to the local authorities, "You have got to come up with 50 percent of the costs."

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

Mr. COOK. I yield.

Mr. CANNON. They not only should not receive any of these funds, they cannot, because before they can get any funds, the Secretary has to find that there is no other way they could reasonably finance the program. So they could not get any money from this source if they wanted to, if that situation exists.

I seriously doubt that the Port of New York Authority is making $47 million a year on its airports, or that any other airport in the United States is doing that. Most airports, I know, are losing money.

Mr. COOK. I might say that if they are making that kind of profit, that is the only governmental authority in New York City that is making that kind of a profit.

Mr. COTTON. Mr. President, I yield myself 3 minutes.

Ten years ago, I was helping pioneer the first program for aid to airports. One would think, to hear this debate, that the Senator from New Hampshire did not want to help the airports, and was trying to deprive them of assistance.

I agree with my friend from Kentucky that we do want to help these airports. I agree that many of the airports in this country may need help, and I want to see them get help.

I disagree that all of the money that is going into this program is coming from the pockets of the passengers on the airlines and from general aviation and other air traffic. I would be willing to guarantee that our friends will be back here, because it is going to be necessary to supplement these funds with appropriations from the general treasury. Those of us who sit on the Appropriations Committee are going to be expected to supplement them. And, as fast as we can overcome these problems, starting with safety, no one will be more enthusiastic than the Senator from New Hampshire to see that adequate aid is given to the airports.

Now, the building of access highways, the providing of parking, the providing of space, the providing of baggage facilities, will be stupendous problems for the municipalities of this country, and we all recognize it. I think that the Senator from Kentucky has a very appealing amendment and a very just one. I do not wish to vote, however, simply to increase the present 50 percent. While I think that the matching at 50 to 50 is a pretty stiff requirement in this bill, I do not want to increase it as long as we have left a hole. For example, this matter of saying we are going to confine these expenditures to safety except in the matter of the handling of baggage, to me, simply means that next year we will have another exception, and the year after another.

So, with all sympathy for the problems of the airports, I think it is essential that we proceed with caution. This money is going to come in rather slowly at first, because of the time that has elapsed in the first planned year of the program. I therefore, want to see that money go only to the absolutely pressing problems.

Mr. COTTON. Mr. President, I am willing to yield back the remainder of my time, if the Senator is.

Mr. CANNON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from New Hampshire.

Mr. COTTON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 529) of the Senator from New Hampshire. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Iowa (Mr. HUGHES), are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Texas (Mr. TOWER) is detained on official business.

If present and voting, the Senator from Utah (Mr. BENNETT) and the Senator from Texas (Mr. TOWER) would each vote "nay."

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 20, nays 69, as follows:

[No. 63 Leg.]

YEAS—20

Aiken	Curtis	Mathias
Allott	Dole	Murphy
Bellmon	Dominick	Prouty
Brooke	Griffin	Proxmire
Byrd, Va.	Gurney	Smith, Maine
Case	Hansen	Stevens
Cotton	Hruska	

NAYS—69

Allen	Hatfield	Nelson
Anderson	Holland	Packwood
Bible	Hollings	Pastore
Boggs	Inouye	Pearson
Burdick	Jackson	Pell
Byrd, W. Va.	Javits	Percy
Cannon	Jordan, N.C.	Randolph
Cook	Jordan, Idaho	Ribicoff
Cooper	Kennedy	Russell
Cranston	Long	Schweiker
Dodd	Magnuson	Scott
Eagleton	Mansfield	Sparkman
Eastland	McCarthy	Spong
Ellender	McClellan	Stennis
Ervin	McGee	Symington
Fong	McGovern	Talmadge
Fulbright	McIntyre	Thurmond
Goldwater	Metcalf	Tydings
Goodell	Miller	Williams, N.J.
Gore	Mondale	Williams, Del.
Gravel	Montoya	Yarborough
Hart	Moss	Young, N. Dak.
Hartke	Muskie	Young, Ohio

NOT VOTING—11

Baker	Fannin	Saxbe
Bayh	Harris	Smith, Ill.
Bennett	Hughes	Tower
Church	Mundt	

So Mr. COTTON's amendment was rejected.

Mr. YARBOROUGH. Mr. President, Texas has had commercial airline service for over 40 years. On May 26, 1926, commercial air mail service was initiated between Dallas-Fort Worth and Chicago. A year later on September 1, 1927, air passenger service began in a small monoplane between Dallas Love Field to Kansas City and Chicago. In the years since that time, air travel has become a common thing for many Texans. Because of the distances between major cities in Texas, over 600 miles between Dallas and El Paso and over 200 miles between Dallas and Houston, for example, the development of air transportation has become a boon to my fellow Texans whose livelihood requires them to travel.

In the current era, Texas has one of the Nation's 10 busiest airports in Dallas, one of the Nation's newest airports in Houston, and is now constructing the world's largest and most modern airport between Dallas and Fort Worth. Texas is served by 10 domestic airlines, three foreign airlines, and numerous intrastate and air-taxi service airlines. According to the Texas Aeronautics Commission, Texas has more airports than any other State. In 1968, the most recent year that I have statistics for, there were approximately 215 public airports and 650 private air strips in Texas. This type of endeavor assures that Texas cities will maintain Texas' leadership in the field of air transportation.

The bill now pending before us, H.R. 14465, will help to do two very important things. First, it will provide for nationwide comprehensive airport and airways development planning. Second, it sets up a trust fund similar to the highway trust fund for airport development grants. Presently, airport development financing is done almost completely by local authorities. In the case of the new Dallas-Fort Worth Regional Airport, the tremendous revenue required, estimated to be over a billion dollars before construction had begun, has had to be raised from the sale of municipal bonds. Obviously, this method of funding is expensive and undependable and cannot be counted upon to provide the amounts of money which would be required in cities and towns throughout the United States if we are to develop a truly modern and safe airport and airways system.

In addition, this bill also adopts a philosophy similar to the one adopted by the highway financing system. Part of the moneys in this trust fund will come from taxes levied on users of airport and airways facilities. Although this will mean an increased burden from some people, I think that it is only fair that those who benefit most from a modern and safe airport and airways system pay a part of the construction and maintenance of this system.

The chairmen of the Committees on Commerce and Finance have done a splendid job in reporting this complex and comprehensive piece of legislation to the Senate. I support their work and I urge passage of this bill.

Mr. DODD. Mr. President, we have been playing a kind of Russian roulette in attempting to handle the burgeoning air traffic at airports across the country with inadequate facilities and insufficient personnel.

This is a most dangerous game, because if it is lost, not just one person dies, but hundreds.

Legislation such as H.R. 14465, the Airport and Airways Development Act, is overdue, and I shall support it.

Air passenger miles flown in this country tripled from 1960 to 1970, but our failure to furnish adequate facilities to handle this traffic has caused a near collapse of the system in some areas.

We cannot wait until we have a catastrophic airport accident to make needed improvements in our airports and airways systems.

Congested airport traffic is frustrating for the passenger, for airport personnel, and for flight crews, and this alone would be ample reason for improving our air systems. However, the growth rate of air transportation, both passenger and freight, is expected to remain high, and the safety of the millions of lives involved must now be considered. It is essential that we bring our facilities up to date immediately and that we look forward to the needs of the future.

To those who say we cannot afford such a system, I say we cannot afford to be without it. We need it not only for our large airports and huge passenger planes, but we also need to modernize our smaller airports.

This need for expanded and improved facilities at both large and small installations was dramatically illustrated by a tragic accident in Connecticut last week.

A small local airline which shuttled passengers between New London, Conn., and New York City, a distance of about 120 miles, took off on a misty morning for New York. It carried three passengers and two crewmen. When the plane arrived, Kennedy Airport was, as usual, crowded, and the plane was forced to circle the airport for about one-half hour.

The pilot requested instructions to land several times, but was told each time he could not be accommodated. Finally, his fuel running low, he decided to fly back to Connecticut to try to land his plane there. The plane flew back to New Haven and requested permission to land. But, by this time, the fog, which had been only a slight mist 2 hours before, had rolled in off Long Island Sound and it had thickened to such a degree that it blanketed the entire Connecticut coast. Because the New Haven airport possesses no facilities for instrument landing, the plane could not land there. The pilot was forced to fly back out over Long Island Sound in an attempt to make it back to New London. It is a short journey of about 40 miles. But the plane never reached its destination. It crashed somewhere in the waters of the sound. While the wreckage has been found, to date no sign of the five people aboard the plane has been discovered.

This tragedy might have been prevented.

If small airports such as New Haven's had been eligible for grants to install adequate air navigational devices, this plane which was shuttled up and down the Connecticut coast, could have landed safely.

For years, I have felt a little like Cassandra as I have sought to secure instrument landing systems and air traffic control towers for Trumbull Airport at Groton and other airports throughout the State. In September of 1965, I remember asking on the floor of the Senate:

> Must we wait for an airplane to crash into one of Groton's apartment complexes, or must we lose a contingent of Navy men en route to or from the United States Submarine Base before the Federal Aviation Agency will act?

We cannot wait any longer, for indeed a tragedy has occurred.

Let us get on with the business of improving and expanding our airports, let us make our air systems adequate to handle the planes of the 1970's, and let us look forward to providing facilities for the even larger planes and the even larger passenger and freight loads of the coming years.

We have the technical know-how to handle our air traffic safely and efficiently. It is time we began to do so.

VISIT TO THE SENATE BY THE RIGHT HONORABLE LORD BARNBY, MEMBER OF THE BRITISH PARLIAMENT

Mr. FULBRIGHT. Mr. President, if I may have the attention of the Senate for a moment, we have with us a distinguished visitor from Great Britain, a Member of the House of Lords and formerly a Member of the House of Commons. He has served in both Houses for more than 40 years.

He is one of the senior Members of the British Parliament.

I refer to the Right Honorable Lord Barnby who is standing in the rear of the Chamber at this moment.

I merely want Senators to know who he is, and to introduce him to the Members of this Chamber.

Because of his long service in Parliament, I am not sure whether he is the senior Member of Parliament or not; but he is, just about.

May I ask Lord Barnby to rise and be recognized.

[Applause, Senators rising.]

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2523) to amend the Community Mental Health Centers Act to extend and improve the program of assistance under that act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts, to establish programs for mental health of children, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2809) to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, project grants for graduate training in public health and traineeships for professional public health personnel.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11702) to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14733) to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers and for other purposes.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H.R. 11651) to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children not now being reached.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of one-half hour on all amendments to the bill and all amendments thereto.

Mr. DOMINICK. Mr. President, I object.

Mr. MANSFIELD. Mr. President, I withdraw my unanimous-consent request.

The PRESIDING OFFICER. The unanimous-consent request is withdrawn.

WIRETAPS ARE PAYING OFF

Mr. McCLELLAN. Mr. President, on yesterday, I inserted in the CONGRESSIONAL RECORD an article from the Washington Post entitled "$500,000 in Heroin Seized, 21 Arrested in Police Sweep."

According to the newspaper report, the detection of the narcotics and those apprehended as a result of the discovery all occurred by reason of the tapping of telephone wires of some of those who were later arrested. In other words, as a result of the law we passed in 1968, title III of the Omnibus Crime Control Act, by using the tool provided by that title, another sweeping raid and a blow against the narcotics peddler was struck.

In today's Washington Daily News, there is published an editorial relating to this wholesale arrest. It is entitled "Wiretap Payoff." It is an interesting editorial supporting the law, and I ask unanimous consent to have it printed in the RECORD.

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

WIRETAP PAYOFF

Local police and federal agents simultaneously raided 15 addresses here Tuesday, arrested 26 alleged dope peddlers and confiscated heroin said to be worth $1 million, not to mention some cocaine, marijuana and a dozen guns.

The district attorney said the police haul was a "major blow" to the narcotics rackets in the nation's capital, and led to information about dope traffic along the East Coast. These arrests won't dry up the racket, but they will help.

The wiretap provision in the 1968 Omnibus Crime Control Act has been sparingly used, as it should be. But its use in this case turned out to be invaluable, according to police.

When Congress passed this law, it was decried by many who claimed it was an unconstitutional "invasion of privacy."

But we think "invading" the privacy of a dope peddler is incomparably trifling when we contemplate the frightful afflictions which result from narcotics addiction.

The "major blow" struck against the dope racket here also is a major blow against the robberies committed by addicts desperate for funds with which to buy more dope. It is a blow to save the health and lives of those who are suckered into this vicious habit.

We can only hope that what has happened here will happen again and again and again, wherever the dope racket flourishes. And where wiretapping will assist in this cleanup, more power to it.

LEGISLATIVE PROGRAM

Mr. GRIFFIN. Mr. President, I take this time to inquire of the majority leader if he can give us some idea of what he has in mind in terms of business for the Senate for the rest of today, and the rest of the week.

Mr. MANSFIELD. I am delighted to respond to the question raised by the distinguished Senator from Michigan and acting minority leader.

It was the leadership's intention, following disposal of the pending legislation, to take up the extension of the Hill-Burton Act amendment and provisions of the Public Health Service Act. Following that, to take up a bill to amend the Rural Electrification Act of 1936.

However, I have been informed in no uncertain terms that it will not be possible to take up these measures immediately following the disposal of the pending legislation. Thus, it is the joint leadership's intention to take up, immediately following the disposal of the pending legislation, the HEW appropriation bill.

May I point out that the Senate has given its pledge that the Voting Rights Extension Act will be reported to the calendar on March 1 and that at that time it will become the pending business.

Mr. GRIFFIN. I thank the distinguished majority leader.

Mr. MAGNUSON. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. MAGNUSON. I think that the report on HEW will be ready in a few minutes, but I do not believe that all members of the Appropriations Committee involved would be quite ready for any in-depth discussion of the amendments today. But, if we could lay it before the Senate today and let the membership know that it will be considered tomorrow, we could then start work on all the amendments and all of its aspects. I think that would be helpful.

Mr. MANSFIELD. The joint leadership has discussed this matter. That is what we intend to do.

Mr. GOODELL. Mr. President, is it the intention of the majority leader to have us come in early tomorrow?

Mr. MANSFIELD. That has already been ordered. We come in tomorrow morning at 10 o'clock.

Mr. GOODELL. If the bill is not completed tomorrow, then we will have to vote on Saturday?

Mr. MANSFIELD. Quite possibly.

Mr. GOODELL. I thank the Senator.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14465) to provide for the expansion and improve-

ment of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

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

The PRESIDING OFFICER (Mr. MATHIAS in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMINICK. 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 West Virginia. Mr. President, will the Senator from Colorado yield for a unanimous-consent request?

Mr. DOMINICK. I yield.

Mr. BYRD of West Virginia. Mr. President, I am about to propound a unanimous-consent request. May I have the attention of all Senators?

I ask unanimous consent that all time on the first amendment offered by the distinguished Senator from Colorado (Mr. DOMINICK) be limited to one hour and a half, the time to be equally divided between the Senator from Colorado and the Senator from Nevada (Mr. CANNON); and that all time on each subsequent amendment be limited to 1 hour, the time to be equally divided between the mover of the amendment and the Senator in charge of the bill, or whomever he may designate in opposition thereto.

Mr. DOMINICK. On amendments to the amendment we will need 1 hour, too.

Mr. BYRD of West Virginia. Can we not make it one-half hour?

Mr. DOMINICK. We cannot do that.

Mr. BYRD of West Virginia. There may not be any.

Mr. DOMINICK. Perhaps.

Mr. BYRD of West Virginia. And that all time on each motion, substitute or amendment thereto, except a motion to table, be limited to 1 hour, the time to be equally divided between the mover of the amendment and the manager of the bill, or whomever he may designate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOMINICK. Mr. President, without losing my right to the floor, I yield to the Senator from Vermont.

Mr. PROUTY. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. PROUTY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, reads as follows:

On page 46, line 2, strike out "1969" and insert in lieu thereof "1970".

On page 60, line 20, strike out "1970 through 1979" and insert in lieu thereof "1971 through 1980".

On page 60, line 25, strike out "1970 through 1979" and insert in lieu thereof "1971 through 1980".

On page 61, line 5, strike out "1970 through 1979" and insert in lieu thereof "1971 through 1980".

On page 88, line 22, strike "1969" and insert in lieu thereof "1970".

On page 89, line 2, strike out "1969" and insert in lieu thereof "1970".

On page 89, line 9, strike out "1969" and insert in lieu thereof "1970".

On page 89, line 16, strike out "1969" and insert in lieu thereof "1970".

On page 89, line 24, strike out "1969" and insert in lieu thereof "1970".

On page 90, line 4, strike out "1969" and insert in lieu thereof "1970".

On page 90, line 10, strike out "1969" and insert in lieu thereof "1970".

On page 90, line 16, strike out "1969" and insert in lieu thereof "1970".

On page 91, line 1, strike out "1969" and insert in lieu thereof "1970".

Mr. PROUTY. Mr. President, the amendment I offer is simply one of a technical nature only.

This amendment would simply make appropriate date changes throughout the first three titles of the bill, H.R. 14465, so as to conform with title IV, and take into account the fact that the next fiscal year is but 4 short months away.

For example the first date change from 1969 to 1970 on page 46 simply changes the title of the act from the "Airport and Airways Development Act of 1969" to the "Airport and Airways Development Act of 1970."

I understand the amendment is acceptable.

Mr. CANNON. Mr. President, I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

The amendment was agreed to.

AMENDMENT NO. 521

Mr. DOMINICK. Mr. President, I call up amendment No. 521.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment ordered to be printed in the RECORD, reads as follows:

After line 3, page 143, add the following new section:

"That section 601 of the Federal Aviation Act of 1958 is amended by inserting at the end thereof a new subsection as follows:

"'Downed Aircraft Rescue Transmitters

"'(d) Minimum standards pursuant to this section shall include a requirement that downed aircraft rescue transmitters shall be installed—

"'(1) on any aircraft for use in air commerce, the manufacture of which is completed, or which is imported into the United States, after six months following the date of enactment of this subsection;

"'(2) on any aircraft used in air transportation after two years following such date; and

"'(3) on any aircraft used in air commerce after five years following such date.'"

Mr. DOMINICK. Mr. President, the printed amendment is on every Senator's desk.

I yield myself 10 mintues to explain the amendment. It may take a little more time. I do not intend to take very long. I hope that the manager of the bill will accept the amendment. If he is not going to accept it and can so indicate now, we might as well get the yeas and nays.

Mr. CANNON. Mr. President, I do not know whether I will accept the amendment. I want to hear what the Senator has to say.

Mr. DOMINICK. Mr. President, the language has been put into amendment form. It was an original bill introduced by the Senator from Washington (Mr. MAGNUSON) and me several years ago and again in the beginning of this Congress. It has not had any hearings. However, despite the fact that it has not had any hearings, I think that the evidence of the need for this is perfectly clear.

For years now, we have had general aviation aircraft go down either for mechanical reasons or because of weather or pilot error or whatever other reason it might have been.

Immediately upon that happening, and when it is discovered that they have not arrived where they intended to go, search and rescue efforts are then started. Then someone has to find out where they are. And they have continued these efforts and have spent many flying hours in doing so. They have lost people in the process of air rescue efforts. It has happened all over the country.

The cost in terms of money to the taxpayers for the Air Force and the Civil Air Patrol and the cost in terms of how many lives of people who have not been found has been absolutely extraordinary.

I think in order to put the matter in perspective, I ought to give some figures.

Starting in 1961, when inadequate records were being kept, two airplanes were reported down. Both of them were in California, or one might have been in California or Oregon. Four persons were on board. They have never been found, neither the airplanes nor the people.

In 1962, when further effort was made along this line in the way of keeping records, 11 aircraft were reported down. They have never been found. There were 16 persons on board.

In 1963, five aircraft were reported down. There were 10 people missing.

In 1964, four airplanes and five people were involved.

In 1965, 13 airplanes and 22 people were involved.

In 1966, 13 airplanes and 20 people were involved.

In 1967, 12 airplanes and 23 people were involved.

The most information I have got for 1968 is that 18 aircraft and 38 people were involved.

We do not have the figures for 1969.

I think we can see the problem this creates not only in terms of rescue efforts involved in going in to try to find these airplanes, but also the cost in human misery. Every family of each person who has been reported down simply

finds that it is in a position, legally speaking, where it has a missing relative of one form or another.

In many States, the estate is tied up for over 7 years because there is no presumption of death until the 7-year period has gone by. They cannot do anything about the estate or about the property situation.

In the meanwhile, they do not know where the missing persons are, whether they are injured or dead, or whether they have simply disappeared for reasons of their own.

From 1961 to 1968, there have been a total of 78 aircraft which have totally disappeared with 139 people on board, despite all the rescue efforts that have been made.

What expense is involved? What does this mean in terms of people? I do not have the figures here immediately. However, I have put them in the RECORD before. Reciting from memory only, from 1961 to 1965 the cost to the general taxpayer in terms of the cost of operating the Aerospace Rescue and Recovery Service was $59 million.

These are just the search and rescue efforts that have been made that we know of. And in many cases the Civil Air Patrol has voluntarily carried the whole load and not even turned in the cost of their gasoline to the Federal Government.

I have some news items here which I think are pretty interesting.

Here is one of November 14, 1969. It is entitled, "It Was Terrible; Horror of 5 Crash-Stranded Days Told." The article was from Nevada City, Calif. It describes the people who were talking from hospital beds where this woman and her husband were 5 days in the aircraft waiting for someone to come and rescue them.

Here is another article entitled, "Colorado CAP Wing Halts Search for Light Plane." It tells of a missing light plane reported down between Denver and Grand Junction. It does not say how long this search went on.

I have another article entitled, "CAP's Search for Airplane is Continuing." This refers to the airplane being down between Denver and Grand Junction.

I have another article entitled, "Two Weeks in Plane Wreckage; Error in Search Saves Two." The people had been stranded for 2 weeks.

These are all 1969 clippings that I have kept. I have here an editorial from one of the papers entitled, "Protect Pilots From Themselves."

I have another clipping entitled, "Area Men Object of CAP Hunt."

Mr. President, I ask unanimous consent that the articles and editorial to which I have referred be printed at this point in the RECORD.

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

[From the Washington Daily News, Nov. 14, 1969]

HORROR OF 5 CRASH-STRANDED DAYS TOLD

NEVADA CITY, CALIF., November 14.—"Marvin was very strong, he handled the controls and pulled us out, but we went down again . . . lower and lower. I prayed to God to save us."

Anita Miler, 23, spoke softly from a hospital bed. A few feet away her husband Marvin, 25, mumbled thru the wires binding his broken jaw: "It wasn't the plane's fault."

The Vancouver, Wash., couple, en route from Reno, Nev., to Disneyland near Anaheim, Calif., crashed last Friday on a mountainside and survived five days on melted snow and dried soup.

They were rescued after Mr. Miler struggled eight miles thru foot-deep snow with a broken ankle, jaw and wrist to a mountain resort.

"We crashed and I looked up and here I was and I was all right, and I turned to Marvin and I said, 'Honey, let's get out of here,' she said.

But her husband was unconscious.

"I looked around and there a few feet away was a cabin. It took me a long time to get out of the plane; I was all pinned in," Mrs. Miler said.

"I came back for Marvin. He was out, he couldn't hear what I said. I helped him into the cabin.

"He scared me so because the blood was just running out of his ear. It was terrible. He just kept saying, 'What happened?'

BUILT FIRE

"I helped him into the cabin. When we got in, there was a stove. I pulled paper from the wall. I had some matches. I pulled out the cupboard and shelves and burned every piece of wood I could."

Mr. Miler was delirious for a day, while his wife melted snow in a soft drink can and prepared dried soup. On the second day, he recovered.

For three days the couple stayed close to the cabin. They burned an abandoned building at one point to attract rescuers but nobody noticed, despite the fact one plane came so close to the crash site "we could have hit it with a rock."

On Wednesday, Mr. Miler set out to seek help and was found wandering along the roadside about two miles from Sierra City, a mountain village.

A sheriff's rescue vehicle then went in to bring out Mrs. Miler.

COLORADO CAP WING HALTS SEARCH FOR LIGHT PLANE

The Colorado Wing of the Civil Air Patrol (CAP) Sunday night called off its search for a missing light plane piloted by a Grand Junction, Colo., man because of a lack of leads.

The plane, a Cessna 150 flown by Glenn Scott, 69, vanished Oct. 31 on a flight from Denver to Grand Junction. Capt. Harlan Cook, CAP information officer, said Scott had 100 hours of flying experience.

Cook said the search will be reopened if new leads are found.

During the first weekend of the hunt, planes were kept on the ground by bad weather. But fair weather made the search a full-scale effort every day last week, with as many as 15 planes and 25 ground parties participating each day.

The planes systematically covered a wide area along the entire probable flight path of the missing plane. Cook said the CAP's effort was hampered by new snow, which totaled 19 inches in much of the search area.

CAP'S SEARCH FOR AIRPLANE IS CONTINUING

The Colorado Civil Air Patrol continued Saturday its search for a small aircraft believed down between Denver and Grand Junction.

The green Cessna 150, piloted by Glen Scott of Grand Junction and bearing the number 50938, left Denver for Grand Junction at 10:15 a.m. Friday. The aircraft carried 3½ hours of fuel for the 2½-hour flight, the CAP said.

The air search, headed by mission coordinator Maj. Gene Wirth, will resume when weather permits. Meanwhile, ground parties are continuing their search in the Winter Park area.

TWO WEEKS IN PLANE WRECKAGE; ERROR IN SEARCH SAVES TWO

JACKSON, CALIF.—Two men who spent two weeks in the wreckage of a light plane with the body of the pilot are safe today because of an erroneous smoke report and the determination of friends.

Neither Eugene Ebell, 33, nor Robert Staar, 17, suffered major injury from the Jan. 11 crash or their 15 days without food. Pilot Donald Shaver was killed in the crash in the Sierra Nevada mountains.

Ebell had chartered the plane in Fresno, the hometown of all three men, to fly to Elko, Nev., to pick up the body of an uncle who was to be buried in Fresno. Staar, a friend of the pilot, went along for the ride.

Ebell said the pilot tried to turn back over the Sierra Nevada because the plane's wings were icing but, in turning, the plane lost too much altitude and crashed.

Ebell and Staar were rescued by helicopter yesterday from a rugged canyon 35 miles east of Jackson after Staar was spotted from the air.

They said they had heard and seen search planes regularly, but none came far enough up the mountains to see them. The crash site was near the 7,000-foot level of the Sierra about 180 miles east of San Francisco.

Staar set out Sunday to get help.

At the same time, searchers shifted their aerial hunt to the east because of an apparently erroneous report of smoke. On their way to the area yesterday, Doyle Hawkins and helicopter pilot George Wurzburg spotted Staar beside a log where he had slept overnight after walking 3½ miles.

As many as 20 planes a day had searched the Sierra for the wreckage the first week, then gave up. Friends and relatives of the missing men collected $1,400 and hired the helicopter last Friday to continue the aerial hunt.

Doctors at Amador Hospital said the survivors were treated for exposure and minor frostbite. Ebell also had some crushed ribs.

PROTECT PILOTS FROM THEMSELVES

The white vastness of Corona Pass stretched onward for miles beneath search planes Sunday that pored over its bleakness in search of a small private plane that ended its last flight Friday with a deathly plunge into a mountainside.

Finally, after hours of looking, a plane spotted a clump of darkness in the snow.

A few hours later, ground crews pulled the bodies of a California couple from the wreckage.

The plane apparently crashed shortly after takeoff from Stapleton Field in Denver at 10:16 a.m. Friday.

Yet searchers were faced with the tremendous task of combing hundreds of square miles encompassing the flight pattern filed by the plane's pilot.

This time, there were no survivors. But there have been other times when there were. And there will be others.

Current legislation proposed by U.S. Sen. Peter Dominick and State Rep. Ted Bryant can eliminate the ever present danger of persons surviving a crash only to die of exposure or lack of medical aid.

Mandatory installation of crash locater beacons, small battery powered pieces of equipment that shoot out a life saving beam, would end the hours, days and months of waiting for help that have cost many their lives.

The pilot of the plane that crashed Friday had at least filed a flight pattern that led searchers to the crash site in a relatively short time. Others have never been found.

But, had a functioning crash locater beacon been aboard, the crash could have been found in a matter of short hours. And any survivors could have been rescued.

Despite the apparent need for required rescue equipment, there looms a bigger, more complex issue that could be combined with material equipment not only to save lives after crashes, but to prevent crashes.

Colorado's mountains have for years claimed the lives of pilots who have had too little, or no experience, in traversing them.

The intricacies of mountain flying, particularly in single engine planes, is too apparent to the state residents who read almost weekly of another pilot who "thought he could make it."

One does not receive a second chance when attempting to climb over 12,000 foot peaks while being pulled from below by unpredictable down drafts.

So the essence of air safety points in more than one direction. It is time meaningful legislation began to probe effectively all the possibilities.

And a pertinent direction should be that of specialized training for persons who attempt to navigate the Rocky Mountains from the air. Without this special training, death from the skies will continue.

AREA MEN OBJECT OF CAP HUNT

Members of the Colorado Wing of the Civil Air Patrol (CAP) Friday joined a three-state search for a missing plane carrying three Denver-area men on a flight from Denver to El Paso, Tex.

The men, all Martin Co. engineers, were identified as Ted R. Jones, 35, of 6591 S. Marion St., Arapahoe County, the pilot; Eugene W. Harker, 38, of 5065 Juniper St., Bow Mar, and William DeVos, 43, of 3453 W. Bowles Ave., Littleton.

Capt. Harlan Cook, Colorado CAP information officer, said they took off from Stapleton International Airport at 11:15 p.m. Wednesday and were to arrive in El Paso at 2:15 a.m. Thursday.

He said no report of the plane, a two-engine Cessna 310, had been received since takeoff. Cook said it was reported that they were going on a fishing trip in the vicinity of Navarro, N.M.

Cook said 12 CAP aircraft and three ground parties began the Colorado phase of the hunt early Friday on a full-scale basis. Colorado units did their first searching Thursday afternoon, along with CAP personnel in New Mexico and Texas.

Cook said the Colorado searchers Friday were concentrating on the probable flight course between Stapleton and Pueblo, Colo. The missing plane was to have passed over or near Pueblo, and Las Vegas and Corona, N.M.

Federal Aviation Administration officials in Denver said severe icing conditions existed on the missing plane's flight course at the time it was in the air.

Mr. DOMINICK. What am I trying to do by this amendment? I am trying to say that original general aviation aircraft when they are manufactured must have on them a locator beacon. When they go down, it automatically emits a signal. And anyone tuned in on this signal, which is either 121.5 or 243.0, can home in on the transmitter and find it within a matter of minutes. To give an example of whether or not it works, we had a test outside of Aspen, Colo., at a time when I happened to be flying my own airplane. I was notified a test was going to be made. I did not have a homing beacon of that frequency I could use. I had a general idea where I was going to be, somewhere near this Aspen, Colo., mountainous terrain. I tuned in and by simply using the volume control on my receiver, using this signal, within 15 minutes I was within a quarter of a mile from where it was and I did not have a homing beacon. The method simply is that when the search plane goes away from it, it disappears and when the search plane comes toward it, it increases in volume and so you can locate where the particular instrument is.

The objections we have had to this particular proposal largely have been from those people who say this type requirement should not be mandatory, that it should be voluntary. The difficulty with that is that all pilots, including myself, are basically optimistic. One has to be optimistic if he is in politics, if he is a flyer, or if he is in the mining game; otherwise no one would go into them. One has to figure he is going to win. This is especially true in being a pilot. So they have not put in this equipment.

There have been proposals by the FAA that they be required over areas such as the desert or large bodies of water. If that method is going to be followed the difficulty is there would have to be an army of inspectors to enforce it. In addition, there would be great difficulty in trying to find out where they could be picked up and returned again; whether it is going to be possible to orient the rental instrument—in other words, whether they are in proper working condition when they are rented.

The estimated cost at the present time of installing these instruments as new equipment in aircraft is between $250 and $300 per airplane. If someone is buying a new airplane, and they are sold every day, the cost of $250 to $350 could be relatively easily absorbed, in my judgment, by the manufacturer so it would not be very much of a cost increase; and if it is not absorbed, in terms of lifesaving devices it is not going to be the difference in whether a pilot buys the airplane or not. All one would have to do is go down once and have this signal work and he will know how important this signal is to anyone in the airplane or to the families they have left at home.

Mr. President, I have just a couple of other points that I wish to make and then I shall reserve the remainder of my time.

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

Mr. DOMINICK. Mr. President, I yield myself 4 additional minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 4 additional minutes.

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

Mr. DOMINICK. I am happy to yield to the Senator from Washington.

Mr. MAGNUSON. Mr. President, as the Senator knows, I have been interested in this matter. The amount the Senator mentioned is the present going price. However, we had some testimony to the effect that if this was going to be more widely used then they would be able to bring the cost down and as they have more orders of this type, the manufacturers, whoever they may be, would be able to produce these much, much cheaper.

Mr. DOMINICK. That is correct.

Mr. MAGNUSON. They would be installed as standard equipment.

Mr. DOMINICK. Yes. As a matter of fact, I have had information from some people who have been in to see me on this matter because I have been very active on it, and they hope to get it down to $50.

Mr. MAGNUSON. The testimony we had was to the same effect.

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

Mr. DOMINICK. I yield.

Mr. GOLDWATER. Mr. President, to sharpen up the focus on this point, I recall that when transponders first became available for private aircraft, the price was $3,500. Now that they are becoming mandatory and can be more or less mass produced, they are being offered for under $1,000.

Knowing something about the electronics involved in a locator beacon such as this, I feel certain that when they are required to be placed on aircraft, they could be procured for between $50 and $100.

Mr. President, I commend the Senator for introducing this amendment. I know there is opposition to it, but living in the Rocky Mountain region and having participated in many searches for aircraft and having lost good friends in lost aircraft, I think it is an important measure.

I might ask the Senator if it is true that considering just the great many hours that the Civil Air Patrol has spent on searches and if we assume the ridiculously low price—I would say almost impossible price—of $10 an hour, we are talking about something close to $2 million in just the cost of gas that has been spent on these searches. Am I correct?

Mr. DOMINICK. The Senator is correct. That does not cover the cost of the Air Force when they go out and also participate in search efforts.

Mr. GOLDWATER. They do. We have a group at the Air Force base near Phoenix that goes out on all searches. The Civil Air Patrol is not the only group that goes out. We have sheriffs' air posses that participate. I do not think there is an aircraft owner in Arizona that does not have his aircraft available immediately for searches.

Probably in the Senator's State and in Wyoming, Alaska, Nevada, and the Rocky Mountain States, we lose more airplanes every week than are lost in the rest of the country in a year. This comes close to home to all of us.

Mr. DOMINICK. I appreciate the Senator's comments.

Mr. President, I might say it is very interesting. We have the number of hours for Aerospace Rescue and Recovery Service in 1968. The table is broken down among Eastern, Central, Western, and Alaskan areas. In the Eastern area there were 28 aircraft missing more than 24 hours before they were found. The Eastern area includes the States of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, West Virginia, Ohio, Kentucky, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama and Mississippi.

There were only 25 aircraft missing

more than 24 hours in the Central Region. In the Western Region there were 33 aircraft missing more than 24 hours. The Western Region includes the States of New Mexico, Arizona, Utah, Nevada, California, Oregon, Idaho and Washington.

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

Mr. DOMINICK. I yield myself 5 additional minutes.

Colorado is included in the Central area. In 1969 we had quite a number of planes that went down there. We plotted a map and put it up before the Radio Technical Commission for Aeronautics meeting about 2 years ago when I made a talk before them in Washington. The map showed airplanes down more than 3 days. There were more of them in the area of South Carolina, Florida, and Georgia than anywhere else in the country, which I could not believe. I thought there would be more in our area or in the area of Oregon and Washington. However, I assume that is because of the lakes and marshes in the Southeast.

There may have been some of those planes that decided to take off and not tell anybody. That is always a possibility. If they had these locator beacons, we could find them.

Mr. President, I ask unanimous consent to have printed at this point in my remarks the table showing the Aerospace Rescue and Recovery Service statistics to which I have referred.

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

AEROSPACE RESCUE AND RECOVERY SERVICE, 1968

Eastern A.R.R.C.: (includes states of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, West Virginia, Ohio, Kentucky, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama and Mississippi.)

Aircraft missing more than 24 hours	28
Of which were missing more than 3 days	20
Of that total how many never been found?	5
Total search hours:	
U.S. Air Force	54
CAP	6,830
Total	6,884

Central A.R.R.C: (includes states of Michigan, Indiana, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Montana, Iowa, Nebraska, Wyoming, Colorado, Kansas, Missouri, Arkansas, Oklahoma, Louisiana and Texas.)

Aircraft missing more than 24 hours	25
How many were missing more than 3 days?	15
How many never found?	4
Total search hours:	
U.S. Air Force	891
CAP	8,109
Total	9,000

Western A.R.R.C.: (includes states of New Mexico, Arizona, Utah, Nevada, California, Oregon, Idaho and Washington.)

Aircraft missing more than 24 hours	33
How many missing more than 3 days?	18
How many never found?	6
Total search hours:	
U.S. Air Force	1,071
CAP	7,368
Total	8,439

Alaska:

Aircraft missing more than 24 hours	40
How many were missing more than 3 days?	6
How many never found?	3
Total search hours:	
U.S. Air Force	806
CAP	2,316
Total	3,122

RECAP

Search hours flown by Air Force	2,822
Search hours flown by Civil Air Patrol	24,623
Total search hours	27,445
Crashed aircraft located	260
Downed aircraft never found	18

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

Mr. DOMINICK. I yield.

Mr. ALLOTT. Mr. President, I thank my distinguished colleague for yielding, because I have followed his interest in this amendment for a long time, and I wholeheartedly support it. I think the editorial to the effect that pilots must be protected from themselves brings up the main issue that is involved.

I would like to ask the Senator one question with respect to the cost of this proposal. The Senator from Arizona has mentioned the rescue efforts of the Air Force and the National Guard. We have spoken of the CAP. In addition to these efforts, I recall from my experience with flying that almost every private airplane that was on any small airport anywhere near a downed aircraft would join in the search for the airplane.

Mr. DOMINICK. The Senator is totally correct.

Mr. ALLOTT. So there is really no way of adding up the total amount that is spent for the search and rescue efforts. We have special problems in the Rocky Mountain region with those who have not had any experience with the unique flying conditions which exist there. Some experienced flyers have gone down in these mountains, because they were unfamiliar with the updrafts and downdrafts peculiar to Rocky Mountain flying.

When there is such a locator facility available within the cost parameters talked about here, it seems outrageous to spend all this money in search-and-rescue operations, when the lost plane could have been found if a marker beacon had been used on the plane.

Mr. DOMINICK. I certainly want to thank my colleague for bringing these points up, because they dramatize the problems we have. We have not even talked about the ground searches that go on in a great many areas. Someone says he heard a low-flying airplane in bad weather, and the airplane does not show up. As a result, there are ground searches made.

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

Mr. DOMINICK. I yield myself 5 additional minutes.

In order to be totally fair, one of the problems we have had to date with this particular system is the question of who will be listening. It is all right to put up a signal, but the question is, who is going to be listening? The interesting thing is that the FAA is in the process of completely equipping its own aircraft so they can home in.

The other procedure that can be followed is to include it as a part of the NASA satellite concept. This has not been done yet because of the budget problems we have, but with a satellite overhead which could pick these programs up, within an hour the signals of the aircraft that was down could be pinpointed. It is really a quite extraordinary development.

I hold in my hand an article written by Dan Partner, a very able reporter for the Denver Post, written on October 19, 1969, in which he mentioned the possibility of using the satellite system for air traffic control. It can also be used for the air rescue effort.

I ask unanimous consent to have the article printed in the RECORD.

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

TRAFFIC CONTROL SATELLITES URGED

(By Dan Partner)

A satellite system for use in air traffic control is emerging as a practical application of space technology that has produced the communications and weather satellite programs.

Given a high priority, a system of satellites could be orbiting the earth by 1976 that could pinpoint the positions of thousands of aircraft expected to be clogging the domestic and international airlanes. The system would be similar, but considerably more advanced, than the four-satellite system now in use for surface ships.

TRW Inc. engineers are working on a plan that would permit Federal Aviation Administration air traffic control centers to determine positions of aircraft to an accuracy of 50 feet through data flashed from space at one-second intervals. Technology for the system is available, says David D. Otten, advanced systems manager for control and navigation satellites for TRW's Systems Group.

A small antenna and transmitter for use aboard aircraft would cost $400 and weigh three pounds. In addition, the satellite system would provide precise radio navigation to planes at a cost of about $5,000 each, Otten estimates.

The system would require six satellites to cover the United States and from 12 to 15 to service worldwide air traffic routes. Otten estimates the cost at from $54 million and $66 million, including development, hardware, launch and operational expenditures. Each satellite would have a lifetime of about five years.

Meanwhile, the FAA and the Department of Transportation are beating the drums for passage of the aviation facilities expansion act, now before Congress. In an article, "Logjams in the Sky," in the September issue of FAA Aviation News, Transportation Secretary John Volpe wrote:

Passengers carried in 1968 by U.S. airlines amounted to 75 per cent of the nation's population. At the rate passenger traffic is increasing, the number of passengers carried will surpass the population within a short time.

In the general aviation category, private fleets are doubling every decade. This segment of aviation will represent 10 per cent of the gross national product by 1980.

Air freight hauled by commercial airlines jumped an unprecedented 21 per cent last year over the previous 12 months.

The proposed legislation, Volpe contends, maintains that if present growth in aviation is to continue, then both commercial and general aviation interests must share in the development costs to improve and update U.S. airport and airways facilities.

Says FAA Administrator John Shaffer: "The expansion of our air traffic control system has fallen far short of matching the growth in air traffic. More than two-thirds of the nation's 3,200 airports are in need of landing area improvements, and 900 more airports are going to be needed before 1980."

The administration's airport-airways program has a user tax base which would set up a designated account to protect the funds for use on the airports and airways. The bill establishes a federal commitment to a 10-year $2.5 billion grant-in-aid program. It authorizes $1.25 billion over the next five years, starting with $180 million in fiscal year 1970 and $220 million in 1971.

Mr. DOMINICK. In addition, as I pointed out before, if it is known that a flier is going from one point to another, either by his family or through a flight plan, and we get a report that the plane is down, it is not only possible, but it will inevitably happen that any private aircraft going through that area will start monitoring those signals. By the volume control one can, generally speaking, pick it up and determine where it is.

Second, it is totally feasible, and I think it is highly possible, to get the commercial airliners which are crisscrossing the country to install a little receiver—this is not required in the bill; I am just pointing out what can be done—with a pinpoint light on the dashboard. When a signal is picked up it will flicker. All the pilot has to do is report it to the nearest FAA flight service station. They in turn can start the air rescue effort. I have talked with some of the officials with respect to this matter. They do not want to go ahead with it until other concepts can be explored, because of the cost involved. I do not blame them for it. But if we can go ahead, we will be that far ahead of the game.

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

Mr. DOMINICK. I yield.

Mr. CANNON. I wanted to raise a few points in colloquy with the Senator.

I am sure the Senator is aware of the fact that the FAA proposed that very thing, under its rulemaking authority, in 1968, and it heard such an uproar from the users and pilots that they did not do anything further with it. So, in effect, that has been abandoned.

It seems to me there are two or three weaknesses in that proposal, and I would like to have the Senator respond to those, if he would not mind.

Mr. DOMINICK. May I respond to the first one first?

Mr. CANNON. Yes.

Mr. DOMINICK. They proposed at that time to preposition some of these locator beacons at base operations throughout the country, where they could be picked up on a rental basis and put in the aircraft and could be used when going over a deserted area, or desert land, or a body of water. That system is not going to work. Many of the objections did not go to putting that device in; they went to the question that the system would not work and the money would be put up for nothing. I myself objected to it.

Mr. CANNON. Two points disturb me. One of them is that there are a number of small airplanes, two-seater airplanes, around the country that people plan on using no more than 50 miles away from their home. They like to fly for a little pleasure and sport. To that type of airplane you would add something that will add substantially to the cost of the airplane, without reducing any appreciable risk.

Mr. DOMINICK. May I answer that question first?

Mr. CANNON. Yes.

Mr. DOMINICK. I am not sure of the exact percentage, but I think it is right. Approximately 60 percent of the accidents that happen in general aviation occur within 20 miles of the airport. In my part of the country, and I am sure in the Senator's part of the country, I know we have cases in which a person has gone off the airport, has disappeared in a cloud, has crashed, and has not been found for a week. So it is just as important in training planes as in planes which can be used for cross-country flying, so they can be found if they go down.

Mr. CANNON. To go to the figure used by the Senator, I would go further and say that 60 percent of mishaps happen within 1 mile of the airport. A good many of them happen right at the airport. What the Senator is trying to do is to have some kind of device that would help in locating a lost airplane.

Mr. DOMINICK. That is correct.

Mr. CANNON. The Senator does not make any distinction with respect to the larger jets. Take the commercial jets. I would say that the system for tracking them and knowing where they are at any given time is much more accurate than any locator beacon system such as would be installed in the small airplanes as you suggest. It seems to me it would be a waste of corporate money of the commercial airline industry to have to put this kind of equipment in the commercial jet airplanes.

Mr. DOMINICK. Let me say that I am not anchored in on phase 3. It gives them 5 years to put it in. I am perfectly willing to take that provision out. The only reason it was put in there originally is that many aircraft used in air commerce were not jets. Particularly was this true 2 years ago, when we started developing this device.

If the Senator will feel happier about it, I am perfectly willing to modify the amendment to take out paragraph 3.

As to the propeller airplane problem, the commercial airliner going out over water, extensive water hazards, and things of that kind, I can see how perhaps we need something to deal with those matters, but since almost all of them are flying almost totally under instrument flight conditions, where they are monitored all the way, I think this may be asking a little more than we should, and I am perfectly willing to modify the amendment to that extent.

The PRESIDING OFFICER. The Senator's time has again expired.

Mr. DOMINICK. I yield myself 2 additional minutes.

Mr. President, I ask unanimous consent to eliminate from my amendment subparagraph (3) on page 2.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

Mr. DOMINICK. I so modify my amendment, and I strike the semicolon and the word "and" in line 5, and insert a period after the word "date".

The PRESIDING OFFICER. The amendment will be modified as the Senator has specified.

Mr. DOMINICK. I think the suggestion of the Senator from Nevada is reasonable, and I am happy to accept it, and have so modified my mendment.

Mr. President, I ask unanimous consent to have printed in the RECORD a table that I have showing aircraft which have been missing from 1961 through 1967, together with the number of people on board and the States from which they were declared missing.

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

MISSING AIRCRAFT

Area	Date	Persons on board
California, Oregon	Dec. 1, 1961	2
California	Mar. 14, 1967	2
Total		4
Louisiana, Texas	Jan. 4, 1962	3
South Carolina	Mar. 1, 1962	1
Oregon	Mar. 17, 1962	1
Alaska	June 5, 1962	1
Michigan	June 28, 1962	1
North Carolina	July 22, 1962	4
Michigan	Aug. 18, 1962	1
Do	Sept. 1, 1962	1
Alaska	Oct. 16, 1962	1
Do	Oct. 18, 1962	1
Washington	Nov. 10, 1962	1
Total		16
Utah, Colorado	Jan. 9, 1963	4
Utah, Nevada, California	Mar. 28, 1963	2
Oregon	July 20, 1963	1
Washington	Aug. 28, 1963	1
Michigan, New York	Nov. 3, 1963	2
Total		10
Washington	Jan. 27, 1964	1
North Illinois	Feb. 15, 1964	1
South Carolina	May 3, 1964	1
Oregon, Washington	June 15, 1964	2
Total		5
Florida, Alabama	Jan. 3, 1965	4
Washington	Jan. 29, 1965	1
Do	May 17, 1965	4
Alaska	June 6, 1965	1
South Florida	July 7, 1965	1
Louisiana	July 12, 1965	1
South Carolina	Sept. 5, 1965	1
Kentucky, North Carolina	Sept. 7, 1965	1
Alaska	Sept. 13, 1965	1
West Massachusetts	Sept. 14, 1965	2
South Florida	Nov. 1, 1965	2
Do	Dec. 7, 1965	1
California	Dec. 10, 1965	2
Total		22
Maine, Vermont, New Hampshire	Mar. 20, 1966	1
Maine	Apr. 2, 1966	2
South Carolina	do	1
New York, Massachusetts	Apr. 27, 1966	2
South Carolina	May 10, 1966	1
Arizona	June 21, 1966	1
North Carolina	June 28, 1966	2
Do	July 14, 1966	1
Florida, Mississippi, Louisiana	Sept. 20, 1966	2
Alaska	Sept. 23, 1966	1
Do	Oct. 9, 1966	1
Alabama, Georgia	Nov. 8, 1966	1
Ohio	Dec. 20, 1966	4
Total		20
Florida	Jan. 15, 1967	4
Michigan	do	3
North Carolina	Apr. 24, 1967	2
South Texas, Mexico	Apr. 27, 1967	1
Utah, Nevada, California	June 3, 1967	3
Alaska	June 14, 1967	1
Florida	July 8, 1967	1
Missouri	Aug. 26, 1967	2
Florida	Oct. 8, 1967	1
South Florida	Oct. 11, 1967	2
Arkansas, Texas	Oct. 14, 1967	1
Ohio, Kentucky, Tennessee, Georgia	Dec. 23, 1967	2
Total		23

Mr. DOMINICK. I reserve the remainder of my time.

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

The PRESIDING OFFICER. On whose time?

Mr. CANNON. Mr. President, the time may be taken from my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CANNON. 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. DOMINICK. Mr. President, I further modify my amendment, and send the modified amendment to the desk. I shall read it now, so that we can be sure Senators know what it is:

After line 3, page 143, add the following new section: That section 601 of the Federal Aviation Act of 1958 is amended by inserting at the end thereof a new subsection as follows:

"Downed Aircraft Rescue Transmitters

"(d) Minimum standards pursuant to this section shall include a requirement that downed aircraft rescue transmitters shall be installed—

"(1) on any aircraft for use in air commerce, except jet aircraft used in commercial transport, the manufacture of which is completed, or which is imported into the United States, after six months following the date of enactment of this subsection;"

I think, if the Senator from Nevada does not mind, we will change that to "one year" instead of "six months".

Mr. CANNON. Very well.

The PRESIDING OFFICER. The amendment will be modified as specified.

Mr. DOMINICK. So it would read:

After one year following the date of enactment of this subsection;

And then continuing:

(2) on any aircraft used in air transportation after three years following such date.

Subsection (3) would be stricken.

As such, it is my understanding that the Senator from Nevada will accept the amendment.

Mr. CANNON. Mr. President, I am willing to accept the amendment as now modified by the distinguished Senator from Colorado.

I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Colorado yield back the remainder of his time?

Mr. DOMINICK. I yield back the remainder of my time.

The PRESIDING OFFICER. The remaining time having been yielded back, the question is on agreeing to the amendment (No. 521) of the Senator from Colorado (Mr. DOMINICK), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 526

Mr. JAVITS. Mr. President, I call up my amendment No. 526 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, and I shall explain the amendment.

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

Mr. JAVITS' amendment (No. 526) is as follows:

On page 51, after line 23, insert the following:

"SUBMISSION OF SCHEDULES STUDY

"SEC. 105. The Department of Transportation in cooperation with the Civil Aeronautics Board shall conduct a study to determine the feasibility of (1) authorizing the Board to require the submission of a schedule of service as a condition of any certificate issued to a commercial air carrier by the Board and (2) authorizing the Board to require revision of such schedule of service where necessary in order to reduce or avoid undue congestion at major airports. The Department of Transportation shall complete such study within one year from the enactment of this Act and shall submit a report to the Congress for reference to the appropriate committee."

Mr. JAVITS. Mr. President, I yield myself 3 minutes.

The purpose of this amendment is simply to get from the Department of Transportation, in cooperation with the CAB, a study on the feasibility of authorizing submission of schedules by commercial air carriers to the board, and the feasibility of authorizing the board to require revisions of such schedules where necessary to relieve congestion or to avoid undue congestion at major airports.

Mr. President, questions concerning scheduling have arisen at LaGuardia and Kennedy Airports and other places, and it is not always possible, by specific agreement, to resolve these competitive questions, which are inherent in scheduling.

If there are more than x number of aircraft arriving or departing within a given time bracket, it enormously complicates the problems involved; and voluntary agreements, while they should always be resorted to as a preference, are often difficult to obtain.

Much as I favor it, it will take years for this next airport plan to be implemented. So I have consulted with the manager of the bill, the Senator from Washington (Mr. MAGNUSON), and the Senator from New Hampshire (Mr. COTTON), and I am hopeful they will agree to the proposal.

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

Mr. JAVITS. I yield.

Mr. MAGNUSON. I think the amendment is a very good one. I noticed, as I read the amendment earlier, they are also requested to recommend whatever legislation, if any, is necessary in the matter.

As of now, CAB has no control over schedules. Perhaps that is wise, and they should not. FAA has a sort of indirect control, to the extent that schedules are so heavy that they represent a threat to safety. But that is nothing you can point your finger at; and I believe the proposal is a good one.

I do not know how many times this matter has been brought up in all our aviation hearings about these schedulings. Every time, we find ourselves frustrated because of lack of authority or guidance from FAA or CAB, or both, as to what might be needed to be able to deal with this problem.

Mr. CANNON. Mr. President, I agree with the Senator from Washington and the Senator from New York that this is a good amendment. I think the Board should prescribe this type of rule or regulation for the carriers about requiring approval of changes, at least to make them aware that we are looking at this particular problem, and that something may have to be done.

The PRESIDING OFFICER. Do Senators yield back their remaining time?

Mr. JAVITS. I yield back the remainder of my time.

Mr. CANNON. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 523

Mr. DOMINICK. Mr. President, I call up my amendment No. 523.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

Page 112, strike out lines 5 and 6 and strike out "(2)" in line 7, and insert "the rate of,".

Page 112, line 13, strike out "under paragraph (2)".

Page 113, lines 3 and 4, strike out "that portion of the tax which is determined under subsection (a) (2)" and insert "the tax imposed by this section".

Page 114, strike out lines 2 through 11 and insert "this section, in the case of the year ending June 30, 1970, there shall not be taken into account any use before April 1, 1970.".

Page 116, beginning with "that portion" in line 10, strike out all through "on" in line 12.

Page 116, lines 21 and 22, strike out "that portion of".

Page 116, lines 23 and 24, strike out "which is determined under section 4491(a) (2)".

Page 118, line 25, strike out "that portion of".

Page 119, lines 1 and 2, strike out "which is determined under section 4491(a) (2)".

Page 120, line 4, strike out "that portion of".

Page 120, lines 5 and 6, strike out "which is determined under section 4491(a) (2)".

Mr. DOMINICK. Mr. President, I yield myself 10 minutes.

Mr. President, we have on page 112 a registration fee of $25 per general aviation aircraft. This was put in by the Committee on Finance. It is my recollection that it was not recommended by the Committee on Commerce, and it is my recollection that it was not one of the things that was wanted in the House bill. I may be wrong on the latter point. I am not sure.

The point I am trying to make is that

a $25 fee for an annual registration for general aviation attempts to have a revenue measure put into a form of a need for policing or something of this kind. It is sort of a license fee for the cost of doing all the work.

The fact is that every airplane that is built is given an NC number when it is built and when it is put on the market and when it is bought and when it is sold; and every year that aircraft, in order to stay operable, has to have a periodic inspection, sometimes more often than that, depending upon how often it is flown. It is gone over with a fine-tooth comb by the FAA inspectors as well as by the group of people who actually do the work on it.

To put in an annual registration is something totally new. It means that every private pilot, every student pilot, and every person who is running a training school, no matter what it may be, will have to fill out forms on every aircraft they have and then send in the forms every year in order to fulfill the terms of the bill.

From this $25 so-called tax, $3.6 million will be raised from general aviation; $100,000 will be raised from the air carriers. If I am any judge of bureaucracy, having been here 10 years now, the total amount of money that will be raised by this bill will be used up in the process of taking care of producing the forms, making sure it is followed through, in additional inspectors, in additional clerks and secretaries and personnel of the FAA; and no money, in fact, will actually accrue to the fund we are trying to use for airplane safety.

It seems to me to be nonsense for us to impose this additional requirement on all the general aviation people and on the commercial people when you are not really going to get any money and then, in addition, you are putting in a requirement which inevitably will build up another bureaucracy.

I recall being in committee a couple of times and being in the Chamber and listening to someone say that at the present rate of progression, the Bureau of Indian Affairs budget would outdo the Defense Department within about 4 years. If we keep on going with the FAA the way it is going, it will outdo the Defense Department in about 2 years. It is zooming out of sight.

I see no point in putting in a tax which is going to be a burden in terms of paperwork, in terms of expense, and in terms of not producing the money we need for the improvement of the aviation facilities of the country. It simply will not do it. We are talking about a total of $3.7 million a year, the total which would be raised from this, all of which, in my opinion, would be used up by personnel increases and personnel expenses. I do not see that it would do any good at all, and I am sure that it would be resisted strenuously by almost everybody if they know it was in here. Frankly, this bill is so long and so detailed that members of the general aviation group, generally speaking, have not had time to funnel in on it and get their word in.

Speaking as one who owns an airplane and who is now trying to sell it—not for this reason but for other reasons—I can say that this is just a nuisance from beginning to end. It is going to mean much more bureaucracy, paperwork, and difficulty for base operators, for trainers, for people who run flying schools, and for the populace in general.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. I yield such time to the Senator from Nevada as he may desire.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDER PERTAINING TO TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, have we passed the time limitation on the Pastore rule of germaneness?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order for the remainder of the second session of the 91st Congress to include in the morning business of each daily session of the Senate any statement presented at the desk by each Senator personally and respectively.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object—I know that the distinguished majority leader has talked with the minority leader, the Senator from Pennsylvania (Mr. SCOTT), about this.

Mr. MANSFIELD. Yes.

Mr. GRIFFIN. This is an agreement of the joint leadership?

Mr. MANSFIELD. Yes. In fact, by a respective conference of each party, it will preclude the necessity for making this statement every day.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

The Chair hears none, and it is so ordered.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CANNON. 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. CANNON. Mr. President, I yield to the Senator from Louisiana (Mr. LONG) such time as he may require.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, I hope the amendment is rejected. General aviation is involved in 80 percent of the operations on the FAA controlled airports. As a result of yesterday's amendment, general aviation would pay only 7½ percent of the cost of air safety and the cost of the airports, and there will be another amendment seeking to make it even less.

Ten years from now, it is projected that general aviation will have 90 percent of all operations and will be paying a smaller percent of the cost.

I understand that there will be another amendment offered so that general aviation would have 80 percent of the airport operations and be paying 6.8 percent of the cost.

I presume that amendment would be followed by another amendment so that 10 years from now, general aviation would have 90 percent of the airport operations and pay only 1 or 2 percent of the cost of operations.

It would be an outrage to think that a plane with 120 passengers, or a jumbo plane with 300 passengers, would have to circle around waiting for an opportunity to land while a man with a two, three, or four place airplane and no one but himself in it is up there just practicing landings. He would be making all of these people wait for their airplane to land. They would be waiting for this fellow to practice another landing.

General aviation has 80 percent of the landings and take offs, but are paying less than 7.6 percent of the tax without this amendment.

Some Senator says that is too much, that we should cut it down and let them pay less. If this amendment is agreed to, the Senator has another amendment that would make them pay still less.

It seems to me it would be right for us to say we should not charge them anything—just tell them that they cannot use these airports. Why should they be permitted to have 80 or 90 percent of the activity of the airport and pay only 7.1 percent, as it would be with this amendment? As the bill stands now, it is 7.6 percent.

It is not fair or just. I do not see how Senators can go back home and report to their constituents that even though the other fellow has 80 percent of the operations, their constituents must pay for 93 percent of the cost, although the other fellow is conducting 80 percent or more of the operations and is only paying 7.5 percent. I do not see how the Senators can tell their constituents "That was too much, so we cut it down to 7.1 percent and then to 6 percent, and then to 3 percent and then to 1 percent, and then perhaps to zero." These people ought to be paying the most.

This $25 annual charge on an airplane that is holding up another airplane that has 100 passengers and is trying to land on the air field is less than an automobile license in many States.

With all of the air safety which is to be provided and the airport and the air facilities that these people are permitted to enjoy, it would seem they ought to pay something. The airlines do not object to paying 93 percent of the tax. They are willing to pay. The commercial users pay it. The airlines add it as part of the price of the ticket to the people who fly. All they ask is that general aviation, which has 80 percent of all airport operations—and is projected ahead 10 years to have 90 percent—make some reasonable contribution in terms of justice, simple equity, and safety.

The people who fly on the commercial airlines are paying for this. And the flyboys, the fellows with the private airplanes, who get the benefit of 80 percent of the operations—and a prospective 90 percent—are the fellows who are paying just 7.6 percent of the cost. They still say that is too much. If amendments are adopted by the Senate reducing the cost to general aviation, at some point many people will say that general aviation users ought to be told to quit using the facilities, that general aviation ought to be roped off from the fields and told to land in the pastures where there is very little expense in using their own airplanes.

I have flown in some of these airplanes. It is nice to be invited on a trip by someone who can afford to have his own airplane. Then he can make an airplane carrying 130 people wait while he lands in front of it, and he enjoys all the facilities those people are paying for.

But simple justice and fairness would suggest that the people who have 80 percent of all operations ought to pay at least 7.5 percent of the cost of the program.

I hope the amendment is rejected. I think that the commercial aircraft industry that is paying 93 percent of the cost under the pending bill, as it now stands, should not be further imposed upon for the benefit of those who pay little and obtain the greatest use of these airports.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

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

The PRESIDING OFFICER. On whose time?

Mr. DOMINICK. I am not going to use my time on the quorum call.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Colorado has 24 minutes remaining.

Mr. DOMINICK. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, I have listened to the Senator from Louisiana, for whom I have great affection. I do not agree with him at all.

In the first place, I do not think the bill does what he says. I think we can see that by the fact that $270 million is going to go into certificated airline airports and $30 million is going to go into general aviation relievers. That disposes of his argument that 80 percent of the operations are being devoted to general aviation.

If he is trying to get money into the fund, this is not the way to do it. The $25 annual registration fee is for nothing but paperwork. We will have to have more personnel enforcing it than we could get money out of it. Before we got through with the clerks and the paperwork and the filing and the whole schmerz, as they say, there will be nothing left in the way of revenue, and we would have to take it out of commercial aviation and the general population.

I cannot for the life of me see why we put this type proposal in except on the basis that it is somewhat similar to an automobile license fee. Here we have a limited number of aircraft. Each has a permanent number when it is built. We have an inspection system already. It is not needed for safety or identification. All that would be done would be to levy a tax.

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

Mr. DOMINICK. I yield.

Mr. GOLDWATER. Mr. President, I would like to make the point that the $25 does not diminish after the first year, so it is not like an automobile license tag. It would be $25 even though the aircraft depreciates faster than an automobile. You would pay $25 a year on a 20-year-old plane; whereas, on a 5-year-old automobile, you would pay a couple of dollars. So the argument that it is like an automobile license fee is not true at all.

Mr. DOMINICK. The Senator is correct. Both of us have flown Twin Bonanzas. We know the last time they were made was in 1956.

The second point I would make is that if the analogy is drawn with an automobile, there would not be the depreciation level that there is in connection with automobiles. In addition, in highway construction we do not say that buses will have first priority. We provide that the general population using highways have just as much right to the highways as anyone else. So why should it be said that commercial airplanes should have a priority? If you are a pilot, in my opinion, or in commonsense, you should give them the priority because they might run over top of you.

The legal question does not make sense at all. I have just a few more comments. What we are trying to do is build up a fund so we can improve safety, airway communication channels and put in lighted approach systems on more airports around the country for the benefit of everyone.

If we are trying to build a fund for that purpose it does not make sense to put in a registration fee, the total of which is going to be used for inspectors, clerical help, and so forth, and none of which will go into this work we want to do under the bill, in my opinion.

As I have said, I hope Senators will support this measure. I think this matter is a headache and something that is going to create deep bitterness around the country. It is something that any person who owns an airplane can probably pay, so it is not a question of that. It is a question of just sheer annoyance at having one more thing happen where no benefit comes out of it in terms of safety fund money or accomplishing the objectives of the bill.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, I yield myself 2 minutes.

Mr. President, I cannot leave unchallenged the statement made by the able Senator from Colorado about the very heavy administrative cost of collecting the mere $25 registration fee. The Federal Aviation Administration advises us that they can put all of this information on electronic tape and provide it to the Treasury at a minimal cost; and the administrative cost of collecting the $25 annual charge on these private planes would be very small. I do not know the precise amount, but they say it would be minimal. So the idea of great administrative cost is not correct.

These planes have to have numbers for identification purposes anyway, and all one would have to do would be to run it through a computer and take in the $25 a year. The cost to the taxpayer is less, relatively speaking, than the cost of an automobile license in a great number of States of this Union.

What is being provided to these people fantastically exceeds what is provided to the automobile user in terms of the automobile license tag. It is a fair tax and it is just.

These are very, very favored taxpayers conducting 80 percent of the airport operations, and a projected 90 percent, and paying only about 7½ percent of the cost. It is not fair and just. The airlines, operating for the multitude of 200 million Americans who fly on airplanes, say, "We are willing to pay the lion's share but we want the other fellow to pay some reasonable charge if he is going to share these facilities and enjoy 90 percent of the operations."

Mr. President, I hope the Senate will not agree to the amendment.

Mr. DOMINICK. Mr. President, on page 11 of the report of the Committee on Commerce in the recommendations they make concerning aviation user charges, No. 5 states:

> Levy an annual airplane registration fee on airplanes used in commercial aviation of $25 plus 3 cents per pound of gross certificated takeoff weight.

It does not say anything about general aviation; it refer to commercial aviation. That refers to certificated carriers and charter flights used to transport people in order to make a profit. It does not say general aviation.

Mr. President, I hope the Senate will support my amendment.

Mr. LONG. Mr. President, if I may comment on that, I yield myself 2 minutes.

That is one of the problems we faced on the Committee on Finance. We do not have the privilege of spending all that money. We are trying to pay for all of this. It is not a burden on the Committee on Commerce or the Committee on Appropriations, or any of the authorizing committees to try to find revenues to pay for these things. I am happy to serve on the Committee on Commerce. They appropriately did not try to dictate to the Committee on Finance how this should be financed. They acted on the bill and handled the authorizing part as they should and in good grace suggested to the Committee on Finance that it should look over the financing sections to see how this matter could be paid for. We have done the best we could.

We favored general aviation and in some respects reduced their tax burden.

However, any amendment of this sort further reduces the trust fund for air safety. These people in private airplanes should be just as interested in this as commercial airplanes and they should be willing to make a contribution to it. They can have 80 percent of the operation, and in the future 90 percent of the operation, but it costs just as much to bring a single private airplane into the landing pattern with only the pilot in it and bring him down on the runway in safety as it does to bring in a plane with 300 passengers, put it into a flight pattern, and bring that plane down in safety.

These are really favored taxpayers. I do not believe anybody in good conscience could object to paying this charge. I like them; they are good people; but they should be willing to pay something. Many of them are flying planes for large corporations and making huge profits. They are every bit as able to pay a tax as the little fellow who goes out and buys a ticket to ride on an airplane, who is bearing the burden in many instances. There are corporation executives in airplanes who are better able to pay this tax than these individuals.

In many instances these corporations, having a large number of planes so that their supervisors and their foremen can fly back and forth to work, as they do in Louisiana, pay the expense anyway. The corporation pays it and the employee uses the airplane. So in many instances the people in general aviation are far better able to pay the tax than the little fellow flying on the airline, who will be picking up much more than 90 percent of the taxes, under the bill as it stands.

I think when the average citizen, the little fellow who is not privileged to fly free of charge in these private airplanes, the man who buys a ticket to fly, finds out that these fellows with private airplanes—who can go any time they want, who have airplanes standing by, who have pilots standing by, who can use the airline if they want to or discard use of the airline and fly their own plane if they want to—finds out that when he is buying a ticket he is paying 90 percent of the cost, and the executive pays nothing, or virtually nothing, he is going to resent it.

It is surprising the extent to which these matters become ridiculous when we consider that here is an airport paid for by the taxpayers when 90 percent of the use of it is by private flyers who are paying virtually nothing, while the little passenger who buys a $16 or $20 or $50 ticket to make his one or two trips a year must pay 90 percent of the cost and enjoy only 10 percent of the benefit. It can become tiresome, and indeed, I should think, a source of anger, when people realize that those who pay the most get the least, those who are the most in number and bear the most cost get the least, and those who are the smallest in number and pay the least get the most. It does not make any sense.

Much as we may like those people as we contemplate their pioneering instincts, when it comes to thinking of air safety for the masses, we must remember that those enjoying only 10 percent of the benefits are paying 90 percent of the cost.

Mr. DOMINICK. Mr. President, in view of the statements made by the Senator from Louisiana, I yield myself another 3 minutes. Then I shall yield back the remainder of my time and be ready for a vote.

I have listened carefully to the Senator from Louisiana. I could not disagree with him more. What he is saying is that general aviation should not be allowed to use airports where certificated airliners come in. They are taxpayers, just like everybody else. As a matter of fact, if they are flying those planes, they are probably paying high taxes, as the Senator knows. In addition to that, they are traveling all over the country and using other airports than the big hub airports the Senator is talking about. But they are, in terms of numbers, carrying more people than the airlines are, which is an interesting phenomenon. I am not sure the Senator from Louisiana recognizes that fact, but it is true. They fly from one spot to another in the country. Wherever they go, they are doing a tremendous job. These are business aircraft and corporate aircraft.

When the Senator says we have to wait while all these people are clogging up the airways, I point out that the real fact is that anywhere we have the problem, such as we have in New York, O'Hare, and sometimes in Miami, the great bulk of that is caused by the scheduling of the airlines. It is not crowded in the middle of the day; it is between 5 and 8 o'clock at night, and certain times in the morning. We can see it right here at National Airport. The great bulk comes at certain hours from the air carriers, all at once, and we simply do not have the equipment to handle all that traffic.

If we can build up this system to the point where we can have the equipment and have the relief airports the Senator referred to, then we will be able to solve the problems of the airlines and also have a place where those who are paying the most in terms of general revenues can go when they are flying their own airplanes.

The air carrier does not pay any of the $40.5 million in fuel taxes. It is an interesting facet which has not yet been brought out. I think we ought to look at it in terms of whether we are going to accomplish what we want to do when we put that kind of burden on general aviation. That is the issue.

Mr. LONG. Mr. President, I yield myself 2 minutes.

The Senator just got through making the statement that general aviation carries more passengers than commercial aviation does. Under that concept, general aviation will pay only 7.5 percent of the cost and commercial aviation will pay 92½ percent of the cost. When general aviation carries more passengers than commercial aviation, and will conduct 80 percent of the airport operations, and 10 years from now it will be 90 percent, it is not reasonable to insist that 7.5 percent is too much for general aviation to pay, while commercial aviation users pay 92½ percent?

I have gone aboard many private airplanes. I hate to admit it, but confession is good for the soul. When I went aboard those private airplanes, I paid nothing. Usually somebody else paid for it. It was usually the corporation that owned the airplane.

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

Mr. LONG. I yield.

Mr. PASTORE. And how much of that is deductible as a business expense? Practically all of it, is it not?

Mr. LONG. Yes. So if general aviation is carrying more than commercial aviation and is paying only 7.5 percent and conducting 90 percent of the operations at the airports, what kind of argument is it to say that 7.5 percent is too much for general aviation to pay?

I had a friend who was trying to work his way through school. We made a downpayment on an airplane, and I had a lot of fun with it. I would be the first to say from that experience that we could have paid $25 to enjoy the facilities of the airport, especially when somebody else was paying most of the cost and we were getting most of the benefits. We could have very readily paid $25 a year. It costs too much to get license tags for automobiles in most States, and the safety problems involved in flying are many times as great as the problems involved in safety on the highway.

Mr. PERCY. Mr. President, my able and distinguished colleague, Senator RALPH SMITH, has long had an interest in general aviation. As speaker of the House for the Illinois General Assembly, he worked to improve aviation in Illinois. He saw the tremendous benefit it brought to smaller communities with adequate airports that could thereby attract needed industry. He saw the extensive use of aircraft by educational interests such as the University of Illinois to further their work. He has always felt that

the ownership of aircraft by private individuals helped the Nation to maintain a reserve of experienced pilots.

It was his intention to call up today two amendments of his own but, regretfully, prior commitments in the State of Illinois required that he leave Washington this morning. However, I understand that he conferred with the distinguished Senator from Colorado (Mr. DOMINICK), and it is my further understanding that the amendment that Senator DOMINICK now offers would accomplish much the same purpose as the amendments of Senator SMITH; namely, to lessen the financial burden on smaller noncommercial aircraft by removing the 2-cent per pound tax. It brings in relatively little revenue and constitutes a major burden. I know that there were a number of Senators who wanted to support my colleague were he here in person to call up his amendments. I, therefore, urge that they support the amendment of the Senator from Colorado (Mr. DOMINICK) which would in effect accomplish much the same purpose.

I ask unanimous consent to have printed in the RECORD the amendments of Senator SMITH, together with his sound reasoning to support them.

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

SMITH AMENDMENT NO. 1

AMENDMENT NO. 524

On page 112, line 7, after the words "aircraft", add "except an aircraft in noncommercial aviation (as defined in section 4041 (c) (4)),".

EXPLANATION

This amendment would exempt all *noncommercial* aircraft from the 2¢ per pound poundage tax to be imposed under H.R. 14465 on all aircraft, commercial and non-commercial, with a seating capacity for more than 4 adult individuals (including crew).

All other taxation on non-commercial aircraft to be imposed under terms of H.R. 14465 as reported would remain intact. Owners or lessees of such aircraft would remain liable for: (1) the 7¢ per gallon tax on both gasoline and jet aviation fuel to be imposed under H.R. 14465; (2) the $25 tax on use of civil aircraft to be imposed under H.R. 14465; any other tax presently levied or to be imposed by H.R. 14465 (see list at Table 6, Finance Committee Report, page 10).

According to the Commerce Committee Report (pages 51–53) this measure will authorize the expenditure of $270 million per year for ten years for commercial or commercial-service related airport facilities, but only $30 million per year for general aviation-related facilities. But far more significant is the spending plan for airways systems, navigation aids, etc. According to the report, in-route automation, radar, and center buildings will get $707 million; navigation, ILS, categories 2 & 3, VSTOL, and navigation refining will get $249 million; terminal tower construction, automation, and radar will get $523 million. All of these are services rarely, if ever used by the small, non-commercial aircraft; but are the very life blood of the airlines and other commercial air users. Fairness and equity tell us that we must not charge the small non-commercial plane owner and user for services they do not use.

SMITH AMENDMENT NO. 2

AMENDMENT

On page 112, line 9, before "2 cents" add "except an aircraft in noncommercial aviation (as defined in section 4041(c) (4)) capable of providing a seating capacity for 6 adult individuals (including the crew) or fewer,".

EXPLANATION

This amendment would, in effect, *exempt all non-commercial* aircraft having a seating capacity of *6 or fewer* adult individuals (including crew) from the 2¢ per pound poundage tax to be imposed under H.R. 14465 on all aircraft, commercial and non-commercial. As presently written, H.R. 14465 would, in effect, exempt all aircraft, commercial or non-commercial, with four or fewer seats (Finance Report, page 112, lines 7–8). That is a small concession to the very small plane owner, whether commercial or non-commercial. But it may also be a very big concession to the big cargo plane owner, if he has only 4 or fewer seats on board. Reading the poundage tax section as presently written, the owner of that big, commercial, cargo aircraft is going to escape poundage taxation. I don't think he should.

Our interest ought to be to spare the small plane owner who uses his plane for pleasure or in his small business, as we use our autos; but not to spare the commercial aircraft owner, who, in effect, is using his plane as a taxi or delivery truck—for profit. A statement issued by the Finance Committee indicates that the present language would exempt 55% of general aviation aircraft from the poundage tax. It would certainly appear to exempt a large percentage—or all—of commercial cargo aircraft as well.

In speaking on my first amendment I have already discussed the inequity inherent in taxing small non-commercial aircraft to pay for facilities and services they rarely use.

The Finance Committee recognized this inequity but apparently was not prepared "to go all the way" to eradicate it. They exempted all planes with four seats or less. According to the Committee's press release on the day H.R. 14465 was reported, this exemption covers 55% of general aviation aircraft. According to the Committee Report, page 20, the exemption covers 75% of general aviation aircraft. Neither document indicates the sources of those figures. According to informal estimates I have received from the Aircraft Owners and Pilots Association, the 55% figure would be more accurate than 75%. Whichever figure the Committee prefers, it is still not high enough, not selective enough, to be fair and equitable to the small, non-commercial aircraft owner who never use the systems and facilities the tax is being levied to build and maintain.

Well, the question then becomes, where do you draw the line? If you're not going to exempt all non-commercial aircraft, why not as many as are likely to be owned and operated for personal or family pleasure, or for small business use? I am informed that there are approximately 97,600 such aircraft, out of a total of approximately 124,000 aircraft in general aviation. These are planes whose power plants limit their seating capacity to 6 or fewer places, including pilot. Most Senators who have flown in small non-commercial planes will, I believe, recognize that drawing the line at 4 or fewer seats (including pilot) isn't going to relieve all of the small plane owners that fairness requires be exempted. The father with a wife and three children who flies for family pleasure is going to pay the poundage tax, but the air cargo operator who wisely puts only three seats on board his big payloader is not! I doubt that my colleagues are prepared to support such a result.

Mr. DOMINICK. Mr. President, I am willing to yield back the remainder of my time.

Mr. LONG. Mr. President, I am willing to yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Colorado. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, may I suggest most respectfully that all Senators be directed to take their seats before the vote is resumed? All Senators.

The PRESIDING OFFICER. The Senate will be in order. All Senators will take their seats before the rollcall continues. Senators will please take their seats, so that the clerk can call the roll.

The rollcall was concluded.

Mr. MANSFIELD (after having voted in the affirmative). Mr. President, on this vote I have a pair with the distinguished senior Senator from Georgia (Mr. RUSSELL). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Georgia (Mr. RUSSELL), the Senator from Maine (Mr. MUSKIE), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH), and the Senator from Arkansas (Mr. FULBRIGHT) are absent because of official business.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

If present and voting, the Senator from Arizona (Mr. FANNIN), and the Senator from South Dakota (Mr. MUNDT) would each vote "yea."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from Utah (Mr. BENNETT). If present and voting, the Senator from Illinois would vote "yea," and the Senator from Utah would vote "nay."

The result was announced—yeas 45, nays 40, as follows:

[No. 64 Leg.]

YEAS—45

Aiken	Dominick	Javits
Allen	Fong	Mathias
Allott	Goldwater	McGee
Bayh	Goodell	Mondale
Bellmon	Gravel	Montoya
Bible	Griffin	Murphy
Brooke	Gurney	Pearson
Burdick	Hansen	Prouty
Byrd, W. Va.	Harris	Schweiker
Cannon	Hart	Smith, Maine
Case	Hartke	Stevens
Cook	Hatfield	Thurmond
Cooper	Hruska	Tower
Cotton	Inouye	Tydings
Dole	Jackson	Young, N. Dak.

NAYS—40

Anderson	Eastland	Jordan, Idaho
Boggs	Ellender	Kennedy
Byrd, Va.	Ervin	Long
Cranston	Gore	Magnuson
Curtis	Holland	McClellan
Dodd	Hollings	McIntyre
Eagleton	Jordan, N.C.	Metcalf

Miller	Randolph	Talmadge
Moss	Ribicoff	Williams, N.J.
Nelson	Scott	Williams, Del.
Pastore	Sparkman	Yarborough
Pell	Spong	Young, Ohio
Percy	Stennis	
Proxmire	Symington	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—14

Baker	Hughes	Packwood
Bennett	McCarthy	Russell
Church	McGovern	Saxbe
Fannin	Mundt	Smith, Ill.
Fulbright	Muskie	

So Mr. DOMINICK's amendment (No. 523) was agreed to.

Mr. DOMINICK. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HANSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HART. Mr. President, I send to the desk an amendment for myself and Senator SPONG, Senator MAGNUSON, Senator BYRD of Virginia, Senator CRANSTON, Senator DOLE, Senator MOSS, Senator MUSKIE, Senator NELSON, Senator PELL, Senator PERCY, Senator WILLIAMS of New Jersey, and Senator YOUNG of Ohio.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HART. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 54, line 3, insert the following:

"(6) 'Application for site approval' means a preliminary request by a sponsor for approval of a site selection made prior to any request for aid, as defined in section 201(14)."

On page 54, lines 4, 7, 9, 10, 11, and 12, strike out "(6)", "(7)", "(8)", "(9)", "(10)", "(11)", and "(12)", respectively and insert in lieu thereof "(7)", "(8)", "(9)", "(10)", "(11)", "(12)" and "(13)" respectively.

On page 54, after line 24, insert the following:

"(14) 'Request for aid', as used in section 206(d)(4), means the first submission to the Secretary of a written request for assistance in which the proposed project is outlined in some detail in compliance with standardized procedures."

On page 55, lines 1, 3, 7, 9, and 16, strike out "(13)", "(14)", "(15)", "(16)", and "(17)", respectively, and insert in lieu thereof "(15)", "(16)", "(17)", "(18)", and "(19)", respectively.

On page 58, beginning with line 5, strike out all through line 11, and insert in lieu thereof the following:

"Consultation Concerning Environmental Changes

"(f) In carrying out this section, the Secretary shall consult with and consider the views and recommendations of the Secretary of the Interior, the Secretary of Health, Education, and Welfare, and the National Council on Environmental Quality. The recommendations of the Secretary of the Interior, and Secretary of Health, Education, and Welfare, and the National Council on Environmental Quality with regard to the preservation of environmental quality, shall, to the maximum degree feasible, be incorporated in the national airport system plan."

On page 69, beginning with line 16, strike out all through line 19 on page 70 and insert in lieu thereof the following:

"(3) It is hereby declared to be national policy that airport development projects authorized pursuant to this title shall provide for the protection of the natural resources and the quality of the environment of the Nation. In implementing this policy, the Secretary shall consider the effect that each such project may have on factors of environmental significance, including but not limited to, water and air quality, noise levels, fish and wildlife, natural, scenic and recreational assets, and other factors affecting the environment. The Secretary shall not approve any project, either conditionally or unconditionally, unless he is satisfied that adequate consideration has been given to the preservation of the environment and to the interest of the communities in or near which the project may be located.

"Substantial Extensions to Existing Airports

"(e)(1) No airport development project involving the location of an airport runway or a substantial runway extension may be approved, either conditionally or unconditionally, by the Secretary unless the public agency sponsoring the project certifies to the Secretary that prior to submitting its request for aid, as defined in section 201 (14), it has held public hearings for the purpose of considering the social, economic and environmental effects of the project, and has afforded adequate notice of such hearings to all persons with a significant social, economic or environmental interest in the matter. The notice required by this paragraph shall include a concise statement of the proposed project and may be published in a newspaper of general circulation in the communities in or near which the project may be located, and shall be published in the Federal Register. Hearings provided for by this paragraph need not be held if opportunity for such hearings is provided through adequate notice, and no one with a significant social, economic or environmental interest in the matter requests a hearing. In the event that hearings are held, the project sponsor shall submit a copy of the transcript with its request for aid to the Secretary.

"(2) The Secretary shall review each transcript of hearing submitted pursuant to paragraph (1) of this subsection to assure that an adequate opportunity was afforded for the presentation of views by all parties with a significant social, economic or environmental interest. The Secretary shall not approve, either conditionally or unconditionally, any project involving the location of an airport runway or a major runway extension without first consulting with the Governor of the State in which the project may be located, the Secretary of the Interior, the Secretary of Health, Education, and Welfare, and the Council of Environmental Quality with respect to the environmental consequences of the project.

"(3) If opposition to a proposed project is raised in the hearing prescribed by paragraph (1), or by any official consulted pursuant to paragraph (2), on the grounds that the environment would be adversely affected by the project, the Secretary shall not approve the project, either conditionally or unconditionally, unless he finds in writing after a full and complete review of the record of such hearing that (A) no significant adverse environmental effect is likely to result from such project, or (B) there exists no feasible and prudent alternative to such effect and all reasonable steps have been taken to minimize such effect. In any case in which the Secretary determines that the record of the hearing before the sponsor is inadequate to permit him to make the findings required under the preceding sentence, he may conduct a hearing, including adequate notice to interested persons, on the environmental issues raised. Findings of the Secretary under this paragraph, and his reasons therefor, shall be made a matter of public record. If the Secretary disapproves the project pursuant to the provisions of this paragraph the reasons therefor shall also be made a matter of public record.

"New Airports

"(f) The procedures of subsection (e) shall apply with respect to the approval of projects for new airports, except that the public hearings prescribed by paragraph (1) of that subsection shall be held prior to any application for site approval, as defined in section 201(6), and the duties imposed on the Secretary by paragraphs (2) and (3) of that subsection shall be performed prior to approval of any new airport site.

"Air and Water Quality

"(g)(1) The Secretary shall not approve any project application unless the Governor of the State in which the project may be located certified in writing to the Secretary that there is reasonable assurance that the project will be located, designed, constructed and operated so as to comply with applicable air and water quality standards. In any case where such standards have not been approved or where such standards have been promulgated by the Secretary of the Interior or the Secretary of Health, Education, and Welfare, certification shall be obtained from the appropriate Secretary. Notice of certification or of refusal to certify shall be provided within 60 days after the project application is received by the Secretary.

"(2) The Secretary shall condition approval of any project application on compliance during construction and operation with applicable air and water quality standards."

On page 70, line 21, strike out "(g)" and insert in lieu thereof "(h)".

Mr. HART. Mr. President, it is my hope that this amendment will be adopted. Before getting into the substance of this amendment, let me first explain how I became involved with it. Shortly after the Commerce Committee reported the language of this bill for referral to the Finance Committee—nearly 3 months ago—the junior Senator from Virginia (Mr. SPONG) and I became concerned that the bill did not provide sufficient environmental protection. We expressed this concern in a letter to Chairman MAGNUSON together with the hope that the three of us would be able to support an amendment to the bill which would more adequately deal with environmental problems. I am happy to report that language which is acceptable to each of us has been worked out in the amendment offered today. It is an effort to improve the protection against environmental damage occurring by a grant of approval for a new airport or substantial extension of an existing airport.

We have discussed this for many hours, among those on the committee and those who, not on the committee are offering the amendment. All of us who propose it believe it is a prudent response to a very substantial problem.

Mr. President, although H.R. 14465 includes some provisions for environmental protection, these are not nearly strong enough to satisfy our current needs. In light of the dimensions of our environmental crisis, we cannot settle for anything less than the most effective safeguards. The recent Everglades controversy should serve as a reminder of the serious dangers which may be posed to our environment by ill-considered air-

port construction. It is the desire to avoid future entanglements of this sort that in large part has prompted this amendment.

Some background information on airport development procedures would probably be helpful in explaining how this amendment is designed to function. Under the Federal-aid airport program, the sponsor of a new airport is required to seek FAA approval of his proposed airport site prior to initiating any application for assistance. If he is successful in obtaining such approval, he must then submit a preliminary application known as a request for aid. That document, according to the FAA procedures guide, should designate the approved site for the project, should include a sketch of the airport plan, identifying each land feature that will affect the project, and should list cost estimates for each item of work for which funds are requested.

On the basis of the various requests for aid it receives and the amount of funds available, FAA will make its decision on which requests should be approved. Approval of a request, the FAA procedures guide notes, is equivalent to "a firm reservation of Federal funds conditional only on the sponsor's promptness in proceeding with development of the project."

Project development, as opposed to project construction, takes place for the most part after the approval of the request but prior to submission of the formal project application. During this period of time, the sponsor quite often will acquire his land for the project and will usually finance the sponsor share of project funds and hire an engineer to prepare detailed plans and specifications.

After he submits his project application but prior to approval of it, the sponsor, for most projects, will receive bids for construction contracts, will select his contractor, and will seek FAA concurrence in award of the contract. Although FAA may actually concur, at that time, most sponsors do not actually execute construction contracts until assured of their own contract with the Government, which is concluded at the time of approval of the application.

One cannot but notice, in reviewing this summary of airport development application procedures, how far along the road toward project construction a sponsor may be before his application is approved. It is for this reason that the proposed amendment prescribes that the first determination by the Secretary as to the environmental soundness of a project must be made at the time of approval of the site, in the case of new airport projects, and at the time of the request for aid, in the case of extensions to existing airports.

In order to provide the data which will allow him to make rational determinations, the amendment requires, with respect to all projects involving the location of a new airport, an airport runway, or a substantial runway extension, a hearing to be conducted by the sponsor on the environmental, social, and economic effects of the project. The Secretary is required to examine the hearing record before approving any site or request for aid, and to consult with the Governor of the State in which the project may be located, the Secretaries of Interior and HEW, and the National Council on Environmental Quality on the possible environmental effects of the project. If any of these officials raises environmental objections, or if any are raised in the hearing conducted by the sponsor, the Secretary may not give his approval unless he first finds in writing that, first, no adverse environmental effect is likely to result from the project; or, second, there is no feasible alternative to any such effect and all reasonable steps are being taken to minimize it.

The amendment raises some questions which I would like to attempt to anticipate. It may be asked, first of all, whether the amendment requires a hearing in the case of every project. The answer is a decided "no." The amendment states that hearings must be held only with respect to projects involving the location of an airport, on airport runway or a substantial runway extension. The language is meant to include only a relatively small percentage of the projects for which applications are submitted. The majority of projects each year, I am told, are for minor improvements to existing airports—the repaving of runways, the addition of airport lighting, minor runway extensions. These are all meant to be exempted from the hearing requirement.

Also exempted are projects for which hearings have been held in previous years. The amendment requires only that hearings be held prior to submitting applications for site approval or requests for aid not necessarily immediately prior to such applications. Thus if assistance for a new airport is requested in a given year and the layout plan for that airport is approved, requests the following year for additional runways within the same plan would not need to be preceded by hearings.

A second question which may arise is, "How can the Secretary make his environmental determinations on the basis of anything less than a full detailed project application?" In answer to this, it should be noted that the Secretary must pass not only on the application for site approval or request for aid, but also on the final project application, for possible adverse environmental effects. This is the significance of the requirement relating to "conditional or unconditional" approval. If subsequent to the approval of any request or site selection, therefore, major changes of environmental significance are noted in the project, the Secretary will be required to review his environmental findings before giving final approval to the project application. He will thus have access to the full detailed application before his capacity to withdraw his earlier findings terminates.

The amendment differs with H.R. 14465 in many respects, the most important of which should be summarized at this point. First of all, the amendment requires a stiffer standard to be used by the Secretary in evaluating the environmental effects of projects. S. 3108 requires only that the Secretary must be "satisfied that fair consideration has been given to the preservation and enhancement of the environment" before he approves a project. The amendment requires that he must find that the project is better from an environmental standpoint than any other reasonable alternative. In these times, I believe that the amendment's standard is much preferable if not essential. Both the Everglades crisis of last year and the Nation's general environmental problems strongly support the view that the Secretary of Transportation's satisfaction is not a suitable measuring rod for the effectiveness of environmentally significant decisions.

A second major break from H.R. 14465 arises from the amendment's emphasis on consultation among Federal departments. Whereas the amendment prescribes that the Secretary of Transportation must consult with other agencies on the environmental effects of projects, H.R. 14465 incorporates no such requirement.

There appear to be strong arguments for requiring some measure of consultation. In the Everglades crisis, we witnessed a tug of war between the Departments of Transportation and the Interior which might have been prevented by consultation early in the game. It is a major purpose of the amendment to insure that in the future, Federal departments will work together in protecting the environment. In addition, it seems plain that in making decisions which may have major environmental consequences, the Secretary of Transportation ought to be required to seek the advice of those who deal more frequently with environmental questions.

Another difference between the amendment and the bill relates to the requirement for public hearings. Although both proposals call for hearings, H.R. 14465 requires them to be held at the Federal level, while the amendment calls upon the sponsor to conduct them. The rationale for local hearings is actually stronger with regard to social and economic questions, where the matters considered are essentially local, than in the case of environmental problems, where a strong Federal interest is at stake. Clearly, social and economic questions such as whether to build an airport or a playground, or whether to pay the price of either, can be better considered before a locally elected body then before an FAA representative whose sole interest may well be the construction of an additional airport.

Since these questions are most appropriately handled locally, and since it seems pointless to require two sets of hearings where one will do, it follows that environmental matters are also most readily considered locally. The Federal interest in the environment can be accommodated, it would seem, through Federal examination of the hearing transcript.

Another difference concerns the enforcement of applicable air and water quality standards. The amendment adds to the bill effective procedures to insure that such standards will be complied

with by federally-funded airports. Since many of our most significant environmental problems involve the pollution of our water and air, all reasonable measures for minimizing such pollution ought to be encouraged. The measures included in the amendment require certification by State governments of airport compliance with existing standards and contractual obligations on the part of project sponsors to continue such compliance after receipt of Federal funds. Adoption of these provisions would provide a welcome addition, I believe, to existing air and water quality legislation.

The final major difference between H.R. 14465 and the amendment is perhaps the most important of all. It concerns the timing of the hearing and of the determination by the Secretary of the environmental suitability of the project. Whereas the bill prescribes hearings to be conducted after submissions of the application, the amendment calls for them to be held prior to site selection approval, in case of new airport projects, and prior to the request for aid in the case of extensions of old ones. The environmental determinations are required by the bill to be made prior to approval of the application; the amendment requires these either at the site approval or request for aid stages.

The need for a change in timing stems basically from the nature of the FAA procedures for project development which were noted earlier. Since under these procedures, so many major steps will have been undertaken with respect to a project by the time an application for that project is approved, the time of approval does not appear to be a feasible one for a fair determination of environmental questions. Can the Secretary really make an unbiased determination as to whether plot A or plot B is the better airport location, when plot A has already been purchased by the sponsor and when the sponsor has already issued bonds to finance construction on that plot, hired engineers, drafted detailed plans and specifications, solicited and received bids for construction contracts and perhaps even negotiated and signed contracts on which he is liable? Moreover, in the event the Secretary is able to conclude that plot B is more suitable, the resulting waste of time and money on the part of the sponsor, as well as the tieup of Federal funds pending this determination, seems difficult to justify if it can be avoided.

The amendment is designed to avoid such consequences by insisting on an environmental determination at the earliest practicable stage of Federal involvement. The determination that is called for is therefore prospective rather than retrospective and, for this reason alone, it is considerably more likely to be correct.

Just how far down the line things can go before a project application is approved is illustrated by the example of the development of the Everglades jet training facility. That facility is now in operation, although fortunately under extensive restrictions.

FAA's file on the project reveals the very difficulties that this amendment is designed to deal with and the very difficulties which the language of S. 3108 leaves completely unremedied. According to the file and supporting information, Dade County submitted its request for aid for the project on December 8, 1967. That request was approved on April 25 of the following year. As is so often the case with project sponsors, Dade County then purchased its land for the facility on June 17, months before submitting its project application on September 9. The next significant event in this sequence occurred on September 19, 1968. On this date, a full 2 months before approval of the project application—the time, it should be remembered, which H.R. 14465 selects as the appropriate time for environmental determinations by the Secretary—a ground-breaking ceremony was held on the construction site. Thus at the time the project application was approved, construction on the site had been underway for some time.

Mr. President, under the terms of H.R. 14465, a similar situation could well arise again. If we are truly committed to avoidance of unnecessary environmental damage, we thus have no choice but to reject those terms.

Three weeks ago today the Senate took an important step in the area of environmental control when it voted to increase the safeguards in S. 3154, the urban mass transportation assistance bill. Today we have an opportunity to extend that effort to the sphere of airport construction. It is to be hoped that similar action can then be taken with respect to other major transportation systems.

It seems clear that in light of the pressing nature of our environmental crisis, what is needed is decisive action on all fronts. The proposed amendment, through its early hearing and environmental determination procedures, its consultation requirements, its air and water quality enforcement procedures, and its stiff standards for general environmental control would close the door to further construction of environmentally deficient airports. We have been too careless too long in permitting such airports to puncture our rapidly deteriorating landscape. It is time we began to stem the tide.

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

Mr. HART. I yield.

Mr. SPONG. Mr. President, it was a privilege to participate with the Senator from Michigan (Mr. HART) early last December in urging the chairman of the Commerce Committee (Mr. MAGNUSON) to consider an amendment to the airport/airways bill which would give additional weight to environmental factors in airport development projects.

Airport development obviously would be given great impetus through the creation of a multimillion-dollar trust fund, and it seemed imperative to me that the Nation's air transportation needs be balanced by an expression of congressional intent to protect natural resources.

I am gratified that Senator MAGNUSON has agreed to our proposal. The amendment contains a declaration of policy and specific procedures intended to assure consideration during airport planning of such factors as air and water pollution; noise levels; fish and wildlife; and natural, scenic, and recreational assets.

It is of particular significance and importance that the public would be afforded an opportunity for a hearing on development projects, and that machinery would be established for a review of environmental questions by the Governor of the State in which the project is to be located; the Secretary of the Interior; the Secretary of Health, Education, and Welfare; and the Council of Environmental Quality.

In view of the problems that were encountered in the development of the commercial jetport near the Everglades National Park—a project which fortunately has been stopped—it is necessary that additional protection be provided on a nationwide basis for community and environmental values involved in airport projects.

The pending amendment would serve that purpose. It is comparable to environmental provisions recently approved by the Senate in the Urban Mass Transportation Act. Adoption of the amendment would demonstrate in a tangible way the Senate's concern over the environmental stress that can be created by large airport development projects.

Mr. MUSKIE. Mr. President, I am pleased to sponsor this amendment with the senior Senator from Michigan. This amendment to the Airport Construction Act—H.R. 14465—will insure that environmental quality considerations will be paramount in the development of our national and airway system.

Senator HART's amendment is another example of his continuing effort to insure that our environmental needs are met as we deal with the Nation's transportation crisis.

I wish to draw particular attention to subsection (g) of the amendment. This subsection provides that no project authorized by this title shall be approved unless the Governor of the State in which the project may be located certifies that there is reasonable assurance that the project will be located, designed, constructed, and operated so as to comply with air and water quality standards. Although other sections of the amendment authorize the Secretary of Transportation to consider environmental effects before approving any project, subsection (g) requires that public officials with the responsibility to protect the environment have an opportunity to veto any project application.

This procedure is similar to the certification procedures developed in section 16 of the Water Quality Improvement Act of 1969—S. 7—as passed by the Senate. Subsection (g) also carries forward the concepts embodied in section 102(C) of the Environmental Quality Act of 1969. Public officials responsible for the protection of the environment should have the primary responsibility for determining whether major projects and facilities in question will adversely affect the environment.

Our environmental protection problem involves competition in the use of resources—a competition which exists to-

day in the Department of Transportation and exists in any department which must develop resources for public use.

The Department of Transportation is not the agency to determine air pollution control requirements for the transportation industry. Neither is it the agency to make the basic determination regarding the effect of major airport projects on air and water quality.

The agency which determines environmental quality effects must have only one goal: the protection of this and future generations against changes in the natural environment which adversely affect the quality of life.

The problems of environmental pollution will not be solved by picking up the rhetoric of antipollution concern and then assigning the control of pollution to those responsible for the support or promotion of pollution activities.

This amendment requires the Secretary of Transportation to take environmental considerations into account before approving any project application. This amendment requires the Secretary of Transportation to consult with the Secretary of Interior, the Secretary of Health, Education, and Welfare, National Council of Environmental Quality, and the Governor of the State in which the project may be located before approving any project application. Nevertheless, it is important that those responsible for environmental protection make the basic determination regarding environmental effects.

I hope that the Senate will approve this important amendment. It requires the kind of environmental conscience which we have not exercised in the past.

Mr. CANNON. Mr. President, the committee was very concerned about the environmental problems associated with the improvement of existing airports or with the location and development of new airports, and we wrote provisions into the bill that we thought were adequate to give protection. However, our staff has worked with the staff of the distinguished Senator from Michigan and the distinguished Senator from Maine and others to try to work out what they believe will be an improvement. We see no objection to the change in language. It does the same thing we were trying to do in the original bill. We will accept the amendment.

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

Mr. HART. I yield.

Mr. MAGNUSON. Just to make a little legislative history.

We all agree, of course, with the thrust of the amendment and the general objectives. But we also want to be as practical as possible about these things.

Although some procedures with hearings are involved in this amendment, I am hopeful that the Secretary will take notice that we are not insisting that there be unconscionable delays in these matters, or that people, for the sake of doing something, hold up decent and reasonable progress in the aviation field.

I am sure the Senator agrees with that?

Mr. HART. I completely agree.

Mr. MAGNUSON. Second, there was some fear that in the existing airports which are necessary to this country, any little improvement, small extension of anything, a new ramp, or some of those things that might be involved, might have to go through a long hearing if someone objected. I think we all agreed that the intent of the amendment would be that it would have to be major and substantial.

Mr. HART. That is clearly the purpose of the amendment.

Mr. MAGNUSON. So that there would be no question about it. We realize that people can still, regardless of the amendment, come into court if they think they have been injured in some way. They do that every day. That right is not touched at all by the amendment, is that correct?

Mr. HART. It is not our intention to. It is our belief that cannot be touched.

Mr. TALMADGE. What does the word "environmental" mean? Does it include "noisy"?

Mr. HART. It is intended by the authors of the amendment that "environmental" refers to noise, air, water, and other matters of environmental significance. It is not limited merely to esthetics but relates to the practical environmental problems of airports as well.

I should add that it is our belief that by adoption of the amendment we will not handcuff development of airports, the needs of which are so well recognized, but will insure adequate opportunity for a record to be made to establish that environmental damage of a substantial character is not involved in the establishment of a federally funded airport.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

Mr. HART. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan.

The amendment was agreed to.

Mr. CANNON. Mr. President, I send to the desk an amendment and ask that it be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CANNON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD at this point.

The amendment of the Senator from Nevada is as follows:

On page 97, line 17, strike out "$3" and insert in lieu thereof "$5".

Mr. CANNON. Mr. President, I will explain the amendment in about 3 minutes. I do not intend to ask for a rollcall vote on it, but I should like to have the attention of the Senator from Louisiana (Mr. LONG).

The amendment would raise, rather than reduce, taxes. The amendments we have been talking about all day today have been with reference to reducing user taxes. This would raise the overseas passenger tax from $3 to $5 per trip. This is the amount the Commerce Committee originally recommended to the Finance Committee. However, that committee did not approve it.

This is really a passenger tax on overwater flights.

I should like to give just a brief example of how it will work.

The San Francisco to Honolulu base one-way fare is $100. An 8-percent ticket tax would make that $108. We would apply an over-water tax of $5. Yet, under the Finance Committee proposal, that total amount would be only $103 rather than $105. In other words, they provide an over-water tax of $3. So people traveling over water will not pay as much in proportion to people traveling within the country to finance the airways program.

This change would bring in approximately $19 million in additional revenue in fiscal 1971, and about $28.4 million in additional revenue in fiscal 1980, so that it would much more than make up for the reductions we made in general aviation taxes we have approved by amendment.

I would hope that the distinguished chairman of the Finance Committee would be willing to accept the amendment. I think it is a good one and would provide for some of the loss in the revenue adjustments already made in the bill.

Mr. LONG. Mr. President, as zealous as I, as chairman of the Finance Committee, have been in trying to raise revenue for the Government to pay its way, I cannot support, nor can the Committee on Finance support this amendment.

It is our best understanding that if we go beyond the $3 tax and impose a $5 tax, then foreign countries will retaliate and impose a $5 tax on international travel coming in its direction.

It is my understanding that many of their airports are not as good as ours and they do not need the $5 charge to finance those facilities. But, on the other hand, if we have the $3 charge which is posed here by the Finance Committee, there is little basis for the foreign people to engage in the kind of retaliation that would occur, to charge more than the cost to provide for the facilities they have in their countries.

The flights back and forth from Alaska and Hawaii are regarded as international air flights, so that we would be getting $2 additional per ticket on Alaska and Hawaii flights, which we do not believe to be justified under the circumstances, and therefore we feel that that tax would be too high.

The committee has looked into this and thought it would be best that the tax should be no more than $3, as recommended here.

Mr. CANNON. Mr. President, on the argument about Alaska and Hawaii, we have already given them an advantage. Under the bill they do not have to pay the 7½-percent charge on the ticket value, such as a passenger from New York to California or a passenger from New York to Nevada does. Therefore, such travelers would be subject only to the head tax. The overwater tax would be less for them than would the 7.5-percent tax on fare if it were to apply.

Mr. LONG. Mr. President, the reason that Alaska and Hawaii are not paying the tax on air safety between those points and the mainland is that there are no physical facilities out there. They fly over the ocean where they do not have facilities which have to be provided over

the mainland of the United States. So, if they do not use the facilities, why should they have to pay the tax? They do pay the same international tax.

Increasing this tax will lead to retaliation—that is what we are advised by those who have studied the problem. We do not want to invite that. We want a tax that will keep the cost down.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

Mr. LONG. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Nevada.

Mr. HOLLAND. Mr. President, I ask for a division.

The PRESIDING OFFICER. A division is called for.

On a division, the amendment was rejected.

Mr. STEVENS. Mr. President, I call up the amendment submitted earlier today by myself and the Senator from Washington.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 91, line 21, insert the following new section:

"SEC. 306. MAXIMUM OVERTIME CHARGES FOR CUSTOMS INSPECTION, FOREIGN QUARANTINE INSPECTION AND IMMIGRATION AND NATURALIZATION SERVICES.—Section 451 of the Tariff Act of 1930, as amended (19 U.S.C. 1451), is further amended by inserting following the word *'Provided'* the following new material:

" 'That, notwithstanding any other provisions of law, the owner, operator, or agent of any private aircraft or private vessel shall pay to the United States a fee to be prescribed by the Secretary of the Treasury by regulation, but in no event shall such fee exceed $25 and in any case in which the amounts which would otherwise be payable under applicable provisions of law, be less than $25 such lesser amounts shall be charged and collected for services performed upon the request of such owner, operator, or agent by an officer or employee of the Customs Service, by an officer or employee of the Immigration and Naturalization Service, by an officer or employee (including an independent contractor performing inspectional services) of the Foreign Quarantine Division of the Public Health Service or by an officer or employee designated by the Secretary of Agriculture, on a Sunday or holiday, or at any time after 5 o'clock postmeridian or before 8 o'clock antemeridian on a week day, in connection with the arrival in, or departure from, the United States of such private aircraft or vessel, unless, in the case of weekday services, an officer or employee stationed on his regular tour of duty at the place of such arrival or departure is available to perform the services. No fee or other payment shall be collected for such services merely because they are performed on a day which is considered, under title 5 of the United States Code or under an Executive order, as in lieu of an actual holiday, but such fee shall be collected for such services performed on a Monday following a holiday falling on Sunday. In determining the fee to be prescribed in regulations, the Secretary of the Treasury shall consult with other Government agencies named in this provision, and such fee shall be charged by each such agency that provides services in connection with such arrival or departure of a private aircraft or private vessel. The amounts payable on the basis of the fee prescribed by the Secretary of the Treasury and paid to the Government under this provision shall be in lieu of any other compensation, fees, or expenses required by any other law or regulation to be paid to the Government for the services involved. The term "private aircraft" means any civilian aircraft not used to carry passengers for hire or merchandise for hire, and the term "private vessel" means any civilian vessel not used to carry passengers for hire or merchandise for hire or to engage in the fisheries; *Provided further,'*.

"The foregoing amendment shall take effect with respect to private aircraft or private vessels arriving in or departing from the United States on or after July 1, 1970."

Mr. STEVENS. Mr. President, under present law, if a person wishes to enter the country at night or on Sunday or a holiday and have his person and his luggage inspected by customs officials, he must pay the cost incurred by the Treasury Department in bringing a customs official down to perform this service. These charges will vary widely in amount and have often been as much as $90. I feel that, since these services are required for the protection of all our citizens and inure no benefit directly to the person paying the charges, they should be borne equally by all taxpayers. I thus introduced an amendment to eliminate these overtime charges.

The Treasury Department has indicated that they are opposed to the elimination of these overtime charges for two reasons. First, the cost to the Treasury would be substantial; and second, there would be no deterrent to persons scheduling their arrival any time that suited them. In lieu of my amendment, the Department has endorsed a compromise proposal, and the Senator from Washington (Mr. MAGNUSON) and I are submitting that proposal as an amendment to H.R. 14465 at this time.

The amendment would grant to the Secretary of Treasury the power to set a fee to be assessed to anyone requiring Customs Service, Immigration and Naturalization Service, or Foreign Quarantine Service after consultation with the services involved. This would assure that no one would be charged an excessively large fee. The fee to be charged in a particular instance, however, could not exceed the fee required under present law. Thus, the new fee would be a maximum charge that any person requiring these services could be required to pay. The proposal thus has the advantage of the flat fee system, but at the same time will not cause those who are paying a smaller fee to pay more than they had in the past.

The Treasury Department describes the advantages of this approach as follows:

First, it would eliminate the higher user charges which most readily provoke complaints;

Second, it would permit careful operators still to benefit from shared charges and thus pay smaller amounts;

Third, it would maintain an incentive for private aircraft and vessels to make entry during hours of normal service; and

Fourth, the unrecouped costs to the U.S. Government would be minimal and manageable within the budget of the Department of the Treasury.

This amendment has the support of the Treasury Department and will solve one of their longstanding sources of complaint while retaining the advantages of the present program and minimizing the cost to the U.S. Government. The Bureau of the Budget has indicated informally that it has no objection to the Treasury's amendment.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. Mr. President, I yield to the Senator from Louisiana such time as he requires.

Mr. LONG. Mr. President, I have studied the amendment. The Senator has a letter supporting the amendment from the Treasury Department.

Mr. STEVENS. The Senator is correct.

Mr. LONG. Mr. President, I hope the Senator will discuss the matter briefly with the Senator from Delaware (Mr. WILLIAMS). I believe that we can accept the amendment. The Treasury supports the objective of the amendment. I believe it is meritorious.

Mr. STEVENS. Mr. President, we have discussed the matter with the Senator from Delaware. He has no objection.

Mr. LONG. Mr. President, under the present law, private aircraft must pay fully the cost of customs services provided at irregular hours when these aircraft arrive from overseas destinations, including Canada. At times, these costs can become quite steep—running to over $90 for a landing. Nearly 60 percent of the charges to private aircraft for overtime service, however, amount to less than $15 for aircraft.

Many private aircraft owners have complained about these extra costs for overtime work by customs officials. At one point, the Treasury Department was suggesting a flat fee which would make all private aircraft pay the same amount when landing at unusual hours. This would have, in effect, raised the user charges on the majority of private aircraft who now pay less than $15 for a landing in extra customs charges, while reducing it for the small minority who may pay as much as $90. Treasury now properly opposes the flat fee approach.

This amendment meets all the objections we have heard. It would establish a $25 maximum fee for overtime customs services. This will substantially reduce the cost to those few aircraft owners who would have had to pay as much as $90, while, at the same time, preserving the situation with respect to those owners of aircraft who now pay less than $25. In other words, the majority would continue to pay only a nominal fee, as they have in the past, while the minority will pay a maximum of $25. Treasury has given us a letter in which they approve this approach, although they prefer language which would give them discretion to fix a larger limit in the future. I think we should study a higher limit in the future.

The total cost to the Treasury of this amendment is estimated to be $65,000

per year, which Treasury says can be absorbed within its existing budget.

I ask unanimous consent that the letter from the Treasury be printed in the RECORD.

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

THE GENERAL COUNSEL
OF THE TREASURY,
Washington, D.C., February 25, 1970.

Hon. RUSSELL B. LONG,
Chairman, Committee on Finance,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to the request of Mr. Thomas Vail for the views of the Department on an amendment to the Aviation Facilities Expansion Act of 1969, H.R. 14465, proposed on the floor of the Senate by Senator Theodore Stevens, which would provide for the charging of a flat fee for overtime services rendered by Customs and other inspectional personnel for private aircraft arriving at airports of entry in the U.S. from foreign departure points.

The establishment of such a flat fee could be expected to eliminate complaints which the Bureau of Customs, the Department of the Treasury, and members of Congress have heretofore received from private aircraft operators who have sometimes had to bear the entire cost of overtime services by a Customs or other inspector, which can, depending on the pay level of the inspector and the period for which the overtime charge is incurred, amount to $90 or more. However, a flat fee set by the Secretary of the Treasury at such a level as to recoup the aggregate cost to the U.S. government of all such overtime charges would amount to approximately $19 or $20 per aircraft. At present, nearly 60% of the charges to private aircraft for overtime service amount to less than $15 per aircraft; and 45% amount to less than $10. Thus, we would anticipate that a majority of aircraft operators would be charged more under this amendment than they are presently being charged. This will lead to an even larger number of complaints from private aircraft users, especially from those foresighted persons who have previously planned their arrivals to occur during periods in which overtime costs are shared. Therefore, the Department is opposed to the enactment of this amendment.

In lieu of this amendment, the Department of the Treasury proposes the attached legislation, which would authorize the Secretary of the Treasury to establish a maximum charge for overtime services to private aircraft and vessels, but would retain the present system of pro-rating overtime charges over several using aircraft or vessels whenever this would result in a charge to such aircraft or vessel of less than the maximum charge. If the amendment is enacted, it is the intention of the Secretary of the Treasury initially to establish a maximum charge of about $25 per aircraft or vessel. It is estimated that this would result in unreimbursed costs to the Bureau of Customs of about $65,000.

The Department of the Treasury visualizes the following special advantages to this proposal:

1. It would eliminate the higher user charges which most readily provoke complaints;

2. It would permit careful operators still to benefit from share charges and thus pay smaller amounts;

3. It would maintain an incentive for private aircraft and vessels to make entry during hours of normal service; and

4. The unrecouped costs to the U.S. government would be minimal, and manageable within the budget of the Department of the Treasury.

The Department has been advised informally by the Bureau of the Budget that there is no objection from the standpoint of the Administration's program to the submission of this report to your Committee.

Sincerely yours,

PAUL W. EGGERS,
General Counsel.

PROPOSED AMENDMENT

Section 451 of the Tariff Act of 1930, as amended (19 U.S.C. 1451, is further amended by inserting following the word *"Provided"* the following new material:

"That, notwithstanding any other provisions of law, the owner, operator, or agent of any private aircraft or private vessel shall pay to the United States a fee to be prescribed by the Secretary of the Treasury by regulation, but in no event shall such fee exceed the amounts which would otherwise be payable under applicable provisions of law, for services performed upon the request of such owner, operator, or agent by an officer or employee of the Customs Service, by an officer or employee of the Immigration and Naturalization Service, by an officer or employee (including an independent contractor performing inspectional services) of the Foreign Quarantine Division of the Public Health Service, or by an officer or employee designated by the Secretary of Agriculture, on a Sunday or holiday, or at any time after 5 o'clock postmeridian or before 8 o'clock antemeridian on a weekday, in connection with the arrival in, or departure from, the United States of such private aircraft or vessel, unless, in the case of week day services, an officer or employee stationed on his regular tour of duty at the place of such arrival or departure is available to perform the services. No fee or other payment shall be collected for such services merely because they are performed on a day which is considered, under title 5 of the United States Code or under an Executive order, as in lieu of an actual holiday, but such fee shall be collected for such services performed on a Monday following a holiday falling on Sunday. In determining the fee to be prescribed in regulations, the Secretary of the Treasury shall consult with other Government agencies named in this provision, and such fee shall be charged by each such agency that provides services in connection with such arrival or departure of a private aircraft or private vessel. The amounts payable on the bais of the fee prescribed by the Secretary of the Treasury and paid to the Government under this provision shall be in lieu of any other compensation, fees, or expenses required by any other law or regulation to be paid to the Government for the services involved. The term "private aircraft" means any civilian aircraft not used to carry passengers for hire or merchandise for hire, and the term "private vessel" means any civilian vessel not used to carry passengers for hire or merchandise for hire or to engage in the fisheries; *Provided, further,".*

The following amendment shall take effect with respect to private aircraft or private vessels arriving in or departing from the United States on or after July 1, 1970.

Mr. LONG. Mr. President, I think it is a good amendment. The amendment should be agreed to.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

Mr. STEVENS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

Mr. LONG. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. LONG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, reads as follows:

Page 101, strike out lines 16 through 22 and insert the following:

"(b) BY WHOM PAID.—

"(1) IN GENERAL.—Except as provided by paragraph (2), the tax imposed by subsection (a) shall be paid by the person making the payment subject to tax.

"(2) PAYMENTS MADE OUTSIDE THE UNITED STATES.—If a payment subject to tax under subsection (a) is made outside the United States and the person making such payment does not pay such tax, such tax—

"(A) shall be paid by the person to whom the property is delivered in the United States by the person furnishing the last segment of the taxable transportation in respect of which such tax is imposed, and

"(B) shall be collected by the person furnishing the last segment of such taxable transportation."

Page 102, beginning with line 20, strike out all through line 4, page 103, and insert the following:

"(a) IN GENERAL.—For purposes of this part, except as provided in subsection (b), the term 'taxable transportation' means transportation by air which begins and ends in the United States.

Mr. LONG. Mr. President, this amendment would strike from the bill the tax on incoming international airfreight over the territory of the United States.

Our staff has studied the House language. We have attempted to improve on it. It simply presents some substantial administration problems in determining the amount of the tax and in collecting it. We are advised by the carriers that the cost of handling this might exceed the tax that would be collected.

We would hope we could work this matter out in conference. If not, it appears that the tax is inefficient and too costly to collect. It involves perhaps $2 million. We feel that the nuisance would exceed the revenue. If we cannot solve the matter before the bill is enacted, I think the provision should be stricken from the bill.

I urge that this provision be stricken now from this bill and I hope that we can work the matter out in conference.

Mr. President, I yield back the remainder of my time.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. DOMINICK. Mr. President, I call up amendment No. 522.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, reads as follows:

Page 112, lines 7, 8, and 9, strike out "capable of providing a seating capacity for more than four adult individuals (including the crew)" and insert "having a maximum certificated takeoff weight (as defined in section 4492(b)) of more than eight thousand pounds".

Page 112, line 11, strike out the period and insert: "in excess of eight thousand pounds."

Mr. DOMINICK. Mr. President, I yield myself 8 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 8 minutes.

Mr. DOMINICK. Mr. President, I will be short on this matter. I do not think I need that much time.

In addition to the $25 registration fee on which we voted, page 112 provides also for a tax on any civil aircraft. And then it says in subsection (2):

In the case of any aircraft capable of providing a seating capacity for more than four individuals (including the crew) . . .

That means in effect the four-passenger airplanes are excluded and everything else is included.

The purpose of this, from the Finance Committee standpoint, was to try to get away from the trainers, the ones being used on flights around the field, and private and other small engine airplanes. But the fact of the matter is that this exception leaves in, as far as I can see, the DC–8 cargo airplanes which are only configured for three seats, perhaps four. Most private and other cargo planes are configured that way. It leaves in, in fact, the taxing of planes like a Cessna 310, or whatever else of that kind it may be, the twin-engine planes which are largely a pleasure type aircraft.

My provision, instead of including the seating capacity, strikes out the seating capacity and provides that we will tax all aircraft on their poundage above 8,000 pounds.

If an aircraft weighs 12,000 pounds, the first 8,000 pounds would be eliminated from the tax. The plane would only be taxed on 4,000 pounds.

If it is a DC–8, the poundage is very heavy. They would get the benefit of having 8,000 eliminated from the tax and would have to pay on the balance of the poundage.

The purpose of my measure is not only to give some relief against poundage for the smaller aircraft, but also to reflect the fact that the heavier aircraft—the ones which cause more wear and tear on the runways than anything else—should be required to pay a tax, whether it be Lear jet or a Sabreliner, or whatever else it may be.

That is part of the problem of including the seating capacity. We can take one of the French jets which weighs considerably more than 8,000 pounds. Yet, it has only four seats. And it would be exempted from the tax.

It does not seem to me to be right.

My amendment would do no more than set a limit. The first 8,000 pounds of any aircraft would be exempted from the tax and they would have to pay the tax on the remaining poundage.

Mr. President, I reserve the balance of my time.

Mr. LONG. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 3 minutes.

Mr. LONG. Mr. President, what the Senator is seeking to do is to further reduce the tax on general aviation. Most Senators were not present when I explained the distribution of the tax burden between general and commercial aviation. General aviation will be conducting 90 percent of all operations on these airports, before too long.

The Senator made the statement that general aviation flies more passengers than does commercial aviation. Not only will they be flying more passengers, but general aviation will be conducting 90 percent of the airport operations and still pay only 7 percent of the tax.

The Senate has already voted twice to reduce the tax on general aviation.

If the Senate agrees to this amendment, then perhaps we should go ahead and take all the tax off general aviation.

The people who buy tickets on the airlines only get 10 percent of the airport operations benefit, but pay 93 percent of the cost. If those people did not have to pay the cost for the airport and airway system either, we would then wind up without any trust fund.

The amendment would eliminate the poundage tax on 97 percent of general aviation airplanes. We started in the committee by saying that if a person had a small plane with place for no more than four adults, he would not have to pay any tax based on the weight of the airplane. He would only pay the $25 a year tax.

The Senate has now voted to take that out. Seventy-five percent of all the private planes would not pay anything, since they are already excepted from the poundage tax.

The Senator now proposes that we reduce that to 97 percent. In fairness, we ought to strike it all out.

I would hope Senators muster the courage which the Committee on Finance did. We have the responsibility to try to find money to keep the Government solvent. I hope the Senate will muster the same fortitude which was exercised by the Committee on Finance so that the people who are getting the most benefit from this will pay a fair share of the cost.

I hope the amendment is not agreed to.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). Do Senators yield back their time?

Mr. DOMINICK. Mr. President, I yield myself 5 minutes. I think I should reply to what the distinguished Senator has said.

I want to point out once again, as I said originally, that the difficulty with the language in the bill now is that the cargo aircraft, configured for a crew of four, will not be covered so they will not get a tax out of that. My guess is that with my amendment we will get more money than if we do not have it.

The other argument, which is legitimate, is that we are putting most of this money in the area where most airliners are covered and yet we are paying a 6-cent fuel tax, and paying on all executive and business aircraft. They are all more than 8,000 pounds.

All I am saying is that the smaller aircraft should be treated alike and that the bigger aircraft—executive and cargo planes—should pay the tax and this will not happen the way the bill is now.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. DOMINICK. Mr. President, I ask for the yeas and nays. The yeas and nays were ordered.

The PRESIDING OFFICER. Do Senators yield back the remainder of the time?

Mr. DOMINICK. I yield back my time.

Mr. LONG. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment (No. 522) of the Senator from Colorado. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Texas (Mr. TOWER) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from Arizona (Mr. FANNIN). If present and voting, the Senator from Illinois would vote "yea," and the Senator from Arizona would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Utah (Mr. BENNETT). If present and voting, the Senator from Texas would vote "yea" and the Senator from Utah would vote "nay."

The result was announced—yeas 28, nays 54, as follows:

[No. 65 Leg.]

YEAS—28

Allen	Hansen	Murphy
Allott	Harris	Pearson
Burdick	Hart	Percy
Case	Hartke	Schweiker
Cook	Hatfield	Smith, Maine
Cotton	Hollings	Stevens
Curtis	Hruska	Thurmond
Dole	Mathias	Young, N. Dak.
Dominick	McGee	
Gurney	Mondale	

NAYS—54

Aiken	Fulbright	Nelson
Anderson	Goodell	Pastore
Bayh	Gore	Pell
Bellmon	Griffin	Prouty
Bible	Holland	Proxmire
Boggs	Inouye	Randolph
Brooke	Jackson	Ribicoff
Byrd, Va.	Javits	Scott
Byrd, W. Va.	Jordan, N.C.	Sparkman
Cannon	Jordan, Idaho	Spong
Cooper	Kennedy	Stennis
Cranston	Long	Symington
Dodd	Magnuson	Talmadge
Eagleton	Mansfield	Tydings
Eastland	McClellan	Williams, N.J.
Ellender	McIntyre	Williams, Del.
Ervin	Miller	Yarborough
Fong	Moss	Young, Ohio

NOT VOTING—18

Baker	Hughes	Muskie
Bennett	McCarthy	Packwood
Church	McGovern	Russell
Fannin	Metcalf	Saxbe
Goldwater	Montoya	Smith, Ill.
Gravel	Mundt	Tower

So Mr. DOMINICK's amendment No. 522 was rejected.

AMENDMENTS NO. 530

Mr. COOK. Mr. President, I call up my amendments No. 530.

The PRESIDING OFFICER. The clerk will state the amendments.

The assistant legislative clerk read the amendments (No. 530), as follows:

On page 72, line 10, strike "50" and insert in lieu thereof "75".

On page 72, line 18, strike "25" and insert in lieu thereof "10".

Mr. COOK. Mr. President, let me very simply state what the amendment does. It proposes to increase the program from a 50–50 basis to a 75–25 basis. As we all know, the Federal highway program operates on a basis of 9–1 or 90–10.

The reason I feel this way is that the bill itself almost usurps all the sources of revenue. So we will find local airports and local agencies really without the wherewithal to participate on a 50–50 basis. We will have the revenue within the agency, but we will not be able to share it on that basis, because of a lack of local funds.

For a few minutes I will read the position this would put my State in. Then I want my colleagues to consider the position their States may be in.

On an area-population ratio, Kentucky's share would be $1.213 million per year.

Under the hub-enplanement ratio, Kentucky's share will be $.648 million, of this Lexington-Frankfort will receive $.072 million and Louisville will receive $.576 million. No prediction for the discretionary fund share but using the foregoing figures as a yardstick Kentucky might receive an additional $600,000 according to the department of aeronautics.

What that means is that as a total for the year, we would receive $2.461 million. These figures are derived from pages 29 and 30 of the Senate committee report on S. 3108.

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend until order is restored.

Mr. COOK. The Greater Cincinnati Airport is apparently not listed under the Kentucky figures, although it is in the commonwealth. On page 31 of the committee report, Cincinnati, Ohio, is given $846,000 under the hub-enplanement ratio. The figures are not broken down as to what the Greater Cincinnati will receive on the area-population formula. Roughly speaking, Kentucky's total may be increased by the Greater Cincinnati Airport's share by approximately $1.5 million—this is a rough guess—according to the department of aeronautics.

As to the needs of our State, according to the Kentucky Department of Aeronautics, estimates for the total funds needed for the next decade total $462,816,250. Of that amount, $233 million is eligible under the present Senate bill for matching funds. The remainder, $239 million, is for terminal facilities and other items such as access roads, parking lots which are ineligible for Federal matching funds under this Senate bill.

However, the local airports are going to have to raise and spend this money, besides having to raise about $117 million so that they can be on a matching basis.

I asked the respective airports in our area just exactly what the impact on them would be, and received the following replies.

Mr. Dicky says the Greater Cincinnati Airport, which is located in Boone County, Ky., will require, for land acquisition, new taxiways, runway extension, ramps, and terminal facilities. Cincinnati has a $11.5 million bond indebtedness, and, as we all know, the bond market right now is so tight that they probably could not sell any more.

This is another point I wish to stress, because these funds will have to be raised, and if the funds are not raised through local efforts or as a result of activities at the State level, any bond issues in the near future will find it difficult to find a buyer.

For the Lexington airport, Mr. Gray says the need is for overlaying and improving runways and ramps. The terminal handles one-quarter million people a year, whereas it was built to handle 75,000 a year. They will need approximately $1.5 million for a new terminal, and will have no way to get any money from the bill.

Louisville, in the near future, will need $8 million for expansion and repair and overlaying of existing runways to bring it up to Boeing 747 standards, and for the C–5A, which the department tells us will have to come into Louisville because of the situation at Fort Knox.

By 1975 Standiford Field will reach a saturation point and new jetport will be needed. The department of aeronautics estimates that another $120 million will be needed by 1990 in addition to the $316 million already estimated.

At the moment Louisville has no bonded indebtedness, but has outstanding notes of over a half million dollars.

As to the Owensboro-Davies County airport, although not listed under major projects, Mr. Adams informs me that they will need approximately $2.2 million over the next 10 years. Of that amount, $1.3 million—for land acquisition, runway extension, ramp extension, and navigational aids—will be eligible. A balance of $900,000 for terminal facilities will not be eligible.

At Paducah-Barkley Field they say that they can use $3 million in 10 years for land acquisition, runway extension, ramps, and navigational aids. All of this eligible for Federal matching funds.

I am proud to say that our State legislature, in its budget just passed, appropriated for airport and airway development, for fiscal year 1970–71, $875,000, and for fiscal year 1971–72, $1.575 million. This amount is to be matched on the local level, with 25 percent State and 50 percent Federal participation.

So in conclusion, Mr. President, over the next 10 years the State of Kentucky will be eligible to receive approximately $2.4 to $3.9 million—depending on whether the Cincinnati figures in the Senate report are correct—per year for the next 10 years. Total 10-year Federal aid will be approximately $24 to $39 million. Kentucky needs a total of $462 million, of which $239 million is eligible for Federal matching funds.

So, Mr. President, if we talk about this and make up our minds that we should be on a 50–50 basis, I am only saying that when you create an agency and set up a trust fund, and usurp all the basic sources of revenue, you are not likely to find very much participation on a 50–50 basis. For Senators who think they can sell this bill as a panacea for the total airport facilities situation throughout the country, I am afraid it is not going to be that way at all.

I ask unanimous consent to have printed in the RECORD at this point a table showing the estimated financial needs for airport and airways development in the Commonwealth of Kentucky during the next decade.

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

FINANCIAL NEEDS OF AIRPORT/AIRWAYS DEVELOPMENT IN KENTUCKY DURING THE NEXT DECADE

KENTUCKY DEPARTMENT OF AERONAUTICS

	Eligible for Federal aid under H.R. 14465	Ineligible for Federal aid	Total
I. Major projects:			
1. Greater Cincinnati	$32,000,000	$55,000,000	$87,000,000
2. Lexington, Blue Grass Field	9,025,000	2,310,000	11,335,000
3. Louisville:			
(a) Standiford Field	3,000,000	12,000,000	15,000,000
(b) Bowman Field	None	500,000	5,000
(c) Proposed jetport	168,824,916	147,390,000	316,214,916
4. Pikeville	7,743,000	580,500	8,323,500
Subtotal	220,592,960	217,780,500	438,373,460
II. All other projects	18,850,190	5,592,600	24,442,790
III. Total Kentucky project needs	239,443,150	223,373,100	462,816,250
IV. (1)			

[1] Of the total financial needs which are ineligible ($223,373,100), approximately 90 percent are for terminal facilities and 10 percent for access roads and miscellaneous.

Mr. COOK. Mr. President, this is the reason for my amendment. Perhaps many Senators feel that something may be accomplished in their States on a 50–50 ratio. But I think Senators need to understand that the major airports are in a position, right now, where they are bonded up to the hilt, or have borrowed every dime they can borrow, and they are not in any position to participate on a 50–50 basis.

The end result will be that they will not be able to raise the funds, because, while they are raising 50 percent of the matching funds, they also have to raise 100 percent of all funds for terminal facilities, parking facilities, and all other facilities necessary to go along with the airport, where no Federal aid will be available in any way, shape, or form.

Mr. President, I yield the floor.

Mr. CANNON. Mr. President, I yield myself 3 minutes.

The distinguished Senator from Kentucky does make a very persuasive case, and certainly well states the plight of many airport authorities around the country today.

As he stated, this bill is not a panacea. It will not solve everyone's problems. But it will get us started along the road at taking some long overdue action, and that will hopefully help us catch up by the end of this 10-year period. It certainly will not catch us up in 1, 2, or 3 years.

The Senator points up the very serious problem among the local authorities. They have to go to their various concessionaires to try to raise revenues from their concessions, or go to bonding to try to raise the funds to carry out their part of the improvements.

But I think it would be very ill advised for us, at this time, on the floor of the Senate tonight, to try to change a formula we have had in effect for a long period of time. We have had no hearings on your amendment or the impact of it, and I think we would be much better advised to pass the bill in its present form, and get the wheels in motion, and then come along with a hearing to determine whether or not the sponsors are getting a fair share of the pie, let us say, under this 50-percent Federal matching formula.

I, for one, would be perfectly willing, as a member, and in fact vice chairman, of the Aviation Subcommittee, to say that we could schedule hearings to go into the problem, explore it with the various airport authorities, States, and communities around the Nation, study the findings, and then come up with a considered judgment on the matter.

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

Mr. CANNON. I am happy to yield.

Mr. COOK. Is the Senator saying he would be willing to have hearings during this fiscal year on the matter, before his subcommittee?

Mr. CANNON. I think this fiscal year is just about over. That means between now and July 1.

Mr. COOK. What I am really talking about is between now and adjournment.

Mr. CANNON. I would be willing to assure the Senator we would make every effort to try to get a hearing in this calendar year on the subject he is so concerned about, that is, the proper Federal share of the matching formula. This is something that will require study. We are going to have to get some reports, and give some of these States and communities the opportunity to prepare and come up with some kind of a recommendation.

Mr. COOK. I might say to the distinguished Senator that I know that probably, under normal circumstances, and the hour being what it is, a vote on this amendment would probably not be successful. I believe in it firmly, because I believe we are starting off on something we will find will be far less attractive to the aviation industry as a whole, the airports, and the airport authorities, than we really think.

But under the circumstances, if the Senator will agree to do everything in his power to have hearings in this calendar year, I think I would be willing to withdraw the amendment, purely and simply because the hour is late, and I would hate to have such a thing considered and voted on with no more than a 12-minute debate, because I think it is far more serious than that. If that is the agreement of the distinguished Senator——

Mr. CANNON. Mr. President, as I have said, I am willing to give that assurance. The chairman of our committee is in the Chamber, and I am sure he can speak for himself, but I am sure that he would agree that we will try to make every effort possible to give the Senator a hearing sometime during this calendar year on this matter.

Mr. COOK. Mr. President, under the circumstances, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill is open to further amendment.

AMENDMENT NO. 517

Mr. STEVENS. Mr. President, I call up my amendment No. 517.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

AMENDMENT NO. 517

On page 105, line 16, strike out the closing quotation marks, and after line 16, insert the following:

"STATE AND LOCAL GOVERNMENTS

"SEC. 4283. Under regulations prescribed by the Secretary or his delegate, the taxes imposed by sections 4261 and 4271 shall not apply to transportation furnished to the government of any State, any political subdivision of a State, or the District of Columbia."

Page 97, lines 22 and 23, strike out "sections 4281 and 4282" and insert "sections 4281, 4282, and 4283."

Page 114, line 22, strike out the period and insert a comma, and after line 22, insert the following: "except that such term does not include any aircraft which is owned by the government of a State, any political subdivision of a State, or the District of Columbia and which is normally used exclusively in the exercise of governmental functions."

Mr. STEVENS. I yield myself 5 minutes.

First, let me say, to make sure the RECORD is clear, that the amendment is cosponsored by the Senator from California (Mr. CRANSTON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Utah (Mr. MOSS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Ohio (Mr. YOUNG). I ask unanimous consent to add the names of the Senator from Hawaii (Mr. FONG), the Senator from Oklahoma (Mr. BELLMON), and the Senator from Illinois (Mr. SMITH) as cosponsors of the amendment.

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

Mr. STEVENS. This amendment would eliminate from the application of this bill the taxation which would be applied for the first time to transportation furnished to a State or political subdivision or the District of Columbia, and it also would exempt from the application of this bill State-owned aircraft.

In my State, in the State of Hawaii, and in many of the other Western States—I think it applies to all States now—the State officials are traveling by air. This amounts at this time to an imposition of a 7.5-percent additional charge for transportation on State and local officials, at a time when their budgets are already building up. It will just reduce the transportation of State and local officials by 7.5 percent, as a practical matter, because they cannot afford to take on this kind of burden.

I would echo what the Senator from Kentucky has said: We are really taking away from the State and local governments a source of revenue by this bill. At the same time, we are telling them that they are going to have to pay more for their transportation. We have not imposed this type of tax before on State and local governments. We have been informed that the National Organization of State Governments, the National League of Municipalities, the National Association of Counties, the National Governors Conference, the Organization of Airport Operators—and I have been contacted by Governor Mandel, Governor Reagan, and the Governor of Alaska—that they view this bill as something that is going to seriously limit the effectiveness of their local political subdivisions and State governments.

I feel that the amendment is worthwhile and that we should not at this time impose this transportation tax on State and local governments.

Mr. CANNON. Mr. President, I yield myself 3 minutes.

I am not the manager of this part of this bill and I see the manager in the Chamber. I am opposed to the proposal advanced by the Senator from Alaska.

We are trying to write a bill that will provide some of the funds to get the job done, and I do not like to see user tax exemptions put in for States, municipalities, or whatever it may be. We are refunding to them so much more money under this bill than the amount they

are going to contribute in taxes, that this seems to me to be somewhat of an unreasonable request.

I yield to the chairman of the Committee on Finance.

Mr. LONG. Mr. President, the way the law stands today, every time somebody buys an airline ticket, if the ticket costs $100, somebody adds $5 for the present 5-percent ticket tax. They add $100 plus $5 to get the total fare of $105. So, on 160 million tickets sold each year, the little ticket girl sits there and adds it up and calculates. Everybody has to stand in line while she adds up the figures.

When people advertise that it costs, let us say, $50 to fly from Washington to the Queen City—New Orleans—you find out it does not cost $50 but $52.50, because they add tax to it.

This holds up the proceeding; it slows everything down. I am sure Senators are familiar with the procedure where they go to the ticket office to buy their ticket, and a great number of people are standing in line, and someone says, "Are you claiming a tax exemption?"

I do not think Congressmen ought to be claiming a tax exemption. Either the Government should pay for the transportation or they should pay for it themselves. Some Congressmen do claim it. Everybody standing in line becomes outraged about it. Here is a fellow paying taxes to pay our salaries; we are making more money than he is. The clerk has to bring out a form, and we claim the special tax advantage of being a Member of Congress. A Governor does the same thing. All State employees who are paying their own way proceed to claim it, when the State can pay it for them.

In addition, here come the college professors. A man is a professor at a State college, and that makes him a State employee, so he claims the tax exemption. A professor from a private college is outraged. The private colleges are harder up for funds than State colleges. State colleges sometimes are much better supported. The two professors travel side by side. The man from the State college gets the tax exemption and the other one does not. It makes everybody angry, and they say, "Why should he have an advantage I do not get?"

Then come the international organizations. If anybody ought to pay a tax, it is the international organizations. They fly around the world, enjoying the finest facilities and they claim the tax exemption. Everybody else is angry about it because they have to pay a tax that the international organizations do not have to pay.

How does the Finance Committee say we should handle this? This is what the Finance Committee said we should do: "Let us not exempt anybody; everybody who flies, pays." So we put the tax on the airlines. Then the tax is not on the Governor, not on the ticket, not on the passenger.

Instead of an 8-percent tax on the ticket, it works out the same to put a 7½-percent tax on the airlines for the amount the airlines charge for passenger transportation—7½ percent of the whole thing; add it up; give it to Uncle Sam. It amounts to the same thing.

So 160 million times a year it will avoid the calculation, with people standing 50 deep in line, while some poor little ticket girl calculates it. She will have to say, "Let me see, the ticket is $53. Multiply that by 7.5 and add it up. Wait a minute. I made a mistake. I will rub it out and start all over again." People are frantic to get on the airplane.

Everybody pays, and it is in the ticket—one price. Everybody pays the same. Treat them all exactly the same. When somebody needs a subsidy, let them bring in a bill, and we will try to find a way to subsidize them.

Today, the Governors' conference committee and the Committee on Finance met, and we spoke with them for a solid hour; and not a Governor—not Governor Rockefeller or any other Governor from any of these States—mentioned this subject. They did not even bring it up. If the Governors are willing to pay the tax, why should we make everybody in America angry because they have to pay a tax somebody else does not have to pay? It would be vastly easier and much more just to make the tax apply across the board.

Mr. CANNON. As the proposal now stands, is it not a fact that there will not be a passenger excise tax? The equivalent of that tax will be added at 7.5 percent onto the fare, and the person will pay one fare which will include the tax on the air carriers as well as the fare.

Mr. LONG. Yes. And when the airlines advertise that it will cost you $52 to fly there, that is what it will cost, no matter who you are, and that is the way it ought to be.

SEVERAL SENATORS. Vote! Vote!

Mr. STEVENS. Mr. President, I am just a country lawyer, but it says there is a tax imposed upon transportation of the person, and it will be collected from the airline. Today, officials of Bethel, when they want to travel to Anchorage, all have to go and get their airline tickets. They do not pay any tax. They do not pay any tax because they have an arrangement where they file their declaration and are tax exempt.

I do not know how it is done in Louisiana, the State of my good friend (Mr. LONG), but I am sure that the local officials travel mostly by car. But in Hawaii, in Alaska, and in the West, we travel by air. One cannot drive from Bethel to Anchorage. One cannot drive from Juneau to Ketchikan. We have to fly. Every time they want to go out into the political subdivision, they have to buy an airline ticket. The Senator wants to add 7.5 percent to their bill, he does not care whether you are the Senator from Alaska or any other individual. I appreciate the Senator's comments about international travel. This amendment does not cover it. It does not cover Federal officials, either, If you want to collect a tax from a Federal official, that is fine, but our budget is already prepared. We are in the fiscal year. It started last July 1. Now, suddenly, we are to tell them that they need 7½ percent more for travel in Alaska, or between Alaska and Washington. It is a great embarrassment to people to use 7½ percent additional of the local taxpayers' money. What you do is, you take it from the local political subdivisions and put it in the Federal Treasury. In theory, we are adding it to the local political subdivision, which does not need one single bit of help from this. But you have federally supported facilities which will get an advantage in this bill. This is a change in policy.

I have not mentioned one other thing and that is retaliation. One day, the local governments will wake up and they will start to tax the Federal Government, as they should have done a long time ago. You raise an old constitutional slogan as to whether this is constitutional. I think it is an interesting device to tax airlines instead of taxing the individual who is traveling for a State or a local political subdivision, but you are still taxing his transportation and he has got to pay the 7.5-percent Federal tax to travel.

I do not know about the Governors, but I can assure you, that if the chairman of a local borough—we have them up there instead of counties—or the mayors of the cities came in to see you today, they would have surely raised this question, because they live in the areas that cannot afford this increase. The local governments cannot afford the increase at this time. I do not see any justification for it whatsoever, so we can have the traditional pattern of taxation between the State and Federal Government.

Mr. President, I yield back the remainder of my time, and ask for the yeas and nays.

The yeas and nays were observed.

Mr. CANNON. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 1 minute.

Mr. CANNON. I want to point out how badly abused the State of Alaska is, having to pay this 7- or 8-percent tax in flying back and forth.

Under the formula in this bill Alaska will get at least $6.9 million a year in airport aid funds by provision of the $90 million allocation for airports in the several States under the area population formula. But they do not want their public official to pay a tax from Nome to Fairbanks, or wherever it is.

Mr. COOK. Mr. President, I believe there is a little bit more to it than that. I should like to get this in the RECORD, that although I favor the amendment which was brought up, there is a formula in the bill, on page 2, section (b) that allows 25 percent over and above the 50 percent to States whose land is owned by unreserved public lands and nontaxable Indian lands. They would receive another 25 percent. The following States would also receive an additional 25 percent, conceivably, under that formula: Wyoming, Washington, Alaska, Nevada, Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, South Dakota, and Utah.

So we are talking about those States, including Alaska, receiving 50 percent, if they are going to receive, conceivably, 75 percent, while the rest receive 50 percent.

Mr. LONG. Mr. President, most of the money will go back to the States anyway. We are raising the money for the States to build the airports, to pave the

runways, and to help with their expenses. We are glad to do that. But if they are going to get the benefit of the money, why should not a governor or State and local government employees pay something?

I cannot speak for other States, but we are proud of our Governor in Louisiana. We have provided the money to buy him a prop-jet airplane to fly around the State, and the State picks up the tab for it. The Governor does not have to pay for that. No one is complaining about that in Louisiana. The State picks up the tab. If the Governor is sad about that he is not complaining.

But here they are asking for a Federal handout with no strings. We are going to vote on a revenue-sharing amendment one of these days. President Nixon talks to them about coming up here to lobby for it. Alaska should not complain. They picked up $900 million from the oil leases on the north slope, so why cannot they use some of that $900 million to pay this tax, to fly their Governor back and forth?

We should impose this tax across the board, with no exceptions, no exemptions—everyone pays.

When we make the first exception, then we have to advertise that the cost of the ticket will be $50, but when you get to the ticket counter, it will be $54. I just do not think that is a good way to do it.

When the distinguished Senator from Georgia (Mr. TALMADGE) was Governor, he raised the sales tax and he was reelected to office after he had raised the sales tax. But that sales tax made no exemptions for anyone. Everyone paid.

The PRESIDING OFFICER. All time has now been yielded back.

The question is on agreeing to the amendment of the Senator from Alaska (Mr. STEVENS).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Georgia (Mr. RUSSELL), the Senator from Virginia (Mr. SPONG), the Senator from Ohio (Mr. YOUNG), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Kentucky (Mr. COOPER), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), and the Senator from Texas (Mr. TOWER) are detained on official business.

If present and voting, the Senator from Tennessee (Mr. BAKER), the Senator from South Dakota (Mr. MUNDT), and the Senator from Texas (Mr. TOWER) would each vote "yea."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from Utah (Mr. BENNETT). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Utah would vote "nay."

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from Arizona (Mr. FANNIN). If present and voting, the Senator from New York would vote "yea" and the Senator from Arizona would vote "nay."

The result was announced—yeas, 26, nays 52, as follows:

[No. 66 Leg.]

YEAS—26

Allen	Griffin	Moss
Allott	Harris	Murphy
Bellmon	Hatfield	Ribicoff
Cook	Hollings	Scott
Cranston	Hruska	Stevens
Curtis	Inouye	Symington
Dole	Javits	Tydings
Eagleton	Mathias	Yarborough
Fong	McGee	

NAYS—52

Aiken	Gore	Pastore
Anderson	Gravel	Pearson
Bayh	Gurney	Pell
Bible	Hansen	Percy
Boggs	Hart	Prouty
Brooke	Hartke	Proxmire
Burdick	Holland	Randolph
Byrd, Va.	Jackson	Schweiker
Byrd, W. Va.	Jordan, N.C.	Smith, Maine
Cannon	Jordan, Idaho	Sparkman
Case	Kennedy	Stennis
Cotton	Long	Talmadge
Dodd	Magnuson	Thurmond
Dominick	Mansfield	Williams, N.J.
Eastland	McIntyre	Williams, Del.
Ellender	Miller	Young, N. Dak.
Ervin	Mondale	
Fulbright	Nelson	

NOT VOTING—22

Baker	McCarthy	Russell
Bennett	McClellan	Saxbe
Church	McGovern	Smith, Ill.
Cooper	Metcalf	Spong
Fannin	Montoya	Tower
Goldwater	Mundt	Young, Ohio
Goodell	Muskie	
Hughes	Packwood	

So Mr. STEVENS' amendment was rejected.

AMENDMENT NO. 520

Mr. DOMINICK. Mr. President, I call up amendment No. 520.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

AMENDMENT No. 520

At the end of line 3, page 143, add the following new section: That within eighteen months following the date of enactment of this Act, the Secretary of Transportation shall prepare and begin implementation of a program to terminate the use of Washington National Airport by jet (not including prop-jet) aircraft, except in the case of an emergency; and shall prepare and submit to the Congress a program to provide high-speed surface transportation connecting the city of Washington, District of Columbia, with Dulles International Airport and Friendship International Airport.

Mr. DOMINICK. Mr. President, this is the amendment I offered a while ago. I wanted to bring it up so that I would have an opportunity to ask the Senator from Nevada whether we could have a hearing on this matter. A good many people are interested in this. This asks the FAA within 18 months to develop a mass transit plan for Dulles and Friendship. It would seek to get all of the jets out of National and put them at Dulles and Friendship where they belong.

The amendment is based on safety and on pollution. I do not want to press it tonight. It is too late.

I wanted to find out from the Senator from Nevada what we could do about it.

Mr. CANNON. Mr. President, the amendment would completely disrupt travel in the Washington area. The Washington National Airport provides for 60 percent of the total passengers passing through the Washington area. Dulles and Friendship could not handle the additional load if this ban on jet operations was imposed at National Airport.

The amendment should be considered when we have hearings on the bill introduced by the Senator from Virginia (Mr. SPONG), which would create an interstate compact combining the three Washington area airports into a single authority. This amendment could be considered in depth at that time.

We intend to have hearings later this year on the Spong proposal, and we will include this study as a part of those hearings.

Mr. DOMINICK. I thank the Senator. With that assurance, I withdraw the amendment.

The amendment was withdrawn.

Mr. CANNON. Mr. President, I have two technical amendments. I send the first technical amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The amendment is as follows:

On page 63, lines 23 and 24, strike out "the apportioned amount of the preceding year's taxes" and insert in lieu thereof "its apportionment".

Mr. CANNON. Mr. President, this is a technical amendment, and I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment (putting the question).

The amendment was agreed to.

Mr. CANNON. Mr. President, I send to the desk another amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. CANNON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment ordered to be printed in the RECORD is as follows:

On page 60, line 10, beginning with the comma following "authorized" strike out all through "Acts," in line 11.

On page 60, between lines 25 and 26, insert the following:

"(b)(1) To facilitate orderly long-term planning by sponsors, the Secretary is authorized, effective on the date of enactment of this Act, to incur obligations to make grants pursuant to this subsection for the fiscal year ending June 30, 1971, and the succeeding four fiscal years in a total amount not to exceed $1,500,000,000. Such amount shall remain available until obligated. There are authorized to be appropriated for the liquidation of obligations incurred pursuant to this paragraph not to exceed $300,000,000 prior to June 30, 1971, not to exceed an aggregate of $600,000,000 prior to June 30, 1972, not to exceed an aggregate of $900,000,000 prior to June 30, 1973, not to exceed an aggregate of $1,200,000,000 prior to June 30, 1974, and not to exceed an aggregate of $1,500,000 prior to June 30, 1975.

"(2) For the fiscal year ending June 30, 1976, and the succeeding four fiscal years, the Secretary shall make grants for the purposes of the subsection within the limits established in appropriation Acts."

On page 60, line 26, strike out "(b)" and insert in lieu thereof "(c)".

On page 61, line 6, strike out "(c)" and insert in lieu thereof "(d)".

On page 61, lines 24 and 25, strike out "as soon as possible after July 1 of" and insert in lieu thereof "for".

On page 62, line 23, strike out "As soon as possible after July 1 of" and insert in lieu thereof "For".

On page 64, line 24, strike out "annually compiled" and insert in lieu thereof "determined".

On page 76, line 9, strike out "(a)".

On page 77, beginning with line 4, strike out all through line 9.

Mr. CANNON. Mr. President, I shall explain the amendment.

This amendment is of a perfecting nature. As the Senate Report No. 91-565 notes at page 32, the committee agreed to provide language in the bill to assist airport sponsors in their attempts to do better long-range financial and construction planning. The committee's intent was to authorize the Secretary of Transportation to enter into contracts with airport sponsors for payments to them for eligible airport development for up to 5 years, based on anticipated revenues to be available from the trust fund. Although the Secretary would be authorized to obligate funds for up to 5 years immediately upon enactment of this legislation, expenditures to fulfill the contracts would be authorized by annual appropriation acts. In no event could the Secretary obligate trust fund revenues which would accrue after June 30, 1975.

Subsequent to the committee's action on this matter, the Senate approved S. 3154, the mass transit bill, to accomplish the same purpose for public transit systems. This perfecting amendment adopts the language approved by the Senate for mass transit and applies it to the airport program for the next 5 years.

Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment. [Putting the question.]

The amendment was agreed to.

Mr. CANNON. Mr. President, on behalf of the distinguished chairman of the Committee on Finance I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. CANNON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

Page 140, beginning with line 24, strike out all through line 10, page 142, and insert the following:

"(a) ADJUSTMENT OF FARES TO INCLUDE TAX.—The Civil Aeronautics Board (hereafter in this section referred to as the 'Board') shall, as soon as possible after the date of the enactment of this Act, direct each air carrier which is subject to section 403(a) of the Federal Aviation Act of 1958 to file with the Board such changes in the rates, fares, and charges for the transportation of persons by air which begins after April 30, 1970, as may be necessary to cause such rates, fares, and charges to be amounts which, after reduction by the amount (if any) of taxes imposed thereon by subsections (a) and (b) of section 4261 of the Internal Revenue Code of 1954, are equal to the rates, fares, and charges in effect for transportation of persons by air which begins on April 30, 1970. Changes filed pursuant to this subsection shall be subject to the provisions of section 403 of the Federal Aviation Act of 1958, except that section 408(c) of such Act shall not apply. Nothing in this section shall limit the right of the Board to accept or reject all (or any part) of the change in rates, fares and charges filed with the Board as a result of the application of this section.

"(b) FUTURE CHANGES IN TAX RATES, ETC.—Whenever after April 30, 1970, there is a change in the rate of the tax imposed by subsection (a) or (b) of section 4261 of the Internal Revenue Code of 1954, or in the transportation of persons by air which is subject to tax under either such subsection, the Board shall require each air carrier which furnishes transportation of persons affected by such tax change to file changes in the rates, fares, and charges for such transportation reflecting such tax change effective with respect to transportation beginning on or after the effective date of such tax change. Any such filing shall be subject to the same conditions as provided by subsection (a) in the case of transportation of persons by air which begins after April 30, 1970."

Mr. CANNON. Mr. President, this amendment would provide that in the adjustment of air fares that will be necessary as a result of this bill, the CAB will continue to have its existing rate-making authority in taking into account whether to accept or reject such filings, such new rates, tariffs, or charges which reflect the additional costs to the carriers imposed by the taxation provided for in this bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. SYMINGTON. Mr. President, will the Senator from Nevada yield?

Mr. CANNON. I yield.

Mr. SYMINGTON. I wish to ask the Senator from Nevada if this matter has been discussed with the carriers.

Mr. CANNON. It is my understanding some carriers may choose to absorb a portion of this new tax and not pass it on to their passengers.

Mr. SYMINGTON. Some carriers are doing this and are willing to accept it. This would automatically put them in a better position than carriers that could not accept it.

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

Mr. CANNON. I yield.

Mr. LONG. This would require the air fares to reflect the tax increase on the ticket; but it leaves the discretion with the Civil Aeronautics Board. The chairman of the Committee on Commerce feels we should go along with the Civil Aeronautics Board in their discretion with respect to this matter. This leaves it up to the Civil Aeronautics Board.

The Senator from Washington has pointed out to me that he is inclined to feel some carriers may want to absorb some part of this.

Mr. SYMINGTON. That is not exactly as I first understood it. A relatively small airline, Ozark, is headquartered in my State. It is having great difficulty making money. I wonder how they would feel if the competition against them were, in effect, increased because they could not absorb this. That is my question.

Mr. LONG. It is our thought, assuming the rates are what they should be to begin with, that they should be all passed along; but if there is a case of a carrier that feels it can absorb some part of the tax increase, then it is up to the Civil Aeronautics Board to determine what should be done. We in the Committee on Finance do not want to tell the CAB what it can do about fixing rates, but we want to suggest that this should be passed along to the public.

Mr. SYMINGTON. The final authority would be in the CAB?

Mr. LONG. Yes.

Mr. SYMINGTON. I thank the Senator.

The PRESIDING OFFICER. Is further time desired to discuss the amendment?

The question is on agreeing to the amendment (putting the question).

The ayes appear to have it. The amendment is agreed to.

AIRPORT AND AIRWAYS DEVELOPMENT

Mr. ALLOTT. Mr. President, the matter I have will take just a couple of minutes and it will not call for any vote.

Mr. President, as the distinguished chairman will recall, on Wednesday, June 30, 1969, I had the pleasure of introducing two fellow Coloradans to the Aviation Subcommittee during the time hearings were being held on the pending legislation. These two gentlemen, Mr. H. R. McCune and Mr. Robert V. Lord, presented some very significant testimony to the members of the subcommittee with regard to the need for early development of regional jet interchange facilities as part and parcel of our national airport systems.

These two gentlemen represented the relatively small but very progressive

community of La Junta, Colo., located in the southeast part of the State of Colorado about 65 miles east of Pueblo and 60 miles west of my hometown of Lamar. Basically, their statement dramatized the need to look ahead to the problems which this Nation faces in air transportation in the next decade.

I was most impressed with the statement which Mr. McCune and Mr. Lord presented to the subcommittee during the hearings. The presentation of their statement and the supporting documents can be found on pages 896 to 927 of the subcommittee hearings.

Mr. President, with the indulgence of the chairman, I will read what I consider to be significant portions of the prepared testimony received by the subcommittee on this issue:

> We propose that a system of regions be established throughout the nation. Each region will be served by a Jet Interchange Facility which will: Enhance present air traffic in the areas of safety, economy, convenience and environmental problems.
>
> * * * * *
>
> The Jet Interchange Facility, as a key segment of the nation study, has the potential of relieving a majority of the aviation industries problems.
>
> * * * * *
>
> The total purpose in causing the creation of a Jet Interchange Facility system and that of the Regional airports and airways system is to supplement and improve the use of the existing facilities.
>
> It is a well known fact that a majority of the passengers deplaning at most major hub terminals of today are transferring to continue their trips to their true destination.
>
> This is the main function of the Jet Interchange Facility; the transferring of airline passengers from the large "Jumbo" jets to the shuttle aircraft which will take them to their true destination.
>
> * * * * *
>
> The true magnitude of the transfer passenger picture at major terminals can best be brought out by citing the percentage of transferring passengers at a few major terminals: Chicago O'Hare 49.1 percent, Atlanta 70.5 percent, Denver 42.8 percent, Washington 29.1 percent, etc.
>
> There is however one more statistic that must be included at this point to give the true significance to the value of the Interchange Facility. This statistic deals with the number of passengers who deplane at a major terminal and do not transfer, and are not actually going to the metropolitan area represented by the terminal. At Philadelphia International, for example, 8 out of 10 airline passengers go to other points in the Delaware Valley, at Denver's Stapleton International 7 out of 10 airline passengers are destined for other points along the eastern slope of the Rockies.
>
> It is the elimination of this type of passenger from the major hub terminal that will relieve the congestion on the access routes, parking lots, and in the terminal building itself.

Now, Mr. President, it is my understanding that one of the basic differences between the House-passed version of the pending legislation and S. 3108 is the type of commission which will advise the Department of Transportation regarding implementation of certain provisions of this legislation.

My question of the chairman is simply this: In light of the testimony to which I have referred, would it be the intention of the chairman and other members of the committee that the regional jet interchange facility concept should be explored at the earliest practicable date?

I am most interested in the Senator's views on the need to expedite exploring the feasibility of this concept in light of the distinguished Senator's comments found on page 927 of the hearings wherein he observed:

> I think maybe we should make a start on this program by establishing some kind of a commission, or get DOT, or FAA, to then start off on this long-range planning relating to the regional problem.
>
> Surely, time goes by so fast, there is no harm in going ahead and making the plans.

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

Mr. ALLOTT. I yield.

Mr. COOK. Mr. President, I would like to move to reconsider the vote by which the previous amendment was agreed to.

The PRESIDING OFFICER. Does the Senator from Colorado yield for that purpose?

Mr. ALLOTT. Could the Senator wait until I complete my remarks?

Mr. COOK. Yes.

Mr. ALLOTT. Mr. President, I would like to ask the distinguished manager of the bill if he feels a committee or commission should be appointed by DOT or FAA to look forward to this regional jet interchange facility concept. We surely will have to face up to this problem in the near future.

Mr. CANNON. I am happy to respond to the distinguished Senator's question.

In section 301 of the bill we have provided for an advisory committee, and thanks to the very-well-thought-out amendment of the distinguished Senator from Delaware yesterday we modified that. We have now provided for an advisory commission and it is our intention that studying such concepts is exactly the sort of problem this commission should consider in assisting the Secretary in making a determination.

I think that they should certainly study the very fine ideas that were advanced by two of the distinguished Senator's constituents. I am sure they will take those proposals into consideration in carrying out their duties in advising the Secretary.

Mr. ALLOTT. I thank the Senator. I thought the ideas advanced by those two gentlemen were far reaching and forward-looking toward meeting the problems of the future. I am very happy to hear the reply of the manager of the bill.

Mr. COOK. Mr. President, I move to reconsider the vote by which the previous amendment was adopted.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider.

Mr. MANSFIELD. Mr. President, I ask for a standing vote.

The PRESIDING OFFICER. All those in favor of the motion please stand——

Mr. JAVITS. Mr. President, let us find out what this is about. The Senator from Kentucky says it is not a formal amendment. He says it will prejudice certain airlines coming into his area. I do not know that Senators know how to vote on this, but we do not have to do it blindly. The motion is debatable at least within the time limitation. Let us get an idea what this is all about.

Would the Senator enlighten us as to why he moves to reconsider?

Mr. COOK. Mr. President, I am concerned about the very situation the Senator from Missouri discussed here. Ozark comes into Louisville with a competing airline, Eastern. If Eastern feels it can absorb this cost, then conceivably Ozark would have to increase its fares and Eastern would not have to increase its fares. Conceivably Ozark would not be competitive between Louisville and St. Louis. I am giving this as an example. I want to know if that is the case.

Mr. LONG. Mr. President, if the Senator will yield, we in the Finance Committee started out by saying that the CAB would have no discretion, that it would have to insist that all of this tax be passed on to the traveling public. The chairman of the Committee on Commerce, who is not present in the Chamber at this moment, heard from the Civil Aeronautics Board. The members of the Board became concerned over the fact that it would have no discretion over the matter. The Board felt this provision went too far in interfering with its authority and that the Board should have the last say with regard to rates.

In a spirit of compromise, we added a provision that, in the last analysis, would maintain the discretion with the Civil Aeronautics Board.

The Civil Aeronautics Board has considered the very problem the Senator is talking about and insists that the two airlines would have to charge the same rate, for the obvious reason that they are competitive.

As far as the Senator from Louisiana is concerned, it does not make any difference one way or the other, but in most instances the higher fare is going to have to be passed through to the ticket purchaser.

We prepared a table to show the kind of conversion table that ought to be published. It would show in two columns what the present fare is and what the fare would be if the whole tax were passed through. That is all that would be called for.

We hope the CAB would find it desirable to adopt it, inasmuch as it disturbed the Civil Aeronautics Board and the chairman of the Committee on Commerce that the Board would have no discretion under the Finance Committee amendment. They should be permitted to do it. We thought that decision should be in the discretion of the CAB.

Obviously, if there were a competing airline that could not absorb the increase in fare, of course the competitor should not be allowed to do so, because it would favor that competitor.

It is up to the Senate to decide whether the CAB should have that discretion. I do not care. The chairman of the Commerce Committee (Mr. MAGNUSON) is not present in the Chamber——

Mr. MAGNUSON. I am here.

Mr. LONG. I am happy to see the Senator from Washington here. He did not want the CAB to be completely denied discretion with regard to the passing through of the tax. Some of the airlines

would like to absorb the tax. If they did and it did not interfere with their competitors, that would be satisfactory.

Mr. COOK. Does the Senator know what section 403(c) of the Federal Aviation Act provides. This amendment states, "except that section 403(c) of such Act shall not apply."

Mr. LONG. That deals with the 60-day time limit for fare increases to be publicized. It should not apply in this case since we want the higher tax rates to go into effect on May 1.

Mr. CANNON. Mr. President, the Civil Aeronautics Board felt that the language in the bill was, in effect, removing the flexibility and discretion the board has by law in approving or rejecting airline's fares under section 411 of the bill. This amendment was an attempt to compromise with the Finance Committee in seeking not to take away from the Board its authority to regulate the fares.

There is certainly no intention on the part of either of the committees involved, to dictate in any way how the Board should decide the issue of new rate filings which may result from this bill. The CAB has always considered the competitive impact among carriers in fare matters and has sought to protect them from unfair competition. I am confident that the Board will continue to exercise its wisdom and discretion in considering any new rates which may result from this bill.

Mr. COOK. But it is possible?

Mr. CANNON. I do not think the Civil Aeronautics Board will permit to exist any air fare structures which are unfairly competitive. On the other hand, there may be some routes throughout the country on which the air carriers feel they are charging the maximum fare economically possible. Perhaps some might rather absorb that increase in tax than to pass on the increase to the passengers. Because of the law of diminishing returns, this amendment provision would give the Board flexibility in considering such tariff changes which may result.

Mr. MAGNUSON. Mr. President, I am sorry I was not present in the Chamber when this issue arose, but may I briefly state the purpose of this provision. We have discussed it thoroughly. We did not want to put Congress into the business of telling carriers what rates they should charge or what action the CAB should take on such matters. We felt it should be up to the CAB, the ICC, the Maritime Board and the other independent agencies and not Congress to set rates. If we broke the line and said to the CAB, "You must make this rate," we might as well abolish all of the independent agencies. As a matter of fact we would have to have swinging doors in the Commerce Committee, because the railroads would be in, the shiplines would be in, the buslines would be in to try to get us to have bills passed increasing their rates.

So we turned the ratemaking authority over to the independent agencies. We long ago decided to let the CAB act under delegated authority to approve or reject rates. This amendment will continue this long-time congressional policy.

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

Mr. CANNON. I yield.

Mr. COOK. Mr. President, with that understanding, and having established a legislative history on the amendment under discussion, not only by the discussion of the Senator from Missouri but by the explanations that have been made, and with the assurance of the chairman of the committee and the manager of the bill that this inequity will not exist, I withdraw the motion.

Mr. CANNON. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized, in the engrossment of the Senate amendments, to correct any errors, including changes in section numbers.

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

Mr. CANNON. Mr. President, I ask for the third reading.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

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

The bill was read the third time.

Mr. CANNON. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

Mr. LONG. Mr. President, I have certain technical amendments that I ask to be considered.

The PRESIDING OFFICER. The bill has already been read the third time.

Mr. LONG. Mr. President, I ask unanimous consent that the vote by which the bill was read the third time be reconsidered.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LONG. Mr. President, I send technical amendments to the desk, and I ask unanimous consent to dispense with the reading of the amendments.

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

The amendments offered by Mr. LONG are as follows:

Page 97, line 22, strike out "section" and insert "sections".

Page 117, lines 2, 12, and 24, strike out "6426(c)" and insert "6426(c)(2)".

Page 119, beginning with line 23, strike out all through line 8, page 120, and insert:

"(c) PAYMENTS TO PERSONS PAYING TENTATIVE TAX.—In the case of any person who paid a tentative tax determined under section 4493(b) with respect to any aircraft for any period, the amount payable under subsection (a) with respect to such aircraft for such period—

"(1) shall be computed with reference to that portion of the tax imposed under section 4491 for such period which is determined under section 4491(a)(2), and

"(2) as so computed, shall be reduced by an amount equal to—

"(A) the amount by which that portion of the tax imposed under section 4491 for such period which is determined under section 4491(a)(2), exceeds

"(B) the amount of the tentative tax determined under section 4493(b) paid for such period."

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Louisiana.

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there are no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

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

The bill (H.R. 14465) was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), the Senator from Virginia (Mr. SPONG), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Iowa (Mr. HUGHES), the Senator from Montana (Mr. METCALF), and the Senator from Virginia (Mr. SPONG) would each vote "yea."

On this vote, the Senator from Georgia (Mr. RUSSELL) is paired with the Senator from Idaho (Mr. CHURCH). If present and voting, the Senator from Georgia would vote "yea" and the Senator from Idaho would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Kentucky (Mr. COOPER), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Texas (Mr. TOWER) are detained on official business.

If present and voting, the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOPER), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from South Dakota (Mr. MUNDT), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 77, nays 0, as follows:

[No. 67 Leg.]

YEAS—77

Aiken	Gore	Moss
Allen	Gravel	Murphy
Allott	Griffin	Nelson
Anderson	Gurney	Pastore
Bellmon	Hansen	Pearson
Bible	Harris	Pell
Boggs	Hart	Percy
Brooke	Hartke	Prouty
Burdick	Hatfield	Proxmire
Byrd, Va.	Holland	Randolph
Byrd, W. Va.	Hollings	Ribicoff
Cannon	Hruska	Schweiker
Case	Inouye	Scott
Cook	Jackson	Smith, Maine
Cotton	Javits	Sparkman
Cranston	Jordan, N.C.	Stennis
Curtis	Jordan, Idaho	Stevens
Dodd	Kennedy	Symington
Dole	Long	Talmadge
Dominick	Magnuson	Thurmond
Eagleton	Mansfield	Tydings
Ellender	Mathias	Williams, N.J.
Ervin	McGee	Williams, Del.
Fong	McIntyre	Yarborough
Fulbright	Miller	Young, N. Dak.
Goodell	Mondale	

NAYS—0

NOT VOTING—23

Baker	Hughes	Packwood
Bayh	McCarthy	Russell
Bennett	McClellan	Saxbe
Church	McGovern	Smith, Ill.
Cooper	Metcalf	Spong
Eastland	Montoya	Tower
Fannin	Mundt	Young, Ohio
Goldwater	Muskie	

So the bill (H.R. 14465) was passed.

Mr. CANNON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. HARTKE, Mr. HART, Mr. CANNON, Mr. COTTON, Mr. PROUTY, Mr. PEARSON, Mr. LONG, Mr. ANDERSON, Mr. GORE, Mr. WILLIAMS of Delaware, and Mr. BENNETT the conferees on the part of the Senate.

Mr. MAGNUSON. Mr. President, I want the RECORD to show that the conferees from the Finance Committee are the conferees on title IV of the act, and will meet separately.

The PRESIDING OFFICER. The conferees will, of course, work that out in conference.

Mr. MANSFIELD. Mr. President, I move that companion bill, S. 3108, be indefinitely postponed.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Nevada (Mr. CANNON) deserves the highest commendation of the Senate. As the vice chairman of the Aviation Subcommittee of the Committee on Commerce he managed this measure designed to develop our Nation's airports and airways with the same outstanding skill and ability that has marked his many years of public service. His clear and articulate presentation and his persuasive advocacy assured the overwhelming success of the measure. Senator CANNON has added another splendid achievement to his already abundant record.

Equal praise must go to the distinguished chairman of the committee and comanager of the bill, the able and distinguished Senator from Washington (Mr. MAGNUSON). Certainly the swift, efficient, and highly successful disposition of this proposal was due in large measure to his work, his assistance, and his outstanding support. As always, Senator MAGNUSON exhibited the same fine qualities that have made him a legislator with effectiveness that is unsurpassed. The Senate is grateful.

The Senate is grateful as well to the distinguished senior Senator from New Hampshire (Mr. COTTON) and to the distinguished senior Senator from Kansas (Mr. PEARSON). From the minority side, they joined with their leadership to assure the swift and efficient disposition of the measure. Their cooperation and assistance were indispensable.

Other Senators joined the discussion. Noteworthy was the contribution of the senior Senator from Louisiana (Mr. LONG) whose work on the financing features of this proposal was absolutely essential. He is to be commended deeply.

The Senator from Colorado (Mr. DOMINICK), the Senator from Vermont (Mr. PROUTY), the Senator from Michigan (Mr. HART), and many others deserve our praise. Their views are always most thoughtful, always most welcome. The same may be said for the distinguished Senators from New York (Mr. JAVITS and Mr. GOODELL) and the Senators from New Jersey (Mr. CASE and Mr. WILLIAMS).

Beyond that, I should say that the cooperation of the entire Senate on this measure was outstanding and I am most grateful.

DEPARTMENTS OF LABOR AND HEW APPROPRIATIONS, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 15931. I do this so that it will become the pending business.

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

The BILL CLERK. A bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

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

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

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in recess until 9:30 tomorrow morning, rather than the time of 10 a.m., previously agreed to.

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

ORDER FOR RECOGNITION OF SENATOR JAVITS AND SENATOR CRANSTON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer tomorrow morning, the distinguished Senator from New York (Mr. JAVITS) be recognized for 15 minutes, to be followed by the distinguished Senator from California (Mr. CRANSTON), to be recognized for not to exceed 15 minutes.

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

ORDER OF BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, there will be no morning hour tomorrow for the conduct of morning business, unless it occurs late in the afternoon. It is the intention of the manager of the pending bill, immediately upon the conclusion of the remarks of the distinguished Senators from New York and California, to go into debate on the Labor-HEW appropriation bill.

COMMUNITY MENTAL HEALTH CENTERS AMENDMENTS OF 1970—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2523) to amend the Community Mental Health Centers Act to extend and improve the program of assistance under that act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts, to establish programs for mental health of children, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of February 25, 1970, pages 4726–4729, CONGRESSIONAL RECORD.)

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

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

Mr. YARBOROUGH. The House has already agreed to this conference report. The conferees have agreed on the provisions of the Community Mental Health Center Amendments of 1970.

The funding authorizations for construction are $80 million, $90 million, and $100 million for fiscal years 1971, 1972, and 1973, respectively. The bill changes the ceiling on the portion of a State's allotment for construction grants that can be used for State plan administration. The ceiling was changed from the lesser of 2 percent of the State's allotment or $50,000 to the lesser of 5 percent of such allotment or $50,000. In addition, it was also provided that the amount available for State plan administration will be available for 2 years rather than 1 year.

For grants for initial operation of community mental health centers, the authorizations are $45 million for fiscal year 1971, $50 million for fiscal year 1972, and $60 million for fiscal year 1973. Support for professional and technical personnel will be available for 8 years. The definition of the term "technical personnel" has been widened to include accountants,

financial counselors, allied health professions personnel, dietary and culinary personnel, and any other personnel whose background and education would indicate that they are to perform technical functions.

The ceilings on grants to centers serving urban or rural poverty areas are 90 percent of costs for the first 2 years, 80 percent of costs for the third year, 75 percent of costs for the fourth and fifth years, and 70 percent of costs for the remaining 3 years. For the grants to other centers, the ceilings are 75 percent of costs for the first 2 years, 60 percent of costs during the third year, 45 percent of costs during the fourth year, and 30 percent of costs during each of the next 4 years.

The bill provides that a grant can be made to a center only if the Secretary determines that the services to be provided will be in addition to, or a significant improvement in, the services that would otherwise be provided.

It was provided in the Senate bill that a limited waiver would be allowed of the requirement that an applicant for a grant for a community mental health center provide the essential elements of comprehensive mental health centers for applicants from urban and rural poverty areas. The conferees agreed that if the center does not meet such requirement by the end of an 18-month period, payment to such center will be suspended until the Secretary determines that the center has met such requirement.

The bill authorizes grants for initiation and development of community mental health services in urban and rural poverty areas. It is the intention of the conferees that such grants, as well as grants for initiation and development of programs of services for alcoholics and narcotic addicts, will be made to persons who are qualified, and who are knowledgeable of the health needs of the population to be served by the project.

For grant programs for facilities and services for alcoholics and narcotics addicts, the funding authorizations are $30 million, $35 million, and $40 million for fiscal years 1971, 1972, and 1973, respectively. The duration of such grants is for 8 years.

The ceilings on these grants will be 80 percent of costs during each of the first 2 years, 75 percent of costs during the third year, 60 percent of costs during the fourth year, 45 percent of costs during the fifth year, and 30 percent of costs during the next 3 years; except that if the facility serves an urban or rural poverty area the ceilings will be 90 percent of costs during each of the first 2 years, 80 percent of costs during the third year, 75 percent of costs during the fourth and fifth years, and 70 percent of costs during each of the next 3 years. The bill authorizes grants for initiation and development of programs of services for alcoholics and narcotics addicts. Such a grant can be made for 1 year only and cannot exceed the lesser of 100 percent of cost or $50,000.

For a new grant program for mental health of children, the conferees agreed on funding authorizations of $12 million for fiscal year 1971, $20 million for fiscal year 1972, and $30 million for fiscal year 1973. The bill requires that a grant can be made only to a facility that is part of or affiliated with a community mental health center or, if there were no such center, to a facility with respect to which provision had been made for appropriate utilization of existing community resources.

The conferees agreed that any grants for construction and for the cost of compensation of professional and technical personnel under the Community Mental Health Centers Act can be made only upon the recommendation of the National Advisory Mental Health Council.

Few measures can be of higher priority than that which seeks to strengthen the mental health of all our citizens. I believe this bill deserves enactment by the Congress because it is directed to this need.

Mr. President, I move the adoption of the conference report.

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

The motion was agreed to.

PUBLIC HEALTH TRAINING—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2809) to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, project grants for graduate training in public health and traineeships for professional public health personnel. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of February 25, 1970, page 4725, CONGRESSIONAL RECORD).

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

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

Mr. YARBOROUGH. Mr. President, the House agreed to this conference report today. The conferees have agreed on amendments to the Public Health Service Act that deal with public health training, S. 2809. During the debate in 1958 on Public Law 85-544, which originally provided formula grants to schools of public health, it was pointed out that the schools of public health were, in effect, the public health equivalent of West Point, Annapolis, and the Air Force Academy in providing professional health training and leadership for the Nation. Most graduates of these schools go into the public health service in staffing essential public health positions in municipal, county, State, and Federal Government levels.

The serious financial crisis facing schools of public health during the next several years poses a growing threat for the 1970's in their ability to supply the increasing demands by health agencies for trained professional health manpower. Vacancies already exist in key health positions at all levels of government despite the tremendous increase in the numbers of skilled health personnel being trained each year by the schools of public health.

The conferees agreed that authorization for funding of the traineeship for professional public health personnel program should be increased to $16 million in fiscal year 1972 and $18 million in fiscal year 1973. These funds will be used to cover the cost of traineeships for graduate or specialized training in public health for physicians, engineers, nurses, sanitarians, and other professional health personnel.

The conferees agreed that authorization for funding of the project grants for training in public health programs should be increased to $14 million from $12 million for fiscal year 1971, to $15 million in fiscal year 1972, and to $16 million for fiscal year 1973. These funds will be used for project grants to schools of public health and other public or nonprofit private institutions providing graduate or specialized training in public health to expand or strengthen such training in such schools and other institutions.

In the case of the program of formula grants for schools of public health, the conferees agreed to the Senate authorization figures. This will provide an authorization of $9 million for fiscal year 1971, $12 million for fiscal year 1972, and $15 million for fiscal year 1973. These funds will be used for grants to provide, in accredited public or nonprofit private schools of public health, comprehensive professional training, specialized consultive services, and technical assistance in the public health field and in administration of State or local public health programs.

It is clear that, since the schools of public health are the only source to train these vitally needed health professionals, our national needs can only be met by increasing the appropriations level. Only then can our Nation be assured of meeting our National, State, and local health manpower requirements.

Mr. President, I move the adoption of the conference report.

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

The motion was agreed to.

AUTHORIZATION FOR COMMITTEE ON THE JUDICIARY TO MEET TOMORROW

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet tomorrow, if there is a call for a meeting.

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

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. KENNEDY. 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 recess until 9:30 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 55 minutes p.m.) the Senate took a recess until tomorrow, Friday, February 27, 1970, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 26, 1970:

IN THE AIR FORCE

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force to the grade indicated, under the provisions of chapters 35 and 837, title 10 of the United States Code:

To be major general

Brig. Gen. I. G. Brown [redacted] FG, Arkansas Air National Guard.

To be brigadier general

Col. John J. Pesch [redacted] FG, Maine Air National Guard.

IN THE NAVAL RESERVE

The following named officers of the Naval Reserve for temporary promotion to the grade of rear admiral subject to qualification therefor as provided by law:

LINE

Paul C. Huelsenbeck
Chester C. Hosmer
Ira D. Putnam
Samuel W. Van Court

MEDICAL CORPS

Scott Whitehouse

SUPPLY CORPS

Owen C. Pearce

CIVIL ENGINEER CORPS

John H. McAuliffe

HOUSE OF REPRESENTATIVES—*Thursday, February 26, 1970*

The House met at 12 o'clock noon.

Rabbi Karl Applbaum, Avenue "M" Jewish Center, Brooklyn, N.Y., offered the following prayer:

Almighty God, ruler of the universe and creator of mankind, I deem it a great honor and privilege to invoke Thy name in this august body, the Members of the House of Representatives of these United States of America. As these men and women are assembled here to legislate for our country and provide for its welfare, bless them I pray Thee, for they have been selected by their peers to enact the laws by which we live and by which our great democracy functions.

Bless them with strength of character and perseverance of purpose to work on behalf of peace, justice, and prosperity. May they ever be guided by altruistic motives and sincerity. Bless further, I pray Thee, O God, the President of these United States upon whom rests a heavy burden to satisfy all diverse elements in his constituency. The task which he has undertaken is most demanding. He needs Thy help, O God, so that he might steer our ship of state through the turbulent waters of conflict, misunderstanding, war, and inflation, and bring it to the shores of love, understanding, and happiness. And lastly, O God, bless and guide the inhabitants of this land, unite them all, on the right and the left, the young and old, the rich and poor, the sick and well, into a brotherhood of man, to appreciate the beauty of freedom, the greatness of our American heritage nurtured in the Judeo-Christian tradition. May we reject conflict and strife and dwell together in peace and harmony for the betterment of all. May we in our own day see the fulfillment of that ancient Hebrew dream "Hinei mah tov uma noim shevet achim gum yachad"—"How good and sweet it is for brethren to dwell together in harmony." May this decade see the fulfillment of all our dreams—the maturity that is capable of receiving the light and fully assuming the responsibility that Thou dost entrust to us. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on February 24, 1970, the President approved and signed a bill of the House of the following title:

H.R. 9564. An act to remove the restrictions on the grades of the director and assistant directors of the Marine Corps Band.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11702) entitled "An act to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14733) entitled "An act to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers and for other purposes."

RABBI KARL APPLBAUM DELIVERS OPENING PRAYER

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, the House of Representatives was honored today by the presence of Dr. Karl Applbaum, rabbi of the Avenue M Jewish Center in Brooklyn, N.Y., who delivered the opening prayer. Rabbi Applbaum is a resident of Flushing, N.Y. where he is a highly respected leader of the Queens community.

Our distinguished colleague from New York (Mr. HALPERN) had the privilege of inviting Dr. Applbaum to be with us today and I would like to take this opportunity to express the appreciation of the Queens delegation and of my other colleagues in the House for his appearance.

Rabbi Applbaum was born 60 years ago in a small town in Hungary. The Applbaum family—then Apfebaum—boasted a long line of distinguished rabbis, scholars, authors, and philosophers, and Karl began his study of the Bible at the age of 5. In 1930 the family moved to Brooklyn and today three Applbaum brothers are practicing rabbis while the senior Rabbi Emanuel Applbaum, age 84, continues his work as rabbi of the Avenue M Jewish Center, an outstanding orthodox pulpit in Flatbush.

Dr. Applbaum is an attorney admitted to practice in the State of New York and since 1938 he has served as a supervisor to the Department of Social Services of the City of New York on a number of assignments. Rabbi Applbaum has been quite active in a number of veterans organizations. He has served the Jewish War Veterans as Queens County chaplain since 1962 and has served in a similar capacity to the American Legion, Queens County chapter.

Rabbi Applbaum has been national chaplain to the Reserve Officers Association of the United States after serving the Queens chapter for 20 years. In addition Dr. Applbaum is now serving as president, Long Island chapter of the Association of the U.S. Army.

The list of Rabbi Applbaum's other activities on behalf of Judaism and on behalf of the Queens community is too long to enumerate. I deemed it a privilege and pleasure to have worked with Rabbi Applbaum on a number of community projects during these past 12 years. I have the greatest respect for him and I congratulate him on the completion of 35 years in the rabbinate.

TRIBUTE TO RABBI KARL APPLBAUM

(Mr. HALPERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HALPERN. Mr. Speaker, the House has just been privileged to have its opening prayer delivered by Rabbi Dr. Karl Applbaum, an outstanding spiritual leader, a noted constituent, a vigorous and effective community leader in Queens, N.Y., and my beloved friend.

Dr. Applbaum is celebrating his 35th anniversary in the rabbinate this month, and has been honored to deliver the invocation on three previous occasions in the House of Representatives, each time marking an anniversary of Israel.

He is the spiritual leader of the Avenue M Jewish Center in Brooklyn, whose pulpit he has shared for many years with his father, Rabbi Emanuel Applbaum, the senior rabbi of the congregation, who this month is celebrating his 60th anniversary in the rabbinate. This learned spiritual leader, who is honoring us this