

## SENATE—Monday, May 24, 1971

The Senate met at 11 a.m. and was called to order by Hon. LLOYD M. BENTSEN, Jr., a Senator from the State of Texas.

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

Our Father God, whose presence pervades all things seen and unseen, we thank Thee for another day and a new week and another chance to serve this troubled world.

As we bow at this high altar of national life, let Thy spirit be in our minds to guide our thoughts toward Thy truth.

Let Thy spirit be in our hearts to warm them with compassion and love for our fellowman.

Let Thy spirit be upon our lips that they may give utterance to whatsoever things are just and honest and pure.

Let Thy spirit so fill our lives that they may be luminous with divine grace and goodness.

Grant us strength, O Lord, to go about being good and doing good for the Nation and all mankind.

We pray in the name of Him who is the Light of the world. Amen.

## DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., May 24, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. LLOYD M. BENTSEN, JR., a Senator from the State of Texas, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,  
President pro tempore.

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

## THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, May 21, 1971, be dispensed with.

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

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. BENTSEN) laid before the Senate messages from the President of the United States sub-

mitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

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

## WAIVER OF THE CALL OF THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VII and rule VIII, be dispensed with.

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

## ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

## ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, on my time, under the standing order, I now yield to the distinguished Senator from Connecticut (Mr. RIBICOFF).

## DEATH OF FORMER SENATOR DODD OF CONNECTICUT

Mr. RIBICOFF. Mr. President, it is with deep regret that I announce the death of former Senator Thomas J. Dodd. He died of a heart attack this morning at his Old Lyme, Conn., home.

Tom Dodd served Connecticut and this Nation well during a difficult period in American history. He spent nearly all his working life in public service—as FBI agent, Connecticut director of the National Youth Administration, assistant to the U.S. Attorneys General for 7 years, and as principal prosecutor at the Nuremberg trials on Axis criminality before his service in the Congress. During his 4 years in Congress and 12 years in the U.S. Senate, Senator Dodd labored hard and long for issues that others considered too controversial.

His advocacy of gun control legislation formed the foundation for the first comprehensive gun control law passed in 1968.

Likewise, Tom played a leading role

in the adoption of a major revision in our drug laws and enactment of comprehensive crime control legislation.

I am profoundly saddened by the passing of this man who devoted his life to public service. He was both a colleague and a friend. I extend my deep sympathies to his devoted wife, Grace, and to his fine family.

## ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I yield no further time under the standing order.

May I say for the record, parenthetically, that I do not believe it is a good thing for the leadership to yield to other Senators under the standing order, but under the very special circumstances that had obtained in this instance, I thought it well to yield to the able senior Senator from Connecticut.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the transaction of routine morning business.

Is there any morning business?

## THE TENNESSEE-TOMBIGBEE PROJECT

Mr. ALLEN. Mr. President, tomorrow will be a red-letter day for the people of Alabama and the Nation when the President of the United States will visit Mobile, Ala., officially to commemorate and signal the long-awaited start of the Tennessee-Tombigbee Waterway. There is probably no other waterway project in the United States that has so much appeal to those interested in the economic strength and security of our Nation as the Tennessee-Tombigbee project.

This mighty waterway has been the objective of farsighted men for more than a century. From a look at a map, one is impressed by the fact that from the point where the Tennessee River turns north, the Tennessee and Tombigbee Rivers together form an almost direct line between the port of Mobile and Paducah, Ky., where the Tennessee joins the Ohio River. It is as if providence had preordained a connecting link between the two rivers.

For decades, however, a manmade link, consisting of a canal and locks to enable boats and barges to pass over the strip of high ground which separates the Tennessee River from the headwaters of the Tombigbee River was considered by the Army Engineers as economically unsound. It was not until the Tennessee Valley Authority built the Pickwick Landing Dam, which raised the water level in the Tennessee River by 55 feet, that the Army Engineers determined that the benefits to shippers and receivers on the two river systems and the benefits to industry, business, and agri-

culture in the regions would exceed the cost of constructing a waterway link to connect the Tennessee and Tombigbee Rivers.

The Congress authorized the construction of the Tennessee-Tombigbee Waterway in the Rivers and Harbors Act of 1946, but the first construction funds, in the amount of \$1 million, were not appropriated until last year. The budget for the coming fiscal year earmarks \$6 million in construction funds for the Tennessee-Tombigbee Waterway and these moneys will be used for the construction of the channel and lock near Gainesville in Sumter County, Ala.

When the Tennessee-Tombigbee Waterway is completed, it is abundantly clear that the benefits to the people of the Nation will be incalculable. This waterway will tie together in one protected inland waterway system the Tennessee, the Cumberland, the Ohio, the Illinois, the Monongahela, the Allegheny, the upper Mississippi, the Missouri, the Tombigbee, the Warrior, the Alabama-Coosa, and the Chattahoochee-Apalachicola-Flint Rivers. All will be connected by the Intracoastal Canal with such great gulf ports as Mobile, New Orleans, Galveston, and other port cities along the gulf coast from Texas to Florida. All will be tied to the Great Lakes.

Barge trains descending south to such cities as Mobile and New Orleans, carrying the products of midwestern farms and such midwestern cities as Minneapolis, Chicago, Detroit, St. Louis, Cincinnati, and Kansas City, may take advantage of the swift current of the Mississippi River.

Such barge trains may, along with other ascending traffic, return with the products of southern farms, forests, mines, factories, and oil fields, via the slack water route of the Tennessee-Tombigbee Waterway.

The new route will shorten the distance between Mobile, Birmingham, and other points on the Warrior-Tombigbee system to the Tennessee River and the entire midwestern waterway empire by from 800 to 1,000 miles. Shorter hauls and the avoidance by ascending traffic of the swift current of the Mississippi River can cut the cost of transportation up to 75 percent. This means that producers, shippers, and consumers will enjoy millions of dollars a year in savings from lowered transportation costs.

From the foregoing, Mr. President, we see that construction of the Tennessee-Tombigbee Waterway will play a vital role in the continued economic growth of our Nation. Areas now denied the benefits of low-cost water transportation will enter a new day of industrialization. New businesses and industries will be established and existing ones will be expanded. A more favorable balance between industry and agriculture will be achieved. Such a balance means new and better markets for the farmers' products, more and better jobs for our men and women, and a stronger, better, and more prosperous economic life for all our people.

In view of the extreme importance

of this project to the greater prosperity of Alabama and her people and to all the people of the Nation, I feel that it is my place to be in Mobile tomorrow when President Nixon gives the official green light to construction of the Tennessee-Tombigbee Waterway.

#### LEAVE OF ABSENCE

I therefore ask unanimous consent that I be given leave of absence from the Senate on Tomorrow.

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

#### MILITARY SELECTIVE SERVICE ACT—ANNOUNCEMENT OF POSITION ON AMENDMENT

Mr. ALLEN. Mr. President, inasmuch as I will not be in the Senate when there will be two important votes on amendments tomorrow, I should like to state the position of the junior Senator from Alabama with respect to these amendments.

On the amendment of the distinguished Senator from Wisconsin (Mr. NELSON), with reference to no draftees being in Vietnam after December 31, 1971, amendment No. 105 to H.R. 6531, if the junior Senator from Alabama were present on tomorrow, his vote would be cast against the amendment of the Senator from Wisconsin.

With respect to the amendment of the distinguished Senator from Massachusetts (Mr. KENNEDY), with respect to there being no bonuses for reenlistments, the junior Senator from Alabama, if he were present, would cast his vote in the negative on this amendment.

I yield the floor.

#### THE QUESTION OF A NUCLEAR TEST BAN

Mr. HUGHES. Mr. President, public discussion on nuclear weapons tests is increasing. Recent evidence suggests that technology may have now progressed to a point where tests of even small nuclear devices can be detected from outside the borders of nations which might conduct such tests.

This evidence deserves the closest scrutiny. For if this last roadblock to a cheat-proof test ban treaty has been overcome, we should move in that direction. Both the limited test ban treaty and the nuclear nonproliferation treaty declared a total test ban to be an ultimate goal. The nonnuclear nations of the world need positive assurance that the arms race is being brought under control. Even the nuclear powers should welcome a chance to halt the momentum toward more deadly weapons.

Recently Henry R. Myers, a physicist who used to work in the Arms Control and Disarmament Agency, wrote an article in the Washington Post analyzing the evidence and weighing the arguments for and against such a total test ban.

I commend this well-reasoned article to my colleagues and 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:

[From the Washington Post, May 16, 1971]

#### WILL A TEST BAN WORK?

(By Henry R. Myers)

Treaties to limit nuclear weapons tests have been a matter of widespread interest since the mid-1950s. The history is replete with unbelievably turgid international negotiations, conferences of scientific experts, acrimonious domestic debates, changes in position by one party or the other, a three-year informal moratorium on testing suddenly terminated by a series of Russian tests in the atmosphere, breakthroughs in the technology enabling detection of clandestine tests, supposed breakthroughs in the technology of conducting clandestine tests, sincere proposals and some which were not so sincere, a treaty banning all but underground tests, accusations of minor violations of that treaty, and—most recently—talk of extending the limited treaty to cover underground tests.

Test ban advocates have variously argued that a treaty would be a major step in terminating the strategic arms race, that it would bring an end to the production of radioactive fallout, that it would make the proliferation of nuclear weapons less likely, and that it would tend to increase barriers against the use of nuclear weapons in warfare.

Over the years there has been little discussion of either the absolute importance of any of these objectives or of their relative significance. Those who opposed a test ban tended to believe that a treaty would address the symptoms rather than the disease, and that whatever advantages there might be were outweighed by disadvantages stemming from restrictions placed upon U.S. weapons development activities and the possible adverse effects of Soviet cheating.

#### WEAKER CASES

The arguments on either side are not as convincing as they once were. Fallout is no longer a gut issue. So many tests have been conducted and nuclear weapons technology is so advanced that the proponents of a complete ban find it much more difficult to make the case that such a treaty would have a substantial inhibiting effect on the arms race. Likewise, treaty opponents are more hard put to demonstrate why the deterrent value of American forces depends in any significant ways on the continuation of nuclear testing. Finally, advances in the ability to detect violations have diminished the strength of antitreaty arguments based on fears of what the Soviets might achieve through clandestine testing.

Yet the issue retains great symbolic importance. The failure to reach agreement on a complete ban on testing is interpreted by non-nuclear nations as a sign of the nuclear powers being strongly against proliferation of nuclear weapons but not very eager to take steps which would limit their own weapons development activities.

The test ban debate in the United States has always given great emphasis to the question of whether the Russians could get away with cheating, but little attention has been paid to how such cheating could be translated into a significant strategic advantage.

#### KENNEDY'S FIRST STEP

At the negotiating table, American proposals for procedures to ensure against clandestine tests—specifically on-site inspections—had always been objected to by the Russians on grounds that they were not needed and were really a cover for espionage. Since atmosphere tests could be identified without on-site inspections, a treaty which did not include prohibitions on underground tests had been considered a means of avoiding entanglement over the inspection issue.

This is what President Kennedy had in mind in his American University speech on June 30, 1963, when he announced that the United States would conduct "no nuclear tests in the atmosphere so long as other states do not do so." It was, in effect, a proposal to reach agreement on a limited test ban treaty. On July 2, Premier Khrushchev accepted the proposal in principle. Within months the treaty was negotiated and ratified.

The stimulus to arrive at this agreement had grown out of the Cuba missile crisis of 1962. The treaty was considered not only a step away from the brink—it was also looked upon as a measure to curb radioactive fallout which was a source of increasing alarm.

The preamble to the limited treaty contained a commitment to continue negotiations toward a ban on underground tests. A similar commitment was made in the preamble of the Treaty on Non-Proliferation of Nuclear Weapons which went into effect in March, 1970.

#### NO VISIBLE GAINS

Whatever its political value, it is debatable whether the Limited Test Ban Treaty has had the effect of impeding the arms race, in order to secure endorsement from the Joint Chiefs of Staff, the Kennedy administration agreed to implement a program of safeguards which included "the conduct of comprehensive, aggressive, and continuing underground nuclear test programs designed to add to our knowledge and improve our weapons in all areas of significance to our military posture for the future." This was to counter the Chiefs' concerns that the treaty might presage a "euphoria in the West which will eventually reduce our vigilance and willingness of our country and of our allies to expend continued effort on our collective security."

The result of these safeguards has been what many feel is a nuclear weapons development effort that is indistinguishable in scope—if not even larger—from that which had been applied prior to the treaty.

Since 1963 there has been little serious discussion of extending the treaty to include underground tests. The Soviets have continued to maintain that on-site inspections are not needed; the United States asserts the contrary. The verification issue thus has become a convenient pretext for not arriving at an agreement.

But the plausibility of the pretext has dwindled. On April 11, The Washington Post reported substantive advances in the ability to determine whether a treaty was being observed. This report was apparently based on the proceedings of a conference sponsored by the Department of Defense Advance Research Projects Agency at Woods Hole, Mass., in the summer of 1970. The conference had been convened to discuss techniques for distinguishing between earthquakes and explosions based on differences in the character of the waves generated by the two types of event.

Both earthquakes and explosions are the source of waves which move through the earth and along its surface. Providing they are of sufficient size, these earth waves can be detected by sensitive instruments far from the site of the event.

Once waves are detected, it is possible to analyze certain features of the data for the purpose of determining where the event occurred and whether it was an earthquake or an explosion.

Earthquake size is specified by its magnitude. The very largest earthquakes have a magnitude of approximately 8.5. The San Francisco earthquake of 1906 was about 8.3 and the recent Southern California earthquake had a magnitude of about 6.5. Present techniques make it possible to detect earthquakes of magnitude of 4.0 or somewhat less at distances of thousands of miles from the source of the event.

The size of the seismic wave produced by a nuclear explosion (and hence its magnitude equivalent) is determined by the type of material in which the nuclear explosion occurs. Detonations in hard rock will produce a relatively larger seismic wave than would the same explosion in dry alluvium, a type of sand-like substance found in some deserts. An explosion of one or two kilotons (a kiloton is equivalent to 1,000 tons of TNT) will produce approximately the same size seismic waves which pass through the earth's interior as would be produced by a magnitude 4.0 earthquake. If the detonation is in dry desert alluvium a 20-kiloton explosion would be required to produce seismic waves of a size comparable to those from a magnitude 4.0 earthquake. (Twenty kilotons is about the size of the weapons detonated over Hiroshima and Nagasaki.)

At the present time both the United States and Soviet Union appear to be conducting tests with yields more than a thousand times greater than the smallest test which might be detected. The nature of the relationship between explosion yield and seismic magnitude is such that a million-ton yield is typically equivalent to a seismic magnitude of about 6.5 to 7.0.

The crucial question then concerns the size of explosions which can be reliably detected and what the likelihood is that, once detected, they can be identified as such.

Since 1963 the ability to detect events has improved to the point where with instruments located outside Russia there would be a very high probability of detecting most Russian explosions or earthquakes with magnitude in excess of 4.0. In addition, identification techniques have been much further developed.

The identification method that has turned out to be particularly valuable is based on the fact that earthquakes produce relatively larger surface waves than do explosions. The discussants at the Woods Hole meeting considered data which showed that the method was very useful down to magnitude 4.0 or less, while heretofore it had been demonstrated to work only as low as magnitude 4.75. The data also showed that it would be possible to detect and analyze the surface waves from earthquakes of magnitude 4.0.

The meaning of this was that it would be technically and economically feasible to set up a network of instruments outside Russia which would make possible the identification of the great majority and perhaps virtually all Russian earthquakes of magnitude 4.0 or greater. In 1961 it had been believed that the number of unidentifiable events above 4.0 would have been about 500 per year. In 1963 it was estimated that this number would have been 75 or more in the opinion of some experts, application of the new techniques would now reduce the number to 25. Others estimated that it would be 10 or less. By combining other available information with the seismological data, the number of questionable events of this size might be reduced almost to none.

#### AN ENDLESS DEBATE

Much to the consternation of presidents, congressmen and scientists, the numbers are hard to pin down. The likelihood of significant violations escaping detection depends upon individual assessments of the size, number and complexity of tests required for strategically significant advances. Moreover, the designation of a specific event as being of suspicious nature involves a subjective evaluation of a large number of factors.

Scientists argue that relying on specific numbers of events amounts to a gross oversimplification of physical reality. Yet the President and Congress react by noting that unless they have the numbers they are unable to assess the risks. The result has been something of an impasse.

Whatever the precise numbers, it is apparent from the recent reports that the

possibilities for successful clandestine testing have been substantially narrowed. Clandestine experiments would have to be strictly limited in number and in size. A violator who attempted substantial evasions on the basis that his test would be assumed to be an earthquake would have a high likelihood of creating great suspicion—suspicion that could cause abrogation of the treaty. If a party to the treaty wanted to go on testing with assurance that he would have to attempt to use elaborate and expensive procedures of disputed practicality to suppress or conceal the seismic waves generated by the explosion.

A violator might attempt to test in dry alluvium at yields up to 20 kilotons (equivalent to 20,000 tons of TNT), where the probability of being caught is slight. But suitable dry alluvium is rare, and some scientists doubt that it exists in the Soviet Union in sufficient depth for tests of more than a very few kilotons yield.

A violator might also try to conceal nuclear testing by setting off an explosion on the heels of a large earthquake so that the waves would be mingled. But this would involve working in a state of constant readiness for a proper earthquake.

Another widely discussed evasion technique would be to use very large spherical cavities which produce greatly reduced seismic waves. The difficulty with this is that the process is very costly and it would be difficult to excavate secretly cavities of the size required for explosions with any significant yield.

None of these evasion techniques could be a source of seismological evidence which could be the basis of an inspection request. Since it has always been assumed that on-site inspections would be triggered only upon the presentation of "suspicious" seismological data, inspections have never been considered of significant use in alleviating suspicion of clandestine testing in cavities, in dry alluvium or in the aftermath of large earthquakes. Implicit in the United States test ban positions has always been the assumption that risks inherent in the possible use of these techniques were minimal and acceptable.

While improvements in the verification technology have had the effect of pushing down the explosion yield at which a violator could evade detection, the Pentagon apparently continues to hold the position that on-site inspections are necessary in comments critical of the April 11 Washington Post article, it was stated that more progress had been inferred from the proceedings of the Woods Hole conference than could be supported by the facts; that all detected events could not be identified as earthquakes or explosions that all one-kiloton tests could not be detected, much less identified; that evasion techniques could be used to conceal tests and hence that the need for on-site inspections had not been eliminated.

The Pentagon statement did not discuss the present situation as compared with that which had previously existed—that in fact significant progress had been made. It seemed to imply that as long as there were unidentified seismic events, no matter how small, there would be a need for inspections. This reaction apparently derives more from concern that the United States might be forced into an agreement terminating its own testing activities than from concern about clandestine testing by others. The near-denial that anything was new followed a long-established pattern: whenever progress in the verification technology has appeared to emerge from one corner, it would be played down or denied by voices from another.

In this case the voices suggest that the ability to conceal tests has outstripped the ability to identify them: that indeed, whether or not there were on-site inspections there could be little assurance that violations were not being carried out; and therefore that there was simply no practical way

of obtaining adequate assurance that the treaty's terms were being observed.

#### HOW GREAT A RISK?

Any assessment of the dangers inherent in violations should consider the matter in its overall perspective. The most important question is not whether the Russians might be able to hide some number of nuclear tests; it is whether such tests would be likely to have a measurable impact upon the strategic balance and whether the feared development would be more likely to occur with or without a treaty.

Because opponents of a test ban continue to emphasize the means of getting away with hidden tests rather than what such tests might accomplish, the possibility of violations assumes a much more ominous air than is warranted. To many people it seems that if the Russians felt their vital interests required nuclear tests, they would find an excuse for withdrawing from the treaty rather than incurring the costs of clandestine tests and the non-negligible risks of getting caught. On the other hand, there can be no way of demonstrating the absence of the most devious subterfuge.

In brief, while the members have changed, the situation remains qualitatively the same.

But some observers believe there is now an excellent opportunity to switch the argument to what they consider a broader and more proper context: the question of whether the United States would likely be better off under a prolongation of the present situation, or under the agreement on a complete ban with the awareness that some violations might be undetected.

The political significance of a complete ban on nuclear weapons tests far exceeds whatever direct effect it might have on the arms race, on the likelihood of nuclear war and on potential destruction should war occur. In view of the enormous destructive power residing in many thousands of deployed nuclear weapons, and because the nuclear weapons technology has been so highly developed, it is unlikely that further improvements in the understanding of these weapons will affect the strategic position of one superpower vis-a-vis that of the other.

Whatever technical progress may emerge from nuclear weapons testing is of the sort which, at best, might save money. It is possible, for example, that a missile warhead with a certain explosive power and a specified weight could be developed only through nuclear testing. If tests were not permitted, the destructive power would have to be packed into, say, three missiles instead of two, thus preventing a saving in the cost of producing a given amount of damage. Similarly, there could be uncertainties concerning the effect of nuclear explosions upon certain military hardware which could be resolved only by subjecting the hardware to the effects of a nuclear explosion. If such uncertainties could not be eliminated by nuclear tests, it would be necessary to eliminate them through the more costly route of conservative design.

Some say it is important to continue nuclear testing because of surprises—either those which lead to something new or, more likely, those which indicate a problem where none had been expected. Others argue that tests are necessary to help insure that the Russians don't have knowledge that we don't have.

It is not possible, of course, to demonstrate that surprise results will not be obtained. Nor is it possible to prove that the Russians don't know things of which we are unaware. But in a world filled with uncertainties of all kinds and with nuclear weapons of proven design, there is only a minimal risk of catastrophe springing from this quarter. For those who might be concerned about such matters, Herbert York, formerly the Pentagon's chief scientist, asserts that the exceedingly rapid technological advances of recent

decades are neither typical of the past nor predictive of the future.

#### A STANDOFF

The advantages and disadvantages associated with continuation of the status quo or with a cessation of underground tests are equally applicable to both the United States and Russia. If tests continue, whatever the United States develops is likely to be at least partially negated by what the Russians do, and vice-versa. A treaty prohibiting underground tests would limit advances in nuclear weapons technology by the United States to what can be achieved in the laboratory. On the Russian side, progress would be similarly constrained, although there could be no assurance that minor additional advances would not be achieved through limited clandestine testing.

Since neither a continuation of underground tests nor their cessation is likely to have a significant impact upon the strategic posture of the superpowers, whatever advantages there might be in a cessation of tests lie in the political domain.

For better or for worse, the test ban has become an important symbol. Failure to prohibit underground tests plays into the hands of those in the non-nuclear nations who push for the acquisition of nuclear forces; it tends to reinforce the contention that the rhetoric of the superpowers is simply not matched by action; and it undermines the credibility of the U.S. government, which has claimed for more than a decade that unresolved verification problems are the obstacle to a ban on underground tests.

On the other hand, attainment of a treaty banning underground tests, particularly in the absence of progress in the SALT talks, would be a sign of a determination to control the arms race. To the non-nuclear countries it would be a demonstration that the major nuclear powers would accept substantial inhibitions upon their own activities—a demonstration that would strengthen arguments against the acquisition of nuclear capabilities by other countries.

#### HOPE FOR ALCOHOLICS

Mr. HUGHES, Mr. President, an article published recently in *Postal Life*, a magazine for postal employees, concerns an alcoholism program that has been instituted in the Postal Department. The program has shown real fine spirit. I feel that it has made real progress in the area of the alcoholic problems of some postal employees, something which the Senator from Iowa and the subcommittee he chairs has been hoping can be developed across the board for postal civil service employees.

Mr. Stan Day, really the pioneer of the effort behind the program in the Postal Department, announced that in four different areas they have had a successful program.

I ask unanimous consent that the copy of the article to which I have referred be printed in the RECORD.

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

#### HOPE FOR ALCOHOLICS

Fulton Caldwell is a handsome young man of 34. He's well-dressed in the latest striped shirt, sports a neat beard and speaks "with the intelligent assurance of a man on his way up."

Looking at him, it's hard to believe that only six years ago Fulton Caldwell was an alcoholic who for more than 12 years lived by and for the bottle. His drinking became a progressively greater burden to his fam-

ily, to his fellow clerks in the Los Angeles post office and to his own well-being. Eventually, he lost all.

Caldwell was more fortunate than most alcoholics, however. He was guided into Alcoholics Anonymous and with the help and sympathy of recovered alcoholics he was able to achieve sobriety and a new start for himself. Today he works in the Chicago post office on the Postal Service's Program for Alcoholic Recovery trying to reach some of the estimated 37,500 postal employees who are gripped by the tragedy of alcoholism.

"You can't understand what it's like unless you've been there yourself," said Caldwell, telling his story with obvious conviction. "That's why AA helped me. I could believe the AA people because they knew what I was going through." This idea that only a recovered alcoholic can understand the torment of an alcoholic, and that alcoholism is a complete and treatable disease is the basis of the Program for Alcoholic Recovery (PAR) now operating in the San Francisco, Chicago and Boston Post Office. PAR counselors, all of whom have been recovered alcoholics for at least three years, serve as personal examples of problem drinkers who kicked the habit and acquaint alcoholic employees with all of the methods available for overcoming their problem.

PAR was established with the hope that it could help otherwise competent postal employees overcome alcoholism and remain on the job as productive workers.

And so far, this hope has been a reality. In San Francisco, the post office PAR office has been operative for 26 months, and 65 alcoholics are "recovered"—which means by PAR definition they have rehabilitated their work life and have not had a drink for at least one year. Another 145 employees of the 208 PAR members are well on their way to recovery. PAR at the Chicago post office was established in April, 1970, and 75 percent of the 174 members have shown improvement. The Boston program, begun in June, 1970, has a success rate of 83 percent for 183 members. Such results are among the highest for any similar program in government or out, and to date the Postal Service has received 150 inquiries about the PAR plan from private businesses concerned with the same problem.

PAR's unusual achievement can be attributed to a well-thought-out program. Recovered alcoholics like Fulton Caldwell are full-time counselors available for guidance right in the post office. They rely on their own experience in their confidential sessions with employees. They recruit PAR members in four ways: Some 39 percent just walk in after hearing about the program. About 38 percent are referred by the supervisors. Another 14 percent come as a result of an adverse action initiated because of their drinking. The PAR post office promises to regard drinking as an illness, to suspend disciplinary action, and to remove all record of it from the file of an employee who performs up to PAR and resumes good work habits.

PAR members, with their counselor's aid, explore the available avenues for recovery in their community and their relative cost and success rates. Although most choose Alcoholics Anonymous membership, others find that psychotherapy, religious guidance or medical treatment is best for them.

PAR is the brainchild of Stanley K. Day, a former postal finance division chief in Headquarters. Day, also a recovered alcoholic, was certain there was a way to bring help to the many others who could not conquer their problem alone. So six years ago Day turned his analytical talents to determining the probable extent of alcoholism in the Postal Service.

He began with available national studies which reveal that more than nine million Americans suffer from alcoholism and that no background, age, position in life, sex, or level of education is immune.

"These are shattering statistics," said Day, "but they're real."

Day made his point and the Program for Alcoholic Recovery had a modest beginning in the San Francisco post office in November, 1968. Its success was repeated in Boston and Chicago.

"We can't afford not to do it," said Day. "It just makes good business sense to invest \$1 when you know you'll get back \$5." Postmaster General Winton M. Blount agreed and on December 8, 1970, he directed the preparation of a five-year program and budget for PAR.

But PAR is more than good business. "I know it's saving money," said Henry McGee, Postmaster of Chicago. "But it would be worth doing if it cost us money. It's saving lives."

Supervisors are also enthusiastic about PAR, much to the satisfaction of the counselors. "They've been very helpful. We've had supervisors bring drunk employees up here personally," said Caldwell. "Seventy-four of our members are supervisor referrals." This reaction is understandable considering the alternatives supervisors had in the past. They could cover up for the alcoholic, but his work was substandard and his fellow workers had to shoulder the burden. Or they could initiate disciplinary action, leaving the employee's problem unsolved and his family to suffer. "But now that there's PAR, it's no favor to anyone to hide an employee's drinking," said Day.

Postmaster McGee agrees, but feels the climate is improving. "In the past, there's been a social stigma to supporting an alcoholism program. But most enlightened persons today understand that it is a universal illness and are sympathetic."

Undoubtedly, though, the best testimony for PAR will be the alcoholic recoveries it leaves across the country. And as one counselor put it, "Miracles are the rule here, not the exception."

QUORUM CALL

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia, Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

APPROVAL OF LOAN TO SUNFLOWER ELECTRIC COOPERATIVE, INC., OF WAKEENEY, KANS.

A letter from the Administrator of the Rural Electrification Administration transmitting, pursuant to law, information concerning the approval of a loan to the Sunflower Electric Cooperative, Inc., of Wakeeney, Kans. (with accompanying papers); to the Committee on Appropriations.

ANNUAL REPORT OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

A letter from the Chairman of the Board of Governors of the Federal Reserve System transmitting, pursuant to law, the annual report of that (with accompanying report); to the Committee on Banking, Housing and Urban Affairs.

PROPOSED REPEAL OF SECTION 212(B) OF THE MERCHANT MARINE ACT

A letter from the Secretary of Commerce submitting proposed legislation to repeal section 212(B) of the Merchant Marine Act of 1936, as amended (with accompanying papers); to the Committee on Commerce.

PUBLICATIONS OF THE FEDERAL POWER COMMISSION

A letter from the Chairman of the Federal Power Commission transmitting two publications, one entitled "World Power Data, 1968," and the other entitled "Steam-Electric Plant Construction Cost and Annual Production Expenses, 1969" (with accompanying reports); to the Committee on Commerce.

SUBMITTAL OF PUBLIC LAWS ENACTED IN 1970 BY THE LEGISLATURE OF GUAM

A letter from the Secretary of the Interior transmitting, pursuant to law, a set of the public laws enacted by the Guam Legislature in its 1970 sessions; to the Committee on Interior and Insular Affairs.

REPORTS CONCERNING VISA PETITIONS APPROVED BY THE IMMIGRATION AND NATURALIZATION SERVICE

A letter from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, reports concerning visa petitions which the Service has approved according to the beneficiaries of such petitions third preference and six preference classifications (with accompanying papers); to the Committee on the Judiciary.

REPORT OF BUILDING PROJECT SURVEY FOR ODESSA, TEX.

A letter from the Administrator of General Services transmitting, pursuant to a resolution of the Committee on Public Works of the House of Representatives, a report of building project survey for Odessa, Tex. (with an accompanying report); to the Committee on Public Works.

REVISION OF THE U.S. TAX COURT BUILDING, WASHINGTON, D.C.

A letter from the Administrator of General Services transmitting, pursuant to law, a prospectus which revises the authorized U.S. Tax Court building, Washington, D.C. (with accompanying papers); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A concurrent resolution of the General Assembly of the State of Indiana; to the Committee on Commerce:

"HOUSE CONCURRENT RESOLUTION No. 16  
"A concurrent resolution memorializing Congress to adopt the metric system of weights and measures

"Whereas the English system of weights and measures, such as feet, pounds, and gallons, is archaic; and

"Whereas, ninety per cent (90%) of the world's population has adopted the metric system; and

"Whereas, the United Kingdom, which originated the English system, is converting to the metric system; and

"Whereas, this conversion should be complete by 1975; and

"Whereas, the United States has been utilizing the metric system officially since the 1800's; and

"Whereas, foreign trade is necessary; and  
"Whereas, such trade should be encouraged; and

"Whereas, the metric system affords a more

consistent and feasible method of measurement; Therefore,

"Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

"SECTION 1. In the interest of more efficient operation and the promotion of commerce, we respectfully urge the President and both houses of Congress of the United States to consider the adoption of the metric system of weights and measures.

"Sec. 2. The Principal Clerk of the House of Representatives is hereby directed to forward copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives of the Congress of the United States, and to all the members of Congress from the State of Indiana."

A concurrent resolution of the General Assembly of the State of Indiana; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION No. 67  
"A concurrent resolution memorializing the Congress of the United States to continue the Federal Highway Trust Fund; and directing distribution

"Whereas, an adequate highway system is essential to the economy of Indiana and the Nation; and

"Whereas, Highway users pay gasoline taxes and other Federal excise taxes which are deposited with the Federal Highway Trust Fund; and

"Whereas, the Federal Highway Trust Fund was created for the purpose of developing and constructing an interstate highway system and implementing highway safety program standards; and

"Whereas, the diversion of such taxes and the termination of the fund would impair the continued construction of an interstate highway system as well as the primary, secondary, regular urban and special urban highway systems and such other highway construction as may be authorized by the Congress; Therefore,

"Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

"SECTION 1. The Congress of the United States is hereby respectfully urged to continue the Federal Highway Trust Fund on a permanent basis for highway construction and implementation of highway safety program standards.

"SEC. 2. That duly authenticated copies of this Resolution shall be forwarded to the Speaker of the House of Representatives and the President of the Senate of the Congress of the United States and to each member of the Indiana Congressional Delegation."

A concurrent resolution of the General Assembly of the State of Indiana; to the Committee on Veterans Affairs:

"HOUSE CONCURRENT RESOLUTION No. 12

"A concurrent resolution memorializing the President and the Congress of the United States to approve the creation of a national cemetery in Vigo County, Ind.

"Whereas, many young men and women of the United States have given their lives in answering the call to the colors at such times and periods in the history of the United States when the state and nation was placed in the position of peril and when outside forces, both declared and undeclared, and when enemies both foreign and domestic threatened to destroy the Republic; and

"Whereas, a grateful and proud government, the United States of America has chosen and seen fit to honor and enshrine those veterans who have participated in the defense of this Nation by the creation of national cemeteries for the interment of these her sons and daughters who gave their last full measure of devotion; and

"Whereas, existing space in said national cemeteries is now almost gone and more

space is now needed and is most desirable in order to pay our last respects and honor to the defenders of the state and nation; and

"Whereas, the government of the United States owns and possesses a tract of land which is in Vigo County, Indiana, adjoining the United States Prison which may feasibly be suitable for the purpose of providing a fine national cemetery, which land is unused and unneeded and is available for such higher and better use; Therefore,

*"Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

"SECTION 1. In the interest of providing a final resting place for United States' veterans, we respectfully urge the President and the Congress of the United States to consider placement of a national cemetery in Vigo County, Indiana.

"Sec. 2. The Principal Clerk of the House of Representatives is hereby directed to forward copies of this resolution to the President and Vice-President of the United States, to the Speaker of the House of Representatives of the Congress of the United States and to all the members of Congress from the state of Indiana."

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

**"SENATE CONCURRENT RESOLUTION No. 3**

"A concurrent resolution for ratification by the Legislature of Louisiana of the amendment to the Constitution of the United States proposed by the Congress of the United States relative to voting age of citizens of the United States

"Whereas, the Ninety-Second Congress of the United States of America at its first Session, in both Houses, by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

**"JOINT RESOLUTION**

*"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the Legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

**"ARTICLE**

"SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

"SEC. 2. The Congress shall have the power to enforce this article by appropriate legislation."

*"Therefore, be it resolved by the Senate of the Legislature of Louisiana, the House of Representatives thereof concurring,* That the Legislature of the state of Louisiana does hereby ratify the foregoing proposed amendment to the Constitution of the United States of America as a part of the Constitution of the United States.

"Be it further resolved that certified copies of this Resolution shall be forwarded by the Secretary of the Senate of the State of Louisiana to the Administrator of General Services, Washington, D.C., and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States."

A resolution of the Senate of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

**"RESOLUTIONS**

"Memorializing the President and the Congress of the United States to order the

complete withdrawal of all military personnel from Vietnam by the end of the current year

"Whereas, The committed policy of the National Government relative to the conflict in Vietnam is the withdrawal of all United States military personnel on a scheduled plan which, if unchanged, will not effect the total withdrawal of our troops until nineteen hundred and seventy-two or later; and

"Whereas, It appears that the majority of the citizens of the United States are opposed to our continued involvement and participation in the Vietnam conflict; now, therefore, be it

"Resolved, That the Massachusetts Senate hereby respectfully urges the President and the Congress of the United States to order the withdrawal of all United States combat forces from Vietnam by the end of the current year and to terminate any and all active participation or intervention of our armed forces in the Vietnam conflict; and be it further

"Resolved, That a copy of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officers of each branch of Congress and to each member of Congress from the Commonwealth."

A resolution of the House of Representatives of the Commonwealth of Massachusetts; to the Committee on the Judiciary:

**"RESOLUTIONS**

"Commending the President of the United States on his handling of the current public demonstrations

"Whereas, There have been recent demonstrations in Washington, D.C. protesting the Vietnam War; and

"Whereas, The vast majority of these demonstrations have been peaceful and in accordance with the law; and

"Whereas, A minority of the demonstrations have not been in accordance with the law and have been designed to destroy property and disrupt citizens from performing their lawful function; therefore be it

"Resolved, That the Massachusetts House of Representatives commend the President of the United States for the manner in which he has supported peaceful and lawful demonstrations, but has not allowed destructive and unlawful demonstrations to disrupt citizens from performing their lawful functions; and be it further

"Resolved, That the Massachusetts House of Representatives commend the President of the United States for supporting measured and reasonable methods in controlling the disruptive tactics of lawbreakers; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officers of each branch of Congress and the members thereof from this Commonwealth.

A joint resolution of the Legislature of the State of Nevada; to the Committee on Foreign Relations:

**"SENATE JOINT RESOLUTION No. 29**

"Urging the signatories of the last Geneva Convention to exert their influence in an effort to persuade the government of North Vietnam to live up to the rules of the last Geneva Convention concerning prisoners of war

"Whereas, The signatories of the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949, established a common brotherhood to insure humane treatment of prisoners of war; and

"Whereas, There are more than 1,600 American servicemen classified by the United States Government as prisoners of war or missing in action in Southeast Asia; and

"Whereas, The Government of North Vietnam is violating every rule adopted by the

signatories of the Geneva Convention concerning the prisoners of war; and

"Whereas, No nation should be allowed to ignore or disobey the rules of the Geneva Convention because if such conduct can occur against the prisoners of war of one of the signatories, it can happen to the prisoners of war of any of the other signatories; and

"Whereas, It behooves all of the signatories of the Geneva Convention to become intermediaries between the United States Government and the Government of North Vietnam in a united effort to assure that the Government of North Vietnam complies with the rules of the Geneva Convention; now, therefore, be it

*"Resolved by the Senate and Assembly of the State of Nevada, jointly,* That the legislature of the State of Nevada urges the signatories of the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949, to exert their influence to persuade the government of North Vietnam to meet the following minimal conditions:

"1. Release sick and injured prisoners of war immediately.

"2. Treat prisoners of war more humanely.

"3. Establish better communications between prisoners of war and their families.

"4. Allow international inspection of prisoner of war camps.

"5. Release a complete and bona fide roster of prisoners of war and the names of prisoners of war who have died.

"6. Allow prisoners of war to receive mail and packages from home on a regular basis.

"7. Establish a policy whereby future prisoners of war may be properly repatriated through existing organizations such as the International Red Cross.

"And be it further

*"Resolved,* That copies of this resolution be prepared and transmitted by the legislative counsel to the chief executive of each country which signed the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of Defense and the Speaker of the House and President of the Senate of the legislatures of each of the other 49 states."

A joint resolution of the Legislature of the State of Nevada; to the Committee on Public Works:

**"SENATE JOINT RESOLUTION No. 32**

"Memorializing the Congress of the United States to pay for a study of the water problems in the Hawthorne, Nev., area, and to make recommendations for remedying such problems

"Whereas, A need exists to study the problems of industrial, agricultural and domestic water supplies in the Hawthorne, Nevada, area and the adjacent Naval Ammunition Depot; and

"Whereas, Such problems are a matter of both local and federal concern; now, therefore, be it

*"Resolved by the Senate and Assembly of the State of Nevada, jointly,* That the Congress of the United States is hereby respectfully memorialized to authorize the expenditure of federal funds to execute a study of the water problems in the area of Hawthorne, Nevada, to be conducted by federal engineers in conjunction with the office of the state engineer, and to pay for the cost of remedying such water problems in the manner determined in such study; and be it further

*"Resolved,* That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the presiding officer of each house of the United States Congress and to each member of the Nevada congressional delegation.

A joint resolution of the Legislature of the

State of Washington; to the Committee on the Judiciary:

**"SENATE JOINT RESOLUTION No. 36**

*"Be it resolved, by the Senate and House of Representatives of the State of Washington in legislative session assembled:*

*"Whereas, both Houses of the Ninety-second Congress of the United States of America by a constitutional majority of two-thirds thereof proposed an amendment to the Constitution of the United States, which is in words and figures as follows, to-wit:*

**"JOINT RESOLUTION**

*"Resolved, by the Senate and House of Representatives of the United States of America in Congress Assembled: (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:*

**"ARTICLE —**

*"SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.*

*"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."*

*"Now, therefore, be it resolved, That said proposed amendment to the Constitution of the United States of America be, and the same is, hereby ratified by the legislature of the State of Washington.*

*"And be it further resolved, That certified copies of this joint resolution be forwarded by the Secretary of State of the State of Washington to the Secretary of State of the United States, to the presiding officer of the United States Senate, and to the Speaker of the House of Representatives of the United States."*

A resolution adopted by the American Personnel and Guidance Association urging the repeal of the draft law; to the Committee on Armed Services.

A resolution adopted by the Council of the City of Brook Park, Ohio, requesting that the densely populated area of Greater Cleveland be included in the Amtrak System of National Railroads; to the Committee on Commerce.

A resolution of the Common Council of the City of Buffalo, N.Y., supporting the revenue-sharing proposals before Congress; to the Committee on Finance.

A letter from the employees of the First National Bank of Boston, Cuba branches, requesting a pension plan; to the Committee on Finance.

A resolution of the Council of the City of New York, N.Y., calling upon the Congress to provide issuance of special visas to Jews of the Soviet Union; to the Committee on the Judiciary.

**REPORT OF A COMMITTEE**

The following report of a committee was submitted:

By Mr. BYRD of West Virginia, for Mr. LONG, from the Committee on Commerce, with amendments:

H.R. 4724. An act to authorize appropriations for certain maritime programs of the Department of Commerce (Rept. No. 92-132).

**BILLS AND JOINT RESOLUTIONS INTRODUCED**

The following bills and joint resolutions were introduced, read the first time

and, by unanimous consent, the second time, and referred as indicated:

By Mr. NELSON (for himself and Mr. MONDALE):

S. 1928. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the St. Croix River, Minn., and Wis., and as a component of the national wild and scenic rivers system. Referred to the Committee on Interior and Insular Affairs.

By Mr. HUMPHREY:

S. 1929. A bill for the relief of Mrs. Josefa Buenpipo. Referred to the Committee on the Judiciary.

By Mr. HARRIS (for himself, Mr. CRANSTON, Mr. FULBRIGHT, Mr. GRAVEL, Mr. HUMPHREY, Mr. MONDALE, Mr. RANDOLPH, and Mr. STEVENSON):

S. 1930. A bill entitled "American Folklife Foundation Act". Referred to the Committee on Rules and Administration.

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

S. 1931. A bill for the relief of Lt. Col. Norris N. Capouya, USAR. Referred to the Committee on Armed Services.

By Mr. MATHIAS (for himself, Mr. BEALL, Mr. BELLMON, Mr. BENNETT, Mr. DOLE, Mr. HANSEN, Mr. HARRIS, Mr. MCCLELLAN, Mr. MOSS, and Mr. STEVENS):

S. 1932. A bill to amend the Federal Meat Inspection Act to provide that State inspected facilities after meeting the inspection requirements shall be eligible for distribution in establishments on the same basis as plants inspected under title I. Referred to the Committee on Agriculture and Forestry.

By Mr. BROOKE:

S. 1933. A bill to provide for the establishment of a national cemetery at Westfield, Mass. Referred to the Committee on Veterans' Affairs.

By Mr. BROCK:

S. 1934. A bill to expand upon the economic freedom and public responsibility of American industry, to encourage the opportunity for the American worker to bargain collectively in his own best interests without economic deprivation, and to guarantee the American consumer and taxpayer protection from the abuse of excessive concentration of power. Referred to the Committee on Labor and Public Welfare.

By Mr. WILLIAMS:

S. 1935. A bill to assist in the provision of housing for the elderly, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. CASE:

S. 1936. A bill to provide for the establishment of an American Council for Private International Communications, Inc., to grant support to the activities of private American organizations engaged in the field of communication with foreign peoples. Referred to the Committee on Foreign Relations.

By Mr. HUMPHREY:

S.J. Res. 103. A joint resolution to authorize the President to designate June 1, 1971, as Medical Library Association Day. Referred to the Committee on the Judiciary.

**STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS**

By Mr. NELSON (for himself and Mr. MONDALE):

S. 1928. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the St. Croix River, Minn., and Wis., as a component of the national wild and scenic rivers system. Referred to the Committee on Interior and Insular Affairs.

**LOWER ST. CROIX RIVER ACT OF 1971**

Mr. NELSON. Mr. President, today I am introducing a bill which would add

the Lower St. Croix River of Wisconsin and Minnesota to the national wild and scenic rivers system.

Such a step is long overdue and would be the logical culmination of an 8-year effort involving favorable public studies, broad conservation support, and careful congressional review.

Probably unique in the Nation, the Lower St. Croix flows near a major metropolitan area, Minneapolis-St. Paul, yet still retains much of its original natural beauty and pleasant, pastoral character.

Protection of the scenic and recreational values of the entire river was proposed in the St. Croix national scenic riverway bill introduced in 1965. A Federal study of the upper river initiated in 1963 brought the entire St. Croix to national attention.

In the Wild and Scenic Rivers Act, passed late in the 90th Congress, the Lower St. Croix River was designated for study by the Secretary of the Interior for inclusion in the national system established by that act.

Actually included in the national system at that time were Upper St. Croix River of Wisconsin and Minnesota; its scenic tributary in Wisconsin, the Namekagon River, and the Wolf River, also in Wisconsin.

From the beginning, the concept for the Upper St. Croix was to restore and preserve the little-developed river in its natural state, now being accomplished through its establishment as part of the national wild and scenic rivers program.

For the more developed Lower St. Croix, the concept has been protection for the public of the river's scenic beauty that provides such a rich experience for all its users. Where the shoreline is already developed, the concept has always been for protection of the lower river's scenic values by means other than land acquisition, except for needed public access.

Thus, in contrast to the preservation aim of the management and land acquisition on the upper river, the emphasis on the Lower St. Croix would be on a combination of easements, limited acquisition, and zoning needed to protect scenic values and assure wise recreational use.

It is my understanding that the Lower St. Croix is currently being studied by a special team headed in the Interior Department, and also by an intergovernmental task force reviewing the recreation potential of the Upper Mississippi River Basin.

This continuing attention indicates the obvious importance of the Lower St. Croix as a key link in the emerging network of nationally significant scenic, recreational, and wilderness areas in Wisconsin and the Upper Midwest.

Already, the Apostle Islands National Lakeshore and the Ice Age National Scientific Reserve are being established in Wisconsin, along with the Upper St. Croix, Namekagon, and Wolf scenic rivers.

And regionwide, we now have the Sleeping Bear Dunes and Pictured Rocks national lakeshores and the Sylvania Recreation Area in Michigan, and the

Voyagers National Park and Boundary Waters Canoe Area in Minnesota.

With its scenic and recreational character preserved in a metropolitan area, the 52-mile Lower St. Croix would be a valuable and complementary feature in this new network of natural areas.

Under the Lower St. Croix River Act being introduced today, the river from the dam near Taylors Falls, Minn., to its confluence with the Mississippi River would be designated part of the national wild and scenic rivers system.

The legislation provides that before implementing the river's national scenic status that would be established by congressional passage, the Secretary of the Interior would have to prepare a plan with proposed boundaries and land easement, acquisition, and zoning details.

This plan would have to be published in the Federal Register and submitted to Congress for a 90-day review. If Congress had objections to the plan, it could not go into effect. If there were not congressional objections, the Secretary could then proceed to implement the plan.

It should be pointed out that from the early stages of study and planning, State and local governments have been deeply involved on the St. Croix, and this continuing intergovernmental effort would be vital to successful planning and implementation of Lower St. Croix River protections.

To conclude, Mr. President, I ask unanimous consent that the Lower St. Croix River Act be printed in the RECORD at the end of these remarks. I also ask unanimous consent that two excellent articles describing the lower and upper river also be printed at this point in the RECORD. One of the articles is by Alonzo W. Pond and one is by Howard Mead.

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

S. 1928

A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Saint Croix River, Minnesota and Wisconsin, as a component of the national wild and scenic rivers system

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 "Lower St. Croix Act of 1971".

SEC. 2. Section 3 (a) of the Wild and Scenic Rivers Act is amended by adding at end thereof the following:

"(9) Saint Croix, Minnesota and Wisconsin.—The segment between the dam near Taylors Falls and its confluence with the Mississippi River; to be administered by the Secretary of the Interior."

SEC. 3. Section 5(a) (21) of the Wild and Scenic Rivers Act is hereby repealed.

SEC. 4. The Secretary of the Interior shall, within one year following the date of the enactment of this Act, take, with respect to the segment included as a component of the national wild and scenic rivers system by this Act, such action as is provided for under section 3(b) of the Wild and Scenic Rivers Act.

#### INTERSTATE PARK AND THE DALLES

(By Alonzo W. Pond)

The steamer *Tennessee* with its load of homesteading settlers left the broad Mississippi and pushed slowly north up the wilderness river St. Croix. Dark forests crowded to

the water's edge. Against the bow of the steamer the black water broke into foam and drifted away; curious white patterns shifting back and forth on the black-water currents.

About 40 miles from the Mississippi the valley narrowed. The banks of the river grew steeper, the current swifter. On pushed the *Tennessee*, into a narrow gorge. Walls of rock rose straight up; above them towered huge pines so high they shut out the daylight and left the boat and its passengers in the semi-darkness of a deep canyon. This was the Dalles of St. Croix, so named by the early French explorers because the slab-like rock walls, rising 100 to 150 feet straight from the water's edge reminded them of the huge paving blocks or *dalles*, used in the floors of French cathedrals.

As the boat moved deeper into the gloom, the passengers were awed by the towering walls, and some of them felt as though they had "come to the end of creation where waters burst forth as from the rock which Moses struck."

When it seemed that the little steamer must crash head on against the wall, a narrow passage showed to the west. The boat swung left in a sharp turn and passed around "Elbow Rock"—just as the sight-seeing tourist launches do today, a century and a quarter later.

Time and man have made many changes on the St. Croix River since the *Tennessee* rounded Elbow Rock and tied up below the Falls of the St. Croix. The giant pines that found precarious anchorage in the rock-walled gorge are gone; as sunlight penetrated to the cliff sides, the lush growth of clinging vines and ground pine gradually disappeared, revealing strange rock formations unnoticed by the passengers of the early river steamers.

Today the Dalles of St. Croix is part of Interstate Park, the oldest unit in the Wisconsin state park system. In 1895 George H. Hazzard of Minnesota and Harry D. Baker of St. Croix Falls headed groups of far-sighted citizens in convincing the legislatures of both states that the Dalles of St. Croix was a natural wonder worthy of preservation for future generations.

Accordingly, the Wisconsin legislature provided for setting aside 580 acres on the east bank of the river, and the park was formally accepted in 1900. This joint enterprise with Minnesota was one of the first such cooperative actions in the Midwest. Thus Interstate Park became a significant "first" and under the original concept that "areas of state-wide significance should be acquired for the use and inspiration of the people," state parks have been developed in all parts of Wisconsin.

Historic records of the Dalles region are few and scanty. Indian artifacts have been found, but not in quantities large enough to indicate permanent camp sites or villages. A copper awl and two flint arrowheads were found with the bones of extinct *bison occidentalis* deep in a peat bog now covered by a parking lot. During the late 1600's and 1700's the St. Croix River was a regular route for fur traders and voyageurs between Lake Superior and the Mississippi. Then, about 1836 or 1837 Americans became interested in the timber along the St. Croix and in the water power at the falls. The first sawmill was a financial failure, but as the result of an accident—ponded logs got away and raced through the rapids, were recovered and sold to the mills downstream—the practical use of the river for transporting timber became apparent.

The right-angle turn at the Elbow was a serious hazard, however, and there are records of several big log jams which held up millions of board feet of logs—sometimes for many weeks. The most spectacular started in June, 1886. One hundred fifty million board feet of logs, some of which were two feet in diameter and up to 80 feet long, were piled like jackstraws in the river. A solid mass of timber stretched upstream two and a half

miles. A steam hoist on a flat boat below the jam, a pile driver, many teams of horses, and 175 men labored at the tangled mass for six weeks to free the timber.

The best logs, the straight-grained timber, often became water-logged in the jams and sank to the bottom. Throughout the Dalles, the river bed is paved with logs harvested from the shores of the St. Croix more than a hundred years ago. In the fall of 1936 some of those white pine logs were hauled from the river bottom below Elbow Rock and sold; the heart of the timber was sound, preserved against insects and decay in its airless bed beneath the black waters of the river.

The most fascinating historical records to be found in the Dalles area, however, are those which tell the comparatively short story of man. Within the boundaries of Interstate Park you can read whole chapters of the earth's history and see clear evidence of the many geological processes, ranging from Keewenaw lavas and Cambrian sandstones to the remains of retreating glaciers.

The walls of the gorge and the bedrock of the park are formed of a stone known as trap rock. A tough, volcanic rock it was once hot lava that poured out of the earth through cracks near present-day Lake Superior. The molten mass cooled, and hardened cracks or joints developed in the rock, just as they do in hard-frozen ice or drying mud banks. These made possible the type of weathering which resulted in the steep-sided gorge and the strange shapes on the canyon walls.

In all there were probably fifty of the lava flows. But after each eruption there was a long period during which the surface of the lava bed became weathered. These weathered surfaces prevented the later lava from forming a tight bond with its predecessor. Thus the geologists today is able to recognize different levels.

If you look across the river from trails on the Wisconsin side of the park, you can identify at least seven of the lava flows. They are distinct terraces or gigantic steps on the Minnesota side. All of them slope to the southwest, and each terrace is the surface of one of those ancient lava beds.

When the glaciers covered parts of North America, rocks frozen into the bottom of the ice gouged distinct grooves in the surface of the hard trap rock as they moved along. These scars are so clear that even an amateur geologist can read the story on some of the bare rock knobs in the park. At least two of the glaciers which crossed the Interstate area can be identified from the distinctive material they carried, the "red drift" of the Patrician Ice and the "gray till" of the Kewatin.

As the great ice masses retreated and the ice melted, Glacial Lake Duluth was formed in what is now the western end of Lake Superior. When the waters finally spilled out of the Lake Duluth basin, they followed the valleys of the Brule and St. Croix rivers toward the Mississippi. At the great volcanic barrier which extended across the St. Croix valley, they were held back until at last they began to spill over the volcanic dam as a spectacular water fall.

Great volumes of water tumbling with terrific force over the barrier worked through cracks and joints of the ancient lava. In winter, ice expanded in the cracks, loosening blocks of trap rock. Spring floods tumbled the loose stones into the stream bed until the rushing waters had "plucked" a channel through the barrier between what is now known as Horizon Rock and Summit Rock, and out its way into Lake of the Dalles Basin. The process continued until the river had cut many small passages. These are the delightful little canyons which have become trails in the park—Mossy Canyon, Echo Canyon, Canyon Valley, and Fairy Dell. The river end of Fairy Dell is often called Devil's Ice Box because in normal summers cold air moves from the damp, fern- and moss-cov-



ered passage toward the canyon mouth and the river.

The channels on the east of the valley could not carry all the water from the melting glacier. Much of it plunged over the barrier near the present river channel to make whirlpools and shifting currents on the hard rock river bed. Those swift waters carried quantities of sand and gravel. Some was caught in the whirlpools. The whirling sand grains and sharp-edged rocks became natural grindstones which wore circular holes in the lava bed of the glacial river. These are the "pot holes" one sees today high above the river on the Pot Holes Trail, cut into the rock by sand and gravel driven by tumbling waters of the river long before it cuts its channel down to the present level.

A geologist who has studied pot holes in Switzerland and other glaciated regions calls one of the cavities on the Wisconsin side of the river the "most perfect pot hole in the world." When the debris is dug from a pot hole, large, irregular-shaped stones are found near the top. Deeper, the stones become rounded and smaller, until, near the bottom, they are as smooth as manmade marbles. These, of course, are the stones which were swirled against the walls of the pot holes, cutting the cavities deeper and deeper as they, too, were smoothed and rounded by the whirling sand and water.

Without the great volume of water from melting glaciers, the river no longer plucks many rocks from the lava bed, but slower weathering by frost and snow, sun and wind, continues. Throughout the centuries since the last glacial epoch, these forces have carved many interesting shapes on the walls of the gorge. There's Turk's Head, Lion's Head, Pulpit Rock, the Devil's Chair, and a huge Maltese Cross. All are the work of natural forces removing a bit of stone here, another there, until by the laws of chance realistic shapes have been produced. The most realistic of the figures, that at the top of the cliff on the Wisconsin side near the "perfect pot hole," is known as the Old Man of the Dalles.

The park abounds with trails designed to give access to all these natural wonders and to spectacular views of the river and gorge.

One, the trail to Summit Rock, which breaks out into the open high on Inspiration Point, is reached by steps that look like natural ridges. When the trail was being constructed, government regulations prevented the CCC crews from using dynamite. Taking a tip from prehistoric Indians, the boys built huge bonfires on the trap-rock outcrop, the fires were kept burning all day, and at quitting time the boys carried big milk cans of water up from the river and dumped them on the hot rock at the top of the bluff. The cold water shattered the rock and the next day fragments could be lifted out and tossed away. The process was repeated day after day until a channel ten feet long, four feet wide, and a foot deep was cut through the solid rock. Then blocks of stone weighing as much as a ton and a half were hauled to the cut by rope and tackle and fitted into place for steps.

The wide range of soils in the park, from swampy lowland and river flood plain to sun-scorched trap-rock knobs, and the range of altitudes (up to 703 feet above sea level) make possible an impressive variety of plant life. In 1900 a group of botanists identified a thousand species of plants, including more than fifty species of trees, in this area. Miniature cactus on almost barren rock grows not far from luxuriant beds of ferns. In the spring, acres of woods are carpeted with trilliums, and in the fall banks of blue lobelia line the path to the spring above the east shelter house. Mosses, ferns, and lichens make beautiful patterns in some of the rock canyons.

Interstate Park is a popular picnic and camping area, with a bathing beach and bath house at the Lake of the Dalles and

good fishing in the river. Boat excursions through the Dalles leave regularly from the Minnesota side. The St. Croix River is becoming so popular with canoeists that an additional small waterside camping area is now being developed for their use.

A geologist's paradise, a camper's haven, and a sightseer's playground, this gift of nature, molded by the forces of time and weather and preserved by the thoughtfulness of responsible men, offers to each of its visitors the chance to pursue his own personal outdoor pleasure in one of the most magnificent settings in all Wisconsin.

#### THE LOWER RIVER TODAY

The St. Croix becomes a different river upon leaving the narrow Dalles with its towering, perpendicular black walls. Below the Dalles the swift, deep-running river pours out into the wide Lower Valley—spreading lazily into quiet, shaded sloughs as it brushes jutting, sun-warmed sandbars. The last leg of the trip to the Mississippi can be made by either canoe or power boat. By canoe the trip is easy, with no rapids or major obstructions. For the power boat the only hazards are sandbars, the ever-shifting channel, and, of course, the greatly increasing number of other boaters who use and enjoy the river, particularly on weekends. It is difficult to imagine that one hundred years ago steamboats of considerable size navigated the shallow Low St. Croix, carrying passengers and freight. During the season of 1869, some 230 steamboats reached the levee at Taylor's Falls.

You can put in below the twin cities of Taylor's Falls, Minnesota, and St. Croix Falls, Wisconsin, at Muller's Landing on the Minnesota side or at the boat landing in Wisconsin's Interstate Park. At the Lower Dalles, hemmed in on either side by precipitous cliffs, is pretty little Rocky Island, a favorite picnicking and swimming spot.

Just south of Rocky Island, on the Wisconsin side, is the first of many mysterious winding sloughs, whose quiet and shade seem to invite exploration. This first slough, called Close's Slough, ends about a mile north of Osceola. Another mile below this Wisconsin village with a handsome waterfall just off the main street, is West Slough, stretching two miles south to Cedar Bend and the legendary Standing Cedars, the old Chippewa-Sioux boundary line.

Great masses of rock and gravel have filled the once-deep water at Cedar Bend and formed a huge bar. This bar has dammed the channel and sent the river rushing through narrow McLeod's Slough along the Minnesota shore. Here along the west bank, in particular, are numerous small summer cottages and more elaborate homes.

On the Wisconsin side, just below Minnesota's William O'Brien State Park, is tranquil Towhead Slough. Along the main channel on the Minnesota shore, just above the historic, sleepy village of Marine, where the valley's first sawmill was operated in 1839, is Pine Slough with its lovely sandstone cliffs. Across the river, opposite the Marine Landing is Deadman's Slough, which wanders into the Apple River and out again into the main channel, which here hugs the Minnesota shore.

South of high Soo Line Bridge on the Wisconsin side, Kelly Slough drifts unhurriedly past Harriman's Landing and on into Little Venice Canal, with its sheer sandstone cliffs.

From Stillwater to the Mississippi, the river widens into the broad, sparkling waters of Lake St. Croix. Sailing, waterskiing, fishing, swimming, are favored forms of recreation on this enormous body of water. At present, no strings of barges scatter the lake's small craft, no industry pollutes water that is today nearly as clean as when Schoolcraft called it "the sylvan sheet of Lake St. Croix."

Today there is no other large river so near a major metropolitan area in the United States that can offer so much to so many—the

special qualities of infinite variety, pristine, clear water, and unspoiled beauty. The historic St. Croix, this last great, clean river, is worth saving for the future.

#### THE ST. CROIX BORDER RIVER

(By Howard Mead)

All but lost in the sandy foothills a short distance north of the ancient Brule-St. Croix Portage Trail near village of Solon Springs is a bubbling, icy spring, the ultimate source of the St. Croix River. Its cold waters seep south through a tangled tamarack and cedar swamp into a large pond edged with black spruce. From here, little St. Croix Creek flows into long, picturesque Upper St. Croix Lake.

And so the St. Croix River begins its 165-mile journey to the muddy Mississippi. For its first 37 miles it is wholly a Wisconsin river. For the last 128 miles of its length this border river shapes part of Wisconsin and Minnesota. It is a river of startling contrasts. In fact, so great are the differences between the upper and lower St. Croix valleys that it is as though there are two separate rivers divided by the narrow, 200-foot-deep gorge of the Dalles.

Upstream from the St. Croix Falls and the Dalles the river is wild, beautiful white-water. Once this valley with its source of tributaries lay in the shade of an ancient, seemingly endless white-pine forest. Today, the vast pinery is no more. It was leveled before the turn of the century to build farms and towns all across the treeless prairie states. Today a fresh, second-growth forest has healed the scars left by the lumberjack and the devastating fires that roared through the slash he left behind. The Upper St. Croix Valley is again a wild and lonely land.

Below the Dalles, where the St. Croix broaches out to flow more languidly amidst a pastoral setting, it becomes a comfortable river with jutting sandbars, broken by sloughs and framed by high, rolling hills. Wide and gentle, it is a perfect river for leisurely boating, fishing, and swimming.

In 1683 the St. Croix was given the name *The River of the Grave* by the French missionary Father Louis Hennepin, who helped to bury an Indian dead of snake bite there. Hennepin's name didn't catch on, nor did the name *Madeleine*, which can be found on some early maps. Early tourist-trade promoters spread the story that the river got its name from the large rock formation in the Dalles which resembles a lopsided Maltese Cross. Most probably, however, the river was named for an early French fur trader, Sainte-Croix. Several old journals mention a voyageur of this name who traded along the lower river.

Because the St. Croix and the Bois Brule were the rivers that provided the shortest natural waterway between the Mississippi and Lake Superior, they are particularly rich in memories of the past. Over the low ridge that separates the waters flowing north to Lake Superior from those flowing south to the Mississippi came Indians, explorers, voyageurs, missionaries, traders, and pioneers.

In the prehistoric past the St. Croix Valley knew those nomadic Indians who left their effigy mounds for our modern archaeologists to ponder. More recently, its waters carried the fragile birchbark canoes of the Sioux and the Chippewa. This vast valley, with its lush wild-rice beds and its plentiful fish and game, had long belonged to a tribe called Dakota, a word meaning "friend." Then, in the 1500's the Chippewa were driven out of their home in the St. Lawrence Valley by the fierce Iroquois and pushed westward until they collided with the Sioux. The St. Croix Valley became the site of frequent and bloody battles between the Chippewa and these Dakotas, whom they called *Na-dou-esse*, or "snake in the grass." (The French spelling, *Nadeousioux*, was shortened to Sioux.)

More than fifty years before George Washington was born, in the spring of 1680, Daniel Greysolon, Sieur de Du Lhut, became the first white man known to come up the Brule from Lake Superior, cross the two-mile portage and enter the St. Croix which he described as "... a very fine river, which took me down into the Mississippi." Du Lhut had come to the Upper Lakes on a practical mission—to make peace between the Chippewa and the Sioux. With these two tribes at war the lucrative fur trade, which was the lifeblood of the French Colony, simply could not be carried on.

The Sioux never entirely gave up their claim on the St. Croix Valley, although, in the mid-1700's, the Chippewa drove them west of the Mississippi. A century and a half after Du Lhut, an Indian Agent reported: "War, war, war will be carried on between the Sioux and Chippewa as long as there is a Brave of either nation in existence."

After Du Lhut came other Frenchmen—intrepid explorers in search of the elusive Northwest Passage to the western ocean and the spice kingdoms beyond, pious and brave missionaries, and, of course, the fur traders searching for beaver pelts. It is the beaver which must be given credit for opening this trackless wilderness. Fine felt was needed to make the luxurious, ornate hats that were the status symbol of the time. The beaver's short underfur was perfectly equipped with tiny barbs ideal for felting. The beaver pelt was the prize of the continent. Fortunes were made and lost, empires were built, and nations went to war, over beaver fur. Along the St. Croix there were numerous fur trading posts, for the river was a fine water route and excellent beaver country to boot.

After 1760, with the end of the French and Indian War, came the British, still searching for the Northwest Passage, but finding beaver. The English ruled as supreme masters of the fur trade for long after the Revolutionary War and even after 1816, when Congress decreed that only a United States citizen could be licensed to trade on American lands.

When the Americans came to the valley, the days of the glory of the fur trade were gone. Left, however, was the great white-pine forest. In less than half the time it took to trap out the beaver, the rugged American lumberjack leveled the Upper St. Croix Valley's centuries-old pines and floated them on the spring floods to sawmills downstream.

Since those frantic logging days, little has happened in the upper valley, except that its sandy soil has sprouted a new forest. In the fertile lower valley, however, the farmer has prospered. For as the fur trade gave way to lumbering, so too, did agriculture replace it, by the end of the nineteenth century, as the valley's dominant economic force.

#### THE UPPER RIVER TODAY

The Upper St. Croix, with its frequent stretches of turbulent white-water rushing through magnificent wild country, is a canoeists' paradise. Heavily forested with pine and hardwood, high-banked and occasionally low and swampy, broken in spots by islands and sloughs, with quiet flat water interrupted by numerous rapids, the upper river and its valley are amazing in their variety. This exceptional river achieved national recognition when a Federal Wild Rivers study team recommended that it, along with its tributary, the Namekagon, be preserved in their natural, free-flowing condition as two of only a dozen such waterways in the United States.

This is also a fisherman's river. Especially in its upper reaches, smallmouthed bass and walleyed pike are outstanding game fish. The best bass fishing is in the deep pools and long undercut banks, where there is a boulder-and-rubble bottom and good cover. Walleyes like the fast current and are found in and below rapids. The areas with sandy bottoms invariably offer very poor fishing.

By putting in at Solon Springs you can

make the full 115-mile upper river trip. Best done in five days, this trip takes you across two lakes—Upper St. Croix Lake and St. Croix Flowage. If you have an antipathy for paddling across open, current-less water or if you wish a four-day trip, put in at Gordon Dam at the foot of St. Croix Flowage.

On the St. Croix, you are continually impressed with a sense of history. The part this natural highway played in the past has been documented in many journals, particularly those of the inquisitive Henry Schoolcraft, Indian Agent, explorer, linguist, historian, and geologist; Jonathan Carver, the valley's only known English explorer, and Joseph N. Nicollet, French explorer and scientist, among others. (*The St. Croix: Midwest Border River* by James Taylor Dunn contains much information about these men and their journeys.) A visit to your library, a little research, and some reading will add a fascinating dimension to any canoe trip.

Downstream from Gordon Dam, the St. Croix is fast-flowing and clear, its banks quite unmarred by modern civilization. Almost at once you are into the first rapids, sliding over ledge rock, past a small pine-studded island. The rapids are quickly run. It is best not to drift into rapids, but to paddle hard to gain steerage for quick turns and head for the V's of smooth water between boulders. Steer your canoe right down their throats. In high water, during most of May and June, almost every one of the many rapids on the St. Croix, with the possible exception of tricky Fish Trap Rapids, can be run. The rapids are exciting but not dangerous, making the St. Croix a perfect river for a first experience with whitewater.

Next are Coppermine Rapids, just below Coppermine Dam, in two sections, through one of the St. Croix's loveliest stretches. Here the river cuts deeply into red rock and the channel is split by an island. These shallow rapids make a fine ride, sliding, choppy and fast over rock shelves. In 1832, Lt. James Allen, in command of Schoolcraft's ten-man military escort, passed this way going upstream, a feat which is always difficult to imagine. He wrote, "The river has become so low that we have to wade over all the rapids, which seem to be interminable. Many of them today were over shelving sandstone rock; the fragments of which... have cut up my men's feet and the bottoms of the canoes, horribly." From the Moose River downstream the hedge rock is replaced, in the main, by boulders.

Just below County Highway T bridge are the long, frustrating and tricky Fish Trap Rapids, consisting of eight or even more separate rapids. Explorer Joseph N. Nicollet called them *rapides aux galets*, cobblestone rapids, and claimed they were the St. Croix's most difficult. Last year we camped on a tiny meadow above these twisting, leaping rapids. Their untamed hollow roar filled the night, and in the morning a fishing first shrouded the large boulders, made us feel part of an earlier century. The St. Croix and its wild, lonely valley have a way of bringing the past very close.

All along the entire upper river we saw wildlife. Even without fieldglasses, we were able to identify more than forty-five different birds, many of the same species Schoolcraft saw on his 1831 expedition into the area. Our observations ranged from cedar waxwings to great blue and green herons, swallows, cardinals, kingfishers, an osprey, a pileated woodpecker, blackbirds, teal, mallards and, amazingly, nine bald eagles, but only one dark-headed youngster. We saw, as well, many deer. And one evening we sat around our campfire and listened to the eerie owl conversation while a foolish grouse drummed nearby. On another spot our camp was raided by a friendly family of raccoons.

Not far below where half-mile-long Little Fish Trap Rapids rushes through sharp turns, the Namekagon pours into the St. Croix at what was once called the Forks of the St.

Croix. Actually, the Namekagon is the larger river there. Next is Riverside, a good place to replenish your water supply.

Two miles below Riverside, at State Line Rapids, the St. Croix becomes the boundary between Wisconsin and Minnesota. The St. Croix is, almost from the moment it becomes a border, a large river with long sloughs and low, wooded islands. At the mouth of the Yellow River, Danbury is another good spot for taking on supplies. Here, too, in a bleak row of tiny houses live part of the "Lost Tribe" of the St. Croix. In 1854 this title band refused to move to a reservation after the rest of the Chippewa had given up all their lands bordering Lake Superior. They have been disgracefully shuffled about ever since.

Almost ten miles downstream from Minnesota's St. Croix State Park, past Nelson's Landing on the Wisconsin side, is a handsome little island called Head of the Rapids Island, or Heady Island. Under tall white pines are a little fireplace and a picnic table—an excellent camping spot. Shortly below this island are the famous seven miles of rapids, the Kettle River Rapids. It is not that these rapids are especially difficult. But their very length and the concentration they require make them seem, as Schoolcraft wrote, "our greatest obstacle." They sweep, dancing and foaming, past beautiful pine-topped islands through a particularly magnificent stretch of river.

The Thousand Islands portion of the river above the Snake River, called more beautifully by the French *Riviere au Serpent*, cannot have changed much since John W. G. Dunn wrote in his diary in 1932, "one could not imagine a more beautiful river, high banks covered with a large hard wood, with scattering pine, mostly white pine. Islands, large and small without number and these also covered with big trees. A good many of these islands are high and rocky on the shore line. No end of springs and spring creeks coming in mostly on the Wisconsin side."

Below the Snake are several clusters of cabins on the Wisconsin side, the site of the defunct Riverdale Ferry, and two more rapids, Otter Slide, with its distinct downhill swoop, and the choppy Horse Race. These rapids end the Upper St. Croix's white water. From this point, for the 30 miles to St. Croix Falls, the river changes slowly. There are fewer pines here and more elm, soft maple, and birch. The water flows almost leisurely past large sandbars, and for the first time there is an occasional farm. Past the skeleton remains of Nevers Dam, over submerged Dobeney Rapids, now a good spot for bass, and past great, scattered boulders, now almost hidden, the St. Croix has become a gentle river, impounded by the Northern States Power Company dam at St. Croix Falls.

By Mr. HARRIS (for himself, Mr. CRANSTON, Mr. FULBRIGHT, Mr. GRAVEL, Mr. HUMPHREY, Mr. MONDALE, Mr. RANDOLPH, and Mr. STEVENSON):

S. 1930. A bill entitled "American Folklife Foundation Act." Referred to the Committee on Rules and Administration.

#### AMERICAN FOLKLIFE FOUNDATION ACT

Mr. HARRIS. Mr. President, I introduce today a bill that would create an American Folklife Foundation within the Library of Congress. Through this Foundation, vital public support would be lent to a wide-ranging effort designed to foster both a broader and deeper understanding of this country's rich folk-life. I am very pleased to be joined in the introduction of this legislation by seven cosponsors: Senators CRANSTON, FULBRIGHT, GRAVEL, HUMPHREY, MONDALE, RANDOLPH and STEVENSON.

Without question, we have been wise

to invest millions of dollars in the proud work of the National Endowments of the Arts and Humanities, and we have done well as a people and as a government to build here in Washington the John F. Kennedy Center for the Performing Arts, so that this civilization might appreciate and foster fine arts and high culture. But for too long, Mr. President, our public moneys have supported a Western European cultural tradition almost to the exclusion of the many noble cultures that are home-grown throughout this country.

American cultures have not been viewed with the pride they warrant; too often, they have been scorned as the life-style of an uncultured lower class. Nothing American was allowed to bear the label "culture." We had had no national policy of appreciation and support for America's folklife.

The legislation proposed here today is an effort to invest in the culture of America's common man. It says that the country fiddler need not feel uncultured simply because his fiddle does not produce a concert tone; it says that the pottery of Jugtown, N.C., and the sand-painting of Southwestern Indians are artistic treasures in the same sense as those from the dynasties of China; it says that the black bluesmen along the Brazos Valley in Texas are recognized as pure artists and welcome as a national treasure; it says that the American Indian philosopher has something urgently important for America today and that this society wants to hear him as well as the ancient Greeks; it says that the total lifestyles of Swedish-Americans in Milwaukee, of Polish-Americans in Chicago, and of Italian-Americans in Boston have brought a perspective and a contribution to this country that has ennobled us as a society; and it says that the bluegrass band has developed a music with a complexity and a richness that will grow and that will endure always as a living monument to American musical genius. In short, the bill I am proposing says that there is a vast cultural treasure in America's common man, and that our society will be a better one if we focus on that treasure and build on it.

Before going further, it probably would be useful to stress what we mean in this bill when we say "folklife." All too often, people think of folklife as something out of the hills, and they frequently think of it only in terms of folk music. These impressions are incorrect. We are concerned in this legislation with folklike in its broadest sense—perhaps best summed up as the total lifestyle of peoples—and we are concerned about it everywhere in America—in cities as well as in small towns and rural areas. The legislation defines folklife as "the traditional customs, beliefs, dances, songs, tales, sayings, art, crafts, and other expressions of the spirit common to a group of people within any area of the United States; the term includes, but is not limited to, music (vocal and instrumental), dance, drama, lore, beliefs, language, humor, handicraft, painting, sculpture, architecture, other forms of creative and artistic expression, and skills related to

the preservation, presentation, performance, and exhibition of the cultural heritage of any family, ethnic, religious, occupational, racial, regional or other grouping of American people."

Most important, Mr. President, this bill considers folklife as a dynamic force in today's society and not simply as something out of our past. The American Folklife Foundation will be concerned with the past and will enable scholars and field researchers to give us all a better understanding of the cultural history of America. The need adequately and accurately to record our history cannot be doubted. This should be a proper concern of the Federal Government; however, at the moment no Federal program is designed to meet this need insofar as the folklife of the country is concerned. But the purpose of all this is not simply to know what was and then to store it in an archive to gather dust. Rather, we are interested in bringing the American folklife of 200 years ago, as well as the folklife of 20 years ago, to bear on the daily lives of today's Americans. While we contemplate pure academic research in this bill, we contemplate much more than that. We contemplate dissemination and presentation of America's folklife in such a way that it can bring understanding and perhaps even some wisdom to the decisions that our people—both individually and as a society—must make today and tomorrow. This is not to say that this little bill is going to produce wisdom or is going to make the difference in the quality of our lives, but it is to say that this bill at least will finally allow us to count our folk cultures as a force working toward wisdom and quality in life.

Perhaps the most important aspect of this legislation is that it recognizes, accepts, and builds on the fact that America is not a melting pot and that there is no such thing in this country as a homogenized mass culture.

This is a union of individuals. America is a mosaic of cultures, not a blend. Too often, we have failed to treat our differences with respect. The truth is that we do not know each other well enough. Some only know that Germans live in Nebraska, that Chicanos are in the barrio, that a lot of Scots can be found in Appalachia, that many Poles live in and around Chicago, that smalltown blacks live on the other side of the tracks, and that there are Amish in Pennsylvania, but we do not know how they live.

To complicate this lack of understanding, the overwhelming forces of technology and bureaucracy tend to deny us our humanity and to stifle our expressions of individuality. In this climate of alienation and anxiety, we need to know ourselves if we are to know each other. One way to accomplish this is to enlarge upon folk lifestyles and to seek as many outlets as possible for the expression of American cultures. That is what this bill is about. The American Folklife Foundation will give the American people a chance to express themselves.

Mr. President, the substance of this bill was introduced in 1969 by former Senator Ralph Yarborough of Texas, and I am privileged to carry on the outstand-

ing effort that he began. In May of 1970, Senator Yarborough held hearings on the bill and reported it from the Labor and Public Welfare Committee, but the 91st Congress adjourned before the full Senate was able to act. I hope we can have hearings on this measure very soon, and it is my deep hope that the Senate will see fit to enact the proposal in this session of Congress. There is great strength in the folklife of this Nation. Strength which has not been fully understood and certainly not used to the fullest. A companion bill is being introduced on the House side by Mr. Thompson of New Jersey, and it is hoped that quick action also can be had in that body so that we are able soon to create the American Folklife Foundation and to fund it to begin this very important work.

#### SECTION-BY-SECTION ANALYSIS OF AMERICAN FOLKLIFE FOUNDATION ACT

##### SECTION 1

This section states the purpose of the Act to be that of supporting research and scholarship in American folklife in order to contribute to an understanding of the complex problems of the basic desires, beliefs and values of the American people in both rural and urban areas, and that, among other things, it is in the interest of the general welfare of the nation to preserve, support, revitalize and disseminate American folklife traditions and arts.

##### SECTION 2

This section contains the definitions and defines "American folklife" as the traditional customs, beliefs, dances, songs, tales, sayings, art, crafts and other expressions of the spirit common to a group of people within any area of the United States.

##### SECTION 3

This section provides that the American Folklife Foundation should be established within the Library of Congress.

The Foundation is subject to the supervision of a twelve member Board of Trustees, four to be appointed by the President and eight by the Librarian of Congress.

A Director and Deputy Director, to be appointed by the Librarian, would be the principal directing officers of the Foundation.

##### SECTION 4

This section sets forth the authority of the Foundation. The Foundation would be empowered to establish and implement a program of contracts, grants, loans, and scholarships with individuals and groups in order to record and to promote American folklife.

##### SECTION 5

This section places certain limitations on the grants. No payment shall be made to carry out research or training over a period in excess of two years, except with the concurrence of two-thirds of the members of the Board of the Foundation. A limitation on grants to former employees of the Federal Government is also provided for in this section.

##### SECTION 6

This section gives the Foundation administrative authority to carry out the purposes of the Act.

##### SECTION 7

This section authorizes to be appropriated such sums as may be necessary to carry out the provisions of the Act.

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

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

S. 1930

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 "American Folklife Foundation Act".

## DECLARATION OF PURPOSE

SEC. 2. The Congress hereby finds and declares—

(a) that American folklife has lent strength to the American people and to the Nation;

(b) that the diversity inherent in American folklife has contributed greatly to the cultural richness of the Nation and has fostered a sense of individuality and identity among the American people;

(c) that the history of the United States effectively demonstrates that building a strong nation does not require the sacrifice of cultural differences;

(d) that American folklife has a fundamental influence on the desires, beliefs, values, and character of the American people;

(e) that it is appropriate and necessary for the Federal government to support research and scholarship in American folklife in order to contribute to an understanding of the complex problems of the basic desires, beliefs and values of the American people in both rural and urban areas;

(f) that the encouragement and support of American folklife, while primarily a matter for private and local initiative, is also an appropriate matter of concern to the Federal Government;

(g) that it is in the interest of the general welfare of the Nation to preserve, support, revitalize, and disseminate American folklife traditions and arts;

(h) that in order to implement these findings, it is appropriate to establish in the Library of Congress an American Folklife Foundation to develop, promote, and implement a broadly conceived national policy of support for American folklife.

## DEFINITIONS

SEC. 3. As used in this Act—

(a) the term "American folklife" means the traditional customs, beliefs, dances, songs, tales, sayings, art, crafts, and other expressions of the spirit common to a group of people within any area of the United States; the term includes, but is not limited to, music (vocal and instrumental), dance, drama, lore, beliefs, language, humor, handicraft, painting, sculpture, architecture, other forms of creative and artistic expression, and skills related to the preservation, presentation, performance, and exhibition of the cultural heritage of any family, ethnic, religious, occupational, racial, regional, or other grouping of American people;

(b) the term "group" includes any State or public agency or institution and any non-profit society, institution, organization, association, or establishment in the United States;

(c) the term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands;

(d) the term "workshop" means an activity the primary purpose of which is to encourage the development of skills, appreciation, or enjoyment of American folklife among amateur, student, or nonprofessional participants, or to promote scholarship or teaching among the participants.

## ESTABLISHMENT OF FOUNDATION

SEC. 4. (a) There is hereby established in the Library of Congress an American Folklife Foundation (hereinafter referred to as the "Foundation").

(b) The Foundation shall be subject to the supervision and direction of a Board of Trustees (hereinafter referred to as the "Board"). The Board shall be composed of

four members appointed by the President by and with the advice and consent of the Senate, eight members appointed by the Librarian of Congress by and with the advice and consent of the Senate, the Librarian of Congress ex officio, and the Director of the Foundation ex officio. The four members appointed by the President shall be officials of Federal departments and agencies concerned with some significant aspect of American folklife traditions and arts. The eight members appointed by the Librarian of Congress shall be individuals from private life who are widely recognized by virtue of their scholarship, experience, creativity, or interest in American folklife traditions and arts. In making appointments from private life, the Librarian shall give due consideration to individuals suggested to the Librarian by the Board and shall provide for regional balance in the membership of the Board.

(c) The term of office of each appointed member of the Board shall be six years; except that (1) the term of members first taking office shall be two years for three members appointed and so designated by the Librarian, two years for two members appointed and so designated by the President, four years for three members appointed and so designated by the Librarian, and four years for one member appointed and so designated by the President, and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term to which his predecessor was appointed shall be appointed for the remainder of such term.

(d) Members of the Board who are not regular full-time employees of the United States shall be entitled, while serving on business of the Foundation, to receive compensation at rates fixed by the Librarian, but not exceeding \$100 per diem, including travel time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by Section 5703 of Title 5, United States Code, for persons in Government service employed intermittently.

(e) The Librarian shall call the first meeting of the Board, at which the first order of business shall be the election of a Chairman and a Vice Chairman, who shall serve for a term of one year. Thereafter each Chairman and Vice Chairman shall be elected for a term of two years. The Vice Chairman shall perform the duties of the Chairman in his absence. In case of a vacancy occurs in the Chairmanship or Vice Chairmanship, the Board shall elect a member to fill the vacancy for the remainder of the unexpired term.

(f) A majority of the members of the Board shall constitute a quorum.

(g) There shall be a Director and a Deputy Director of the Foundation, who shall be appointed by the Librarian, by and with the advice and consent of the Senate. In making such appointments the Librarian shall give due consideration to any recommendation submitted to him by the Board. The Director shall receive compensation at the rate provided for level V of the Federal Executive Salary Schedule, and the Deputy Director shall receive compensation at a rate not to exceed G. S. 18 of the General Schedule under Section 5322 of Title 5 of such Schedule. Each shall serve for a term of six years unless previously removed by the Librarian.

(h) The Director shall be the chief executive officer of the Foundation. He shall carry out the programs of the Foundation subject to the supervision and direction of the Board, and shall carry out such functions as the Board may delegate to him consistent with the provisions of this Act.

(i) The Deputy Director shall perform such function as the Director, with the approval of the Board, may prescribe, and shall serve as acting Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

## AUTHORITY OF FOUNDATION

SEC. 5. The Foundation is authorized to establish and implement a program of contracts, grants, loans, and scholarships with individuals and groups in order to—

(a) initiate, promote, support, organize, and produce live performances, festivals, exhibits, and workshops related to American folklife;

(b) initiate, encourage, support, organize, and promote research, scholarship, and training in American folklife;

(c) establish and maintain in conjunction with any Federal Department, agency, or institution a national archive and center for American folklife;

(d) procure, receive, purchase, and collect for preservation and storage in the archive appropriate paintings, creative works, exhibitions, presentations, objects, materials, artifacts, and audio and visual records (including still and motion picture film records, audio and visual magnetic tape recordings, written records, and manuscripts) which represent or illustrate some aspect of American folklife;

(e) loan, lease, or otherwise make available any item in the archive to any individual or group under such terms and for such uses as the Board deems appropriate;

(f) purchase, receive, produce, or arrange and support the production of exhibitions, displays and presentations (including presentations by still and motion picture films, and audio and visual magnetic tape recordings) which represent or illustrate some aspect of American folklife;

(g) present, display, exhibit, disseminate, communicate, and broadcast to local, regional, state, or national audiences any exhibition, display, or presentation produced pursuant to subsection (d) of this section or any item in the archive established pursuant to subsection (c) of this section, by making appropriate arrangements, including contracts, loans, and grants with public, non-profit, and private radio and television broadcasters, museums, educational institutions, and other individuals, and private or non-profit corporations as the Board deems appropriate;

(h) purchase, receive, produce, and arrange for and support the production of exhibitions, programs, presentations, and materials specially designed for classroom use representing or illustrating some aspect of American folklife, and to loan, lease, or otherwise make available such exhibitions, programs, presentations, and material to public, private, and nonprofit educational institutions;

(i) develop and implement other appropriate programs to preserve, support, revitalize, and disseminate American folklife.

## LIMITATION ON GRANTS

SEC. 6. (a) No payment shall be made pursuant to this Act to carry out any research or training over a period in excess of two years, except that with the concurrence of at least two-thirds of the members of the Board of the Foundation such research or training may be carried out over a period of not to exceed five years.

(b) No individual formerly in the employment of the Federal government shall be eligible to receive any grant or other assistance pursuant to this Act, or to serve as a trustee of the Foundation, in the two-year period following the termination of such employment.

## ADMINISTRATIVE PROVISIONS

SEC. 7. In addition to any authority vested in it by other provisions of this Act, the Foundation, in carrying out its functions, is authorized to—

(a) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(b) receive money and other property donated, bequeathed or devised, without con-

dition or restriction other than that it be for the purposes of the Foundation; and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(c) in the discretion of the Foundation, receive (and use, sell, or otherwise dispose of, in accordance with paragraph (b)) money and other property donated, bequeathed, or devised to the Foundation with a condition or restriction, including a condition that the Foundation use other funds of the Foundation for the purpose of the gift;

(d) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of the Act without regard to the provisions of Title V, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no individual so appointed shall receive compensation in excess of the rate received by the Deputy Director of the Foundation;

(e) obtain the services of experts and consultants in accordance with the provisions of Section 3109 of Title 5, United States Code, at rates for individuals not to exceed \$100 per diem;

(f) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by Section 5703 of Title 5, United States Code;

(g) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of the Act, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds and without regard to Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

(h) make advances, progress, and other payments which the Board deems necessary under this Act without regard to the provisions of Section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

(i) rent office space in the District of Columbia;

(j) make other necessary expenditures.

The Foundation shall submit to the Library of Congress for inclusion in its annual report to the Congress an annual report of its operations under this Act, which shall include a detailed statement of all private and public funds received and expended by it, and such recommendations as the Foundation deems appropriate.

#### AUTHORIZATION

Sec. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. MATHIAS (for himself, Mr. BEALL, Mr. BELLMON, Mr. BENNETT, Mr. DOLE, Mr. HANSEN, Mr. HARRIS, Mr. McCLELLAN, Mr. MOSS, and Mr. STEVENS):

S. 1932. A bill to amend the Federal Meat Inspection Act to provide that State inspected facilities after meeting the inspection requirements shall be eligible for distribution in establishments on the same basis as plants inspected under title I. Referred to the Committee on Agriculture and Forestry.

Mr. MATHIAS. Mr. President, I introduce for appropriate reference a bill to amend the Federal Meat Inspection Act to provide that State-inspected facilities, after meeting the inspection requirements, shall be eligible for distribution in establishments on the same basis as federally inspected facilities.

In short, this bill would provide that,

once a State's inspection program has been found "equal to" Federal meat inspection, meat and meat products prepared under that State program may be admitted to interstate commerce.

This bill would end the double standard under which thousands of meat processing plants, although required to meet inspection standards equal to Federal inspection, have been arbitrarily restricted to the limited market of a single State. This is second-class citizenship which has become totally unjustified as State inspection programs have reached maturity under the Wholesome Meat Act of 1967.

I wish to emphasize that this legislation would not alter or affect in any way the actual standards for meat inspection, nor would it affect current requirements for compliance with these standards. The legislation would simply give equal access to market to all facilities which do comply. In so doing, this bill would aid consumers by making available a wider choice of clean, wholesome meat and meat products. It would also aid many small processors who have invested relatively large sums in new equipment and procedures to meet strict inspection standards.

Mr. President, when I introduced identical legislation last year, the Department of Agriculture deferred any endorsement until the extent of compliance with the Wholesome Meat Act could be measured. I am pleased to announce today that the Department has reviewed the situation and recognized the equity and merit of this bill.

The Meat and Poultry Inspection program has made a thorough review of the status of all State meat inspection programs. As of March of this year, 35 of these States, with 5,661 plants under inspection, have been judged fully equal to the Federal system. These States are:

Alabama, Alaska, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Iowa,

Kansas, Maine, Maryland, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, Oklahoma,

Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming.

Federal matching grants to States for 50 percent of the financing of these "equal to" systems will total an estimated \$17.6 million in fiscal year 1971.

Many of these States started the development of their inspection systems 3 years ago without trained personnel, without experience in inspection activities, without adequate laws and without adequate funds to finance their share of the costs. The fact that 35 States have been able to develop their inspection systems to a point where they are equal to the Federal system is a remarkable achievement—and one which clearly demonstrates the willingness of the States to assume responsibility for consumer protection.

However, the law as presently written imposes a competitive disadvantage on plants operating under these State inspection systems. An "equal to" plant in

an "equal to" State is now restricted, in its markets, to other State plants and the consuming public within the same State. No such restrictions are imposed on a federally inspected plant operating under no stricter standards of inspection than the State plant. The product of the Federal plant may move anywhere in the United States and into foreign markets without regard to State boundaries.

Even the meat products of plants in foreign countries, once their inspection systems and plants meet USDA standards, can move freely in interstate commerce. At the close of 1970 some 977 plants in 42 foreign countries were eligible to move their meat products anywhere in the United States. This includes plants in New Zealand, Australia, Yugoslavia, Poland, and Rumania. Nearly 2 billion pounds of foreign-produced and inspected meat products moved in interstate commerce last year.

The effect of this competitive disadvantage of State-inspected plants is that they must, if they wish to be fully competitive, apply for Federal inspection. Thirty-six of these plants moved from State to Federal inspection in the first 6 months of this fiscal year and 130 more have contacted Federal officials and requested Federal inspection before June 30, 1971. The further effects of this trend are obvious—the Federal system will grow larger and the State systems will grow smaller.

Once a State inspection system advances to "equal to" status it is the responsibility of the USDA's meat and poultry inspection program to see that the standards for sanitation, maintenance of facilities and equipment, and inspection itself remain equal to those in the Federal plants. Only then can the American consumer be sure that all of his meat supply is safe to eat and honestly labeled. This was the clear intent of Congress when it adopted the Wholesome Meat Act of 1967. It is the intention of USDA that there will be no relaxation of standards for plants operating under State systems.

State inspected plants will be under continuous review of Federal supervisory inspection officials in the same locality. Provisions are also being made for formalizing rapid communication systems with State officials and for follow-up review when and if State standards appear to be slackening. As a further assurance, the USDA is now in the process of working out procedures for cross utilization of State and Federal inspection personnel. This step will help to strengthen the bonds between the inspection systems and encourage total acceptance of Federal standards.

Mr. President, the status of State inspection programs and the importance of the bill I introduce today were summarized on March 25 by Dr. Robert J. Lee of the University of Maryland, president of the National Association of State Meat and Food Inspectors, in testimony before the Livestock and Grains Subcommittee of the House Committee on Agriculture. I ask unanimous consent to include Dr. Lee's statement in the Record at this point.

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

TESTIMONY PRESENTED BY DR. ROBERT J. LEE, PRESIDENT, BEFORE THE SUBCOMMITTEE ON LIVESTOCK AND GRAINS, COMMITTEE ON AGRICULTURE, MARCH 25, 1971

Mr. Chairman: I would like to thank you and the members of your subcommittee for giving the National Association of State Meat and Food Inspectors Directors this opportunity to appear before you today and give testimony on the administration of the Wholesome Meat Act.

I am Dr. Robert J. Lee, President of the National Association of State Meat and Food Inspector Directors. This Association is composed of the Directors of the various State Inspection Programs and was founded in October 1970 for the purpose of promoting and standardizing the art of Meat and Food Hygiene. For 28 years of my professional career, I have devoted my efforts to Federal Meat and Poultry Inspection. The last 20 years of my employment as a Federal Inspector was spent in the Washington D.C. offices of the U.S. Department of Agriculture in various high administrative capacities. In Sept. 1968, I retired from that Department to become Chief of the Maryland State Meat Inspection Program, I still serve in that capacity. In Nov. 1969, Maryland was officially declared by the U.S. Department of Agriculture to have a State Meat Inspection Program which was "equal to" Federal. Thus, Maryland's program became one of the first three in the nation to achieve this status.

I would like to commend the Meat and Poultry Inspection Program, Consumer and Marketing Service, U.S. Department of Agriculture for their extremely capable administration of the Wholesome Meat Act. It was an extremely difficult assignment. It would have been extremely difficult if Congress had given the States 5 years to achieve equal to status—but instead were only given 2 years plus 1 additional year, as provided in the Wholesome Meat Act. Nevertheless, it appears that it may be necessary to take over 16 State Meat Inspection Programs. However, I would guess that several of these States will achieve "equal to" status before the actual takeover. Passage of the Wholesome Poultry Products Inspection Act in August 1968 did not help the situation but actually added a greater burden to the already over-burdened Meat and Poultry Inspection Program.

I would also like to commend the 35 State Meat Inspection Programs for their tremendous achievement in being declared "equal to" Federal. One has no concept of the scope of this achievement. In most instances, starting from scratch, each State had to adopt the required legislation, provide the necessary funds, promulgate the regulations, hire and train the required employees, order supplies, develop forms, establish and equip laboratories, survey plants and advise them in detail as to the construction, facilities and sanitation requirements and finally to staff the plants with the trained inspectors and supervisors. At this point I would like to single out for special praise the training group of the Federal Meat and Poultry Inspection Program. Without their help, assistance and guidance, few states would have achieved "equal to" status. Personally, I credit Dr. M. A. Simmons, head of the Training group with contributing more to the success of the State Programs than any other Federal contribution.

Next I would like to commend management at the various State inspected meat packing plants. Without the wholehearted support of the meat packing industry, any State meat inspection program could not succeed. In 1967, they were fighting for their very existence. They had to comply with the strict Federal requirements or be closed down. In most instances, meeting Federal requirements meant huge outlays of capital. Often the banks turned down their requests for loans. And even the Small Business Adm.

was unable to help them out. Nevertheless despite tight money and high interest rates they overcame the problems, remodeled their plants, enlarged them, provided new modern equipment and facilities and met the challenge by complying with the strict Federal requirements.

A few words of praise are due to the meat packing supply industry for their part in making available to the State inspected plants the many pieces of modern equipment required by these thousands of plants that for the first time were operating under a modern State inspection program.

Last, I would like to praise the thousands of State Meat Inspectors (at all levels of supervision) for their part in learning a new trade and demonstrating their ability and capabilities in the art of meat hygiene.

But the Wholesome Meat Act has made "second class" citizens of the State Meat Inspection Programs and the thousands of official establishments in these States. Despite the fact that the States have achieved "equal to" status, despite the fact that the plants have spent thousands and thousands of dollars to modernize their facilities and provide a clean, sanitary environment for the production of meat and meat products, and despite the fact that these 35 State Meat inspection programs are officially "equal to" Federal, the plants in these States are not permitted to ship their product in interstate commerce. Why should these plants be denied this privilege when they are in fact equal to Federal? Why is the meat processed in a State inspected plant in Maryland good enough for the Marylanders to eat, but not good enough for the Pennsylvanians to eat? And why should meat and meat products prepared in Denmark, Poland, Yugoslavia, Hungary and dozens of other foreign countries be permitted to move in interstate commerce? Have not the 35 states met the same acid test as these foreign countries? I understand Congressman Yatron of Pennsylvania has introduced a bill (HR 2387) which would amend the Wholesome Meat Act to permit interstate shipment by plants in "equal to" States. I urge this subcommittee to hold hearings without delay on this important legislation and to report favorably on this bill. It should be remembered that now that these 35 States have been declared equal to Federal, they do not have a free hand. There are restraints and controls. Federal State Cooperation Officers are continually visiting the State inspected plants, conducting surveys—looking over the States shoulders. When appropriate, States are required to take immediate corrective action or else they lose their equal to status.

As I understand it, the Yatron Bill would permit State inspected plants in equal to States to ship freely in interstate commerce. However, there are alternatives which I feel should be acceptable to most parties concerned. One suggestion would be to permit shipment only to neighboring states. Another would be to permit shipment for a distance of 100 miles outside the State.

State inspected establishments are second class citizens from still another standpoint. State inspected meat products—products prepared in modern, clean, sanitary State inspected plants may not—under any circumstances—enter any part of a Federally inspected establishment—not even for storage and distribution. Nevertheless, under the provisions of the Curtis Amendment to the Wholesome Meat Act farm slaughtered uninspected meats, prepared under unsanitary conditions, with the outside of the carcass smeared with blood, manure or other extraneous material, may enter a Federally inspected establishment for custom cutting, processing and wrapping for the owner.

And, in some instances the Federal meat inspection regulations actually discriminate, in my opinion, against State inspected plants in equal to States. In Dec. 1970 the Federal meat inspection regulations were amended

to provide that when a State meat inspection program is declared NOT EQUAL TO FEDERAL, the plants in that State which were acceptable would receive an immediate grant of Federal inspection. Such plants would then be granted 18 months in which to prepare and obtain Federal approval of the plant drawings (blueprints). These plants then have an additional 18 months (making a total of 3 years) to bring the plant and facilities into compliance with the approved blueprints. In the meantime these plants have the right to ship in interstate commerce. Not so for plants in States declared equal to Federal. If they wish to ship in interstate commerce they must await Federal blueprint approval plus approval of the plant as complying with the blueprints before they may ship across a State line. This can be a long, drawn out and costly arrangement.

But the States have an even bigger problem. Almost every day you read in the newspaper of the financial plight of many of our States. In fact, not so very long ago, one of our great States was on the verge of financial insolvency. In most of the States, the legislatures are taking second looks at many of the State programs, looking for places to save a few dollars here and a few dollars there. And I understand that in many States the legislatures are taking a second look at the budgets for the State Meat Inspection Programs. It is argued by many legislators that if the State falls to finance the State Meat Inspection Program (thereby saving the State a huge sum of money each year) the Federal Government will take over the program and furnish the same protection to the consumers of that State, but with no cost to the State—in other words, the same protection at less cost. As you are aware, the Wholesome Meat Act provides for Federal funding of State Meat Inspection programs on a 50-50 basis. What is actually needed to provide additional incentive to the State legislatures to continue the State meat inspection programs is for the Federal Government to provide 80 percent of the necessary funds and with the States paying only 20 percent of the costs.

Another example of inadequate funding of State Meat inspection programs may be found in the Talmadge-Aiken programs. In the early 1960's Congress enacted the Talmadge-Aiken Act to encourage the States to cooperate in the inspection or grading of various agricultural commodities. This has been applied to meat inspection in several of the States which have signed cooperative Federal-State Cooperative Agreements with the U.S. Department of Agriculture. Under these agreements trained and qualified State inspectors are assigned to Federally inspected establishments. States are reimbursed on a 50-50 basis. However, if a Federally employed inspector were to replace the State employed inspector, the U.S. Department would pay for 100 percent of the total cost of inspection. Here again, the funding of these Talmadge-Aiken plants should be adjusted to an 80-20 basis, so that the States are compensated on a more equitable basis for carrying out the Federal function.

The Wholesome Meat Act includes stringent procedures for handling the so-called "4-D" (dead, dying, diseased and disabled) animals. Nevertheless the 4-D handlers may transport these 4-D animals in interstate or intrastate commerce, with little or no restrictions. I believe that the regulation should be amended to provide that such animals may move only under a permit, whereby the inspector at the plant of destination is notified, so that if the animal(s) fail to arrive at the declared destination, the appropriate officials may be alerted and a determination made as to the actual disposition of the animals. Along these same lines, there are many plants located throughout the United States that skin-out dead and dying animals, bone out the meat and sell it for dog or animal food. This dog or animal food has all the

characteristics of wholesome, inspected meat and it would be a simple matter for an unscrupulous operator to divert this for human food purposes. The regulations should be amended to preclude such diversions. One manner in which this could be accomplished would be for the regulations to require that such meats be ground or comminuted and that at the time of such grinding or comminuting a distinctive approved dye (green, purple, blue, etc.) be added, giving such meats a distinctive color.

One of the perplexing problems facing the State programs is the problem of the small plant, and the seasonal plant. The Federal meat inspection program is oriented toward the large plant—the plant occupying one or more city blocks, slaughtering hundreds of animals and processing thousands and thousands of pounds of products each day. The regulations and requirements naturally are aimed at controlling such operations. But under the Wholesome Meat Act, the States are required to provide inspection to all commercial slaughterers and meat processors. Many plants kill only one animal a day. In other plants, one State inspector is required to supervise the work of one butcher during slaughtering operations. And many State plants process only a few hundred pounds of ground beef or pork sausage a day. Still other plants operate seasonally—perhaps only in the cold winter months when they are extremely busy and are closed the remainder of the year. All these examples require special consideration. But the problems are worthy of consideration, and a system should be devised whereby special problems unique among the States may be given expeditious consideration.

Finally, I firmly believe that the States have demonstrated that they are capable of carrying out their responsibilities under the Wholesome Meat Act in an able manner. The time is rapidly approaching for a change in attitude-taking the State programs in as partners—developing cooperative attitudes. It is only natural to expect that problems would arise in the administration of a program of such tremendous scope. I am also confident that these problems will be resolved in a fair and equitable manner to the best interest of all parties concerned.

Thank you again for giving our Association the opportunity to present our views.

By Mr. BROOKE:

S. 1933. A bill to provide for the establishment of a national cemetery at Westfield, Mass. Referred to the Committee on Veterans' Affairs.

NATIONAL CEMETERY AT WESTFIELD, MASS.

Mr. BROOKE. Mr. President, I introduce today a bill to provide for the establishment of a National Cemetery at Westfield, Mass.

Although I am aware of the fact that our Nation's Presidents have consistently opposed any increase in the national cemetery system for the past 20 years, it is my understanding that several proposals for future development of these cemeteries are presently under consideration within the administration and the Congress.

I strongly urge that steps be taken to rectify the inequities that have arisen under the present system. The Veterans' Administration has estimated that there is a potential need for an additional 2 million grave sites to serve all veterans in New England. Yet, of the present 98 national cemeteries, not one is located in any of the six New England States. Families of Massachusetts veterans must travel at least 200 miles to bury their loved ones in a national cemetery.

Mr. President, I submit that this inequity should not be allowed to continue. Serious consideration should be given to expanding the national cemetery system in order to bring it geographically closer to more Americans. In the alternative, the Congress should investigate the less attractive alternative of prohibiting further burials in the national cemeteries and providing, in lieu thereof, sufficient burial allowances for veterans.

I ask unanimous consent that a copy of a resolution of the Massachusetts Legislature memorializing the Congress to establish a National Cemetery in the Commonwealth be printed in the RECORD at this point.

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

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ESTABLISH A NATIONAL CEMETERY IN THE COMMONWEALTH

Whereas, It is the right of every veteran to be accorded the honor of a burial in a national place of honor; and

Whereas, Out of the ninety-eight national cemeteries in the United States, there is none in the New England area; and

Whereas, The saturation point of these cemeteries is rapidly being reached and the need for new land is pressing; now, therefore, be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact such legislation as may be necessary to establish a national cemetery in the Commonwealth; and be it further

Resolved, That copies 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 each member thereof from the Commonwealth.

By Mr. BROCK:

S. 1934. A bill to expand upon the economic freedom and public responsibility of American industry, to encourage the opportunity for the American worker to bargain collectively in his own best interests without economic deprivation, and to guarantee the American consumer and taxpayer protection from the abuse of excessive concentration of power. Referred to the Committee on Labor and Public Welfare.

MANAGEMENT-LABOR COMMISSION AND COURT ACT

Mr. BROCK. Mr. President, Congress once again has stepped into a labor-management dispute, and by its actions is only temporarily averting a national crisis. This is the fifth time since 1963 that this body has legislated a compulsory settlement in a private labor-management crisis. I strongly believe these disputes should not reach Congress.

For this reason, while I recognize the unwarranted hardship imposed by the strike, I must oppose further congressional compulsory arbitration. There is simply no excuse for continued inaction. We are ignoring the root cause of and treating the symptoms. It is time this body accepted its responsibility to the American people.

Last year, while a Member of the House of Representatives, I introduced the Management-Labor Commission and Court Act which, in light of the recent crisis, takes on new pertinency.

My bill will take the settlement responsibilities out of the hand of Congress and put it where it belongs—with a non-partisan commission to conciliate, arbitrate, and adjudicate disputes, and a court to enforce the terms of the settlement as well as to consider disputes arising under the settlement.

Labor disputes resulting in work stoppages, with all of their unfortunate effects, including personal hardships and economic dislocation, will always be with us. It is one of the inevitable facts in a democratic system of free enterprise. The struggle of labor and the painful maturing of management have been a long and difficult process—benchmarked by a few major laws passed to insure equity for all.

Because of the immense changes over the past two decades, I believe that major economic and social forces now exist which require another significant legislative step. The awesome size of certain industries no longer permits a "public be darned" attitude while labor and management interests grope toward another inflationary settlement.

Yet here we go again. The financial loss which occurs when the Nations railroads strike, runs into the hundreds of millions of dollars. No one can gain from this tremendous waste and millions suffer because of it. The scars and economic dislocation of many individuals and industries are permanent.

New legislation is necessary to expand the Taft-Hartley Act to cope with those few management-labor problems involving the national interest where settlements under existing collective bargaining practices, Federal facilities and statutes are not possible without extraordinary costs and inconveniences to the American people. My bill establishes a tribunal for the settlement of those disputes that meet the Taft-Hartley criteria for jurisdiction; that is, disputes that are interstate and affect the national health and safety. Unique to this approach will be the very strong influence of the public on the terms of settlement.

Modeled after the Australian system, the bill will establish a commission and a court.

The seven-member Commission and the five-member court will have limited term appointments made under the "Missouri plan." Under this plan the President will appoint a panel of distinguished citizens who will recommend three candidates for each vacancy. In selecting members from these nominees, the President will insure that the general public—its interest and welfare—is represented along with the interests of labor and management. This bill will avoid the major shortcoming of the present system of appointing different boards for each dispute. In addition, the bill will dissolve the intolerable present pattern of compulsory arbitration evidenced in railway disputes.

Another feature of this legislation is its use for accommodating the unpleasant and often emotionally charged disputes in the public service area. Under this bill the commission and the court can accommodate disputes not meeting the specified national emergency criteria if the parties to the disputes have pre-

viously and voluntarily, through collective bargaining, indicated their willingness to submit their difference to commission jurisdiction. I believe that many areas of employment not involving interstate commerce or products affecting the national health and safety will voluntarily partake of the services offered by this legislation. In addition to manufacturing and other businesses, this aspect of the legislation looks toward the public service oriented professions of education, health services, local transportation, trash removal, police, and fire protection.

It should not take more strikes, more inflation, and more inconvenience to arouse public opinion to the point where the Congress will be forced to take positive action.

That time is here. The flood of correspondence from constituents, and the growing demand for solutions from both management and labor all testify to this. We have the motivation, and the capability in this congressional session to do something. If we do not, we can be sure that a reasoned, balanced solution will be much harder to achieve the next time; and the next time is not as far in the future as some of us might hope.

Mr. President, I ask unanimous consent that the text of my bill be inserted in the RECORD.

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

#### S. 1934

A bill to expand upon the economic freedom and public responsibility of American industry, to encourage the opportunity for the American worker to bargain collectively in his own best interests without economic deprivation, and to guarantee the American consumer and taxpayer protection from the abuse of excessive concentration of power

*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 "Management-Labor Commission and Court Act".*

#### STATEMENT OF POLICY

SEC. 2. (a) Continuing industrial peace is paramount to the interests of the Nation and is necessary to employers and employees alike. This peace can best be achieved through established laws and procedures for collective bargaining between the representatives of management and labor. Settlements of issues and disputes should be continued through active and sincere voluntary negotiations by the parties concerned to agree on rates of pay, laws and conditions of work, length of contract, and any other issues of employment.

(b) This Act is addressed to only that limited segment of our management-labor forum wherein the Nation's health and safety would be impaired through a secession of interstate commerce. It is presumed that the great majority of our labor disputes do not involve the above criteria and will continue to be negotiated and settled under existing collective-bargaining practices, laws, and Federal facilities. When the criteria for judicial action are met, this Act will provide for appropriate representation of the public interest and the consumer during the bargaining, arbitration, and adjudicated process. Disputes not meeting the criteria for jurisdiction can be handled by the expertise of this jurisdiction if the parties of the dispute have previously and voluntarily indicated this interest. It is anticipated that many intrastate activities which affect the public interest to a substantial degree will volun-

tarily partake of this facility. In addition to manufacturing and other businesses, such activities include the public service oriented professions of education, transportation, trash removal, and police and fire protection.

#### ESTABLISHMENT OF MANAGEMENT-LABOR COMMISSION

SEC. 3. There is hereby established a management-labor Commission (hereinafter referred to as the "Commission") to be composed of seven Management-Labor Commissioners (hereinafter referred to as the "Commissioners").

#### NATIONAL EMERGENCY STRIKES AND LOCKOUTS

SEC. 4. For purposes of this Act, a strike or lockout shall be deemed to be a national emergency strike or lockout, and therefore within the purview of this Act, if it affects an entire industry, or a substantial part thereof, engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce, and will, if permitted to continue, imperil the national health or safety.

#### APPOINTMENT OF COMMISSIONERS

SEC. 5. (a) The President shall appoint a panel of distinguished citizens who shall be assigned the functions of selecting three candidates for each vacancy on the Commission. The President shall, by and with the advice and consent of the Senate, appoint to fill each vacancy on the Commission one of the candidates selected by the panel to fill the vacancy.

(b) The terms of office of Commissioners shall be fourteen years, except that (1) the terms of office of the Commissioners first appointed shall commence on the date of enactment of this Act and shall expire one at the end of the second year, one at the end of the fourth year, one at the end of the sixth year, one at the end of the eighth year, one at the end of the tenth year, one at the end of the twelfth year, and one at the end of the fourteenth year, after such date, as determined by the President at the time of appointment. (2) Any Commissioner appointed to fill a vacancy occurring prior to the expiration of the term of office for which his predecessor was appointed shall be appointed only for the remainder of such term, and (3) upon the expiration of the term of office of a Commissioner he shall continue to serve until his successor is appointed and has qualified.

(1) The panel of citizens referred to in subsection (a), and the President, shall both take action necessary to insure that the interests of consumers are adequately represented on the membership of the Commission, as well as the interests of management and labor.

#### ORGANIZATION OF THE COMMISSION

SEC. 6. (a) The President shall designate one of the Commissioners to act as Chairman of the Commission, and one Commissioner to act as Vice Chairman of the Commission.

(b) (1) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"(19) Chairman, Management-Labor Commission."

(2) Section 5314 of such title is amended by adding at the end thereof the following:

"(46) Commissioners, Management-Labor Commission."

(c) Subject to the civil service and classification laws, the Commission is authorized to select, appoint, employ, and fix the compensation of such officers and employees, as shall be necessary to enable it to carry out its powers and duties under this Act.

(d) The Chairman of the Commission shall be its chief executive and administrative officer and shall exercise the responsibility of the Commission with respect to (1)

the appointment and supervision of personnel employed by the Commission, (2) the distribution of business among the Commission's personnel, and (3) the use and expenditure of funds. For executing and administering the functions of the Commission on its behalf, the Chairman shall be governed by the general policies of the Commission and by its decisions, findings, and determinations. The Vice Chairman shall perform the duties of the Chairman during his absence or disability. Four Commissioners shall constitute a quorum of the Commission.

(e) The provisions of section 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49, 50), are hereby made applicable to the jurisdiction, powers, and duties of the Commission.

#### JURISDICTION AND DUTIES OF THE COMMISSION

SEC. 7. (a) If the Commission believes there is a likelihood that a national emergency strike or lockout will occur, it shall forthwith make conciliation, mediation, and arbitration services available to the parties to the dispute, but only if all parties to the disputes agree.

(b) Whenever, in the opinion of the President, a national emergency strike or lockout is threatened or in effect, he shall direct the Attorney General to petition the Commission to assume jurisdiction of the dispute. If the Commission then determines that a national emergency strike or lockout is threatened or in effect, the Commission shall assume jurisdiction of the dispute. The Commission shall also assume jurisdiction of any dispute which threatens or has led to a strike or walkout in an industry if, but only if, all parties to the dispute have petitioned the Commission to assume such jurisdiction.

(c) When the Commission assumes jurisdiction of a dispute under subsection (b), it shall issue an order prohibiting the continuation of the strike or lockout for a period of one hundred and ten days, or until an agreement resolving all issues in the dispute has been reached. Such an order may include requirements affecting rates of pay and working conditions to be applicable during the period the order is in effect.

(d) When the Commission takes jurisdiction of a strike or lockout, the Chairman of the Commission shall designate two or more members of the Commission as a board of inquiry. It shall be the duty of the board of inquiry to conduct an inquiry into the dispute. Within eighty days after the Commission has assumed jurisdiction of a dispute the board shall make a full report on the results of its inquiry to the full Commission. Such a report shall contain the recommendations of the board with respect to the resolution of all issues in the dispute. The Commission may require the parties to a dispute to attend hearings before the board of inquiry and produce testimony and documentary evidence with respect to the causes and circumstances of the dispute, and to attend conferences or sessions of the board of inquiry in order to consider and discuss the positions of the parties and possibilities or proposals for settlement; and the Commission may make such orders as are necessary or appropriate to require the parties, or any of them, to make every effort in good faith voluntarily to adjust and settle their differences.

(e) If, at the end of eighty days after it has assumed jurisdiction of a national emergency strike or walkout, the parties have not reached an agreement, within thirty days from the end of such period, the Commission shall issue an order to the parties, shall prescribe the terms and conditions of employment to be in effect, and the period during which they shall be in effect. Such an



order may incorporate by reference the provisions of collective bargaining agreements which are not in dispute.

#### ESTABLISHMENT OF MANAGEMENT-LABOR COURT

SEC. 8. There is hereby established a Management-Labor Court (hereinafter referred to as the "court") to be composed of a chief judge and four assistant judges.

#### APPOINTMENT OF JUDGES

SEC. 9. (a) The President shall appoint a panel of distinguished citizens who shall be assigned the function of selecting three candidates for each vacancy on the court. The President shall, by and with the advice and consent of the Senate, fill each vacancy on the court by appointing one of the candidates selected by the panel to fill the vacancy.

(b) The terms of office of the judges on the court shall be ten years, except that (1) the terms of office of the judge first appointed shall commence on the date of enactment of this Act and shall expire one at the end of the second year, one at the end of the fourth year, one at the end of the sixth year, one at the end of the eighth year, and one at the end of the tenth year after such date, as determined by the President at the time of appointment, (2) any judge appointed to fill a vacancy occurring prior to the expiration of the term of office for which his predecessor was appointed shall be appointed for the remainder of such term, and (3) upon the expiration of the term of office of a judge he shall continue to serve until his successor is appointed and has qualified.

#### ORGANIZATION OF THE COURT

SEC. 10. (a) The President shall designate one of the judges to act as chief judge, and the remainder as assistant judges.

(b) The chief judge of the court shall receive the same compensation as is received by the chief judge of a United States district court and each of the assistant judges of the court shall receive the same compensation as is received by judges of a United States district court.

(c) The court shall sit in the District of Columbia.

(d) The court may appoint and fix the compensation of such officers and employees, and may incur such other expenses, as may be necessary to enable it to carry out its functions.

(e) The court and each judge thereof shall possess all the powers of a district court of the United States for preserving order, compelling the attendance of witnesses and the production of evidence, and the provisions of section 401 of title 18, United States Code (relating to authority to punish for contempt) and section 1651 of title 28 of such Code (relating to the issuance of writs) shall be applicable to the court. Process of the court may be served within the territorial jurisdiction of any court of the United States.

(f) The proceedings of the court shall be conducted in accordance with such rules of practice and procedure (other than rules of evidence) as the court may prescribe and in accordance with the rules of evidence applicable in trials without a jury in the United States District Court for the District of Columbia.

#### JURISDICTION OF THE COURT

SEC. 11. (a) When the Commission has issued an order under section 4 resolving a dispute it shall thereby be divested of its jurisdiction over the matter, and thereafter the court shall be vested with jurisdiction to hear, determine, and render judgment with respect to all questions of law or fact arising under the order.

(b) Decisions of the court shall be final unless they are arbitrary or capricious or are violative of a right conferred by the Consti-

tution of the United States, in which case the Supreme Court shall have exclusive appellate jurisdiction.

#### SUSPENSION OF NATIONAL LABOR RELATIONS BOARD PROCEEDINGS

SEC. 12. Section 10 of the National Labor Relations Act is amended by adding at the end thereof the following new subsection:

"(n) Whenever a matter before the Board is included in a labor dispute over which the Management-Labor Commission is vested with jurisdiction, the Board shall discontinue all proceedings in such matter."

#### DEFINITIONS

SEC. 13. For purposes of this Act, the terms "commerce", "affecting commerce", and "labor dispute" have the same meaning such terms have when used in the National Labor Relations Act.

#### REPEALS

SEC. 14. (a) Sections 206, 207, 208, 209, and 210 of the Labor-Management Relations Act, 1947, are repealed.

(b) Section 10 of the Railway Labor Act is repealed.

#### EFFECTIVE DATE

SEC. 15. This Act shall become effective on the date of its enactment, except that proceedings already commenced on such date shall be carried through to completion without regard to the provisions of section 14.

#### By Mr. WILLIAMS:

S. 1935. A bill to assist in the provision of housing for the elderly, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

#### HOUSING FOR THE ELDERLY ACT

Mr. WILLIAMS. Mr. President, I introduce for appropriate reference, the Housing for the Elderly Act.

For most older Americans, household costs—such as shelter, rent, repairs, furnishings, or utilities—constitute their No. 1 expenditure. Housing expenses now account for about 34 percent in the typical retired couple's budget, and rising housing costs are placing the elderly in a further financial squeeze.

In addition, their household problems are further complicated by substantially reduced income in retirement, limited mobility, and a greater likelihood of suffering from a chronic health condition.

It is a shocking fact that an estimated 6 million elderly persons live in substandard housing, about 30 percent of all older Americans.

Yet, the aged have oftentimes been underrepresented in our Nation's housing programs. Only about 4.4 percent of all mortgagors under the section 235 homeownership interest subsidy program are 55 years or older. However, this age group constitutes about 20 percent of our total population.

Equally disturbing is the administration's decision to phase out the popular section 202 housing for the elderly program—a program which has never had a failure during its 10 years of existence. Even when the Congress appropriated \$10 million for 202 projects last year, the administration refused to spend this money for badly needed apartment units for the aged.

#### ASSISTANT SECRETARY FOR HOUSING FOR THE ELDERLY

To rectify this neglect the elderly need a high level spokesman who will assure that their housing needs will receive ap-

propriate attention at all levels of Government.

The bill that I introduce today can help make this goal a reality. Of special significance, this measure would authorize the establishment of an Assistant Secretary to administer and coordinate housing programs for older Americans. Additionally, this office would serve as a clearinghouse of information concerning housing for aged persons.

From an administrative standpoint, the reasons are compelling for placing these responsibilities under the authority of an Assistant Secretary for Housing programs for the elderly. Additionally, an Assistant Secretary would be in a better position to formulate a comprehensive national policy which would be responsive to the special needs of the aged. He would be able to assure that our national housing programs would be more than just bricks and mortar. Equally important are the social components of housing to provide a livable and decent environment.

This will require special attention to their nutritional, health, social, and recreational needs. And an Assistant Secretary would be in a much better position to shape these crucial considerations into a coherent national housing policy.

#### RELIEF FOR OVERBURDENED HOMEOWNERS AND RENTERS

Today large numbers of older Americans find themselves financially paralyzed by soaring property taxes and rapidly rising rents. In many communities, taxes have doubled—in some cases tripled—during the past 5 or 10 years.

Because of the regressive features of the property tax, there is strong evidence to indicate that low-income older persons shoulder a disproportionate share of the burden. For example, it is estimated that elderly households with family income below \$5,000 pay about \$1.5 billion in local property taxes.

As a consequence, many property owners are being forced to sell their homes. But often there is no suitable alternative rental units at prices they can afford.

Many tenants are also being driven from their apartments by a never ending increase in rents. They, too, experience great difficulty in locating alternative quarters.

A number of States have attempted to provide some form of relief for this pressing problem. But it should be emphasized that many States are unable to provide this assistance, because they are already financially hard pressed.

Other approaches must also be analyzed. To help provide a working framework, my bill would establish an intergovernmental task force to report, at the earliest possible date, on several alternatives for providing Federal assistance to States which grant tax relief for overwhelmed homeowners and renters. Additionally, this task force would be directed to explore the possibility of providing direct Federal relief to elderly persons who pay a disproportionate share of their income for property taxes or rent.

#### PROTECTION FOR RENTERS IN FEDERALLY ASSISTED HOUSING

Another major problem affects older persons who live in federally assisted

housing. Quite frequently an increase in social security, Railroad Retirement or veterans' benefits is counterbalanced, to a large degree, by a corresponding raise in their rents.

In some cases—particularly for persons eligible for rent supplements—an increase in social security can move individuals out of the maximum qualifying income limitations. The loss in rent supplement payments may exceed their raise in social security benefits.

In describing this problem in a letter to me, Mr. Martin Aranow, president of the New Jersey Tenants Organizations, pointed out:

When there is an increase in Social Security, no one bothers to change the minimum standards for participating in other federal programs. As a result many people become excluded from joining in subsidy programs because there was an oversight on the Federal level.

A number of proposals, I believe, should be analyzed to consider the best alternative for meeting this pressing problem. For example, it may be possible to provide for a partial exclusion for certain forms of pensions, such as social security, in determining income for qualifying for federally assisted housing. Another possibility is to raise the qualifying income limitations to take into account recent increases in social security benefits.

But before we can arrive at a plan for action, we must have the facts to make an intelligent decision. For these reasons, my bill directs the intergovernmental task force to report on the feasibility of these proposed recommendations, as well as other alternatives for meeting this difficult problem.

#### CONGREGATE HOUSING FOR THE ELDERLY

In the 1970 Housing Act, a new dimension was added, with potentially far-reaching implications for the Nation's elderly. This measure, which I sponsored, broadened public housing coverage to include central dining facilities for older Americans who are unable to prepare their own meals. However, this measure was modified in such a manner to exclude food costs. As a consequence, many housing authorities are unable to provide nutritious meal services within the paying ability of their very low-income tenants.

Today I propose that this measure be broadened—in the same manner as I urged last year when I introduced S. 4145—to cover food costs as an administrative cost for congregate dining facilities.

Most older persons would prefer to live in their own homes, rather than in a nursing home. And with this approach, thousands of older Americans would have a new and effective alternative to premature and unnecessary institutionalization.

#### NEED FOR FAST ACTION

Decent and reasonably priced housing is absolutely essential for a full and satisfying life for our 20 million older Americans.

Unfortunately millions are now forced to live in inferior housing or in quarters unsuited to their needs because they can-

not afford better units or alternative quarters are not available.

The Housing for the Elderly Act, I strongly believe, represents a comprehensive and sensible approach to their special housing needs. For these reasons, I urge prompt and favorable consideration of this proposal.

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

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

#### S. 1935

A bill to assist in the provision of housing for the elderly, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing for the Elderly Act".*

#### ASSISTANT SECRETARY FOR HOUSING FOR THE ELDERLY

SEC. 2. (a) The first sentence of section 4(a) of the Department of Housing and Urban Development Act is amended by striking out "six" and inserting in lieu thereof "seven".

(b) Subsection (b) of section 4 of such Act is amended by inserting "(1)" after "(b)" and by adding at the end thereof a new paragraph as follows:

"(2) One of the Assistant Secretaries provided for in subsection (a) shall be designated Assistant Secretary for Housing for the Elderly. All of the programs administered by the Department to provide aid or assistance in behalf of the elderly shall be administered by and through the Assistant Secretary so designated. In addition the Assistant Secretary shall—

"(A) be regularly consulted with respect to all other programs of the Department to the extent that they provide or otherwise involve housing for the elderly;

"(B) provide a central source and clearinghouse of information with respect to housing for the elderly; and

"(C) coordinate housing programs for the elderly and seek ways to consolidate programs which overlap."

#### CONGREGATE PUBLIC HOUSING

SEC. 3. The last sentence of paragraph (12) of section 15 of the United States Housing Act of 1937 is amended by striking out "(other than the cost of providing food and service)".

#### INTERAGENCY STUDY

SEC. 4. (a) The Assistant Secretary for Housing for the Elderly, the Secretary of the Treasury (or his designee), and the Secretary of Health, Education, and Welfare (or his designee) shall constitute an interagency committee for the purpose of making a study and report as provided by this section.

(b) (1) The committee shall consider and propose practicable ways of providing relief to elderly persons of moderate incomes (not to exceed \$7500 per annum) (A) whose real property taxes exceed 5 per centum of their incomes, or (B) who are paying in excess of 20 per centum of their incomes in rent for dwelling accommodations. In undertaking such study the committee shall consider, without being limited to, practicable ways of providing such relief through the Federal income tax laws, and/or through Federal assistance to those States or political subdivisions which are carrying out realistic programs in mitigation of the financial plight of such persons.

(2) The committee shall also review those Federal programs under which lower income persons are assisted directly or indirectly in obtaining rental accommodations in public

or other federally-assisted housing with a view to developing practicable proposals to avoid penalizing such persons with respect to their rents of eligibility for such accommodations by reasons of any increase in benefits under any Federal or federally assisted State retirement, disability, veterans, public assistance, or other similar programs.

(c) The committee shall report its findings and recommendations to the President and to the Congress at the earliest practicable date, in no event later than December 31, 1971.

#### By Mr. CASE:

S. 1936. A bill to provide for the establishment of an American Council for Private International Communications, Incorporated, to grant support to the activities of private American organizations engaged in the field of communication with foreign peoples. Referred to the Committee on Foreign Relations.

#### AMERICAN COUNCIL FOR PRIVATE INTERNATIONAL COMMUNICATIONS, INCORPORATED, ACT OF 1971

Mr. CASE. Mr. President, I am pleased to announce that the Nixon administration has accepted my proposal for open Government funding of Radio Free Europe and Radio Liberty.

The administration has made a wise decision in deciding to eliminate the CIA from the operation of these two stations. Our national interest is best served when activities which should be in the open are removed from the clandestine arena.

I am today introducing an administration proposed bill which will provide for congressional financing of the stations.

I had earlier introduced a bill on January 25, 1971, which called for congressional scrutiny of Radio Free Europe and Radio Liberty. I said at that time:

That during the last 20 years, several hundred million dollars of U. S. Government funds have been expended from secret CIA budgets to pay almost totally for these two radio stations broadcasting to Eastern Europe; yet at no time was Congress asked to or permitted to carry out its traditional Constitutional role of approving the expenditure.

I can understand why covert funds might have been used for a year or two in an emergency situation when extreme secrecy was necessary and when no other Government funds were available. But the justification has lessened over the years as international tension has eased, as the secrecy surrounding these radio stations has melted away, and as more open means of funding could have been developed. In other words, the extraordinary circumstances that might have been thought to justify circumvention of constitutional processes and congressional approval no longer exist.

My original proposal on January 25 provided for direct congressional appropriations to Radio Free Europe and Radio Liberty. But in subsequent conversations with high administration officials, I made clear that my purpose was to find any suitable mechanism which would bring the stations out from under CIA. To this end, I sent a draft bill to the State Department in March which would have set up a public corporation to run the two stations.

The administration has responded with its own proposal for funding Radio Free

Europe and Radio Liberty through a non-profit corporation to be known as the American Council for Private International Communications, Inc. The purpose of this Council would be to promote a free flow of information to the peoples of the world through established private organizations.

Nowhere in the legislation is Radio Free Europe or Radio Liberty mentioned but these two stations would be the beneficiaries of about \$40 million dollars in congressional appropriations which would be distributed to the two stations through the American Council for Private International Communications.

The Council would be managed by a board of 11 directors chosen from private life by the President of the United States with the advice and consent of the Senate.

While I approve of the basic premise in the administration proposal of removing Radio Free Europe and Radio Liberty from CIA funding, there are several specific matters to which the Foreign Relations Committee and the Senate as a whole will have to give the closest scrutiny.

Among other things, we should give careful consideration to whether it is appropriate for the President to appoint all the Council's directors and to whether the Council should not come annually to Congress for an authorization of its funds rather than only being required to request appropriations as the administration bill proposes.

We shall need firm assurances that CIA participation in the stations will be terminated. And, of course, we shall have to establish that money appropriated for the Council is not to be passed on to any organization except Radio Free Europe and Radio Liberty without congressional authorization. The Council should not be used as a means of expanding Government participation in the dissemination of information overseas.

Congressman OGDEN REID, Republican, of New York, who introduced the original Radio Free Europe-Radio Liberty bill in the House of Representatives, will also introduce the administration proposal in that body.

#### ADDITIONAL COSPONSORS OF BILLS

S. 1498

At the request of Mr. NELSON, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 1498, a bill to ban strip mining for coal.

S. 1615

At the request of Mr. SPONG, for Mr. BIBLE, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1615, to provide income tax simplification, reform, and relief for small business.

S. 1784

At the request of Mr. PACKWOOD, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 1784, a bill relating to mineral resources in lands comprising the Three Sisters Wilderness, Oreg.

S. 1843

At the request of Mr. SPONG, for Mr. BIBLE, the Senator from Colorado (Mr. ALLOTT) was added as a cosponsor of S. 1893, a bill to restore the Golden Eagle program to the Land and Water Conservation Fund Act, and for other purposes.

#### FEDERAL WATER POLLUTION CONTROL ACT—AMENDMENT

AMENDMENT NO. 110

Mr. NELSON submitted an amendment (No. 110) intended to be proposed by him to S. 192, a bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes, which was ordered to be printed and referred to the Committee on Public Works.

#### PREVAILING RATES FOR WAGE BOARD EMPLOYEES OF THE GOVERNMENT—AMENDMENT

AMENDMENT NO. 111

Mr. MATHIAS submitted an amendment (No. 111) intended to be proposed by him to S. 315, a bill relating to the fixing of prevailing rates for wage board employees of the Government of the United States, which was ordered to be printed and referred to the Committee on Post Office and Civil Service.

#### THE MILITARY SELECTIVE SERVICE ACT—AMENDMENT

AMENDMENT NO. 112

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

Mr. ALLOTT. Mr. President, I submit an amendment intended to be proposed by me, to the pending bill, the extension of the Military Selective Service Act of 1967.

The purpose of my amendment is twofold. First, it is to achieve simple justice in our pay of soldiers. Second, it is to put us on the orderly path toward achieving an all-volunteer armed force.

The House of Representatives has already moved to increase military pay in an amount which I approve. But, the pay provisions of the House of Representatives measure, in my judgment, are not designed to be as efficient or fair as possible in moving us toward an all-volunteer Army.

The proposal I am advocating involves an amount of money almost identical with that voted by the House of Representatives. But this proposal distributes the increases among the ranks in such a way as to maximize the ability of the Armed Forces to attract and retain volunteers.

The proposal I am advocating is that drawn up by the President's Commission on an All-Volunteer Armed Force—the Gates Commission. As such it represents the best and more thorough thinking by the most competent panel of experts ever assembled to unravel the complexities of simultaneously achieving equity and promoting volunteerism in the Armed Forces.

There is broad agreement that the

current military pay is inadequate. There is widespread recognition that these inadequacies are most keenly felt by, and most inequitable to, our men in the lower ranks. The great strength of the Gates Commission proposal is that it gives a greater share of its benefits to the men in the lower ranks.

Mr. President, this is of crucial significance, because it is among the men in those ranks, and among the young civilians who are considering entering into those lower ranks, that the most significant decisions are made which will determine the success or failure of the volunteer army concept.

The pay proposals suggested by the House reflect a properly generous spirit. But they are inferior to the Gates Commission proposal in one crucial particular. That is, the House pay measure is not designed to test, with maximum efficiency, the possibility of achieving an all-volunteer force in the very near future.

The House pay plan was drawn up to promote equity in military pay. The Gates Commission proposal was designed to produce equity, while also giving a maximum fair and important test of the use of economic incentives in encouraging volunteers.

Adoption of this proposal I am making would involve an expenditure of \$24.4 million less than is involved in the pay proposal adopted by the House of Representatives. But this minor economy is not the significant point. The significant point is that, while the Gates Commission proposal involves the expenditure of \$24.4 million less, this \$2,667 million pay proposal will be doubly effective in promoting equity and an orderly progress toward an all-volunteer army.

The administration favors a pay increase of nearly \$1 billion—\$987 million—in pay incentives. The proposal I am making would increase that by approximately \$1.7 billion. Fortunately, action taken by the Senate Armed Services Committee with regard to reducing overall manpower will involve savings of approximately \$1 billion. This prudent, judicious action gives us latitude to promote the administration's great goal of an all-volunteer Army. Thus for a net increased expenditure of approximately \$700 million we can take the large—and hugely important—first step urged by the Gates Commission. This first step is the equitable pay increases in my proposal.

The Nixon administration has taken the lead in advocating a transition to an all-volunteer Armed Force. To this end, President Nixon appointed the Gates Commission.

This Commission was chaired by Thomas Gates, the distinguished former Secretary of Defense. It included men drawn from many walks of life. It is especially noteworthy that Gen. Alfred Gruenther and Gen. Lauris Norstad were among the members of the 15-man Commission.

The Commission performed its work with skill and dedication. No member of the Commission was of the sort who would wish to take risks with the mili-

tary capability of this Nation. Every member of the Commission decided that an all-volunteer Army would be a great achievement for the Nation. But, also, every member of the Commission agreed that pay increases of the sort they recommended are demanded by simple equity, independent of any principled support of or opposition to the concept of the all-volunteer Army.

This proposal only accelerates slightly, and modifies slight, the pace and approach of the Nixon administration. It is a proposal by way of a perfecting modification. It reflects the President's commitment to an all-volunteer army.

Mr. President, I cannot emphasize too strongly that all Senators, regardless of their individual views on the subject of the all-volunteer Armed Force, should support the proposal I am making.

Those Senators who do not disapprove of the principle of relying on an all-volunteer army should still support this proposal. They should support it because it corrects a manifest injustice in our treatment of the military, and because it corrects this injustice with special attentiveness to the injustice felt by those in the lower ranks who experience this most severe and inexcusable injustice.

Those Senators who approve of the principle of an all-volunteer Armed Force, but who are dubious of the wisdom of moving precipitately toward that goal under current conditions, should support this proposal for two reasons. Again, the question of equity in military pay is distinct and separable from the question of the all-volunteer Armed Force. Second, the pay proposal I am suggesting is the least precipitous, most responsible approach to learning more about the possibility of an all-volunteer army. In fact, if we do not begin to make a determined effort to test some of the mechanisms by which an all-volunteer army would be made to function, then we run the risk of one day making a precipitous plunge into an unprepared experiment with voluntarism.

Finally, Mr. President, those Senators who endorse the principle of an all-volunteer army, and who want to make progress toward that goal now, should support this plan because it follows the carefully drawn recommendations of the acknowledged experts on the problems of making the transition to an all-volunteer armed force. I am referring to the outstanding men who comprised the Gates Commission.

In recent years a small but strident minority of the American people have engaged in a reckless, cruel, and false denigration of the military. The vast majority of Americans reject these denigrations and retain their respect for the military. Both in Congress and in the public at large, we as a Nation have rallied to the defense of the military.

But this has been a rhetorical rally and talk is cheap. It is time for us all to put our money where our mouths are. It is time for us to manifest our respect for the military in the most concrete possible way. It is time for us to pay these men equitably.

Thus it is my hope that this proposal will receive prompt and favorable attention from the Senate.

#### NOTICE OF HEARING BY THE MONOPOLY SUBCOMMITTEE

Mr. NELSON. Mr. President, I ask unanimous consent to have printed in the RECORD a notice of hearing by the Monopoly Subcommittee of the Select Committee on Small Business.

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

#### MONOPOLY SUBCOMMITTEE, SENATE SELECT COMMITTEE ON SMALL BUSINESS

(Re open hearing on the effects on small business of advertising and promotion on use of over-the-counter drugs)

Time and room change tomorrow, May 25 (Tuesday).

From: Room 318 OSOB at 10 a.m.  
To: Room 6226 NSOB at 2 p.m.

#### NOTICE OF HEARINGS ON EFFECTS OF CARGO THEFTS

Mr. SPONG. Mr. President, on behalf of the Senator from Nevada (Mr. BIBLE), I wish to announce that the Senate Select Committee on Small Business has scheduled public hearings on June 8 and 9, 1971, on the effect of cargo theft on the different modes of transportation. These hearings will be a continuation of the committee's investigation into the impact of crime on small business.

The hearing on June 8, 1971, will be concerned with the continuing committee review of the problem posed by hijacking and theft from the trucking industry. The hearing on June 9 will begin the first of several days of hearings into railroad cargo theft and pilferage. Witnesses have been invited to appear representing shipper-users, carriers, and Federal agencies concerned with this problem. The hearings will begin at 10 a.m. each day in room 1202, New Senate Office Building.

#### ADDITIONAL STATEMENTS

##### THE TENNESSEE-TOMBIGBEE WATERWAY

Mr. STENNIS. Mr. President, I rise today to call special attention to a most important, significant, and historic event scheduled to take place tomorrow—Tuesday, May 25, 1971—in Mobile, Ala., which is of vital concern to the entire Nation and in particular the Southeast.

President Nixon is expected to participate in ceremonies signaling the advent of the long-awaited Tennessee-Tombigbee Waterway. The ceremony in Mobile is far more than a mere ceremony, because it is the real signal of the beginning of the project, and clears the way for actually letting the first construction contract.

One appropriation of \$1 million has already received the blessing of Congress, and a request for an additional \$6 million for construction funds is being considered and is in the process of being passed this year. The awarding of the first construction contract is assured in just a few days.

So, Mr. President, tomorrow's ceremony is one of the final preliminary steps toward making the Tennessee-Tombigbee Waterway a reality, and I am proud this fine project has the special blessing of the President of the United

States as signified by his presence at the groundbreaking ceremonies.

This waterway would revolutionize river traffic in the southeastern United States by providing a navigable water route, suitable for heavy barge traffic, from Pickwick Lake in the northeastern corner of Mississippi to the Port of Mobile.

The Tennessee-Tombigbee will tie the agricultural and industrial centers of East Mississippi and West Alabama to the Tennessee, Mississippi, Missouri, and Ohio River Valleys as well as the Intra-Coastal Canal of the Gulf of Mexico.

It will support heavy industrial barge traffic throughout its 253-mile length. The U.S. Army Corps of Engineers says the development will bring the sea and foreign markets as much as 700 miles closer to the heartlands of the East drained by the river systems I have already mentioned.

The Corps of Engineers first studied the economic feasibility of the Tennessee-Tombigbee waterway in the early 1870's and at approximate 10-year intervals up until 1938. At that time it deemed the economics of the project justified.

Plans call for developing the Tombigbee River through West Alabama and East Mississippi to a point near the Itawamba-Tishomingo County line in north Mississippi. The waterway will be joined to Pickwick Lake by a deep cut in a land divide and construction work on Yellow Creek.

The project is expected to open the way to industrial and agricultural interests which depend on heavy barge traffic. Five locks and dams will spot the river section and account for differences in land elevation, and five separate locks are to be constructed to cross the north Mississippi Divide.

The Corps of Engineers has estimated that if sufficient funds are made available, the project will take about 9 years to complete.

I am pleased to give my colleagues in the Congress a progress report on this project, as well as thank them for their past interest and support.

#### PATRICK CARDINAL O'BOYLE

Mr. MATHIAS. Mr. President, 50 years ago Friday, Patrick Cardinal O'Boyle, the archbishop of Washington, was ordained a priest. Fifty years is a long time. Upon reaching such a milestone most men would be looking toward retirement. Cardinal O'Boyle does not. Friday's anniversary was observed with a celebrated mass at St. Matthew's and tucked away among the Cardinal's other numerous accomplishments. The road from Scranton, Pa., where Cardinal O'Boyle was born in 1896, to Washington, where he has served for the past 23 years, has been a journey filled with sacrifice, hard work, and dedication to his church and her people.

I congratulate Cardinal O'Boyle and send an Irish blessing to him:

May the roads rise up to meet you,  
May the wind be always at your back and  
May God hold you in the hollow of his hand.

Mr. President, I ask unanimous consent that an article from Friday's Wash-

ington Post reporting the Cardinal's anniversary celebration be printed in the RECORD.

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

50 YEARS OF SERVICE IN A CHANGING CHURCH  
(By William R. MacKaye)

At 10:30 a.m. today, Patrick Cardinal O'Boyle, the 74-year-old Roman Catholic archbishop of Washington, will walk into St. Matthew's Cathedral surrounded by his priests to mark the 50th anniversary of his ordination to the priesthood.

During those 50 years, vast change has swept the church to which the cardinal dedicated his life, even in the form of the mass he will offer on his jubilee day.

Some of the change Cardinal O'Boyle has supported and furthered, some he has vigorously opposed. But the days long ago when he was a boy in Scranton, Pa., are still very much in his thoughts.

On the walls of his childhood home, he reminisced recently, hung images of the Blessed Mother and St. Joseph, and a prominent place was reserved for a plaque that said, "God bless our home."

"You don't see many more of those anymore," he said a little wistfully. Unlike many younger churchmen, Cardinal O'Boyle does not celebrate the coming of the subtleties and complexities and unanswered questions that add up to what some call "new theology."

To an almost uncanny degree, the archbishop's ministry here in recent years has been shaped by the motto he selected when he was consecrated an archbishop in New York's St. Patrick's Cathedral 23 years ago: "State in fide," it reads—"Stand in the faith."

If some churchmen in the heady days following the Second Vatican Council (1961-65) sought to test how far one could go in translating orthodoxy's ancient tenets into modern dress, Cardinal O'Boyle's inclination was rather to stress how clearly a man could show his steadfast loyalty to unchanging principle.

Almost inevitable, consequently, was the 1968 collision between 40 of his priests over the proper interpretation of Pope Paul VI's reaffirmation of the sinfulness of contraception.

The collision, and the long and sometimes bitter struggle that followed, attracted international attention and ultimately elicited from the pope an unusual personally signed letter praising the cardinal for his defense of the birth control encyclical.

More than half the priests involved in the struggle ultimately left the active priesthood and many of them married. The controversy was concluded last month in a Vatican-written compromise formula with which both the cardinal and most of the priests still wishing to return to full active service professed satisfaction.

The controversies of the last few years have tended to overshadow Cardinal O'Boyle's triumphs of earlier years, most especially his successful desegregation of the Catholic school system here four years before racial divisions were abolished in the public school system.

The then-Archbishop O'Boyle began the effort to eliminate school segregation here virtually the day he arrived from New York to take up the reins as the first archbishop of Washington. (Before 1948 the affairs of Washington and suburban and Southern Maryland Catholics were administered by the Archbishop of Baltimore.)

It was not an easy struggle for the newly arrived archbishop, given the opposition he faced from such senior clergy of that day as Auxiliary Bishop John M. McNamara, who had largely run the diocese prior to his arrival.

Exchanging recollections with a friend not long ago, the cardinal spoke of an elderly woman parishoner at St. Patrick's Church he had sought to reason with on the question of racial equality. "You're not going to make me lose my faith," she said sternly to him.

Cardinal O'Boyle, who was ordained to the priesthood by Francis Cardinal Spellman and spent all his priestly ministry in the Archdiocese of New York, first acquired national prominence during World War II as director of Catholic War Relief Services.

In that post he attracted the favorable notice not only of Cardinal Spellman but also such other powerful churchmen as Samuel Cardinal Stritch of Chicago, Edward Cardinal Mooney of Detroit and Archbishop John T. McNicholas of Cincinnati, all now dead.

Msgr. O'Boyle's selection by Pope Pius XII as Washington's first archbishop followed not long after.

Characteristically, at Cardinal O'Boyle's request, today's golden jubilee mass will include the participation of the archdiocese's three priests observing their 50th ordination anniversaries this month—the Rev. Msgrs. Joseph J. Deppe, Carl F. Hess and Edward H. Roach.

In honor of the four jubilarians the Catholic schools of the archdiocese are closed today.

#### SALUTE TO SMALL BUSINESS WEEK

Mr. SPONG. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Nevada (Mr. BIBLE).

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

#### SALUTE TO SMALL BUSINESS WEEK

Mr. BIBLE. Mr. President, our National Capital last week was the focal point for a myriad of events which marked the annual observance of Small Business Week. It is appropriate and pleasing for me to stand on this occasion to proudly salute and recite the endless contributions made by small, independent and family firms to our national free enterprise system.

The American free enterprise system is one of the great achievements of the human mind and spirit. It springs from a mixture of the energy and efforts of hardworking men and women, bold private initiative, the profit motive and prudent public policy, with small business forming the bedrock.

Accolades must be seasoned with the truth, however, and it must be said that during the past year of economic turbulence, the effects of the storm have been very cruel and sometimes fatal to many small businesses throughout the land.

One painful statistic in the fight against inflation is that the brunt of that battle is more directly experienced by the front-line troops, which generally means the consumer and the small businessman, in that sequence. And unfortunately, it follows that they also become the earliest and the heaviest numerically on the casualty list.

Government economic policy has failed to slow inflation, and there has been a rather abrupt drop in economic growth. The ranks of the jobless rocketed from 3.6 percent to 6.2 percent in calendar year 1970. However, despite this decrease in payroll, labor costs increased and prices continue to rise with a consequent rise in the cost of doing business. One of the most common complaints of the small businessman during the past year has been that a rise in sales does not translate into an increase in profit margin.

There are significantly fewer small businesses in 1971 than were in existence ten years ago. Since small businesses are the natural targets of all the potential business

disasters in our free enterprise system, it is a matter of amazement that so many have survived, prospered and continue to function in our American business system. However, as Chairman of the Senate Small Business Committee for the past two years and a member of that committee for many years, I cannot wonder why so many small businessmen have survived. If I were asked for the one ingredient that the small businessman possesses to give him the stamina against so many odds to survive, I would say—sheer ingenuity. For the American small business is the most ingenious of all businessmen.

The future will bring unprecedented problems for the small businessman. Not only must he cope with the normal problems existing within the marketplace, he is now confronted with an accelerated demand for technological growth. The small business can no longer do business as usual. He must become aware of and explore and adapt, where feasible, to the innovations of technology.

At the very heart of economic strength must be found a vigorous decision-making process and a stringent overriding risk-taking. That is the nucleus of the free enterprise system. That decision-making is indispensable because of the lightning-fast changes which characterize our age of innovation. On the other hand, personal risk-taking is the whiplash which keeps the small businessman honing the competitive razor in the marketplace.

The challenges to small businessmen are great as they seek to enrich and strengthen the American economy, and I am confident they will successfully meet these challenges.

It becomes eminently clear that the five and one-half million small businessmen are seeking no special favor from government other than fair and equitable treatment. And in their quest for this goal, they should have the unflinching support of all branches of the Government. They ask no more and deserve no less.

#### DECLINE OF MACHINE TOOL ORDERS

Mr. TAFT. Mr. President, machine tool orders in the United States declined 34.8 percent in April. On April 22 and again on May 5 I spoke before the Senate on the critically important problems facing this country with regard to its industrial productivity. I observed then that the United States has historically been able to overcome the lower wages paid by foreign competitors through our use of more modern and efficient tools of production.

On those occasions I noted the importance of accelerated depreciation and a restoration of an investment tax credit as means of stimulating investment in more modern tools and equipment.

The decline of machine tool orders is significant not simply for the modern tool industry but strikes at the very critical question of the competitive posture of all American industry. The jobs of American workers will be lost to their foreign counterparts unless our workers are given the most modern and productive tools with which to work. The dramatic decline in American machine tool orders to which I referred is further illustrated by an article which appeared in this morning's New York Times, which I ask be inserted at this point in the RECORD.

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

### ORDERS OF MACHINE TOOLS DECLINE 34.8 PERCENT IN APRIL

(By Robert Walker)

New orders for American machine tools, a closely watched indicator of the spending plans of businessmen, dropped in April by 34.8 percent, compared with those of the 1970 month.

Shipments last month were down 16.1 percent from those of April 1970, because the depressed levels of bookings that appeared in the second half of last year were beginning to affect 1971 deliveries.

For the complex, highly sophisticated production machinery involved, the lag between a new order and delivery ranges from three to nine months.

#### BASIC EQUIPMENT

Machine tools, which are used either to cut or shape metal, are the basic equipment used to make all other machines, such as automobiles, appliances and aircraft.

New orders for these tools give a rough indication of how many production lines are being built or improved and, by extension, how much total capital spending is in the works.

The National Machine Tool Builders Association reported yesterday in Washington that new orders in April were \$56.3-million down from \$86.4-million in April 1970. The latest figure was a decline of 17.5 percent from the restated March, 1971, total of \$68.3-million.

Shipments in the latest month were \$98.8-million, a drop from \$117.8-million a year earlier. However, April deliveries were up 3.9 percent from the March total of \$95.1-million.

The disappointing trend of tool orders was evident in the total for the first four months of this year. It was \$237.9 million, a decline of 39.3 percent from the bookings of the comparable 1970 months, when they were \$391.8-million.

Orders for April, 1971, were broken down as \$49.9-million in domestic business and \$6.4-million in export orders. Shipments in the latest months were \$85.6-million to United States customers and \$13.2 million to foreign buyers.

### THE INDOCHINA WAR

Mr. GRAVEL. Mr. President, the Indochina war drags on, and more Americans are being killed and maimed and added to the prisoner-of-war toll each day. This is the result of a deliberate decision by President Nixon to continue our involvement in the war long after it had lost whatever shred of rationality it might once have had. That decision, moreover, is in direct violation of his campaign pledge to the American people to end the war and to his private pledge to a Republican Member of Congress that he would end it within 6 months of his taking office.

On March 4 of this year Senator VANCE HARTKE of Indiana introduced Senate Resolution 66 calling for the immediate withdrawal of all our forces from Indochina, conditioned only upon arrangements for their safe withdrawal and the speedy repatriation of our prisoners of war. In his introductory statement Senator HARTKE estimated that we could have all our personnel out within 30 days, and that to do so would save 2,000 lives and spare 10,000 from being severely wounded during the remainder of this year alone.

That estimate of deaths now appears to have been tragically conservative. In the 11 weeks since then, 805 Americans have died in Indochina and 2,052 have

been wounded severely enough to require hospitalization. At that rate, the total deaths will turn out to be in excess of 2,800 from April through December—40 percent higher than Senator HARTKE had supposed.

This is the brutal fact which the administration is trying so desperately to make us ignore. Its efforts in this regard appear to be centered on the prisoner-of-war issue. In what is surely the most cynical manipulation of public opinion in our national history, the President, his spokesmen in the administration, some Republicans in Congress, and, yes, the Republican National Committee have joined in trying to make it appear that there is some way to get our POW's home other than by ending the war. They have even taken to falsely reporting the results of a study by the Library of Congress to try to discredit those who have dared utter the simple truth that prisoners of war, in every war, are exchanged when the war is over.

In a careful examination of the POW issue published in the Washington Post of May 21, 1971, Mr. Murrey Marder shows how unconscionably the administration has attempted to exploit this terribly emotional issue. And he shows, too, how and why it is being used as an excuse to keep the war going indefinitely.

Mr. President, in behalf of my distinguished colleague, Senator VANCE HARTKE of Indiana, I ask unanimous consent that Mr. Marder's article be printed in the RECORD at this point.

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

#### THE POW'S IN POLITICAL CROSSFIRE

(By Murrey Marder)

Each side in the growing political crossfire over the release of American prisoners in the Indochina war claims that history is on its side. They are talking at cross-purposes, however, about different issues: partial exchanges of prisoners vs. total exchanges. But this controversy within a controversy is characteristic of a confusing debate packed with emotion, recrimination—and possibly votes or high political damage in the 1972 election.

In the Senate, a vote is approaching on an amendment to the military draft extension bill, tacking on the recurring proposal to require a total U.S. troop pullout by Dec. 31, 1971. Locked into this approach is the claim, which the Nixon administration adamantly challenges, that setting a withdrawal date provides the only real prospect for gaining the release of prisoners held by North Vietnam.

This week a Republican National Committee publication, "Monday," fired a broadside at Sen. Vance Hartke for what it called his "cruelly misleading" recent testimony before the Senate Foreign Relations Committee.

Hartke accused the Nixon administration of perpetuating "a cruel hoax" in continuing to pretend that there is "some other solution" to the prisoner of war problem than an agreement to end the war on a fixed date. "In this as in every other war in human history," said Hartke, "prisoners are exchanged when the war is over."

"Wrong," charged the GOP publication. To back up its counter-charge, "Monday" selected portions of a report prepared in the Library of Congress for a House Foreign Affairs Subcommittee to challenge what "Monday" called the "set the date to get the POWs back" line.

The report, the party publication stated,

"showed numerous cases of POWs being released during time of war" in conflicts extending from the Revolutionary War through World Wars I and II, the Korean war, and the war in Vietnam. However, the GOP account omitted several key facts in the Library of Congress report. The report showed partial releases or exchanges of prisoners while hostilities were under way but with the important notation in the summary that in World War I and since, "for the most part, however, prisoners had to await the end of hostilities before being repatriated."

During the Korean war, for example "Monday" noted that 6,670 North Korean and Chinese Communist prisoners were exchanged for 684 members of United Nations forces, including 149 U.S. military personnel. But it omitted the next sentence in the report: "However, by far the greatest number of POWs, a total of 88,596 to be exact, were not exchanged until after the armistice agreement was signed on July 29, 1953."

What is at issue in the "set the date to get the POWs back" debate is not partial prisoner releases, but a total release. As the official U.S. Army history of the Korean war reports, through most of history the "common practice" was "to exchange all prisoners of war at the end of a conflict," with provisions added in more recent times through international conventions for exchange of sick or wounded prisoners during hostilities.

Secretary of State William P. Rogers acknowledged that during a "Meet the Press" televised interview last Sunday, Rogers said he could cite no war in which there had been a general POW release before the end of hostilities. Rogers said, however, "I think this war is a little different. It is *sui generis*."

The POW issue had become so enmeshed in disputed and selected facts that even President Nixon had sometimes mis-spoken the record. Mr. Nixon said on March 4 that "there are 1,600 Americans in North Vietnam jails under very difficult circumstances at the present time." This figure, however, mixes up captured and missing in action, and U.S. experts believe a majority of the missing are dead.

Vice President Agnew this week used a more acceptable approximation: "Some 1,650 American military personnel are missing or captured in Indochina. We know that at least 450 of these are captured. The total is probably higher, but how much higher and which men are captured is not known because of the other side's refusal to identify all prisoners."

Defense Department statistics, as of May 1, 1971, listed 1,170 U.S. personnel as missing in action and 460 as prisoners of war for Vietnam, Laos and Cambodia.

The core of administration strategy at this stage, as President Nixon indirectly acknowledged last month when he expanded the U.S. rationale for maintaining forces in South Vietnam, is not how to bargain over prisoner release now. As the President indicated, U.S. policy is based on maintaining some American forces in South Vietnam long enough to give Saigon's government more of "a chance to prevent a Communist takeover."

Beyond that objective, the President said, the United States will maintain "residual" U.S. forces in South Vietnam "until we get our prisoners released." Critics have attacked that portion of the administration's case of illogical, on grounds that North Vietnam would have no reason to retain prisoners after a total U.S. withdrawal from Vietnam.

But administration strategy in fact is not based on a total withdrawal of the U.S. presence from Vietnam. The administration currently plans to retain American power to strike Communist forces from U.S. airbases in Thailand and from aircraft carriers. Even if the United States should decide to forgo

that intention, administration plans call for continuing U.S. military and economic aid to South Vietnam for years to come, which would require some U.S. physical presence in the country. The POW release issue, therefore, is only a small portion of the total U.S. objectives, on which emotions feed.

Vice President Agnew on Monday came closer than any U.S. official has so far to acknowledging this crux of the underlying Hanoi-Washington dispute.

"North Vietnam," he said, "thinks that, by holding our men hostages, they can compel the President to cave in to their demands—demands for a United States pullout, abandonment of the present elected government of South Vietnam, an end to all U.S. military activity—in effect to the turning over of South Vietnam to the aggressors."

Whether Hanoi would agree with that formulation or not each side knows what it is competing over is not merely some 400 or 500 U.S. prisoners—despite what the public may think—but larger stakes which each is unready to surrender.

#### ATTITUDES PREVALENT TODAY IN THIS COUNTRY

Mr. MATHIAS. Mr. President on May 6, Mr. Edward G. Uhl, president of Fairchild Industries Inc., addressed the American Ordnance Association in Washington. In his incisive address, Mr. Uhl expressed a concern shared by many thoughtful Americans over some of the negative and destructive attitudes prevalent in the country today. I ask unanimous consent that Mr. Uhl's timely remarks be printed in the RECORD.

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

##### ADDRESS EDWARD G. UHL

My first association with AOA took place in the late thirties. As an ROTC student—encouraged by some fine officer instructors—we organized an AOA post.

I remember some of my ROTC lessons. At that time the country had one 37 mm anti-tank gun—a handful of tanks—a handful of aircraft. We had just proved that Mitchell was a trouble maker. We convinced ourselves that 2" armor was the maximum that any tank would use. We didn't want any part of others' wars.

But above all, the feeling of depression was heavy. I don't mean the no jobs. I mean a depressed mental state. We weren't moving. We couldn't do anything. In the late 30's we were reaping the results of several years of fiscal and mental depression.

Our military posture and financial posture are different today. But the same state of mental depression, the same can't do attitude is bugging me again.

I don't know what caused the problem then, but I am concerned about the forces and attitudes that are tearing at us now.

I believe that our most pressing problem today is our negative outlook—our almost total concentration on self-criticism. When one reads the newspapers or watches a television news program, the door-criers are always in full voice. Every form of media hammers incessantly at America's problems.

The United States is mistreating virtuous North Vietnamese—we're unkind to Red China—we're mistreating our minorities—we're destroying our cities—we're polluting—we're corrupting.

I don't believe it's possible to be great if you feel you're mediocre.

We can't advance if we spend all of our effort analyzing our failings and no effort setting goals and creating and building new programs.

To focus in on what is happening today,

let's look at a recent constructive program and see if we can spot the culprit or define the problem.

I've selected the SST because its non-military. If I had picked a military program it would have been suspect as a defense of the military/industrial complex.

The U.S. spent almost \$1 billion on the SST and then abandoned the project. We should learn from this expensive experience. The fact that we cancelled a program isn't too unusual. We've done that before.

What was so different about the SST was the way it was killed. Here was a program—ten years old—reviewed and endorsed by several administrations. A program meeting all of the defined objectives and which seemed headed for success.

Then, about a year ago, it began—a highly organized, persistent campaign to kill the program—a campaign built by people who did not care about facts or ethics but only cared about being successful in killing the SST.

We in industry were too proud to answer the false charges. Keep a low profile, we said. Cooler heads will take over. No one will believe these lies. We didn't fight—we didn't challenge.

When the attacks continued, we finally started a mild campaign. It was at a very high level. Factual brochures—quiet talks with our friends—but we didn't lower ourselves to fight openly.

After the sting of the December defeat in the Senate, a campaign was organized.

Too late. By then the exaggerations and misstatements were most believed than were the facts.

Emotions were polarized. News distortions were well organized, endlessly repeated.

It became impossible to introduce reason. We've seen the same pattern several times—College disorders;

Attacks on military/industrial complex; and

Alaska pipeline.  
And there is more to come—  
Destroy our defense system;  
Tear the FBI apart;  
Stop technology; and  
End the profit system.

Why have we gotten so destructive? Why such obsession with the negative?

We've been saying—Vietnam—that's the reason—But, is it? What does Vietnam have to do with the SST or the Alaskan pipeline? Why attack the FBI because of Vietnam?

Isn't it just possible our position in Vietnam was the first victory for the tear-down group? Perhaps our difficult position in Vietnam was caused—at least in part—by our negative can't win attitude—

But whether Vietnam is the cause or effect, there has to be more behind our psychosis than Vietnam.

One observation I made during the SST battle was that the analyzers, the doubters, the destroyers, were talking—and talking constantly—and loud—getting the attention. And they were skillful and well-organized.

The planners, the builders, the inventors, the workers, were very quiet and not heard and completely disorganized. Too many were saying truth will win—the program is too important—it will not be cancelled.

Given today's mood it will happen again and again. Every constructive project is a potential target. In 1971 every phase of our defense will be attacked and every program designed to increase our scientific knowledge or strengthen us economically will be attacked.

To see how it happened on the SST, read the CONGRESSIONAL RECORD—please read it. I didn't realize how serious, well-organized and persistent the voices of destruction were until I read the RECORD.

To see the plot unfold made me so ill—I still can't eat Wisconsin cheese. The hard work done by the sincere legislators—those

who sought the facts—was completely shattered or overshadowed by the headline-seeking doom predictors.

During the debate it wasn't necessary to be factual—no matter if you didn't know a damn about the subject—it was all right to be a charlatan so long as it got the votes—just be vocal—loud—and persistent.

In spite of the distortions that occurred, if the debate had been honestly reported to the voters, I believe the SST would have survived because our voter is quite sensible and sophisticated—but the destructive legislators were aided by a reporting media that was selective—a reporting media that became emotionally involved—that amplified the voices of destruction and doom.

I can give you an example: I'm sure you all read of Dr. McDonald's SST skin cancer theory. But how many of you know the same Dr. McDonald appeared before Congress only a couple of years earlier seeking funds to continue looking for flying saucers, saying they could be responsible for the east coast power failures? Certainly such action bears on Dr. McDonald's credibility as an expert on skin cancer and the SST.

The Congressional Record accurately reports the interchange between Dr. McDonald and truth-seeking lawmakers.

Why weren't McDonald's credentials questioned or this important fact reported by the news media?

This time only the SST was destroyed—but we might destroy something more vital to our country—using the same tactics—tomorrow.

A recent flagrant distortion which still stands unmodified is "The Selling of the Pentagon." Calling that a documentary was an even greater distortion. Documentary means factual—facts supported by documents. Not opinion. I don't object to editorial opinion—whether I agree with it or not.

But it is indefensible to label editorial opinion as fact and present it as news.

Today we hear much dialogue about freedom—individual freedom, freedom of the press, etc.—and we've been taught that a free country needs a free press—but we hear little about responsibility.

In my opinion, freedom and responsibility are very closely allied.

Before we can have a free country, we need a responsible citizenry—without this we have anarchy, not an orderly society, certainly not a democracy.

And to have a free press, we must have a responsible press.

Because if our press is irresponsible, it will lose its credibility and we'll have no reporting press.

Without question we need a free, responsible, and creditable press. This is even more important than an efficient, impeccable FBI. If we are willing to investigate the FBI, why shouldn't we investigate the credibility of our reporting? Why shouldn't the GAO investigate "Selling of the Pentagon" for the Congress?

Better still, why shouldn't the reporting media insure its own credibility and responsibility by setting standards and enforcing those standards—lawyers do this through their bar association.

Another group entered the SST fight along the way—they had no concern about ecology or sonic booms—but they did want to "reorder our priorities"—

You really have to agree that a reordering is timely. To many of us this means directing more productive effort into rebuilding cities, fighting disease—more effort to give minorities equal opportunities to work and learn and advance and prosper.

However, all people don't understand those words the same—

When some of our lawmakers define "change priorities," those words begin to mean "welfare state"—

It's easier to give money to the minority, the unemployed, the underprivileged than to create an opportunity. It's easier to give than to explain—convince—motivate—correct.

We tried to buy the acceptance and gratitude of underprivileged nations—without success—let not make the same mistake at home.

We've got to restructure our priorities, but we must restructure with some fundamentals in mind.

Our nation was built on individual effort—opportunity—not on welfare and give away. Security doesn't mean living without working or producing. Individual security should be based on opportunity—equal opportunity for all citizens—not on welfare.

I know we could reorder our priorities by building needed facilities, transportation systems, and other services. Lower skills could be used to improve our forests, parks, and roadsides.

If when we reorder our priorities we take millions out of our industrial base and use the millions to buy non-productive welfare—

If when we reorder our priorities we spend and consume today instead of investing in tomorrow—

If when we reorder our priorities we make it unnecessary for the individual to work and earn and build and be proud—

We'll destroy our free enterprise system and our nation.

While we remained confident because the SST was such a good investment in the future growth of the U.S., another force of opposition formed which turned out to be very effective in destroying the SST—this force was made up of those opposing technology.

We heard—"Who needs a jet set aircraft—why reduce travel time a few hours—technology is destroying the earth—let's go back to nature."

This is a most dangerous argument because it appeals to the young, the idealistic—and the arguments sound reasonable.

But if one visits the airports of the world and sees who flies—the answer is obvious—everyone flies, not just the jet set, but peasants—the poor—the rich—businessmen—farmers in South America with chickens in their arms—college students—

The airplane is the most important and productive vehicle for moving people long distances—all people.

The speed of the SST is not only important to reduce time, the SST is necessary to increase the productivity of our transportation system—not now, but in 1980 when the SST will fly commercially. We the supporters never did get this point across.

Who needs technology—we all do—we need technology to construct more productive transportation systems—we need technology to clean our air and water—we need technology to protect our health—

And the reason we need technology more today is because there are so many of us.

Without technology we could not survive today—nor accommodate the new citizens of tomorrow.

We've got to recapture the young people and convince them that technology is not only good—it's vital. We've got to convince them that technology can preserve scarce resources, it doesn't have to waste them. We've got to convince them that technology can bring economic development, expand resources, create wealth, provide opportunity for the poor—the underprivileged—and make social progress possible.

The assault on technology has just begun. Destruction of the SST was a symbol—a milestone. Attacks will continue.

In summary, I have been trying to use the SST as a case in point to help analyze some of today's problems.

The loud and persistent chorus of doubters, the hand-wringers, the destroyers, will

continue and grow. The news media will see that they get attention and amplify their sounds.

The movement away from productivity to a welfare state is gaining momentum. It will take many names. Today's is "Reordering Priorities."

I believe there is but one solution. You and I have got to stop hoping and go on the attack. We've got to tell it as it is. We've got to explain and sell our beliefs.

If we are honest with ourselves, we have to admit that the aerospace industry must shoulder the prime blame for the cancellation of the SST Program. We are unwilling to fight as hard to sell the program as the opposition was to kill the program. The events and forces I've talked about today are real and we had better recognize they exist. Certainly we should try to change these forces to make them more productive—but in the meantime, we had better decide to fight and fight hard for every program we want and believe in. Conditions are not going to change soon.

To sell programs, do business, and win today, we have to use methods designed around today's conditions, not around conditions that existed in 1960 or conditions we are hoping exist tomorrow.

Instead of hesitating because we see problems in our society and worrying about possible criticism of a contemplated action, we must admit we are a proud part of the Military/Industrial complex—we must fight for the programs we know are needed, we must convince the uninformed that there is a real threat to our security, we must make our citizens aware of the fact that the Soviets are spending more on military R&D than we are and are overtaking us on all sides—we have to fight hard for what we believe in.

We've got to come out from behind the trees. We've got to leave the security of the board room and get into the fight.

Let's begin by voicing our demands:  
Demand that rewards be proportional to contribution;

Demand that those who would abandon technology demonstrate a better alternative;  
Demand a free, responsible press; and

Demand that all of us in business and the military/industry complex get up and challenge the doubters, criers of doom, and our opponents.

A great country needs us—it needs us—now!

#### SCAD DEVELOPMENT COULD GREATLY PROLONG LIFE OF B-52 BOMBER AND MAKE B-1 BOMBER UNNECESSARY

Mr. PROXMIRE. Mr. President, I have spoken many times in this Chamber about what I have regarded as unwarranted and unnecessary military spending. I rise to speak today about an important defense program on which the Air Force and the Defense Department seem reluctant to spend a cent.

The program in question is a revolutionary new missile system for use on our B-52 bombers. It is known as the subsonic cruise armed decoy, or SCAD.

#### FUNDS UNSPENT

Three years ago, in fiscal year 1969, the Defense Department requested and the Congress appropriated \$4 million for work on SCAD. The Air Force spent only \$1 million and reprogrammed \$3 million for use on other programs.

Two years ago, in fiscal year 1970, the Defense Department requested SCAD funds in the amount of \$17.1 million. Because the Air Force had not laid the groundwork for the use of all these funds,

Congress appropriated only \$10 million. This time the Air Force did not reprogram the funds, it just refused to spend them.

Last year, in fiscal year 1971, the Defense Department requested \$33.6 million for SCAD. Because the Air Force still had approximately \$9 million of prior year funds in hand, and due also perhaps to the infectious nature of the apparent Air Force disenchantment with the program, Congress denied the Pentagon's request altogether.

This year's budget contains a SCAD request of \$10 million, the lowest level since fiscal year 1969.

#### IMPROVES EXISTING BOMBER CAPABILITY

What exactly is SCAD, and why is it so important?

SCAD was conceived in the late 1960's as an answer to several Pentagon studies which expressed concern about the ability of our bombers—both the B-52's and the then-proposed AMSA—to penetrate Soviet air defenses of the future.

According to public testimony before the Senate Armed Services and Appropriations Committees, it is an air-launched cruise missile which will be propelled by a small turbofan engine. It can be designed either as a decoy with electronic systems which will make it look just like the bombers from which it is launched when it appears on enemy radar screens, or as a long-range attack missile.

In either configuration, it greatly improves our bomber capability against the postulated Soviet air defense systems of the middle and late 1970's. And as Secretary of Defense Clifford said in presenting the fiscal year 1970 defense budget to the Congress:

What is needed to operate effectively in such an environment is not so much a new aircraft, but new penetration aids and weapons.

As a decoy, SCAD would be launched at a distance of well over 500 miles from its target. Its use on our B-52's would constitute, in essence, a MIRVing of this bomber force. Since a sizable number of SCAD's could presumably be carried on a single B-52, its use would effectively counter any presently foreseen improvements in Soviet bomber defenses.

The decoy version of SCAD could be employed either with or without a nuclear warhead. Obviously it would be much more effective if it were armed, since enemy defenses could not ignore it even if they recognized that it was a decoy. As one Air Force witness explained to the Senate Armed Services Committee last year:

When we have the armed version available, I suspect that it will always be used in its armed role, because . . . I have great concern about the counter-counter measures available to an intelligent enemy. He can exploit synthetic signals that we are sending back, and he will learn to detect which is a decoy, or at least he will learn to detect within a reasonable probability which is a decoy. We want him to go after it even when he thinks it is a decoy. For that reason I suggest we will probably always go armed once that capability exists.

#### AIR FORCE DRAGGING ITS FEET

In light of these obvious advantages of an armed decoy, one would expect the



Air Force to be developing SCAD for introduction to the force as an armed decoy. Not so, however. Not only has the Air Force been reluctant to spend money on SCAD in the first place, but if it ever gets started it apparently intends to develop an unarmed decoy—or SCUD—only. This decoy will get placed on our B-52's and an armed version will only be developed later for the B-1, which the Air Force expects to have "sold" to Congress by that time. Such, at least, is the substance of recent articles on the SCAD program in aerospace and defense industry trade journals.

The Air Force is apparently also ignoring for the time being the possibility of developing SCAD as an attack missile—or SCAM. In this mode, the decoy electronics would presumably be dropped and the range of the missile somewhat extended so it could be launched from completely outside Soviet air defenses. SCAD as an attack missile would turn whatever bomber it was placed on into a mobile missile-launching platform. The bomber itself would never have to penetrate enemy air defenses.

SCAD as an attack missile is often dismissed as nothing more than a resurrection of the Skybolt missile project. But as the Air Force itself said in testimony to the Armed Services Committee:

It is difficult to compare the technology required to support the Skybolt with the technology required for SCAD because of the performance differences between the two missiles. The Skybolt (cancelled December 1962) was an air-launched ballistic missile to be capable of delivering (deleted). The missile was a two-stage solid rocket with a weight of 11,353 lbs. and a size of 39.4 ft. by 3.0 ft. The Skybolt achieved ballistic speeds from a re-entry altitude of over 200 NM . . . Since missile technology has had significant advances in six years, and since the SCAD performance requirements are much less stringent than they were for Skybolt, SCAD should be considered a much lower technical risk program.

As noted earlier, SCAD is a subsonic cruise missile with much lighter weight. According to Air Force testimony, it will be 18 or 19 inches in diameter and 14 feet in length, which indeed makes it very different from the Skybolt.

But the most significant difference between SCAD and Skybolt is in the manner of their penetrating potential enemy defenses. Skybolt, as a huge ballistic missile, was nothing more than an air-launched ICBM. As a ballistic missile, it had a predictable trajectory and would have been subject to the same possible ABM defenses as any land- or sea-based ballistic missiles. SCAD, as an aerodynamic cruise vehicle, would have no ballistic trajectory and would penetrate at a much lower altitude than Skybolt. It would not be subject to a possible Soviet ABM system, and it would preserve the role of bombers as the only one of our deterrents which is not.

The reason most often given for the snail-like pace of SCAD development, and for postponement of any work on either an armed decoy or an attack missile is Air Force concern about the costs of such work. This simply does not ring true.

#### SLOWDOWN PART OF ATTEMPT TO GET NEW B-1 BOMBER

I deeply fear that the Air Force is following its course of action in a blatant attempt to hoodwink the American people into spending at least \$20 billion on a new bomber which is not needed at the present time.

I say this for the following reasons:

First, no alleged concern about the possible costs of the SCAD program can adequately explain the 3-year standstill which has occurred, especially at a time when the Defense Department is rushing full steam ahead on many other programs which add far less to our military strength.

Second, there is a clear relationship between SCAD and the need for the B-1 itself. By adding a SCAD capability to our existing bomber force and by making other relatively minor changes in it, we might be able to achieve an even greater degree of improved bomber effectiveness than by building a whole new bomber.

Consider for a moment the potential effectiveness of SCAD as an armed decoy. There are two reasons why Soviet air defenses are going to be much more difficult to penetrate in the future. One is the development of a Soviet AWACS, which will be deployed over water near the borders of the Soviet Union to extend their defensive perimeter and provide better intelligence to their interceptors about our incoming bombers. The second is the deployment of Foxbat interceptors, with a look-down, shoot-down capability. Together these two developments have the potential to make low-altitude bomber penetration almost as difficult as high-altitude penetration.

SCAD, however, could counter these defenses. If a large number of armed SCAD's, simulated to look like bombers, could be delivered from each of our aircraft, we could saturate these defenses and negate their effectiveness.

It takes no great scientist to recognize that SCAD will in fact be far more effective against these new defenses than would the B-1 itself. There are very distinct limits to the increase in penetration effectiveness inherent in a lower radar cross section, smaller infrared signature, and faster penetration speed. What is needed is not a better bomber, but more bombers, in the form of decoy SCAD's.

#### B-52'S HAVE LONG LIFE LEFT

Third, the Air Force is hard pressed to make the case that a new bomber is needed simply because the B-52's are falling apart with age. Our 255 B-52 G's and H's were all built between 1959 and 1962. They have approximately 12,000 hours of flying time left in them according to Air Force testimony to Congress last year. At the last reported utilization rate of approximately 600 hours per year, they should certainly be sound until at least 1985.

Had the Air Force begun work 3 years ago when funds were first appropriated, we would have a better idea by now of whether SCAD's potential could be realized.

Instead, the Air Force has been dragging its feet on SCAD, and as a result,

the American taxpayer is being dragged into a new bomber development program with cost and technical problems written all over it. In fact, these problems have already begun to surface.

#### SCAD COULD SAVE BOMBER DETERRENT

Worst of all, we may end up jeopardizing our security in the latter years of this decade. If the B-1 bombs out like the B-70 before it, we would not have the kind of SCAD capability which could make our B-52 force a viable deterrent into the 1980's. We might be forced to give up a bomber deterrent while it could still be maintained cheaply and effectively. Or we might be forced to buy the B-1 regardless of the cost overruns and performance degradations it had suffered, and with little confidence that it could do its job.

Since SCAD will obviously be needed sometime in the future, it would make much more sense to shelve the B-1 program and to first develop SCAD itself, with the results of SCAD development determining our bomber options.

We still have time to do so. It would take only 2 to 3 years to develop and test a SCAD vehicle capable of use as an armed decoy or an attack missile.

Since all indications are that our B-52 G's and H's will be structurally sound until at least 1985, there is no need to fully replace these aircraft by 1982, the date implicit in the presently planned 1979 IOC date for the B-1.

Moreover, that 1979 date is itself deceptive. Only a year or so ago, the Air Force was talking about a 1976 IOC date for the B-1. Since then that date has been slipped 3 years, primarily to avoid the heavy near-term funding implications of the earlier date, but perhaps also to contribute consciously to Air Force claims of urgency regarding the B-1 program.

#### B-1 QUESTIONABLE

Finally, the main reason for the irreducible 6- to 7-year length of the B-1 development program is the incredible complexity which the Air Force is demanding for the plane. An elimination of nothing more than the variable wing design required by the B-1's supersonic speed could cut 1 to 2 years from the length of the development program.

When all these factors are considered, the leeway available is clear. Even if the B-52's did age sooner than expected and even if modifications proved impractical—both very dubious assumptions—we would still have time to do SCAD first.

If SCAD proved successful, we could use it initially to preserve the effectiveness of the B-52 force.

Such a successful development of SCAD would also have implications for a possible follow-on bomber.

If SCAD were successful in its attack missile version—or SCAM—the least expensive candidate would be a standoff missile-launching aircraft. In fact, since there would be no need for such an aircraft to penetrate Soviet defenses in the slightest, we might be able to forego an expensive bomber development program in favor of a modification of some existing aircraft for a SCAM-carrying role.

It might be, however, that the Soviets

could construct preferential defenses against that mode of attack, a possibility which is deserving of considerable additional study. In the event, and assuming that SCAD were successful in its armed decoy mode, the most logical candidate for a follow-on bomber would be a large subsonic aircraft, with a longer range and bigger payload than either the B-52 or B-1. Such a bomber could function as a mobile missile-launching platform, releasing some SCAM's from outside Soviet air defenses, numerous SCAD's to shield its penetration of Soviet area defenses, and SRAM's for penetration to terminally defended targets. Such a bomber, while more expensive than a stand-off SCAM launcher, would still cost considerably less than the B-1, yet would still be capable of low-level penetration to its target at speeds faster than the speed of the B-52's.

But if SCAD proved to be a failure, such as Skybolt and other missile systems have been, the bomber implications would be grave. There might be no foreseeable solution to the penetration problem which gave rise to the SCAD concept in the first place. To build a new bomber under these circumstances might be to invest billions in a system which would be obsolete almost before it was built. If any bomber deterrent seemed viable under the circumstances, surely it would not be either the B-1 or the subsonic missile-launching platform discussed above. We simply could not afford the large number of such very expensive bombers which would be required to penetrate unaided through bomber defenses of the future. We would be best advised either to forego a bomber deterrent altogether or to examine the possibility of building large numbers of small, cheap, and inexpensive aircraft which might be able to penetrate in sufficient numbers.

Mr. President, the Air Force is now embarked on a dangerous and imprudent course. It is time we stopped stalling and moved out on the SCAD program. Our pocketbooks and our security demand it.

#### PRESERVATION OF THE MIDDLE SNAKE RIVER IN OREGON

Mr. PACKWOOD. Mr. President, continuing my discussion of the critical nitrogen problem along the Snake River, and of my belief that the Middle Snake should not be further damaged by construction of a dam, I want to share with Members of the Senate two significant letters I have received in the last week. The first is from the newly sworn in Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, the Honorable Nathaniel P. Reed. Mr. President, I ask unanimous consent that Mr. Reed's letter dated May 19 be printed in the RECORD.

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

U.S. DEPARTMENT  
OF THE INTERIOR,  
Washington, D.C., May 19, 1971.

HON. ROBERT W. PACKWOOD,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR PACKWOOD: Thank you for your letter and the enclosed testimony

against additional dams in the Pacific Northwest.

I was so concerned about the nitrogen problem on the existing dams that I received personal briefings from the experts and have maintained contact with Under Secretary of the Army Beal and L. B. Day, our Regional Field Representative. I asked Mr. Day to keep you intimately informed of progress and continuing problems.

I wish to categorically state my wholehearted support of your efforts to prevent further dam construction and the inclusion of the Middle Snake River in the Wild River category.

As you need specific assistance, please call on me and the Bureau. We stand ready to serve you.

Sincerely yours,  
NATHANIEL P. REED,  
Assistant Secretary for Fish and Wildlife and Parks.

Mr. PACKWOOD. Mr. President, the second letter is from the National Oceanic and Atmospheric Administration, signed by Mr. Philip M. Roedel, Director, National Marine Fisheries Service, and dated May 21. That letter is in response to a wire I sent urging continued cooperation in solving the nitrogen problem, and suggesting that the time has come to divert some of our public work money toward meeting our environmental needs in our waterways. Mr. President, I ask unanimous consent that Mr. Roedel's letter be printed in the RECORD.

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

NATIONAL MARINE FISHERIES SERVICE,  
Washington, D.C., May 21, 1971.

HON. ROBERT W. PACKWOOD,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR PACKWOOD: This is to thank you for your May 12 telegram to Dr. Robert M. White, Administrator, National Oceanic and Atmospheric Administration, describing the current critical nitrogen super-saturation situation on the Columbia and Snake Rivers. This is certainly one of our most serious problems concerning the survival of juvenile and adult salmonids.

Another public meeting may not provide a solution or even give much assistance to solving the problem, although it would provide an additional forum for disseminating information and accepting critique.

Your suggestion of directing the talents and abilities of the Corps of Engineers to meeting our environmental needs is well taken. Much work remains to be done in the job of making the extensive development of the Pacific Northwest compatible with the environmental requirements. Progress is being made and the Corps of Engineers has been very responsive to the current problem and has cooperated by providing manpower, funds, and equipment in an attempt to lessen the effect of nitrogen on salmonids. We are optimistic that this problem can be solved. I wish to assure you that the National Marine Fisheries Service will continue its endeavors toward promoting and protecting the fishery requirements. We will be pleased to work with you, the State fisheries agencies, the Corps, and any other interested parties to develop a mutually cooperative program toward this goal.

Again, thank you for your interest and your offer of assistance concerning this serious problem.

Sincerely,  
PHILIP M. ROEDEL,  
Director.

Mr. PACKWOOD. Mr. President, I believe these responses demonstrate the

sincere interest and concern of two high Government representatives about the problems along the Snake River and the desirability of preserving now the Middle Snake.

#### RETIREMENT OF HOWARD DOMINGUS FROM THE INTERSTATE COMMERCE COMMISSION

Mr. SPONG. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Nevada (Mr. BIBLE).

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

##### STATEMENT BY SENATOR BIBLE

On May 14, the nation's shippers, particularly the small business shippers, lost a fine friend, with the retirement of Howard Domingus, Assistant Director, Bureau of Accounts of the Interstate Commerce Commission.

Mr. Domingus was one of the first individuals in the Federal transportation regulatory agencies to grasp the severity of the impact of pilferage and cargo theft on the shipping public, the business community and on the nation's consumers. As a very responsible civil servant, he sought to develop a program within the ICC to begin to come to grips with this problem.

Howard Domingus might properly be called the father of the government's uniform loss reporting system, now in the progress of development by all the transportation regulatory agencies as an important step in trying to deal with the \$1½ billion cargo theft burden on business and the public.

Mr. Domingus joined the ICC in 1936 as a messenger, later serving as clerk on the staff of former Commissioner John L. Rogers. In 1951 he left the ICC to accept the position of Executive Assistant to the President of a large eastern motor carrier. He returned to the ICC in 1957 and in 1963 was appointed to the prestigious position he held on retirement.

Mr. Domingus has played many important roles in developing solutions to a variety of problems under the jurisdiction of the ICC. He was the first Chairman of the ICC Industry Advisory Committee on Pipeline Valuation and Accounting. He also served as Chairman of the Advisory Committee on railroad equipment and roadway property.

A native of Alabama, Mr. Domingus graduated from Southeastern University and took graduate courses at George Washington University. During World War II he served with the U.S. Navy in the European Theater.

The retirement of Howard Domingus is a loss to the Senate Small Business Committee because he has proved to be a most valuable resource in our efforts to deal with the variety of problems involved in the truck hijack and cargo theft areas. I hope that during his retirement Mr. Domingus can continue to assist the Congress and Federal agencies from time to time with his great expertise as we concern ourselves with matters affecting the safe and secure movement of interstate commerce.

#### A PERMANENT EMERGENCY?

Mr. MATHIAS. Mr. President, few Americans are aware that we are, legally, in a continuing state of national emergency. Few Americans are aware that, with no additional action by Congress and no extraordinary proclamation, price and wage controls may be imposed, our news censored or citizens refused the right to enter or leave the United States.

As far as the executive branch of our Government is concerned, we are still in the midst of the great depression and we are still fighting the Korean war. The national emergency proclaimed by President Roosevelt in 1933 to deal with the crisis in our domestic banking system and the national emergency proclaimed by President Truman in 1950 when American troops were in full retreat in Korea are both still on the books.

With the cosponsorship of the distinguished majority leader (Mr. MANSFIELD), the Senator from Florida (Mr. CHILES), and the Senator from Alaska (Mr. GRAVEL), I have introduced a resolution calling for the establishment of a special joint committee consisting of six Senators and six Representatives to examine thoroughly the question of national emergency proclamations and the possibility of terminating the emergencies under which we have lived for nearly 40 years.

In this connection, I would like to call to the attention of the Senate an article by Frank Murray in yesterday's editions of the Sunday Star which explores in considerable detail the problem with which we are confronted. I ask unanimous consent that Mr. Murray's article be included in the RECORD.

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

ATTENTION, PLEASE: THIS IS AN EMERGENCY  
(By Frank Murray)

Because of "the increasing menace of the forces of Communist aggression" perceived by President Truman on Dec. 16, 1950, Juan Sardino can't collect \$7,000 life insurance on his son who died in New York.

In a District of Columbia Courtroom, Lucia Nielsen and Henriqueta Bosch lost a fight for \$54,450.20 of their company's money.

And the Defense Department orders extra fuel oil from Waller Petroleum Co. in Baltimore without competitive bids.

All of this, and more, happens because the country is in a state of national emergency. The emergency is official—proclaimed by President Truman when American forces were being battered by Chinese troops in Korea at a time that over 41 percent of today's U.S. population was yet unborn.

Truman said the nation was in danger and he needed the powers that come to a President in a national emergency, powers to control prices and wages, increase war production and speedily double the Armed Forces.

An armistice was signed in Korea in 1953, but the state of national emergency remains in force, along with a web of at least 197 laws which take effect in time of emergency to give a President the power to govern by what author Clinton Rossiter calls "constitutional dictatorship."

Not all the special powers were used, even at the height of the war that spawned them. The day Truman issued the proclamation, for instance, he said he would not close down or take over broadcast networks or stations as he had the power to do.

NOT FORGOTTEN

But the powers don't lie fallow and forgotten, either. The executive bureaucracy invokes them often—subtly, as in its permitting merchandise to remain in Customs Department bonded warehouses past the time limit or dramatically, as in the current fight to deport a native-born American tangled in his own scheme to evade the draft.

On Jan. 1, 1968, President Johnson cited his emergency authority under Truman's proclamation to control private U.S. invest-

ment abroad in an attempt to ease the balance of payments problem.

If the threat materializes to tie up extension of the draft by filibuster past June 30, President Nixon could choose to deal with the problem by using his power under the national emergency to extend enlistments, deny retirements, and call up retired or reserve forces without consent of the men involved or the Congress.

The President may, as Nixon did Feb. 23, suspend provisions of the Davis-Bacon Act, which requires contractors to pay local union scale on construction jobs under federal contract. Nixon has since rescinded his action in favor of other measures.

Price and wage controls may be imposed without congressional authority.

And many branches of government are authorized to negotiate contracts without competitive bids, reporting to Congress by Mar. 15 when such actions are taken. The Defense Department last month reported taking 277 such contract actions in 1970 at a cost of \$4.2 million, plus an unknown cost factor on 108 of the 277 contracts. The year before there were 334 such actions at a cost of \$2.4 million. Both figures are but a fraction of the huge Defense budget, but include such items as overruns on the cost of fuel oil for 566 military installations.

Federal appeals courts rule repeatedly that the judicial branch of government has no authority to override the presidential proclamation of an emergency, and refuse to strike down the executive branch's special powers under it.

U.S. District Court Judge Matthew F. McQuire ruled here, in a decision affirmed last year by the U.S. Court of Appeals, that Mrs. Nielsen and Mrs. Bosch had no right to the \$54,450.20 paid to their company's bank account by the Navy. They had controlled 75 percent of the stock in Acueducto Yateritas, the firm which sold water to the Navy at Guantanamo Bay in Cuba, until Feb. 6, 1964.

Even though they had left Cuba, the court ruled, their money was frozen under the Cuban Assets Control Regulations issued in 1963 under authority of the Truman proclamation.

That Appeals Court ruling said Truman's 1950 proclamation had been reinforced by "the determination of succeeding Presidents, expressly or impliedly, that a state of national emergency continues to exist. . . ."

In the Sardino case, the same Cuba Assets Control Regulations applied. In upholding them, on April 22, 1966, the Appeals Court added, "There can hardly be doubt as to the existence of an emergency today when thousands of U.S. troops are in action and many more are in readiness around the globe."

PASSPORT TO CUBA

When Prof. Alan M. MacEwan and his wife, Mary, applied for a passport to Cuba, they were denied under the emergency powers. They argued that the proclamation had expired by the lapse of time since 1950. The 1964 decision said, "a court may not lightly hold that an executive proclamation of a national emergency has expired by lapse of time," except in the case of what it called an obvious mistake.

The draft case was decided April 12 in New Orleans, when a federal appellate court upheld an immigration order of deportation for Thomas Glenn Jolley, 27, of Tallahassee, Fla. Jolley surrendered his citizenship in Canada to remove himself from jurisdiction of the draft and maintains he still has a right to live in the United States as an alien married to a U.S. citizen. The court upheld the Immigration Department position that Jolley is otherwise inadmissible because, as an alien he remained outside the country to avoid military training and service after surrendering his citizenship.

In one form or another, the nation has been in a formal state of emergency since the Depression, when Congress came into

special session and, under a midnight deadline, voted President Franklin D. Roosevelt the powers he asked to continue the bank holiday he declared three days earlier, on March 6, 1933.

By the same stroke, without a printed bill and with one hour of committee action, the Congress amended Sect. 5(b) of the 1917 Trading With the Enemy Act, delegating powers to the President during a national emergency which he otherwise would hold only in wartime.

This power is somewhat of a blank check from Congress, which delegated its authority so action might be taken at a time when an emergency makes it difficult or impossible for that body to respond effectively to a crisis.

However, the legislation set no standards to determine what adds up to national emergency and set no time limit on use of the powers by the President.

That 1933 banking emergency, designed to cope with the Depression, is also still in force, although amended by Presidents Eisenhower and Kennedy.

The war emergency declared by Roosevelt on Sept. 8, 1939, was expanded on May 27, 1941, into an unlimited emergency, and was revoked by Truman on April 28, 1952, some 16 months after he proclaimed the emergency which is in effect today.

It is unclear why Truman proclaimed a new emergency since the Roosevelt-era proclamation carried the same powers. White House papers show that three days earlier Truman asked the advice of congressional leaders on whether to declare it.

There is no indication in the records, until the repeal proclamation, that Truman was aware the earlier proclamation had remained in force.

In his speech accompanying the declaration, Truman said, "Our homes, our Nation, all the things we believe in, are in great danger. This danger has been created by the rulers of the Soviet Union." This broader threat was cited as well as the Korean War, which was then almost six months old and intensifying with the entry of Chinese soldiers.

The Korean War has been over for 18 years, and relations with Russia are warmer, if not cordial. But the State Department, in responding to a lawsuit under the emergency said the emergency will last for the duration of the Cold War.

There is some question as to whether even the Congress could directly rescind the emergency proclamation, although even an administration lawyer agrees it could repeal the legislation which authorizes such proclamations.

MATHIAS RESOLUTION

The Internal Security Act of 1950, enacted over Truman's veto, discusses emergencies which may be proclaimed or repealed by either the President or Congress, acting by concurrent resolution.

Last week, Sen. Charles McC. Mathias, R-Md., introduced such a resolution. It would create a congressional committee with six senators and six representatives, to report within 120 days on the possibility of terminating the Truman proclamation. The committee would confer with the White House on the most effective method of ending the proclamation, and would study the problems that could arise.

Mathias has indicated he wants a time limit of 30 days on such proclamations, unless extended by joint resolution of Congress. Either the President or the Congress should be able to terminate the emergency, Mathias said.

In a floor speech accompanying the filing, which is co-sponsored by Sens. Mike Gravel, D-Alaska, and Mike Mansfield, D-Mont., Mathias said:

"Since that dire extremity of 1933 there have been six Presidents. . . . They have dis-

agreed on many issues. But they have been unanimous on when the country is in a state of national emergency and when the Congress, on a wide range of issues, is optional. Their answer, quite simply put—in a word—is: Always.

"These powers infringe on so many crucial constitutional rights and principles that collectively they may be seen as placing our system of democratic government in jeopardy. Certainly the deprivation of rights and property is authorized without due process, but perhaps more important these measures threaten the constitutional balance of powers between the executive and legislative branches."

Mathias continued, "We must reassert the principle that emergency powers are available only for brief periods when Congress is unable to act and for purposes directly related to the emergency at hand."

#### A FEW THINGS THE GOVERNMENT COULD DO

The following are among the 197 legal provisions which take force during a national emergency, such as the one still in effect under President Truman's 1950 proclamation:

The military may retake for use dozens of properties leased or given for other purposes including Ft. McHenry in Baltimore, portions of Howard University, land at Williamsburg, Va., and land in Arlington used as an approach to the Memorial Bridge.

Contracts, with certain restrictions, may be negotiated without competitive bids by a number of departments and agencies, including the Agriculture and Commerce departments, the General Services Administration and the Government Printing Office.

Price controls on some materials and products (including automobiles) may be imposed, followed by stabilization of wages in the affected industries.

Censorship of news may be imposed.

Any persons, including citizens, may be refused the right to enter or leave the United States.

Servicemen may be detailed by the President to "the governments of such other countries as he deems it in the interest of national defense to assist."

District of Columbia teachers, police, firemen, U.S. Park Police and the White House police who leave to join the military during a national emergency "shall not be considered as separated from their positions for purposes of retirement."

#### CUBAN INDEPENDENCE DAY

Mr. HUMPHREY. Mr. President, I would like to join with my colleagues in paying tribute to Cuban Independence Day celebrations. On May 20, 1902, Gen. Leonard Wood, U.S. Military Governor of Cuba, transferred the authority of the Cuban Government to Tomas Estrada Palma, who became the first President of the newly sovereign Cuban Republic. The flag of independent Cuba was unfurled for the first time, culminating three-quarters of a century of heroic and often bloody struggle by the Cuban people to achieve independence from Spain.

These people agreed that independence would only be worth the struggle if a constitution insuring the rights of the individual became the foundation of their republic. The first Cuban constitution incorporated an elaborate bill of rights which emphasized guaranteed individual liberties, and the preservation of the rights and dignity of the individual. Other provisions included the separation of church and state, freedom of religion, compulsory and free primary education, and the right of free speech, press, assembly, and petition.

With this exemplary history the Cubans of this country have good reason to celebrate Cuban Independence Day. It would, of course, be a far more significant and festive occasion if Cubans within Cuba were as free and independent as their countrymen are here in the United States.

I want to express my admiration to the Cuban people here and throughout the world who continue in the great tradition of 1902. Those Cubans who have adopted the United States as their country have enhanced her greatness by continuing in the fine and lasting tradition of the early Cuban Republic.

#### MELVIN JACK MURDOCK, OF OREGON

Mr. PACKWOOD. Mr. President, one of Oregon's most imminent business leaders is dead, the victim of an accidental drowning.

Melvin Jack Murdock was only 53 years of age when he apparently drowned in the Columbia River near Wishram, Wash., Sunday, May 16. But in his time, he was considered to be a giant among businessmen.

The story of Jack Murdock is truly the story of a remarkable man.

He was born in Portland, Oreg., August 15, 1917, the only child of L. B. and Mae M. Murdock, both now deceased. He never married.

He attended Glencoe Elementary School and Franklin High School, graduating there in 1935. That year he formed and began operating Murdock Radio and Appliance Co. in southeast Portland.

After serving in the U.S. Coast Guard from 1942 to 1946, he cofounded—with Howard Vollum—Tektronix, Inc., which was incorporated in January 1946. He served as a director from the start. He started as secretary-treasurer and general manager. In 1960, he was elected chairman of the board, a position he held until now. He also served as trustee of Tektronix Foundation.

Prime among his other business interests, headquartered at Pacific Northwest Aviation Co., Vancouver, Wash., was aviation; he was an active private pilot for over 15 years. He also served as director of Field Emission Co., McMinnville.

Among his nonbusiness interest, mental health ranked high. He served several years as a trustee of Menninger Foundation, Topeka, Kans. He was a director of DeLaunay Institute for Mental Health, of National Association of Manufacturers, and of Junior Achievement and he worked on committees in Portland Chamber of Commerce and Western Electronics Manufacturers Association.

Other interests included figure skating, skiing, photography, radio, electronics and—broadly—people. His special contributions in management and civic affairs were honored in 1957, at the Northwest Management Conference when he was awarded the Silver Knight of Management award.

He received an honorary doctorate of humane letters from the University of Portland in 1966. The citation stated, in part:

A man whose achievements offer dramatic proof for the validity of the claim of America to be the land of opportunity, and whose life exemplified the kind of concerned dedication to service of community, state and country which has sustained this great American dream.

I ask unanimous consent that an article from the Oregonian of Tuesday, May 13, 1971, be printed in the RECORD.

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

#### LIFE WORK OF JACK MURDOCK ENHANCED WITH ACHIEVEMENT (By Leverett Richards)

The story of M. J. (Jack) Burdock, missing in the Columbia River near Wishram, Wash., where his plane overturned Sunday, reads like a Horatio Alger novel.

Born Aug. 15, 1917, in Portland, Murdock attended Glencoe Grade School, and was graduated from Franklin High School in 1935.

A recognized genius at electronics, he started Murdock Radio and Appliance Shop after high school. He never went to college.

In 1942 he volunteered to serve in the Coast Guard as an electronics technician.

Released from active duty in 1946, he and Howard Vollum founded Tektronix, Inc., in one of Murdock's shops. The business boomed to become Oregon's biggest single private employers with more than 7,000 employees in Oregon and another 2,000 elsewhere. The business is worldwide.

#### FLYING LEARNED

Murdock took up flying as a hobby through Tektronix's Flying Club in 1954, and turned it into a business. He founded Melridge, Inc. Piper distributor, at Pearson Field, Vancouver, Wash., where he also had his corporate offices, near his home.

His flying interests also included Vancouver Piper Co. and Hillsboro Aviation Co.

In more than 16 years of flying he logged more than 1,000 hours in single and multi-engine aircraft, land and sea.

Murdock, a director of Tektronix from the beginning, served as secretary, treasurer and general manager until 1960 when he was elected chairman of the board.

He was a trustee of the Tektronix Foundation, the company's charitable organization until 1969. He also headed his own charitable organization, the Millicent Foundation.

Murdock made many donations in support of civic and educational organizations, but shunned all publicity. He had been named a director emeritus of the DeLaunay Institution for Mental Health. Because of his special interest in human behavior he has served for years on the board of the Menninger Foundation.

In recognition of his activities in human relations he received an honorary Doctor of Human Letters degree from the University of Portland in 1968. He belonged to the Voluntarism and Urban Life Project Committee of the United Good Neighbors.

In 1957 he was presented with a "Silver Knight of Management" award by the National Management Association "for his outstanding record in management and labor relations at Tektronix."

In 1963 he served as a director of the National Association of Manufacturers. He also served as an Oregon director for the association.

He was a director of Junior Achievement and served on many committees of the Portland Chamber of Commerce. He was also active in the Western Electronics Manufacturers Association.

He served as a director of Field Emission Corp. and Roby's Furniture.

Murdock was a swimmer, figure skater, and photographer. He never married and has no immediate family.

## CARRIER CARGO SECURITY CRISIS CONFERENCES

Mr. SPONG. Mr. President, I ask unanimous consent to have printed in the RECORD a statement and insertion by the Senator from Nevada (Mr. BIBLE).

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

### STATEMENT OF SENATE BIBLE

For the last two years the Senate Small Business Committee, of which I have the honor to be chairman, has been conducting an in-depth investigation and hearings into the impact of crime on small business with particular emphasis on the transportation industry and the increasing rate of theft, pilferage and hijacking of airline, truck, maritime and rail carrier cargo, an estimated \$1.47 billion loss total for 1970.

Our Committee has been critical of the Department of Transportation for its failure to shoulder some real responsibility in this area and to map affirmative steps to deal with this increasingly critical problem. Several pieces of legislation have been introduced as a result of our hearings.

I am particularly pleased, therefore, to congratulate Secretary Volpe and the Department of Transportation today for an affirmative first step effort which I believe has tremendous possibilities in alerting not only all Governmental agencies, Federal, State and local, but also the carrier industries and their associated service business areas.

I ask unanimous consent that the Department's press release announcing a series of Washington conferences on "The Cargo Security Crisis—Meeting the Challenge" this summer be inserted in the RECORD.

### PRESS RELEASE OF THE DEPARTMENT OF TRANSPORTATION

Secretary of Transportation John A. Volpe today announced a series of conferences, "The Cargo Security Crisis—Meeting the Challenge," to be held June 17-18 and July 6-7 at the Mayflower Hotel in Washington, D.C.

The conferences will be jointly sponsored by the Department of Transportation and the Transportation Association of America.

"There is today a cargo security crisis which must be met by the coordinated efforts of industry and government—Federal, State and local," Secretary Volpe said.

"Damaged, lost, missing and stolen freight for all modes of transportation cost the Nation billions annually," the Secretary said. "The price of cargo thievery last year reached an estimated \$1.47 billion—a whopping bill that ultimately and inevitably is paid by the consumer.

"The purpose of the Cargo Security Conference is to define the lines of demarcation between government's and industry's responsibilities for corrective and preventive actions and to identify the roles of government departments and agencies at all levels that will best lead to an effective cargo security program," Secretary Volpe said.

Harold F. Hammond, President of the Transportation Association of America, described the DOT-TAA-sponsored seminar as "a vital step toward laying the groundwork for a systematic, coordinated national program to achieve maximum security and safety for cargo when in storage and in transit and foreign commerce."

Hammond emphasized the need for action now to cut consumer costs.

Secretary Volpe will deliver the keynote address.

The two-day June session will be devoted to a discussion of government's responsibilities—Federal, state and local—in meeting the challenge of the cargo security crisis.

Conference speakers and participants will represent the Departments of Justice, Transportation, Treasury, Defense and Commerce, Small Business Administration, General Services Administration, Civil Aeronautics Board, Federal Maritime Commission, Interstate Commerce Commission and the U.S. Postal Service.

Also participating in the June session will be representatives of state and local government interests.

The two-day July session of the Cargo Security Conference will shift the focus to the roles of management and labor in formulating an effective cargo security program.

Invited to speak for the transportation related industries are representatives of the Air Transport Association, American Institute of Merchant Shipping, American Trucking Associations, Association of American Railroads, National Association of Motor Bus Owners, Freight Forwarders Institute, National Industrial Traffic League, American Importer's Association, American Retail Federation and the American Institute of Marine Underwriters.

Invited to participate in behalf of transportation labor will be representatives from the Transport Workers Union of America (AFL-CIO); International Longshoremen and Warehousemen's Union; International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America; and the Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employees.

Reservations for attending the Cargo Security Conference may be made by contacting Edward Sanbourn at the Transportation Association of America, 1101 17th Street, N.W., Washington, D.C., 20036—telephone: (202) 296-2470.

## GENOCIDE TREATY FOLLOWS TRADITION OF GREAT HUMAN RIGHTS DOCUMENTS

Mr. PROXMIRE. Mr. President, the Genocide Convention represents a significant step forward in international law and human rights. Our ratification of this treaty would be in accord with everything this Nation stands for. In her testimony before the subcommittee of the Senate Foreign Relations Committee which held hearings on the Convention last spring Mrs. Rita Hauser, U.S. Representative to the Human Rights Commission, makes an excellent case for the moral necessity of our ratification of the Convention.

Mr. President, I ask unanimous consent that the relevant portion of Mrs. Hauser's testimony be printed in the RECORD.

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

Mrs. HAUSER. My final point, and I really believe most important point, is that ratification of the convention would accord with the ideals of human liberty consistent with and in furtherance of the American tradition.

Under article I of the convention, the contracting parties confirm that:

"Genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and punish."

This undertaking is an international commitment to decency and morality consistent with the American tradition. It does not, of course, stand alone. Like other efforts throughout history, from the Ten Com-

mandments through the Magna Carta, the French Declaration of the Rights of Man and the Citizen, the U.S. Bills of Rights, and the United Nations Charter, the convention is above all a statement which advances individual rights and human dignity.

The United States, which was founded on the basis of protest against governmental excesses, and which grew great in substantial measure because it was a haven and the hope for oppressed persons everywhere, and still continues to be, should be in the lead in joining in the declaration of revulsion at the organized effort to eliminate whole groups of people during World War II, and of determination that such an effort shall never be undertaken ever again.

The great documents of human rights in our history have taken various forms. From the laws of Moses to the pact between King and nobles at Runnymede, to the charters of the English, American, and French Revolutions, the essential element was a statement of the rights of free men, coupled with punishment or threat of punishment to those who would abridge these rights. This pattern, too, was followed in the documents that grew out of the rebirth after World War II, among them the convention against genocide.

Until 1945, the efforts to legislate internationally were very limited. The idea that the practices of states themselves could be illegal or could be made illegal dates from the 20th century, and with one or two exceptions, from the end of the Second World War.

The Genocide Convention is designed to raise to the level of an international crime certain horrible acts, such as the efforts of Nazi Germany to exterminate all the Jews within its domain, or attempts by other countries to exterminate other racial, religious, or ethnic groups within a given country or area.

The definition of genocide as of international concern reflects also the recognition that genocide is typically associated with threats or breaches of the peace. The most flagrant cases of genocide have occurred in major and "total" wars.

Even lesser instances have tended to provoke retaliation, intervention by third parties, and a spread of war and devastation. Thus, steps to curb genocide are also steps in the direction of preservation or restoration of peace.

The Genocide Convention recognizes that both states and individuals must be determined in order to minimize the risk of genocide. Accordingly, states are made to answer in international organs—for example, the U.N. Security Council or the U.N. General Assembly—for actions taken by their governments that might constitute genocide, indeed actions taken in their territory, even without official government sanction, such as by guerrillas, commandos, or the like. In other words, a state is given—properly—the affirmative obligation to prevent and punish genocide within the area it controls.

In addition, individuals are told directly and explicitly that they cannot hide behind actions of governments in which they participate. All those who support or execute a policy of genocide are warned that the world will not tolerate or excuse their behavior.

Thus, while no one can be certain of the effectiveness of any given document, the Genocide Convention goes far to make genocide unattractive even for those who would not shrink from it on moral grounds.

The Genocide Convention is now 20 years old, but it is a living and important document. Our friends are confused and our enemies are delighted at continued U.S. hesitation about the convention. Adhering to the convention now would be a real step in the advancement of America's national interest.

**TRIBUTE TO THE NORRIS PAINT & VARNISH CO., INC., OF SALEM, OREG.**

Mr. PACKWOOD. Mr. President, one of the fine businesses in my home State of Oregon is the Norris Paint & Varnish Co., Inc., of Salem.

This company was founded in 1946 with an investment of \$17,000. Today, its annual sales are fast approaching \$4 million.

As many of my colleagues know, the State of Oregon has long been a leader in the field of environment. Oregon laws are among the most stringent in the Nation in the field of pollution control. Right now, for example, legislation prohibiting the sale of nonreturnable bottles and cans has passed the Oregon House of Representatives and is awaiting action in the Oregon Senate. At any rate, Oregon and her people are among the most conscientious in the Nation in this vital area of national concern.

I am pleased to report that this concern is not limited to the private sector of Oregon. This concern is shared by businesses such as Norris Paint & Varnish. The concern is demonstrated by the fact that on May 14, 1971, Norris Paint & Varnish began using a new plastic paint container which can be returned and reused.

I find the move most encouraging. Last year, the company used 385,000 1-gallon latex paint cans. So you can readily see the impact that returnable, reusable cans could have.

The pail is made of polyethylene by the blow molded process. It is a see-thru, translucent plastic so that the color of the latex paint is readily visible through the plastic walls of the pail. The top, though strongly sealed for shipment, has a replaceable plastic top, like coffee cans, and allows repeated reopening and airtight recalling. A one-third filled plastic pail was held for over a month and when reopened the paint on the sides was still wet.

This is the first commercial sale of latex paints in plastic pails of this type in the country and probably in the world and could revolutionize the packaging of paints.

**TRIBUTE ON THE ANNIVERSARY OF POLISH CONSTITUTION OF 1791**

Mr. HUMPHREY. Mr. President, on May 3, people of Polish heritage celebrated throughout the world the anniversary of their renowned constitution of 1791. This day is one of the most important days in the history of the Polish nation.

In 1772, Russia, Prussia, and Austria had taken away large sections of Polish territory. Facing possible annihilation, all forces in Poland united behind the establishment of a new and highly democratic Constitution. It was formed in the Age of Enlightenment and the Constitution still stands as an example of the liberal, humanistic movement which had been so influential in France, England, and America.

Above all, the establishment of the Constitution marked the transformation of Poland into a modern, viable state.

While the State suffered future, tragic losses which remain vivid in our memories, the Constitution remained a document of the fiber and the greatness of the Polish people.

The Polish Constitution is by no means a dead document. It is alive in the Polish people throughout the world. The anniversary of the Polish Constitution is an anniversary in the annals of democracy and human dignity to which we all must never cease to pay tribute.

**REVENUE SHARING**

Mr. NELSON. Mr. President, for some 10 years I have favored and continue to favor the concept of revenue sharing. However, it is not a clear and simple issue and well-reasoned arguments on both sides are helpful in focusing the questions and details which must be resolved. On May 14, the Senator from Illinois (Mr. STEVENSON), delivered an address on general revenue sharing before the Executives' Club of Chicago. My distinguished colleague's address is a forceful and well-presented expression of one viewpoint on the matter and thus a valuable addition to this important debate.

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

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

REMARKS BY SENATOR ADLAI E. STEVENSON III OF ILLINOIS, PREPARED FOR DELIVERY AT 12 NOON, FRIDAY, MAY 14, 1971, EXECUTIVES' CLUB OF CHICAGO, SHERMAN HOUSE

Visitors to Washington these days can treat themselves to an interesting exhibit at the Smithsonian Institution: a colorful tribute to Rube Goldberg, America's late and beloved cartoonist.

One of the contraptions for which Rube Goldberg is famous is an alarm clock which employs—for the simple purpose of waking up a sleeping householder—two canaries, a hungry cat, bursting balloons, a sewing machine, an electric fan, a policeman, and an anvil.

I wish I could tell you today that Washington's only examples of such ingenuity-run-wild are safely tucked away in the Smithsonian, but I cannot. The spirit of Rube Goldberg is alive and well and working in some unlikely places—like the Capitol. In my months in the Senate I have seen some legislative contraptions which would tax the imagination of the immortal Rube himself.

It is about one of these that I want to speak today: the proposal, advanced two months ago by President Nixon, called general revenue sharing.

The very phrase suggests a dull and complicated political subject—the sort of thing we would all prefer to leave to the professors and politicians who care about such things.

What's more, it is not really new, and certainly not revolutionary. For a long time, the Federal Government has used its pervasive and, on the whole, progressive tax system to help state and local governments cope with problems of national concern. The states, in fact, now receive about 22 per cent of their revenues from the Federal treasury. Revenue sharing is not new; this particular proposal is.

Even though the subject is complex; even though it is not entirely new, it is worth our concern. For it goes to the heart of some very vital questions:

How will your Federal tax dollar be spent? Whom shall you hold responsible for how that dollar is spent?

The President has proposed that Congress in the first year of revenue sharing turn over \$5 billion to state governments. Fifty per cent of this money—\$2½ billion—would pass automatically through the state capitols to cities, counties and townships. All the money would be spent as the receiving governments chose.

It is, at first blush, a highly appealing idea. And the President has treated us, along with his proposal, to some highly appealing promises:

Revenue sharing, according to the President, will bail out local governments now hard-pressed for funds. It will cut red tape, which—if we are to believe the President—is monopolized by the Federal government.

Revenue sharing, the President suggests, will restore power to the people.

It will, in his view, strengthen and revitalize state and local government, and improve our Federal system.

It will—and this is perhaps the President's most appealing promise—halt the steady upward spiral of state and local taxes.

These are goals, to be sure, that every man will heartily endorse—public servant or private citizen, liberal or conservative. But will revenue sharing achieve these goals? That is the question. We know from hard experience that political promises—let alone political panaceas—deserve scrutiny with a cool and critical eye.

Will revenue sharing, first of all, restore power to the people?

That slogan—"More power to the people"—is proclaimed by such unlikely bedfellows as Richard Nixon and Abbie Hoffman. It deserves some scrutiny when it is used to promote revenue sharing.

In our system, the real power which the people bring to bear is applied at the ballot box. It is a power which the people, in my judgment, use intelligently and well. And I can assure you it is a power which politicians thoroughly understand and respect—in Washington, in Springfield and here in Chicago.

This is the most apparent, real and essential power of the people: their power to hold their public servants clearly accountable. It is a power which will be diluted, not strengthened, by the President's revenue sharing plan.

I would be the last to strenuously defend all our present programs of Federal aid to states and cities. Too often these programs—for education, for mass transit, for housing and for other purposes—are unnecessarily complex. Many of them are less effective than they should be.

But they strive, at least, to preserve two principles which are vital to our Federal system. They are principles which, in my judgment, preserve and protect the real power of the people.

First there is the principle that Federal officials should answer more or less directly for the dollars they raise and spend—and that state and local officials shall be answerable for the dollars they raise and spend.

Second, there is the principle that national dollars should be applied to meeting national objectives—not scattered willy-nilly.

You don't need to be an ex-state treasurer to imagine the waste and disordered priorities which could result from that willy-nilly approach. In the hands of some local governments the temptation and the opportunity to spend the nation government's money would lead to waste—and certainly not to an early solution of national problems.

I oppose general revenue sharing because it would blur these traditional principles; it would make it impossible for the taxpayer to get a straightforward accounting for some of his Federal tax dollars. If this happened,

power would not be restored to the people, but robbed from them.

Our present Federal aid programs must be—and can be—changed for the better. We can eliminate waste. We can minimize red tape. We can encourage local initiative and innovation. We can permit far more local discretion.

But when it comes to general revenue sharing, I must stand with Edmund Burke who once observed that the absence of an overwhelming reason to change was, in itself, an overwhelming reason not to change.

The President—and his spokesman, the Vice President—tell us that revenue sharing will strengthen state and local government.

If there is any goal that fills me with enthusiasm, it is the goal of bringing new strength and vitality to state and local governments. My own background as a state legislator and state treasurer has left me with a vital interest in the health of state government.

Some state and local officials are enthusiastic about general revenue sharing. Their enthusiasm is understandable; revenue sharing would, after all, give them more money, and many of them need it.

But if I have learned anything in government, it is that there are some problems mere money can't solve. For all the preoccupation of politicians with money—more money to meet more problems—money just isn't enough. What is needed is not just money but ideas and decisions and action to ensure that we use our money well.

Illinois, for example, is a patchwork of more than six thousand local governmental units. Some of these units are too small and too weak to be effective; others overlap, causing a nightmare of confusion and conflict. To pour your tax dollars indiscriminately into Cook County Townships—into an outmoded, creaking and complex state machinery—irrespective of need or purpose, would do little to help. It might be harmful. For what these sprawling governments need is not only more money, but solid encouragement to become more efficient and effective; to organize themselves in a truly rational, responsive and efficient way.

The problem extends across the country. In some states, outmoded state constitutions hamstring local governments. Cities are deprived of home rule; they must trudge, hat in hand, to beg from unsympathetic state legislators and governor for the authority to tax and borrow to solve purely local problems.

Revenue sharing will not solve such problems. It will not bring new life to local governments; it will embalm the status quo. For the President's program offers no incentives to state and local governments to improve their operations—only money.

At best, Mr. Nixon's plan would subsidize business as usual—and that would be a disservice not only to the governments in question, but to the taxpayers who foot the bill.

At worst, in the case of governments which function badly or not at all, revenue sharing would be like presenting a fast new car to a motorist with a history of reckless driving.

That is not the only way that revenue sharing might weaken, rather than strengthen, state and local governments. It disturbs me that, under a plan of general revenue sharing, the states would become increasingly dependent upon the Federal government for their sustenance. As they became more dependent, they would become not revitalized, but more vulnerable.

The President, in fact, is proposing through revenue sharing to make a tax collector of the Federal government. That is not its role in the Federal family—any more than it is the role of states with progressive tax systems and full coffers to act as tax collectors

for the Federal or local governments. Revenue sharing taken far enough could destroy our Federal system.

It clearly would create some glaring inequities within the system. It would short change those states which need help most. The large industrial states, like Illinois, which have the most people and the most urgent problems, would pay out more to finance revenue sharing than they would receive from it.

New York, for example, would pay in \$603 million and receive only \$534 million in return.

Ohio would pay out \$122 million more than it would receive; New York, \$62 million; Pennsylvania, \$48 million. Massachusetts would be shortchanged by \$25 million and Michigan by \$10 million.

You and I, and our fellow citizens of Illinois, would pay \$344 million of the \$5 billion needed to finance General Revenue Sharing. Our state would receive, in return, only \$220 million in program funds.

Now, that may be a bargain for somebody. It's a bargain for Mississippi, for instance, which would contribute \$27 million and receive \$62 million. But it is no bargain for you and me and our fellow taxpayers in Illinois.

In his message to Congress on Revenue Sharing, Mr. Nixon asserted that Revenue Sharing offers the "hope that the rising cost of government can be met without raising taxes."

His hope may be little more than a dream. For fiscal year 1972, a federal deficit of \$13 billion is conservatively projected.

The President proposes to spend \$5 billion for General Revenue Sharing in the first year. Where will he get it?

Congress will not forfeit its responsibility for health, highways, defense and other national needs to gain funds for revenue sharing. So we are left with two alternatives: a larger deficit to finance Revenue Sharing—or high federal taxes.

There is scant hope, also, that Revenue Sharing would bring any relief from state and local taxes. Total state and local spending amounts to some \$140 billion. At that level, a \$5 billion contribution will have all the impact—to quote our late Senator Dirksen—"of a snowflake falling upon the mighty bosom of the Potomac." The \$5 billion would be soaked up instantly—with no appreciable effect on local tax rates. All that one can be certain of is that the federal government would have to extract the \$5 billion from its creditors—or its taxpayers.

It certainly offers little hope for relief to the Illinois taxpayer, who, for every \$1.00 contributed to General Revenue Sharing, would receive only 64 cents return in benefits to his state.

Revenue Sharing would fall far short of the goals claimed for it:

It would not restore power to the people. It would do nothing to strengthen state and local government—and might well weaken them.

And instead of offering tax relief, it offers a tax increase.

And that is just the beginning. It would maldistribute federal funds between the states, shortchanging the most needy and deserving state. It would maldistribute money within the states—shortchanging the cities, whose needs are most acute.

Actually, when compared to the cities, the nation's municipalities and states are in relatively good shape. The Brookings Institution estimates, for example, that by fiscal 1976 all state and local governments will spend only \$9.4 billion more than they take in. They are in collectively better shape than the federal government, which is projecting a deficit of \$18 billion in this fiscal year. This contrast between the relative affluence of the states and localities and the

poverty of the federal government has prompted one Senator to suggest that, if the states and localities will share their surpluses with the federal government, it will share its deficit with them!

The local deficit falls primarily upon the cities, many of which are in desperate financial shape. It is the cities whose expenditures grow fastest. It is the cities whose built-in growth of revenues is lowest.

But General Revenue Sharing would lavish funds on all alike.

It is undeniable that the states and local governments have fiscal problems. But if one had to generalize about which level of government is hardest hit by rising demands for services—for health programs, for transportation, for education, for rescuing the environment—it might well be the federal government. \$5 billion—or more—spent for General Revenue Sharing will mean that \$5 billion—or more—will be unavailable for these urgent national priorities.

The fact is that governments at all levels, including the federal government, are hard pressed. They are all competing with one another for a limited supply of tax dollars.

In this situation, the federal government is a rather frail-looking Santa Claus. I am reluctant to see it part with all control of an ever larger share of its revenues, thus becoming the more incapable of facing urgent national concerns.

The \$5 billion for General Revenue Sharing is only the amount for the first year. That \$5 billion is only the camel's nose under the tent; in future years, there would be tremendous pressure to double and triple the funds devoted to Revenue Sharing.

If that should occur, we would forfeit our ability to fight inflation and unemployment effectively. I grant you that we have not had a deal of success in the past. But we can hope that we have learned something from the past, and that when we gain the wisdom to develop a sound fiscal policy, the government will have the means of implementing it. Revenue Sharing would diminish that hope by diminishing the control of the federal government over the expenditure of its revenues.

Which brings me to my final point: there are better ways—far better ways—far better ways—to help state and local governments than through General Revenue Sharing.

First, and most obvious: the Nixon Administration could aid state and local governments most effectively by pulling us out of the current economic recession. A full employment economy now would yield to the states and localities an increase in revenues far greater than revenue sharing would bring.

Second, we can restructure and expand federal aid programs in ways that encourage state and local reform.

I became convinced, as a state legislator and state treasurer, that the key to effective state and local government lies in state and local reform. Now, as a United States Senator, I see the opportunities the federal government has to encourage that kind of reform.

Local governments which form area-wide alliances against pollution, for example, might be offered higher government grants.

Aid to education funds might be limited to states which submit effective plans to equalize educational opportunity—and bonuses might be offered schools which improve learning levels.

The possibilities for this kind of federal assistance are boundless. And if they sound like pie in the sky, well, in some measure they are. But they are much closer to reality than general revenue sharing.

We already have an urban mass transit program which provides federal assistance for mass transit facilities and strong incentives for area-wide planning. The Federal government will pay a city fifty per cent of the cost of capital outlays for mass transit

and two-thirds of the cost if the application is based on an area-wide transportation plan. The Federal government can help plan and finance a national transportation system connecting metropolitan areas themselves served by adequate mass transit systems. The states can't plan and build such a system. The Federal government already is doing so.

Finally, the Federal government should effectively share its revenues with states and localities by assuming burdens they should not be bearing.

A well-functioning Federal system demand that the Federal government assume the cost of services which are essentially national in character. It is these costs—particularly in welfare—that are now breaking the backs of some state budgets.

It is time to move forward with welfare reform and the way to reform the welfare system is to abolish it and replace it with a federally funded and administered system. This would accomplish a major national objective: a final victory over poverty and deprivation. It would eliminate some of the causes of migration from rural areas into our already over-crowded cities. It would eventually save over a billion dollars a year in administrative costs. And it would relieve the states of a staggering—and inappropriate—financial burden.

This new welfare program could be meshed with a program of public service jobs for the needy and able-bodied. Thus payments would be made to the employable for work—not idleness—and vital public services could be improved. This in turn would mean more jobs in state and local government—and would in turn relieve states of some of their costs for payments to the unemployed.

Under such a program, Illinois would gain far more in Federal revenues than under general revenue sharing—and all units of government would gain from Federal assistance for public service jobs.

To cite but one more example: the Federal government might consolidate some aid-to-education programs—eliminating some expensive red tape, allowing more discretion to state and local authorities, and increasing Federal aid to education. This would not only help the schools, it would relieve some of the pressure on property taxes, since schools now absorb about fifty per cent of all property taxes.

All of these are actions which are within our reach. All of them would return more benefits to state and local governments than revenue sharing. And all deserve a full examination before we recklessly adopt a program of general revenue sharing.

The President, in his State of the Union Address two months ago, proclaimed what he rather grandly labelled "A New American Revolution." Revenue sharing, we learned not long afterward, was to be the first shot in that new revolution.

That first shot, as we have seen, falls far short of its intended targets. For what the President has presented us is not a revolution but, in this case, a rather uninspiring and questionable legislative proposal. It owes more, as I have said, to Rube Goldberg than to Thomas Jefferson.

Rube Goldberg's contraptions were harmless. This one isn't. The hard pressed taxpayers are being asked to subsidize a plan that would take power from the people, invite waste and disordered priorities, imperil our fiscally sound Federal system and embalm a weak and fragmented structure of government in our states. We should revitalize our Federal system instead.

The late Alben Barkley loved to tell a story about an old Kentucky woman whose baby crawled into a tar barrel. When she was asked how she proposed to clean the youngster up, she shrugged wearily and said, "I figure it will be easier to get a new one than to clean this one up." It's basically a healthy system. I believe we should clean it up.

#### ALASKAN NATIVE LAND CLAIMS

Mr. HARRIS. Mr. President, impressive support continues to develop for a just settlement of Alaskan Native land claims. An editorial appearing in the Washington Post on May 4, entitled "Land for Alaska's Natives," provides yet another strong journalistic endorsement for the type of settlement the Natives are seeking. On May 9, Post reporter Phil Casey supplied an excellent column recounting an interview with Chief Andrew Issac, the leader of the Crow Indians in Alaska. Chief Issac, 73 years old, made his first trip outside Alaska to come to the Nation's Capital to help Don Wright, president, Alaska Federation of Natives, work for a just settlement. Chief Issac has never learned to read or write, but he is a very eloquent man. Chief Issac told Phil Casey that he cannot remember ever having any money until he went on pension. The chief said that—

So this is the way I learn about money, that it don't last too long. I don't care much about dollar, that don't mean nothing. Land is forever.

Mr. President, S. 835, the bill endorsed by the AFN, proceeds on the notion that "land is forever." I hope that Senators will give this matter their renewed attention. I understand that the Interior Committee expects to report a bill within the next several weeks, so we will have an opportunity to address this issue directly before very long. I ask unanimous consent that the Post editorial and Mr. Casey's report, mentioned above, be printed, at this point, in the RECORD.

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

[From the Washington Post, May 4, 1971]

#### LAND FOR ALASKA'S NATIVES

Although most Americans no longer live on the land, or even have a feel for it, land is still a precious value for many citizens whose culture and economy depend on it. For some 60,000 natives of Alaska—Indians, Eskimos and Aleuts—both the sacred traditions of their ancestors and their present needs are based on land. Because Congress has never settled the land claims of the natives—going back to the Organic Act of 1884—the issue has, like much of Alaska itself, remained in deep freeze.

A thaw now appears on the way. In early April, President Nixon sent to Congress a bill that would deed the natives 40 million acres of land and authorize cash payment of \$500 million over 20 years and a maximum \$500 million in oil and mineral royalties. The administration's proposal is constructive and bountiful. Moreover, it illustrates that federal officials working on the project are open-minded; their earlier land claim proposals, for example, offered only rock bottom fractions of the 40 million acres.

Although the Alaska Federation of Natives, a statewide organization representing the state's 200 native villages agrees that the administration's bill is a step forward, it insists that a more just settlement would be 60 million acres. This view is shared by Sen. Fred Harris of Oklahoma and 11 other senators who have introduced a bill to that end. The 60 million figure is not a land grab, but comes from a very modest estimate by the natives themselves on what they need for fishing, hunting and bare subsistence. As Senator McGovern points out, although the natives now make up more than 20 per cent of the population, their land claims for 60 million acres is approximately only 16 per cent of Alaskan territory.

As this issue is debated in Congress in the next few weeks, and final legislation is drawn up, it will be easy to get lost in the abstract mathematics and think that that is all. It isn't. Poverty in Alaska is perhaps the most crushing in America; few natives escape the shocking conditions of a high mortality rate, high joblessness and poor education. At a time when national leaders are trying both to find ways to keep people off welfare and to persuade them to stay on the land away from the crowded cities, it would seem fortunate that here is one group—the Alaska natives—who want to do just that; earn their own living on their own land. The administration's proposal and the improvement offered by the Harris bill have this in mind.

[From the Washington Post, May 9, 1971]

#### "LAND IS FOREVER": ALASKAN NATIVES PUSH PROPERTY CLAIMS (By Phil Casey)

Chief Andrew Isaac, a 73-year-old Crow Indian from Alaska, is in town trying to raise a little hell.

Chief Isaac isn't looking for fun. He simply wants to convince Congress that the native Alaskans—Eskimos, Indians and Aleuts—should get a better settlement of their property claims than they have ever been offered and that the State of Alaska be prevented from taking any more land from the natives.

What the Alaska Federation of Natives claims is practically all of Alaska, about 375 million acres. It is backing a bill that would settle for 60 million acres, plus \$500 million and a 2 per cent royalty on gross revenues from the 315 million acres it is willing to give up.

The Nixon administration has a bill that would give the natives somewhat less than this, about 40 million acres and a smaller amount of money. But Chief Isaac and his co-workers are encouraged by the offer, and hope to get much more. Up until now, they've never been offered anything, he said.

There are an estimated 50,000 to 80,000 Eskimos, Indians and Aleuts in Alaska and Chief Isaac is leader of about 1,000 Crow Indians who live in a wide cluster of six tiny villages in the Alaskan interior.

He is a determined and angry man and he doesn't think 60 million acres are enough. He'd like to ask for more.

"Money doesn't last long," he said, "Land is forever."

The first time he ever can recall having any cash to speak of was when he went on pension.

"So this is the way I learn about money, that it don't last too long," he said. "I don't care much about dollar, that don't mean nothing. Land is forever."

It is Chief Isaac's first visit to Washington, and the first time he has ever been outside of Alaska. "I went to Anchorage three times for meetings," he recalled.

It's not his first time in a plane. "I was in a plane back in 1924. A man was showing off how to fly. I didn't like it, but I like this much better, the big plane."

"The first time I saw white folks was in 1904. From there on I got along with white folks. I worked for them mining and taking them out big-game hunting and working on a boat. That's how I talk a little English. I can't read or write. I had no school," he said.

"But today, this new white man coming up in Alaska has started pushing us natives around in Alaska. We from our home. I really can't understand because we live in Alaska before all white men. The land is ours. But now we find we got to leaving home from our villages. We go away that no place to move. The place to Alaska we have a home, real important place, that only place us natives living because we know no other way. Today we get all around hunting, farther and farther we have to go.



"White people with airplanes and helicopters is coming up. Too fast for us to move in our hunting place because we have to walk for food, us natives. Them airplanes get it, just as we going to. He get there just few minutes ahead of us. Seems to me like we don't last too long, because our land taken away from us."

Chief Isaac and others, including Don Wright, the president of the Alaska Federation of Natives, fear that without plenty of land, the Indians, Eskimos and Aleuts will become dependent on the white urban economy and end up strangers in their own land, and on welfare.

"That money, that \$500 million, I don't believe it will last very long for all that population, even the 2 percent royalty. Take long time for us to get used to how to keep that money. So that is why we want more land, less money," he said.

He recalled his youth. "When I was born, my Indians still use skin tent. They used all skin clothing—shirts, pants. When in that time, our grandfather's people, uncle, grandmothers, they have to build caribou fence, coral. That is one way old people get their caribou, also moose, even sheep. They got to get them with snare, stick gun, bow and arrow, old caribou horn club for fighting grizzly bears."

Besides all the hunting, fishing, mining and whatever else he has done, including building his own boats and rearing a family (he now has a 9-year-old adopted son), Chief Isaac once had a mail route. It covered a 100-mile radius.

"I had a dogsled to carry the mail," he said "but in the summer, I used horses."

He's proud of the Alaskan natives and apparently becoming less proud of the white people.

"Indian story going on just as good as white man story," he said. "That is how I know all about my native folk in Alaska, Eskimos, Indians, Aleuts, they all know each other. Today our younger generation beginning to study education, getting to learn from white man before they get money coming out, learn education. They can help each other so they can get along and live good all together."

The chief, a vigorous looking man, black-haired, short and stocky, was asked how one got to be an Indian chief, could anyone get elected?

He got excited and grunted proudly. "No, anyone can't get elected. You got to be a damned good man. No crazy man. You got to know how to take care of your people."

#### CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask that the period for the transaction of routine morning business be closed.

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

#### EXTENSION OF PERIOD FOR OPERATION OF THE GERMANENESS RULE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Pastore rule with respect to germaneness be operative for a period of 5 hours today rather than the normal 3 hours prescribed by the rule.

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

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will please call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

#### SECOND SUPPLEMENTAL APPROPRIATIONS, 1971—CONFERENCE REPORT

Mr. BYRD of West Virginia. Mr. President, I ask that the conference report on the second supplemental appropriation bill be laid before the Senate.

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the conference report on the second supplemental appropriations bill.

The Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8190) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on the motion to reconsider the vote by which the conference report was adopted.

Mr. ELLENDER. Mr. President, the matter before the Senate is the motion to reconsider the vote by which the conference report on the second supplemental appropriation bill was adopted in the Senate.

By a vote of 27 to 25, the conference report was adopted on Friday. A motion to table the motion to reconsider lost on a rollcall vote of 24 to 28.

I am very hopeful that the motion to reconsider will be defeated and that we will be able to send this bill to the White House today for signature.

There are many urgent items in this appropriation bill, including \$250 million to continue the food stamp program. That money is tied up. There is \$166 million for retired pay for the Department of Defense. The Post Office Department is without funds. For grants to States for public assistance, the bill carries an appropriation of \$1,047,587,000. There are dozens of other urgent items in this bill and that is why I am so anxious that it be sent to the White House today.

There are only a few items which are holding up this bill—the manpower training program; the \$5 million to implement the Lead-Based Paint Poisoning Prevention Act; and the \$20 million for Mental Health to implement the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act.

Mr. President, on page 1, this bill says that it is a supplemental appropriation bill for the fiscal year ending June 30, 1971. The fiscal year ending June 30, 1971, will be over in 5 weeks. These funds which are causing the difficulty are not for fiscal year 1971. The manpower training funds in the Senate bill are allowed to remain available until September 30, 1971. The funds to implement the Lead-Based Paint Act would be available, under the Senate amendment, until De-

ember 31, 1971. And the funds for the Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act would remain available, under the Senate amendment, until June 30, 1972.

I am advised by the House committee that the regular bill, where these funds would normally be placed for fiscal year 1972, should be received in the Senate about the 1st of July, and at that time funds to implement these programs can be considered in connection with the regular appropriation bill.

As I said on Friday to my good friend from Iowa, I do not think there is a ghost of a chance for us to convince the House conferees to accept the sum of \$20 million of unbudgeted funds to implement the alcohol abuse legislation. The House conferees feel strongly that it is a matter that should be considered in connection with the regular appropriation bill for health activities which will be before us, as I say, about a month from now.

I will do all I can at that time to put these funds in the regular bill. I firmly believe that the Senate would gain nothing by returning this bill to conference, so I urge upon all Members that the motion for reconsideration be defeated.

Mr. PERCY. Mr. President, at this time I should like to indicate my deep regret that I was in Illinois—I am not regretful about that, but that I could not be in two places at one time—on Friday, and that my unbreakable schedule back there did not permit me to be present here during the discussion of the second supplemental appropriation bill. I commend every Senator who spoke that day, particularly the senior Senator from New Hampshire (Mr. COTTON) in his move to reject the conference report on the second supplemental appropriation bill.

Senator COTTON felt very deeply about the summer job program. Many other Senators, including the Senator from New York (Mr. JAVITS), who has led this fight, have also felt very deeply on that issue. I join with them in feeling that it would be a tragedy if we did not move ahead with the program this year—at least to the extent that the Senate saw fit to appropriate funds for it.

I recently had word from the placement director at Northwestern University, one of several universities in Illinois, that the summer job situation for college students this year is about as dismal as it was back in the days of the depression. Certainly we ought to try to step in at this time, until the economy moves back up to a higher level. It is now moving in that direction; but I feel that this summer it would be most important to make provision for more jobs.

But, while I have great concern over that and other programs that were not approved in the House-passed bill, my deepest concern is based on the rejection of an amendment I had put in to save 18 nutrition demonstration projects for the elderly. My amendment would have provided \$1,700,000 to permit the continuation of a program for the delivery of nutritious meals to aged citizens in 18 States and the District of Columbia.

I am very pleased to say that the amendment has the full support of the

administration, and that it would be very hard for the administration or any Member of Congress to find a higher priority item for spending today than to try to provide nutritious hot meals for the aged who are living in poverty.

I feel so deeply about this issue because this is the minority group in America that is neglected more than any other. About one out of four of all the 20 million Americans over 65 today lives in a condition of poverty. And this is the only minority group in America whose poverty is increasing. Each year, for the elderly in this country poverty is growing worse. For every other minority group, we have been able to find ways, through education, job training, and development of new skills, to make available to them the opportunity to reduce the level of poverty in the particular group; but every single year the proportion of the aged in this country living in poverty increases. And at the very time when their income becomes fixed or declining and their purchasing power goes down, their need for medical attention increases.

We know also that rent and other items for the aged go up; and where their income does not increase, the difference, for people living on fixed incomes, can come from only one place. That is food. Food is a flexible budget item. There are not many others. Taxes are not a flexible budget item for the aged. They must pay their taxes. Rent is not a flexible item; they must pay their rent or be evicted from their homes. And with medical attention and other costs increasing steadily for the aged, many, many older people must take money for other necessities out of their own food budgets.

When I went with the Special Subcommittee on Hunger on a trip to East St. Louis, accompanied by the Senator from South Dakota (Mr. McGOVERN), I suggested, when we arrived early, that we go down to the residential community in East St. Louis and pick a house at random. I asked him if he would pick it—stop in a block and pick any house he wanted, and we would go in and see what condition the people were living in.

The first house we called on was that of an aged woman, about 87 years of age. I asked this woman how frequently she was able to have meat.

"Meat?" she said. "Why, Senator, I can't remember when I have been able to afford meat. We have chicken wings a couple times a week, and that's it."

Senator McGOVERN and I went down together to the local neighborhood store and talked with its proprietors about the buying patterns of the aged people living in that community. It tears your heart out to think that such conditions can exist in this country. Not only do many of the elderly lead lives of abandonment, loneliness, isolation, and bitterness, but many of them are left in a condition of desolation. And when we consider the nursing home situation—which is another subject all unto itself—I think we almost see a situation where the elderly are being exploited in this country, rather than being provided for.

Unlike our hospitals, which are oper-

ated mainly on a nonprofit basis, of the 25,000 nursing homes in this country for the elderly, 95 percent of them are set up on a profit basis. Even a person going into a nursing home receiving Federal funds—for which we provide \$1.8 billion a year—goes into a place set up to make a profit on the aged.

That does not mean to say we have only poor quality nursing homes in this country; but it does mean to say that the conditions in many of them are disgraceful. There is ample testimony to this provided by investigators and included in investigations which the Committee on Aging has made, and I have participated in these investigations.

Here we have a program which was set up a few years ago, a program for nutrition demonstration centers—that is, projects. Many of the projects have any number of feeding stations. In Chicago, one project has 31 feeding stations. We have had a program set up to see how we can find a way to better take care of the elderly. This program is one of the projects to be dropped now.

I was no less than stunned by the refusal of the House conferees to accept this amendment. Their refusal makes no sense to me whatsoever, either in terms of economics or logic or national priorities.

This amendment was not a frill item. It was as basic as food for poverty stricken elderly people. The omission of this amendment from the conference report is a cruel and unnecessary blow to the elderly in this country, who already are well aware of the low priority generally assigned to them.

I can only conclude that my colleagues in the other body are not fully informed as to the value of this program or are unaware of the consequences of halting it.

The purpose of this nutrition program is to deliver food and provide nutrition education to elderly citizens who, for various reasons—low income, immobility, loneliness, or emotional stress—suffer from inadequate diets.

Because there is much evidence to indicate that companionship and sharing of meals is an important underlying factor in the eating habits of the elderly, the meals served by this program are generally offered in communal dining facilities, located in a church or a school, where the participants can find and make friends. For those participants too disabled or ill to get out, hot meals are delivered directly to their homes.

This has provided a wonderful outlet for many people who want to volunteer to do something. It has given them the chance to take a hot meal to someone who is alone, abandoned, away in some hovel, and to sit and talk with them. The elderly people who are unable to get out and are unable to fix their own meals hunger for the companionship that comes with the meal almost as much as the meal.

Most of the projects also offer help or advice on matters relating to health, transportation, social security, medicare, or employment counseling. An important feature of the program is that the participants pay for their meals. This is not welfare or a giveaway, and the partici-

pants are allowed to maintain a sense of dignity and independence. Indeed, they frequently express the hope that they can continue to manage their own affairs so that they will not have to lean on their children for support.

The range and contribution toward their meal varies from that in Mississippi, which has the lowest payment—a dime. But at least they are paying something. In Chicago, it is 45 cents, 65 cents and 85 cents.

In addition, this program has provided not only thousands of nourishing meals to thousands of Americans but also has enabled someone to come in and say, "There is medical attention we can give you for your problem." Counseling and advice, telling a person what services can be available or, if services are not readily available, finding services that can be made available to that elderly person, has many times saved lives and certainly has saved a great deal of human misery.

One of the great problems of people in their aging years is lack of mobility, 20 percent of all American families move at least from one county to another every year—we are a very mobile population. But out of the whole population of persons 20 million over 65 years of age, only 1 percent of these people ever move in a year from one State to another. Many of them have lost something that is the biggest blow to a person, even on a low income, who might have a small automobile, when they have lost their driver's license. They lose mobility. In some cities, such as some in Illinois where I have been recently, we have failing bus companies. In the city of Chicago, we had a \$30 million loss in our rapid transit system last year. The problem of maintaining low-cost, efficient, mass transportation for all citizens is very great indeed.

In fact, mass transportation in the city of Chicago, for a round trip, whether one goes a mile or 10 miles, is now 90 cents, without a transfer charge. Ninety cents is no longer low-cost transportation for someone living on social security or a fixed income.

So this experimental nutrition program also helps people with their transportation problems. It points out to them pooling of transportation opportunities that are made available. It finds volunteers who perhaps once a week would come to an area where the elderly could congregate and be taken by automobile to some place they wish to visit. It offers counsel and assistance in social security matters. Every Member of this body knows the number of people who turn to a Senator's office each year for counsel and advice with respect to their social security benefits. This program reaches out to the elderly, those who should be the benefactors now, and tells them what their rights are under social security.

This program reaches out to help people by instructing them as to what Congress has done in the area of medicare. Some people need employment to supplement their income, and they are willing to work if they are able to work. Employment counseling is offered to the elderly in these programs.

All this is going to be lost. I believe the value of this program in human terms, however, can best be expressed by the participants themselves.

One elderly citizen, aged 82, had this to say:

This program is the best thing that has ever happened to me. Now I have a reason to get dressed up and leave this house. I have people to talk to and people to eat with.

Another elderly lady remarked:

I couldn't believe it when I heard there was a free car to take me anywhere I wanted to go.

This is a car offered by a volunteer.

They took me to the hairdresser. I hadn't been in years. It felt wonderful to look nice again.

An elderly man writes:

It's hard for us as seniors to put into words just how we feel about our senior citizens program.

This is the program I refer to, which is now going to be cut out.

It has enriched our lives to the extent that we now have a real zest for living. The meal program has been a tremendous tool to get us together around a table. Besides the good food—we get very good nutritional meals—we also have a good time socially.

Many other older Americans lead a lonely and isolated existence. Their children have grown up and moved out, their spouses have passed away, and society as a whole has found other things to do than worry about the aged. While getting used to this lonely existence, many older people must also adapt to a loss of their role in society, deterioration of physical appearance and health, and knowledge of approaching death. Under these circumstances, their lives can become overwhelmingly depressive.

Arthritic conditions or other ailments combine with poor public transportation to make grocery shopping and meal preparation monumental and sometimes impossible chores for the elderly. Therefore, they often resort to shopping in the more expensive grocery stores and subsist on meals which are not necessarily the most nutritious or the least expensive.

There is a crying need for a broad scale, nationwide program which offers nutritious meals for the elderly, and at the same time deals with the heart-breaking sense of isolation and abandonment from which they suffer. The projects funded by my amendment are doing this job, but on a small scale.

The demonstration projects began in 1968 under the auspices of title IV of the Older Americans Act, with the establishment of 32 projects in towns and cities across the country. Eighteen of the projects are still operating on the basis of Federal funds while an additional three are hobbling along with local support. This amendment would simply allow the projects to continue operating until a broader and more permanent program can be established.

Mr. CHILES. Mr. President, will the Senator from Illinois yield.

Mr. PERCY. I am happy to yield to my good friend from Florida.

Mr. CHILES. It is my understanding that the Senator from Illinois was con-

sidering an amendment that would fully fund not just the experimental program but a full program. Perhaps the Senator from Illinois decided at this time that it would be better to try to fund the existing programs and continue them and then move into the full program. Now we find that even the existing programs will be cut out in the conference committee report.

We have a program today in Dade County. Part of this, as the Senator has stated, is the program that gives the greatest hope to the elderly that we have in my State.

I go along with the amendment that would fully fund this program because there are so many areas in my State and in the country in which this really needs to be done for all our elderly citizens, to give them some opportunity to be able to get a hot meal each day, and to have a chance to get out of the house and get together in a place where they can obtain information about other programs.

I wonder whether the Senator from Illinois has come up with any explanation that he will try to give his people in Chicago, as to why Congress has decided this should be cut out and why they do not think it should be funded. I would like to have some information that I could tell my own people.

Mr. PERCY. Mr. President, first of all, I appreciate the comments of the Senator from Florida and his sense of compassion and closeness to these people, as well as his great understanding of their problems.

I do not believe there are any Members of this body that would dare vote against this if they would just go out and see what is happening in their own State or their own city, or if they have ever talked to the elderly or have visited any of these projects. These projects are going on in 18 States now. Any Member of Congress who can find the time to go out and campaign for himself or others, can take the time to see what is happening in these projects, and I know they would not dare to come back here and vote against this.

It is their lack of understanding about the problems, first, I would say. The program was established to demonstrate whether or not it would serve a need, and to see whether it would really work. Everyone connected with the program reports the projects have been tremendously successful—

Mr. CHILES. That is what I was going to ask—

Mr. PERCY. They have been so successful in some cases that they have been taken over by local organizations who have the money. But I would ask my distinguished colleague—who has undoubtedly heard the testimony of the mayors who have come down here pleading that their cities are bankrupt, and the testimony of the Governors saying that they are facing insolvency in their States—where is the money going to come from to pick up the programs? We have to find a way to make a more permanent program—and not just the year to year type of thing—through programs that are longer range in nature, through revenue sharing, for instance, in order to help provide the funds to our municipal-

ities and the States so that they can introduce new programs of this kind where the need has been so amply demonstrated. But I do not know how a Senator or a Representative could go back and explain why Congress would vote against this.

Mr. CHILES. I wonder whether my distinguished colleague from Illinois could tell me, Does the House have information which we do not have, or some report that shows there have been some misappropriations of some of the funds, or that people have been getting meals who are not entitled to them, or that some of the programs are not working soundly? Is there any new information to that extent that the distinguished Senator knows about?

Mr. PERCY. To the best of my knowledge, this program has been as scandal-free as any program can be. I have not heard of any abuses. I have also not heard one word of criticism about the way the program has been carried on or conducted. The chance for abuse is minimal. I cannot imagine anyone who could afford his own meals, who could afford to pick out his own food and prepare it, who would really want to go down—he would still have to pay something for it—and accept the lower price of a meal in a communal feeding center. I do not know of any abuse of the program or of any criticism.

We do know that in the House, Representative PEPPER has been a great advocate of the program. As I understand it, he planned to offer an amendment on the House floor to be certain that the program could continue, but my own interpretation is that he did not offer that amendment solely because he felt there would be no problem in keeping my amendment in the conference report itself. That just did not happen. It was knocked out. The overwhelming vote by the Senate for the program was disregarded. It is for this reason that I simply say, we have no alternative other than to reject the conference report and send it back, and hope that with an understanding of the problem and a display of conscience, it will work to restore the funds for a small but very necessary program.

Mr. CHILES. I certainly know of the interest of Representatives PEPPER, and FASCELL, and other Representatives in Florida, who know about this program. I think most of them do. In Dade County they have an interest in the program. I understand fully, too, as I am sure the Senator from Illinois does, that there will be differences in the conference report. The Senate will not get its way on every issue. I note that in some of the areas there appears to be a legitimate compromise that was made between adjusting of funds. I also note, in some of the others, an explanation has been given that the funds are being contained in a bill that will be coming along and we will have more time to fund the program.

But can the Senator tell me, is there anything here that would explain that this is not just a balancing of funds, this is a deletion, an axe—is there anything here that would give us any hope, is anything to explain why there was a difference here? Is there anything to explain

a legitimate difference by which the Senate has a right to recede on this particular item?

Mr. PERCY. The only explanation anyone can offer is that this is such a small program we do not have time to bother with it, or something happened in the machinery, or the bureaucracy broke down somewhere in Congress. It has not broken down in the executive department, however, as it is supporting the funds. Something wrong has happened along the line here. I think we are all distressed to figure out what it was that occurred that caused the programs to be cut off and the funds taken out of the conference report.

Mr. CHILES. I can say to the Senator from Illinois that this is a small item, considering what we usually deal with here; \$1.7 million is a small sum, smaller than the \$52 million to \$57 million that we added just because we thought we had a moral obligation to the aircraft companies, although we said it was not a legal obligation on our part, but there was a feeling that perhaps it was a moral obligation, which passed with only 2 or 3 minutes of debate, during the time we were dealing with the SST matter.

I realize this is not anything of that kind of magnitude because of the number of dollars involved, but I happen to know what it will mean to the elderly citizens in my State, particularly in Dade County, there must be others in other centers, in areas which we should be adding to the program and making funds available to all our elderly citizens, yet we find those funds are going to get the ax, which, of course, will render great distress among our elderly citizens.

Mr. PERCY. Mr. President, certainly the Senate conferees fought for the program. They believed in it. The Senate acted upon it. However, we apparently did not get cooperation on the other side. It was bitterly disappointing to me that we did not. However, I think that means that we have to say to the House, "There are certain things you do that are unconscionable. And here is an unconscionable act you have done."

We think this is very important, important enough to get 24 hours within which to rectify it. Otherwise there would be no basis for the programs going ahead. They will all grind to a halt. They will all stop.

When we start talking about \$500 million to \$1 billion to restart the SST program, that same thing could well apply to these programs being restarted. There would be the matter of the facilities and all of the arrangements to be made all over the country.

Certainly in an interim period, if we stop it now and then start it after the next appropriation bill is up for consideration, the loss would be tragic. And it would be most tragic of all to those dozens of cities in which it is needed. It shows the lack of priorities evident in Congress. It is disturbing in the minds of the public. They cannot understand why we do certain things here.

I defy anyone to explain why we could not somehow keep the mechanism in these programs that are benefiting the needy people in the United States, the aging and the people living in poverty.

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

Mr. PERCY. I would be happy to yield to the Senator on this point.

Mr. MAGNUSON. All right. We will have a colloquy on the matter.

I do not disagree with the Senator from Illinois at all. When I first came in—and I just returned from my home State by plane—the Senator said that the administration had not broken down with regard to this matter.

I think it did. This program can go on for the next 6 weeks until the 1972 budget is considered by the Congress if they want to do it. Our reason for having the \$1,700,000 in the bill was to keep the doors open and to provide the funds for another year so that they could do it if they had a mind to do it. But apparently there was, as the Senator says, an unconscionable act. They said they did not want it. The House agreed with the administration.

The House has some legitimacy in their adamancy—that they had not had hearings and did not have a budget estimate, and other considerations.

About all I can say is that I do not think the Senate committee, the distinguished chairman, the distinguished ranking minority member, or any of us, including me as chairman of the subcommittee, want to see this program dumped. I think it is a good one. I think we ought to continue it even beyond the regular bill, the amount of \$33 million we provided last year. I cannot speak for all members of the committee. However, I think I can speak for the three of us. We will try and did try, our best in the Senate to have a sufficient and adequate amount for this.

We are talking at the most about 6 weeks until we get the regular bill before the Senate. The administration can keep this alive, without this appropriation, until we get the 1972 bill ready. I think we will have that, as I say, in 6 weeks. I think that is about the right time.

It is an important program. It is one of the good things we have in the new demonstration projects that started in the last 2 or 3 years. I am hopeful that we can get the \$33.65 million or more in the regular bill and not get in a position, as the Senator from Illinois suggests, where we will have to shut the door and then start all over again later on.

I plead with the administration to keep the program alive. They have the money to do it under the continuing resolution. No one up here would object. The Appropriations Committee of the Senate would hope to keep it alive. We hope we can get it in the regular bill. However, if we close the door to the project and then try to start it all over again, we would get in trouble.

I am hopeful that we can keep it alive. That is all I can say. We did the best we could. I was here on Thursday until we finished the conference, but the House did not want to recede on this matter.

We have to adjust ourselves to the practical side of the legislative operation and particularly on the supplementals. Time was running against us.

I do not want anyone in the Senate to feel that the members of the Appro-

priations Committee or the others on the conference think that this program should not continue with adequate funding. We do.

We are going to adjust ourselves within the legislative process to see that this will be done. These projects can be kept alive under the continuing resolutions. Last year they had \$33 million. And in the next 2 months they can spend every month one-twelfth of the \$33 million.

So, this can go ahead under the continuing resolution. I want to serve notice that as far as I am personally concerned I wanted to go ahead and I want to see sufficient funds in the regular appropriations bill.

Mr. PERCY. Mr. President, I would like to ask one question of my friend, the distinguished Senator from Washington. The program we are requesting funds for in Seattle, Wash., is in the First United Methodist Church.

Mr. MAGNUSON. The Senator is correct.

Mr. PERCY. The grant periods there ran from June 15, 1968, to December 24, 1970. However, some of these programs end on June 25.

Mr. MAGNUSON. The Senator is correct. When this matter first originated, we were talking about pilot programs around the United States, of which there are about 35.

Mr. PERCY. The Senator is correct.

Mr. MAGNUSON. They have been very successful. They have been important, and we think that the final program as a result of the pilot program will be sufficient for us to go ahead with the program. They can do it under the continuing resolution. The Department of Health, Education, and Welfare can do it. They have sufficient money left for the next 6 weeks. We want time to decide the argument we had with the House.

I have been in a lot of House conferences. So have my two colleagues. I have been in so many that there are some of which I do not care to remember. However, when they get their feet set in concrete, their feet are really in concrete. That is about all I can say about it. We were faced with a time limitation.

I do not want anyone in the country to think that we are not for this program. It should be continued under the continuing resolution until we can get it in the regular appropriation bill, which I hope will be within the next 6 weeks.

Mr. PERCY. Mr. President, I will now continue with my remarks. Having recently concluded hearings on nursing homes and extended-care facilities in Chicago, I can only react with horror to the probability of forcing even more elderly people to abandon their homes and enter these institutions. Too many of these places are nothing but filthy, squalid warehouses where the residents wait to die. And it is precisely into this type of home that the people helped by my amendment would have to go. In fact, there are eager profiteers who own some of these homes—I say "some," because many are absolutely beautiful and immaculate—I have met and talked to some of the profiteers, we have subpoenaed their records, and we have seen that they sometimes earn up to 700 percent on their

investment in the first year, exploiting the elderly. They seek out, they reach out, to find people they can bring in, because they get so much per head from the Federal Government, and they can make a tremendous profit on some of them when they do not feed them or care for them properly.

These people are trying to get by on their meager social security checks, and they can hardly afford the high-priced homes which provide decent care. It is beyond my comprehension why Congress would knowingly force any old person—wealthy or poor—to leave his home just at the time in his life when he is in greatest need of security and familiar surroundings.

In recent testimony before the Senate Special Committee on Aging, Secretary of Health, Education, and Welfare, Elliot Richardson, made this point:

We have perhaps failed to look closely enough at the potential savings to be achieved in long-term care and hospitalization and in the support of dependent older people, because we haven't invested adequately in the kinds of things that can keep them interested, vigorous, and wanted, and that can overcome the barriers of loneliness . . . There are studies that show a correlation between isolation and poor health, which, in turn, lead to admission to long-term care facilities—often at great cost to the public . . . If we were willing to do a little more to overcome the barriers of isolation, we would not only contribute to the happiness and productivity of the older individual, but at the same time, we would avoid heavy, long-term costs.

The Commissioner on Aging, John B. Martin, made a similar point in testimony before the Senate Select Committee on Nutrition and Human Needs:

There is no data on the extent to which the costs of these programs (Medicare, Medicaid, Mental Health) are increased by malnutrition among older Americans, but there are substantial reasons to believe that an investment in improving the nutrition of this age group would be substantially offset by savings in other publicly financed programs.

I am personally convinced that my amendment would actually save the Government money, as it would eliminate the need for heavier reliance upon far more expensive programs such as medicare and medicaid.

Mr. President, I am very pleased, indeed, that the distinguished Senator from Washington (Mr. MAGNUSON) is so quick to see this point. The program funded by my amendment is a modest investment, and the return on investment will be very high. Otherwise, the Federal Government will have to pay the cost of extended care under the medicare and medicaid programs if these people, through malnutrition, do not continue to maintain the level of health they have.

The case for continuing this program is overwhelming. There is every indication that it is a highly successful program that actually works. Unlike so many Government programs into which we pour money as into a sieve, this program is accomplishing its intended purpose.

Mr. President, I would again like to emphasize my view that this program is more than likely saving the Government money, and that it therefore should con-

tinue. Yet if the conference report is accepted in its present form, we will lose all of the machinery, the organizational structure, and experienced manpower which has been assembled through these demonstration projects and which will be needed once a permanent program is established.

It is noteworthy that the conference report allows \$15,077,000 for the Helium Production Fund; \$275,000,000 for highways; \$674,000 for the Panama Canal; and \$7,399,000 for payments to private air carriers. I do not understand why we cannot afford \$1.7 million for the elderly.

I am fully aware of the need to compromise in conference. Compromises are essential if Congress is to operate effectively. Yet there are times when it is wrong to compromise, and I feel this is such a time.

Mr. President, I do not have the heart to tell an 82- or 90-year-old man that what he has found to be a source of happiness and comfort is now to be taken away from him.

The inconvenience of rejecting the entire conference report with instructions to insist on this amendment for \$1.7 million must be weighed against the dismay and disappointment which will otherwise be felt by the thousands of participants in this nutrition program.

I yield the floor.

(The following colloquy occurred earlier during the remarks of Mr. PERCY and is printed here by unanimous consent.)

Mr. HUGHES. Mr. President, on Friday last I rose to oppose this conference report on the basis of the fact that the \$20 million supplemental request approved by the Senate subcommittee, the Senate committee, and the Senate itself was rejected in the conference report, under the belief that this absolutely is a flat outright denial of funding for the 1970 Alcoholism Rehabilitation and Recovery Act, passed unanimously by the Senate by a vote of 86 to 0 and passed unanimously by the House on a voice vote, and signed into law by the President last New Year's Eve.

I well realize that with this law passed so late in the last Congress, and signed into law on New Year's Eve by the President, in all probability it was impossible to get it into the budget request for this fiscal year.

The Chairman of the Committee on Appropriations indicated there was no budget request, nor is there any budget request for the next fiscal year, to implement this particular program.

I would like to point out that the bill authorizes formula grants totaling \$180 million; and it authorizes project grants totaling \$120 million over the next 3 years. For fiscal year 1971 it authorized \$40 million for formula grants. For fiscal year 1971 it authorized \$30 million for project grants. This means that all over this country with the millions of alcoholics we have been talking about—and I think the record is perfectly clear from our discussion of last Friday, so I have no intention of repeating myself today—that at this point in the way of supplemental appropriations we are say-

ing, "Sorry, brother, no money; no way; no funding."

But during the discussion on the floor the distinguished chairman of the committee, the Senator from Louisiana, assured me he is going to make it a matter of immediate order to complete the hearings on HEW appropriations and to give this matter very serious consideration, and to do the very best he possibly can to get as much money as is possible and reasonable in line with the request to implement this program for the next fiscal year.

Again, I would like to ask the distinguished chairman of the committee, the Senator from Louisiana, if that is not an accurate reflection of the discussion we have had.

Mr. ELLENDER. It is.

Mr. HUGHES. And on this basis the Senator does believe that some time during July we can complete action on this appropriation bill.

Mr. ELLENDER. It is my fervent hope that by July 31 most of the appropriation bills will be on the President's desk. The Senator from Washington (Mr. MAGNUSON) is going to start hearings soon on the Labor-Health and Welfare appropriations bill.

The Senator has completed hearings on the Office of Education appropriations bill.

Mr. MAGNUSON. We are through with Office of Education hearing.

Mr. ELLENDER. And the Senator will start on the other phases of Labor-HEW.

Mr. MAGNUSON. Yes.

Mr. ELLENDER. I told the Senator that, if we have to, we will sit in the mornings, afternoons, and evenings to get this bill before the Senate in July so that we can have it on the President's desk sometime after July 15.

While I am on my feet, will the Senator yield to me briefly?

Mr. HUGHES. Yes.

Mr. ELLENDER. The Senator from Washington (Mr. MAGNUSON) stated that the program in which my good friend from Illinois (Mr. PERCY) was interested can be continued under a continuing resolution. That is true, but not the continuing resolution now pending on the Senate Calendar.

If the appropriation bills are not enacted before June 30, we will have to have a continuing resolution to carry on the programs that have not been funded. Under continuing resolutions programs which are now being operated are authorized to be continued until disposition of the appropriation bill.

Mr. MAGNUSON. Which would include the \$1.7 million figure.

Mr. ELLENDER. No. It would be at the rate of \$33,650,000. In other words, the program for next year, even without any budget estimate, can be continued under the continuing resolution, which no doubt be offered on or before June 30. I am very hopeful of having a majority of the bills, such as Agriculture, Interior, Legislative, and bills of that kind, enacted before June 30.

Mr. PERCY. My own deep concern is the fact we have not had hearings because of a very heavy schedule on education.

Mr. MAGNUSON. The Senator from New Hampshire and I—and we hope the Senator from Illinois will be there—will sit down this week on a preliminary markup and send it to the subcommittee and the full committee as quickly as possible.

Mr. ELLENDER. I told the Senator from Washington, if necessary, to hold hearings in the morning, afternoon, and evening to complete it and to have it on the President's desk the first of August.

Mr. HUGHES. I would like to conclude what I started to say so I can determine the nature of the course of business in all probability.

The response I have received from the chairman of the committee and the chairman of the subcommittee do not diminish one bit my crying out for the needs of the people of America on what we are talking about, but it indicates to me, as far as the pragmatic approach is concerned, that if the chairman of the committee and the chairman of the subcommittee will dedicate themselves to do this job, for me to pursue this matter further today is not going to end in any money, in all probability, at an earlier time than if we continue it.

Mr. ELLENDER. In the regular bill.

Mr. HUGHES. In the regular bill. Therefore, I am going to withdraw my objection to the bill because of the lack of \$20 million for alcoholism. But again I wish to express my appreciation to the chairman of the committee and the chairman of the subcommittee, and the Members of the Senate for the continuing support they have always given to these subjects, and to let them know I am willing to cooperate and that my subcommittee is willing to cooperate in furnishing all information as soon as possible to help them in their work that they have ahead of them in connection with appropriations for this need in the country.

I thank the distinguished Senator from Illinois for yielding to me.

Mr. PERCY. I do wish to thank my colleagues very much for their reassurance as to the very high priority they place on this modest project. I feel the expedited scheduling of subcommittee hearings will help a great deal by placing the funds for the aging after education.

What I have been so concerned about is that up to this date I have had no assurance that if we did not take action on the second supplemental, the programs would not be halted. We have no assurance that the House, in fiscal year 1972, will accept this program. We cannot speak for their priorities. I cannot imagine what is causing them to say that something must be of a higher priority than this. The only thing we can deal with is the mechanism to keep these programs going.

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

Mr. PERCY. I yield.

Mr. MAGNUSON. This is not a matter of priorities. The word "priorities" is used very loosely around here. This program was not necessarily shut off because some other program is there. They did not request additional funds although they said the pilot operation looked

good. That is it. It had nothing to do with priorities, like other things around here. When one is on the Committee on Appropriations he finds that because money is cut out of one thing over here it does not mean that it ends up where a Senator might want it to end up.

We can afford this program. It is just that certain people think that we made the pilot operation; that we got some good material out of it and maybe some day—manana—we will start it all over again. It has nothing to do with priorities. It is not vis-a-vis against something else. The word "priorities" is not paramount in the Appropriations Committee because everybody on the committee has a different priority.

If you are talking about priorities in the health, education, and welfare field, we have 100 Senators and I will bet that there are 90 different priorities.

If the program is good over here, it has nothing to do with this one over here. If it is good, let us go ahead with it. We think this one is good.

Mr. PERCY. In response to the inquiry made by my distinguished colleague from Florida as to why this program is in danger of dying, which would adversely affect people in his State who are benefiting from it now, the answer must be that "Here is a program that has proven successful, but we are going to drop it. We are going to drop it because the demonstration is over and it has proven successful."

We have nothing to take its place. We have no provision for picking this up and it simply must be a lack of understanding.

Mr. MAGNUSON. We want the States, now that we have spent the money, to approve the program and back it up in the States with local contributions.

I will admit to some priorities between the Federal Government and the States, but that is all it amounted to. No one suggested that we could not do this because we needed the money someplace else. That was not the problem at all.

Mr. PERCY. We have reached the stage where we have proven that this is a very good program, but we are shutting our eyes to the fact that cities and States are broke or bankrupt, and have no money for new programs. They already have problems maintaining and continuing their existing programs.

They say: "Here is a program the Federal Government came in with"—in my city, for instance, the city of Chicago, Ill.—"but now they are going to pull the stops out and it just means we must do it."

They do not understand what is going on. Let me read a comment, a very short one.

Mr. MAGNUSON. I just want to ask one question. I have just been home and our legislature has just adjourned. They are broke. Yes, they are broke, but the Federal Government is broke also, is it not? We have a deficit all the time. We have a larger deficit in proportion to the taxpayers we collect money from than many of the States.

All of these cities and States are having a difficult time determining what their legitimate needs are. This is one.

Mr. PERCY. How do you explain to a project director all of this conversation? How do you explain the reason that suddenly a program which he has been running for people suddenly has been shut off?

I asked these project directors, "What happens if the program ends?" I met personally with a dozen of them and talked with them first hand.

One of them said:

The people served will suffer from poorer appetites, poorer diets, with poorer health as the most likely outcome. Many will return to eating from garbage cans. I have no doubts that many of our clients will require a greater amount of health care, and many will have to turn to nursing homes or extended care facilities.

Mr. MAGNUSON. And then it will cost us more money in the long run.

Mr. PERCY. Of course it will.

Mr. MAGNUSON. Perhaps I oversimplify these matters in politics, but there are all kinds of good programs. In one of the districts in my State a bond issue for kindergartens was rejected. No one suggested it. I have talked with several people, and they said, "We cannot afford it. Our taxes are now too high." That is the whole problem. It is not so much a question of priorities. I think we can afford many of these programs, because, in the long run, they pay off. They are good investments. The problem is not particularly one of priorities, but a question of how far do you go?

We have a little time today to discuss this matter. We had a marvelous superintendent of schools in our State. She was a good friend of mine and served with me in the legislature. One time she was running for election for the third time. I was vacationing in a resort with a friend, who said, "I am going to vote for all you Democrats, but I am not going to vote for Mrs. So-and-so." I said, "Why not? You are a friend of hers, are you not?" He said he was, that she was a personal friend. I asked if she had not been a good superintendent of schools. I was told yes, she was one of the best we have ever had. So I asked, "Then, why are you not going to vote for her?" He said, "I just can't afford her."

There are many people who are paying taxes up to their ears. This is what causes some of the problems. He said he could not afford her. He was all for her, but he could not afford her. We in the Appropriations Committee get in that same position occasionally.

Mr. PERCY. But the comments made by my colleague were absolutely right—that when we turn people who are getting decent meals away from communal feeding situations, it costs us far more.

Mr. MAGNUSON. We know that, but we have to get down to the nitty-gritty in this case, of an appropriation that is going to end in 5 weeks. We would like to get going, because we have the dedication to do some of these things and move them forward. I am not so sure, even if we put back all the money that has been suggested, that the administration would extend the money for the next year, anyway.

Mr. PERCY. I would like to insert in the Record at this point, a statement

from the Secretary of Health, Education, and Welfare, Mr. Elliot Richardson, that will bear out the need the Senator from Washington referred to on the floor to make this kind of investment. That is what we are doing. We are a board of directors investing for the taxpayers, and we are trying to invest their money prudently and wisely.

The Secretary stated:

We have perhaps failed to look closely enough at the potential savings to be achieved in long-term care and hospitalization and in the support of dependent older people, because we haven't invested adequately in the kinds of things that can keep them interested, vigorous, and wanted, and that can overcome the barriers of loneliness . . . There are studies that show a correlation between isolation and poor health, which, in turn, lead to admission to long-term care facilities—often at great cost to the public . . . If we were willing to do a little more to overcome the barriers of isolation, we would not only contribute to the happiness and productivity of the older individual, but at the same time, we would avoid heavy, long term costs.

And that is exactly what we are trying to do in this program. We are trying to find ways, as the Secretary said, of contributing a little bit more to overcome the great problems of the aging. The problem is, how do you mechanically accomplish this in the procedures that we are now following?

Mr. CHILES. I agree that while some of our concern perhaps has been taken away by the fact that we are now told that, with a continuing resolution and with the work that the committee is going to do to try to get the bill out by the closing time, it might be decided that this program will continue, at the same time that we receive these assurances, I am again concerned by the remark of the distinguished Senator from Washington that he is not sure whether the administration would spend this money if we adopted the continuing resolution. And in looking at the Senate committee report on the supplemental appropriations, I find that the administration has not made a request on this item.

I wonder if the Senator from Illinois can give me any assurances or any comfort that, if we pass a continuing resolution and if the committee does the work that I know it intends to do, to get the bill out on the President's desk in sufficient time, the administration will go forward and continue to fund this program with the appropriation money?

Mr. PERCY. The question is a very good one indeed, and I have only the assurance that the assistant to the President, Mr. Leonard Garment, supports the program, and that the Deputy Director of the Bureau of Management and Budget supports the program and took the initiative in making calls to the Appropriations Committee asking that the Senate position prevail in conference.

Despite that request of the administration, the House chose to ignore it. I would only assume, then, that by our support for the program, if the continuing resolution were adopted, we would see that the program was continued, if mechanically it can possibly take effect.

But the problem, of course, is that we have now just about, before some of the

programs terminate, 32 days, and the question is—facilities have been rented, food arrangements have been made, volunteers are lined up and working, and a few paid staff employees are working on the program—what sort of notification do we give them? Do they live on a day-to-day basis, and is this the hand-to-mouth type of way we have to operate? Can we not say, since the administration approves it, as the Senate does overwhelmingly, that they can have absolutely definite assurance that they are going to continue for another year?

Mr. CHILES. Certainly I would be dismayed, as I know the Senator from Illinois would be, if we got around the stumbling block that now appears to stand in our way, that the House conferees would not accept the appropriation, and our committee worked and the Senate got out an appropriation bill in time, then to find that, because of inaction on the part of the administration, or negative action on the part of the administration, the programs were not continued to be funded. Certainly it would be a horrible situation if that happened.

Mr. ELLENDER. Mr. President, will the Senator from Illinois yield?

Mr. PERCY. I am pleased to yield to the chairman of the committee.

Mr. ELLENDER. I wish to make it plain that the continuing resolution we are speaking of is the one usually adopted just before the 30th of June, which applies to all appropriation bills which have not been enacted. As I have indicated, since the program in question is in the law now, it is a continuing program, and will be funded if the continuing resolution that will be presented to us before June 30 is adopted, and I am sure it will be. So that is one way to continue it. When the regular bill comes in, I do not believe we will have very much trouble in providing funds, at least as much as we now have, and maybe more.

As far as I am concerned, I shall be glad to do what I can to increase it. But we gain nothing by postponing this second supplemental appropriation bill. As has been said on many occasions, and as my good friend from Alaska called to my attention a while ago, of the many items in contest here, some of them are not in the budget, and as to those I know from past experience the money probably will not be spent. They will be tied up or frozen.

As matter of fact, as I pointed out 3 or 4 weeks ago, we have in excess of \$12 billion frozen, and those funds are funds which Congress provided. Several of the programs we are now discussing are unbudgeted items, and even if we pass the bill, there is no assurance that the money will be spent.

Mr. GRAVEL. Mr. President, if the Senator will yield, just to elaborate on our private colloquy, which is now public, the chairman was speaking of the alcoholism money, and even if we are successful in getting money appropriated in the supplemental bill now, it seems most unlikely, based on the chairman's experience, that the money would be spent within the next 2 or 3 or 4 months, and

it would probably be tied to a formal appropriation which would take place in the month of July, which he is very aggressively pursuing.

With that information, I have consulted with the distinguished Senator from Iowa (Mr. HUGHES), and he has withdrawn his objection. Of course, I withdraw my objection as well, because it will not advance our cause any more, and I think the chairman's dedication to these alcoholism funds has been stated many times.

I ask the Senator from Louisiana, does the chairman have any indication at all, from the negotiations that took place on this matter, what would be the receptivity of the House conferees on the appropriation itself?

Mr. ELLENDER. I accept their statement that they refused to go along because they had had no hearings on the subject. It is a new program, and new programs are usually considered in the regular bill. Very seldom have I seen any new programs started in a supplemental bill. It is most unusual, and I am satisfied that when the regular bill comes up, and an item of this kind is put in, backed with good evidence, we will doubtless have a much better chance than now.

As I have stated, as far as I am concerned, we are going to consider this matter in the regular bill, and I shall be glad to support it. I am sure that the House of Representatives can be persuaded to go along with it.

Mr. GRAVEL. I should like to say also that I am satisfied with the resolution of the chairman in that regard, and I think, concerning the events that took place on Friday, that many of us, through misunderstanding or misplaced charity, felt we were placing a tool in the hands of the chairman to go back to conference and hammer out what we felt was a more effective agreement.

Based on conversations with the chairman and others, I now do not think that can take place; and I withdraw my objection, based on the chairman's assurance that he will press for funding at a later date.

Mr. ELLENDER. I thank the Senator.

As to the SST, as the Senator from Illinois knows, we agreed to it in the Senate for the full amount, but when it came before the House, some Members took the position that no hearings had been held in the House. There was a question in the minds of some of them as to whether the Government was responsible for the \$58.5 million.

I am assured that hearings will be held on that subject. Insofar as the Senate is concerned, we are going to put in our bill this \$58.5 million; and I feel confident that the House, after they go through the hearings, will agree with us, rather than do what they did last week.

As I have stated, there is no point in trying to pursue it in this supplemental, because if we go back, we will get the same attitude: no hearings.

I am very hopeful, as I have stated, that in view of the fact that there are so many items in the bill that need attention that we will pass it today.

I pointed out many urgent items on Friday—for example, we have tied up in

here the \$250 million for food stamps, and \$1,047,587,000 for public assistance. All that is tied up unless we agree to this conference report.

That is why, Mr. President, I am anxious to get the Senate to act on the conference report this afternoon, so that the final bill will be on the President's desk before nightfall.

Mr. PERCY. I thank my distinguished colleague for his comments. When he says, "I feel quite sure," I tend to think that the great respect that both bodies have for him indicates that it will be done.

As the Senator knows, I feel very strongly about the SST termination costs. Whereas I fought against the project as a whole because I felt it was a terrible investment for the taxpayers of this country to be making at this time, considering our budget condition, I feel that the moral obligation of the government in this respect is just as deep as any legal obligation.

Most of business's done through moral commitments, and there is a sense of right and wrong about certain things. If we just did things that we were legally bound to do, Congress could go home on January 31. We are doing things that we think are right. When the House understands the circumstances of the contributions made by the airlines to the SST, that this was an act of benevolence on their part, I think it will agree. There is no known need right now for the SST project. But those moneys for it were obtained from regulated airlines by calling the heads of those companies into a room, and by telling them they were expected to make this contribution of a million dollars per plane. In fact, the contracts providing for it were drawn by DOT and they were between Boeing and the airlines themselves. So our moral obligation is deep.

I deeply appreciate the recognition of this body by the Senate and by the chairman of the Appropriations Committee, whose sense of right and wrong has literally almost always coincided in the end with what any reasonable and prudent man's would be.

I certainly would be the last to want to delay any appropriation bill. I have applauded, as a new member of the Committee on Appropriations, the vigor with which we have moved forward with hearings.

The appropriations subcommittees, on which I have been privileged to serve, have moved with great dispatch, with long sessions. They have heard witness after witness, in an effort to expedite matters. I think some of those subcommittees are literally months ahead of where they have ever been in holding hearings—District of Columbia, Interior, to just mention two. So we are on target, we are staying much closer to the kind of schedule we should maintain, and I would not want to hold up this second supplemental at all.

I feel reassured now, with the assurance the distinguished chairman of the Appropriations Committee has given on a continuing resolution, I am happy so far as the Senate is concerned. I tend to think, also, that the House would go

along with that. But the distinguished Senator from Florida asked a very good question, as to whether the administration would make provision for this. Although I know that they have given support to the \$1.7 million in the second supplemental at the highest levels in the White House and in the Bureau of the Budget, I would feel much more comfortable about this if I had a chance to talk on the telephone with the Secretary of Health, Education, and Welfare, Elliot Richardson, to ask him whether this procedure would be followed and to get a written commitment from the Department. Verbal approval would be all I would need now. The letter could follow in due course.

I simply would not feel right, with all the work that has been put into this small project and all the support that has been given in the Senate, to leave any stone unturned at this stage to make certain that this project was continued and that adequate assurance could be sent to the project managers that they are not to terminate those projects in less than a month, as the present law provides.

Mr. ELLENDER. I do not believe there is a chance to act on this request in this bill, as I said earlier. The continuing resolution that is usually adopted before the 30th of June will include that program.

As Senator MAGNUSON stated, we are going to start hearings on the regular Labor-HEW bill soon. I will try to get the subcommittee to sit in the morning, in the afternoon, and in the evening, if necessary, to get that bill reported in July. I feel confident that we can do that.

In the meantime, we may be able to get something affirmative from the administration. But if not, and the continuing resolution is adopted, this program will be authorized under it.

Mr. PERCY. I want to be sure that, under the continuing resolution, HEW continues to fund the programs.

Mr. ELLENDER. The continuing resolution I am referring to is not the one that is pending now on the calendar; it is a resolution we are going to have to adopt because of our failure to pass all of the appropriation bills by July 1. As the Senator knows, for the past several years, come June, we have had to adopt resolutions in order to continue the program at the level of the previous year. I am sure this will have to be done as to several of our appropriation bills, and among the several will be the Labor-HEW bill.

Mr. PERCY. I thank the distinguished Senator.

(This marks the end of the proceedings that occurred earlier during the remarks of Mr. Percy and which were ordered to be printed in the Record at this point.)

Mr. TUNNEY. Mr. President, I am reluctant to take any action which would delay the important funds contained in the second supplemental appropriations bill. However, I feel most strongly that there are equally important funds which the Senate supported unequivocally last week that have been rejected by the conference. Some of these programs are

of critical importance at this time and I, therefore, will vote to reconsider the adoption of conference report and to reject the report.

I am particularly concerned by the reduction in funding for the Neighborhood Youth Corps summer jobs program in the conference report. The hard fought compromise which Senator COTTON won in the Senate last week, as he has stated so well, was passed only on the assumption that no further cuts would be made in conference. I, for one, would have preferred that the Senate insist upon the full \$57 million increase in the original Javits amendment, and in fact I so voted last week.

I am most concerned by the situation which faces our Nation's large cities this summer as hundreds of thousands of young people join the millions of adults already unemployed by the current recession. Many of the Nation's mayors, particularly those in my own State have communicated a very real fear of a return of the long hot summer of the recent past.

The tragedies of those past summers are still too recent in our memories, summers in which young people unable to find work of any kind were left to roam the streets. The resulting potential for disorder has long been recognized as a dangerous business indeed. The Kerner Commission in its analysis of the Newark and Detroit riots warned specifically of the risks of high unemployment among young people in poverty areas, particularly among minority groups.

I, therefore, joined with Senator JAVITS and a number of my colleagues in sponsoring the amendment to increase the funding for the Neighborhood Youth Corps program by an additional \$57,-428,359, an amount which would have allowed for the creation of the full number of jobs requested by the U.S. Conference of Mayors.

For California's large cities, this amendment would have increased the number of jobs for young people by approximately 14,000 and by approximately the same number in rural and other areas. The amendment would also have increased the length of the program to a full 10 weeks, the length of the program in years past and a length designed to preserve the effect of the program in the late weeks of the summer.

Unfortunately, on Wednesday in a very close vote of 49 to 46, the full amount we sought was cut back from \$157 million to \$116 million. I opposed this cut most strongly, because I believe it is most shortsighted.

I am deeply disturbed, however, that the Senate-House conference has cut this amount by an additional \$11 million. The will of the Senate on this matter was most clear on Wednesday. Further cuts in the appropriations for this program simply cannot be accepted.

The Cotton amendment, while less than the full amount which I supported, would at least provide for the full number of jobs for a 9-week program. I believe that this compromise is at least an adequate rational attempt to salvage a good program and I, therefore, believe that we should reject the conference report and



instruct the Senate conferees to insist upon the full \$16 million provided in the Cotton amendment.

I am equally distressed by the action of the conference in eliminating \$1.7 million for continuation of a most promising program of nutrition for the elderly. This money would continue 18 existing pilot programs which currently serve over 14,000 meals a week to elderly poor persons in 15 States and the District of Columbia.

I have cosponsored a bill, S. 1163 to create a permanent nutrition program for the elderly and I am hopeful that this bill will be enacted swiftly. But in the meantime I feel it is vital that we continue the existing pilot projects.

In California, these pilot projects have served numerous elderly citizens whose average age is 72.5 years, 87 percent of whom had an annual income of less than \$3,000 per year. The Senior Citizens Association of Los Angeles County has, through this program, provided an average of 820 meals per month at a cost to the elderly person of approximately \$0.50 per meal.

I simply cannot understand the kind of perverse penny pinching which elimination of these funds amounts to.

Mr. ELLENDER. Mr. President, I have nothing further to add, except to express satisfaction that Senator HUGHES and others have withdrawn their objection to having this report sent to the White House today.

As I understand the parliamentary situation, the pending business is to reconsider the vote by which the report was adopted on Friday.

The PRESIDING OFFICER. The Senator is correct.

Mr. ELLENDER. In order to sustain the vote that took place on Friday, the vote on the motion for reconsideration would be in the negative.

The PRESIDING OFFICER. The Senator is correct.

Mr. ELLENDER. I have nothing further to say, and I am ready to vote on the question as presented.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The PRESIDING OFFICER (Mr. TUNNEY). The question is on agreeing to the motion to reconsider the conference report.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Indiana (Mr. HARTKE), the

Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), and the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I also announce that the Senator from Nevada (Mr. BIBLE), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from Michigan (Mr. HART), the Senator from Washington (Mr. JACKSON), and the Senator from Missouri (Mr. SYMINGTON), are absent on official business.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Illinois (Mr. STEVENSON) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. MILLER), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Maryland (Mr. BEALL) is absent by leave of the Senate because of illness.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Utah (Mr. BENNETT) is absent on official business.

The Senator from New York (Mr. JAVITS) is absent by leave of the Senate on official business.

The Senator from Vermont (Mr. AIKEN) is detained on official business.

If present and voting, the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), and the Senator from South Dakota (Mr. MUNDT), would each vote "yea."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from New York (Mr. BUCKLEY). If present and voting, the Senator from Texas would vote "yea" and the Senator from New York would vote "nay."

Mr. BYRD of West Virginia. Mr. President, in view of the discussion on last Friday, I now ask that the well be cleared, that the Senate be in order, and that Senators take their seats.

The PRESIDING OFFICER (Mr. TUNNEY). The Senate well will be cleared. Senators will please take their seats. The center aisle will be cleared of Senators. Senators will please take their seats.

The result was announced—yeas 21, nays 34, as follows:

[No. 73 Leg.]

YEAS—21

Allott	Hruska	Proxmire
Boggs	Humphrey	Schweiker
Brooke	Magnuson	Scott
Burdick	Mathias	Spong
Case	Nelson	Stevens
Chiles	Percy	Taft
Harris	Prouty	Tunney

NAYS—34

Allen	Gambrell	Randolph
Bentsen	Gravel	Roth
Brock	Hollings	Saxbe
Byrd, Va.	Jordan, N.C.	Smith
Byrd, W. Va.	Jordan, Idaho	Sparkman
Cannon	Mansfield	Stennis
Cooper	McClellan	Talmadge
Curtis	McIntyre	Thurmond
Ellender	Montoya	Williams
Ervin	Packwood	Young
Fannin	Pastore	
Fulbright	Pearson	

NOT VOTING—45

Aiken	Eagleton	Long
Anderson	Eastland	McGee
Baker	Fong	McGovern
Bayh	Goldwater	Metcalfe
Beall	Griffin	Miller
Bellmon	Gurney	Mondale
Bennett	Hansen	Moss
Bible	Hart	Mundt
Buckley	Hartke	Muskie
Church	Hatfield	Pell
Cook	Hughes	Ribicoff
Cotton	Inouye	Stevenson
Cranston	Jackson	Symington
Dole	Javits	Tower
Dominick	Kennedy	Weicker

So the motion to reconsider the conference report was rejected.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The legislative clerk read as follows:

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 2 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert: "\$1,000,000".

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 18 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum first named in said amendment, insert: "\$2,988,393".

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 38 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment insert: "\$6,000,000".

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 49 to the aforesaid bill, and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

"CONTINGENT EXPENSES OF THE SENATE  
"JOINT ECONOMIC COMMITTEE

"For an amount (to be disbursed by the Secretary of the Senate on vouchers signed by the chairman or vice chairman and the chairman of the subcommittee) necessary to enable the Subcommittee on Fiscal Policy, under authority of the Employment Act of 1946 (60 Stat. 23, sec. 5), to undertake a study to develop reliable comprehensive, and factual information concerning welfare programs and needs in the United States, \$500,000, to remain available until June 30, 1973."

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 57 to the aforesaid bill, and

concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

"Office of the Secretary  
"Civil Supersonic Aircraft Development  
Termination

"For expenses, not otherwise provided for, necessary for the termination of development of the civil supersonic aircraft and to refund the contractors' cost shares, \$97,300,000, to remain available until expended."

Resolved, That the House recede from its

disagreement to the amendment of the Senate numbered 59 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert: "\$2,800,000".

Mr. ELLENDER. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 2, 18, 38, 49, 57, and 59.

The PRESIDING OFFICER. The ques-

tion is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation reflecting the budget estimates, the House and Senate amounts in the bill, and the final amounts agreed to in conference.

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

COMPARATIVE STATEMENT OF CONFERENCE ACTION, 2D SUPPLEMENTAL APPROPRIATION BILL, 1971 (H.R. 8190)

Agency and item (1)	Budget estimate (2)	House bill (3)	Senate bill (4)	Conference action (5)	Conference action compared with—		
					Budget estimate (6)	House bill (7)	Senate bill (8)
<b>TITLE I</b>							
<b>CHAPTER I</b>							
<b>DEPARTMENT OF AGRICULTURE</b>							
Agricultural Research Service: Salaries and expenses.....		\$1,000,000					-\$1,000,000
Consumer and Marketing Service: Consumer protective, marketing, and regulatory programs.....	\$3,379,000	3,379,000	\$3,379,000	\$3,379,000			
Cooperative State Research Service: Contracts and grants for scientific research.....	0	Not considered	1,025,000	1,000,000	+\$1,000,000	+1,000,000	-\$25,000
Agricultural Stabilization and Conservation Service: Dairy and bee-keeper indemnity programs.....	3,500,000	3,500,000	3,500,000	3,500,000			
Food and Nutrition Service: Food stamp program.....	250,000,000	250,000,000	250,000,000	250,000,000			
Farmers Home Administration: Emergency Credit Revolving Fund.....	65,000,000	Not considered	65,000,000	65,000,000			+65,000,000
<b>RELATED AGENCIES</b>							
Environmental Protection Agency: Operations, research, and facilities.....	13,000,000	13,000,000	13,000,000	13,000,000			
National Commission on Materials Policy: Salaries and expenses.....	25,000	50,000	50,000	50,000			-35,000
<b>Total, chapter I.....</b>	<b>334,964,000</b>	<b>270,929,000</b>	<b>335,954,000</b>	<b>335,929,000</b>	<b>+965,000</b>	<b>+65,000,000</b>	<b>-25,000</b>
<b>CHAPTER II</b>							
<b>DEPARTMENT OF DEFENSE</b>							
Retired military personnel, retired pay, Defense.....	166,400,000	166,400,000	166,400,000	166,400,000			
Retired military personnel, retired pay, Defense.....	13,000,000	Not Considered					-13,000,000
<b>Total, chapter II.....</b>	<b>179,400,000</b>	<b>166,400,000</b>	<b>166,400,000</b>	<b>166,400,000</b>	<b>-13,000,000</b>		
<b>CHAPTER III</b>							
<b>DISTRICT OF COLUMBIA</b>							
<b>Federal Funds</b>							
Federal payment to District of Columbia.....	22,206,000		22,206,000	22,206,000			+22,206,000
Loans to the District of Columbia for capital outlay.....	49,778,000		34,178,000				-34,178,000
<b>Total, Federal funds.....</b>	<b>71,984,000</b>		<b>56,384,000</b>	<b>22,206,000</b>	<b>-49,778,000</b>	<b>+22,206,000</b>	<b>-34,178,000</b>
<b>District of Columbia Funds</b>							
General operating expenses.....	(3,182,000)		(2,557,035)	(2,557,035)			(-624,965)
Public safety.....	(2,939,000)		(2,806,000)	(2,806,000)			(-133,000)
Education.....	(3,531,000)		(2,939,800)	(2,939,800)			(-591,200)
Recreation.....	(61,000)		(61,000)	(61,000)			
Human resources.....	(5,278,000)		(4,512,000)	(4,512,000)			(-766,000)
Highways and traffic.....	(600,000)		(525,000)	(525,000)			(-75,000)
Sanitary engineering.....	(423,000)		(132,500)	(132,500)			(-290,500)
Settlement of claims and suits.....	(36,000)		(35,490)	(35,409)			(-591)
Capital outlay.....	(48,313,000)		(37,166,393)	(2,988,393)			(-45,324,607)
<b>Total, District of Columbia funds.....</b>	<b>(64,363,000)</b>		<b>(50,735,137)</b>	<b>(16,557,137)</b>	<b>(-47,805,863)</b>	<b>(+16,557,137)</b>	<b>(-34,178,000)</b>
<b>Total chapter III, new budget (obligational) authority.....</b>	<b>71,984,000</b>		<b>56,384,000</b>	<b>22,206,000</b>	<b>-49,778,000</b>	<b>-22,206,000</b>	<b>-34,178,000</b>
<b>CHAPTER IV</b>							
<b>FOREIGN OPERATIONS</b>							
<b>Funds Appropriated to the President</b>							
<b>International financial institutions</b>							
Investment in Inter-American Development Bank.....	486,760,000	275,000,000	387,000,000	275,000,000			-211,760,000
Investment in International Bank for Reconstruction and Development.....	246,100,000						-246,100,000
<b>Total, chapter IV new budget (obligational) authority.....</b>	<b>732,860,000</b>	<b>275,000,000</b>	<b>387,000,000</b>	<b>275,000,000</b>	<b>-457,860,000</b>		<b>-112,000,000</b>
<b>CHAPTER V</b>							
<b>DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT</b>							
<b>Mortgage Credit</b>							
Homeownership and rental housing assistance.....	32,900,000	32,900,000	32,900,000	32,900,000			
Homeownership assistance, increased limitation for annual contract authorization.....			(25,000,000)				(-25,000,000)
Rental housing assistance, increased limitation for annual contract authorization.....			(25,000,000)				(-25,000,000)

Agency and item (1)	Budget estimate (2)	House bill (3)	Senate bill (4)	Conference action (5)	Conference action compared with—		
					Budget estimate (6)	House bill (7)	Senate bill (8)
INDEPENDENT OFFICES							
SECURITIES AND EXCHANGE COMMISSION							
Salaries and Expenses.....	\$84,000		\$84,000	\$84,000		+\$84,000	
VETERANS' ADMINISTRATION							
Medical Care.....		\$8,000,000	8,000,000	8,000,000	+\$8,000,000		
Total, chapter V.....	32,984,000	40,900,000	40,984,000	40,984,000	+8,000,000	+84,000	
CHAPTER VI							
DEPARTMENT OF THE INTERIOR							
Bureau of Land Management							
Management of lands and resources.....	21,000,000	21,000,000	21,000,000	21,000,000			
Bureau of Indian Affairs							
Resources management.....	1,600,000	1,600,000	1,600,000	1,600,000			
Office of Territories							
Trust Territory of the Pacific Islands.....	10,000,000	10,000,000	10,000,000	10,000,000			
Geological Survey							
Survey investigations and research.....	750,000		750,000	750,000		+750,000	
Bureau of Mines							
Helium fund (authorization to spend from public debt receipts).....	50,700,000	8,577,000	8,577,000	8,577,000	-42,123,000		
Helium fund (portion applied to liquidate contract authority).....	(6,500,000)	(6,500,000)	(6,500,000)	(6,500,000)			
National Park Service							
Management and protection.....	1,000,000	1,010,000	1,010,000	1,010,000	+10,000		
Construction.....	496,000	878,000	878,000	878,000	+382,000		
Total, National Park Service.....	1,496,000	1,888,000	1,888,000	1,888,000	+392,000		
Total, Department of the Interior.....	85,546,000	43,065,000	43,815,000	43,815,000	-41,731,000	+750,000	
Appropriation to liquidate contract authority.....	(6,500,000)	(6,500,000)	(6,500,000)	(6,500,000)			
RELATED AGENCIES							
DEPARTMENT OF AGRICULTURE							
Forest Service							
Forest protection and utilization.....	70,000,000	70,000,000	70,000,000	70,000,000			
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE							
Health Services and Mental Health Administration							
Indian health services.....	1,000,000	1,000,000	1,000,000	1,000,000			
AMERICAN REVOLUTION BICENTENNIAL COMMISSION							
Salaries and expenses.....	272,000	267,000	267,000	267,000	-5,000		
NATIONAL COUNCIL ON INDIAN OPPORTUNITY							
Salaries and expenses.....	25,000	12,500	12,500	12,500	-12,500		
Total, related agencies.....	71,297,000	71,279,500	71,279,500	71,279,500	-17,500		
Total, chapter VI, new budget (obligational) authority.....	156,843,000	114,334,500	115,094,500	115,094,500	-41,748,500	+750,000	
Appropriation to liquidate contract authority.....	(6,500,000)	(6,500,000)	(6,500,000)	(6,500,000)			
CHAPTER VII							
DEPARTMENT OF LABOR							
Manpower Administration							
Manpower training activities.....	64,300,000	100,000,000	116,600,000	105,000,000	+40,700,000	+5,000,000	-\$11,600,000
Labor-Management Services, Administration							
Salaries and expenses.....	1,000,000	750,000	500,000	500,000	-500,000	-250,000	
Wage and Labor Standards Administration							
Salaries and expenses.....			1,400,000	1,400,000	+1,400,000	+1,400,000	
Total, Department of Labor.....	65,300,000	100,750,000	118,500,000	106,900,000	+41,600,000	+6,150,000	-11,600,000

## COMPARATIVE STATEMENT OF CONFERENCE ACTION, 2D SUPPLEMENTAL APPROPRIATION BILL, 1971 (H.R. 8190)—Continued

Agency and item (1)	Budget estimate (2)	House bill (3)	Senate bill (4)	Conference action (5)	Conference action compared with—		
					Budget estimate (6)	House bill (7)	Senate bill (8)
CHAPTER VII—Continued							
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE							
Environmental Health Service							
Environmental control.....			\$5,000,000				-\$5,000,000
Health Services and Mental Health Administration							
Mental health.....			20,000,000				-20,000,000
Comprehensive health planning and services.....			3,000,000	\$3,000,000	+\$3,000,000	+\$3,000,000	
Maternal and child health.....	\$6,000,000		10,000,000	6,000,000		+6,000,000	-4,000,000
Regional medical programs.....			10,000,000	10,000,000	+10,000,000	+10,000,000	
National Institutes of Health							
National Cancer Institute (1972 advance appropriation).....	100,000,000	\$100,000,000	100,000,000	100,000,000			
National Institute of Child Health and Human Development.....			5,000,000				-5,000,000
Social and Rehabilitation Service							
Grants to States for public assistance.....	1,047,587,000	1,047,587,000	1,047,587,000	1,047,587,000			
Programs for the aging.....			1,700,000				-1,700,000
Special Institutions							
National Technical Institute for the Deaf.....	5,700,000	5,700,000	5,700,000	5,700,000			
Departmental Management							
Commission on Medical Malpractice.....	2,000,000	2,000,000		2,000,000			+2,000,000
<b>Total, Department of Health, Education, and Welfare.....</b>	<b>1,161,287,000</b>	<b>1,155,287,000</b>	<b>1,207,987,000</b>	<b>1,174,287,000</b>	<b>+13,000,000</b>	<b>+19,000,000</b>	<b>-33,700,000</b>
RELATED AGENCIES							
U.S. Soldiers' Home							
Operation and maintenance.....	190,000	190,000	190,000	190,000			
Commission on Marihuana and Drug Abuse							
Salaries and expenses.....	1,000,000	700,000	700,000	700,000	-300,000		
<b>Total, related agencies.....</b>	<b>1,190,000</b>	<b>890,000</b>	<b>890,000</b>	<b>890,000</b>	<b>-300,000</b>		
Total, chapter VII, new budget (obligational) authority:							
1971.....	1,127,777,000	1,156,927,000	1,227,377,000	1,182,077,000	+54,300,000	+25,150,000	-45,300,000
1972—Advance appropriation.....	100,000,000	100,000,000	100,000,000	100,000,000			
<b>Total, chapter VII, new budget (obligational) authority.....</b>	<b>1,227,777,000</b>	<b>1,256,927,000</b>	<b>1,327,377,000</b>	<b>1,282,077,000</b>	<b>+54,300,000</b>	<b>+25,150,000</b>	<b>-45,300,000</b>
CHAPTER VIII							
LEGISLATIVE BRANCH							
Senate							
Gratuity of heirs of deceased Senator.....			49,500	49,500	+49,500	+49,500	
Salaries, officers and employees							
Office of Sergeant at Arms and Doorkeeper.....			(language)				
Contingent expenses of the Senate							
Miscellaneous items.....			105,000	105,000	+105,000	+105,000	
<b>Total, Senate.....</b>			<b>154,000</b>	<b>154,500</b>	<b>+154,500</b>	<b>+154,500</b>	
House of Representatives							
Gratuity to widows of deceased Members.....		85,000	85,000	85,000	+85,000		
Salaries, officers and employees							
Committee on Appropriations (investigations) Members' clerk hire.....	57,100	57,100	57,100	57,100			
Clerk hire.....	1,300,000	1,300,000	1,300,000	1,300,000			
Contingent expenses of the House							
Miscellaneous items.....	300,000	300,000	300,000	300,000			
Reporting hearings.....	48,750	48,750	48,750	48,750			
Special and select committees.....	1,000,000	500,000	500,000	500,000	-500,000		
Telegraph and telephone.....	250,000	150,000	150,000	150,000	-100,000		
Leadership automobiles:							
Speaker.....	500	500	500	500			
Majority leader.....	500	500	500	500			
Minority leader.....	500	500	500	500			
<b>Total, House of Representatives.....</b>	<b>2,957,350</b>	<b>2,442,350</b>	<b>2,442,350</b>	<b>2,442,350</b>	<b>-515,000</b>		
Joint Items							
Contingent expenses of the Senate							
Joint Economic Committee.....	500,000	500,000		500,000			+500,000
Capitol police							
Capitol police (overtime pay).....			(language)				

Agency and item (1)	Budget estimate (2)	House bill (3)	Senate bill (4)	Conference action (5)	Conference action compared with—		
					Budget estimate (6)	House bill (7)	Senate bill (8)
Architect of the Capitol							
Capitol buildings and grounds							
Capitol buildings.....	\$200,000	\$200,000	\$200,000	\$200,000			
Capitol Power Plant.....	300,000	300,000	300,000	300,000			
<b>Total, Architect of the Capitol.....</b>	<b>500,000</b>	<b>500,000</b>	<b>500,000</b>	<b>500,000</b>			
Library of Congress							
Salaries and expenses, revision of the annotated Constitution.....	110,709	110,709	110,709	110,709			
Salaries and expenses, revision of Hinds' and Cannon's Precedents.....	30,000	30,000	30,000	30,000			
<b>Total, Library of Congress.....</b>	<b>140,709</b>	<b>140,709</b>	<b>140,709</b>	<b>140,709</b>			
General Accounting Office							
Salaries and expenses.....	120,000	120,000	120,000	120,000			
<b>Total, chapter VIII, new budget (obligational) authority.....</b>	<b>4,218,059</b>	<b>3,703,059</b>	<b>3,357,559</b>	<b>3,857,559</b>	<b>-\$360,050</b>	<b>+\$154,500</b>	<b>+\$500,000</b>
CHAPTER IX							
PUBLIC WORKS							
DEPARTMENT OF THE INTERIOR							
Bureau of Reclamation							
Upper Colorado River Storage Project.....	3,000,000	3,000,000	3,000,000	3,000,000			
INDEPENDENT AGENCIES							
Federal Power Commission							
Salaries and expenses.....	370,000	200,000	200,000	200,000	-170,000		
<b>Total, Chapter IX new budget (obligational) authority.....</b>	<b>3,370,000</b>	<b>3,200,000</b>	<b>3,200,000</b>	<b>3,200,000</b>	<b>-170,000</b>		
CHAPTER X							
DEPARTMENT OF STATE							
Administration of Foreign Affairs							
Payment to Foreign Service Retirement and Disability Fund.....	958,000	958,000	958,000	958,000			
International Organizations and Conferences							
Special contribution to the United Nations.....	20,000,000				-20,000,000		
Contributions to international organizations.....	900,000	408,000	408,000	408,000	-492,000		
<b>Total, Department of State.....</b>	<b>21,858,000</b>	<b>1,366,000</b>	<b>1,366,000</b>	<b>1,366,000</b>	<b>-20,492,000</b>		
DEPARTMENT OF JUSTICE							
Legal Activities and General Administration							
Salaries and expenses, general administration.....	102,000	50,000	50,000	50,000	-52,000		
Salaries and expenses, general legal activities.....	67,000	40,000	40,000	40,000	-27,000		
Salaries and expenses, U.S. attorneys and marshals.....	1,043,000	500,000	500,000	500,000	-543,000		
Fees and expenses of witnesses.....	1,400,000	1,400,000	1,400,000	1,400,000			
<b>Total, legal activities and general administration.....</b>	<b>2,612,000</b>	<b>1,990,000</b>	<b>1,990,000</b>	<b>1,990,000</b>	<b>-622,000</b>		
Immigration and Naturalization Service							
Salaries and expenses.....	924,000	924,000	924,000	924,000			
Federal Prison System							
Support of U.S. prisoners.....	2,500,000	2,500,000	2,500,000	2,500,000			
Law Enforcement Assistance Administration							
Salaries and expenses.....	52,200,000	49,000,000	49,000,000	49,000,000	-3,200,000		
<b>Total, Department of Justice.....</b>	<b>58,236,000</b>	<b>54,414,000</b>	<b>54,414,000</b>	<b>54,414,000</b>	<b>-3,822,000</b>		
DEPARTMENT OF COMMERCE							
Domestic Business Activities							
Salaries and expenses.....	30,000	Not considered			-30,000		
Minority Business Enterprise							
Salaries and expenses.....	298,000	130,000		130,000	-168,000		+130,000
Patent Office							
Salaries and expenses.....	2,260,000	2,260,000	2,260,000	2,260,000			
National Bureau of Standards							
Plant and facilities.....	2,100,000	Not considered			-2,100,000		
Maritime Administration							
Operating differential subsidy (liquidation of contract authority).....	(80,000,000)	(80,000,000)	(80,000,000)	(80,000,000)			
<b>Total, Department of Commerce.....</b>	<b>4,688,000</b>	<b>2,390,000</b>	<b>2,260,000</b>	<b>2,390,000</b>	<b>-2,298,000</b>		<b>+130,000</b>
THE JUDICIARY							
Supreme Court of the United States							
Salaries.....	10,000				-10,000		

## COMPARATIVE STATEMENT OF CONFERENCE ACTION, 2D SUPPLEMENTAL APPROPRIATION BILL, 1971 (H.R. 8190)—Continued

Agency and item (1)	Budget estimate (2)	House bill (3)	Senate bill (4)	Conference action (5)	Conference action compared with—		
					Budget estimate (6)	House bill (7)	Senate bill (8)
CHAPTER X—Continued							
RELATED AGENCIES							
Commission on American Shipbuilding							
Salaries and expenses.....	\$268,000	\$50,000	\$50,000	\$50,000	—\$218,000		
National Commission on Fire Prevention and Control							
Salaries and expenses.....	820,000	50,000	50,000	50,000	—770,000		
National Tourism Resources Review Commission							
Salaries and expenses.....	750,000	50,000	50,000	50,000	—700,000		
Small Business Administration							
Business loan and investment fund.....	80,000,000	64,000,000	64,000,000	64,000,000	—16,000,000		
Total, related agencies.....	81,838,000	64,150,000	64,150,000	64,150,000	—17,688,000		
Total, chapter X:							
New budget (obligational) authority.....	166,630,000	122,320,000	122,190,000	122,320,000	—44,310,000		+130,000
Appropriation to liquidate contract authorization.....	(80,000,000)	(80,000,000)	(80,000,000)	(80,000,000)			
CHAPTER XI							
DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES							
Office of the Secretary							
Civil supersonic aircraft development termination.....	97,300,000	85,330,000	155,800,000	97,300,000	+\$11,970,000	—\$58,500,000	
Coast Guard							
Operating expenses.....	Language 1,970,000	Language 1,320,000	Language 1,320,000	Language 1,320,000	—650,000		
Retired pay.....							
Federal Aviation Administration							
U.S. International Aeronautical Exposition.....	3,000,000	3,000,000	2,600,000	2,800,000	—200,000	—200,000	+200,000
Federal Highway Administration							
Highway beautification (limitation).....	(15,000,000)	(10,000,000)	(15,000,000)	(10,000,000)	(—5,000,000)		(—5,000,000)
Federal-aid highways (trust fund) (Liquidation of contract authorization).....	(275,000,000)	(275,000,000)	(275,000,000)	(275,000,000)			
Territorial highways.....	80,000	80,000			—80,000	—80,000	
Darien Gap highway.....	5,000,000		5,000,000	5,000,000		+5,000,000	
Total, Federal Highway Administration.....	5,080,000	80,000	5,000,000	5,000,000	—80,000	+4,920,000	
Federal Railroad Administration							
Office of the Administrator, salaries and expenses.....	100,000	15,000	15,000	15,000	—85,000		
Railroad research.....	7,375,000	2,000,000	3,000,000	2,500,000	—4,875,000	+500,000	—500,000
Total, Federal Railroad Administration.....	7,475,000	2,015,000	3,015,000	2,515,000	—4,960,000	+500,000	—500,000
Urban Mass Transportation Administration							
Salaries and expenses.....	150,000				—150,000		
Urban mass transportation fund.....	15,000,000	7,500,000	15,000,000	7,500,000	—7,500,000		—7,500,000
Total, Urban Mass Transportation Administration.....	15,150,000	7,500,000	15,000,000	7,500,000	—7,650,000		—7,500,000
Total, Department of Transportation.....	129,975,000	99,245,000	182,735,000	116,435,000	—13,540,000	+17,190,000	—66,300,000
RELATED AGENCIES							
Civil Aeronautics Board							
Salaries and expenses.....	177,000	177,000	177,000	177,000			
Payments to air carriers.....	7,399,000	7,399,000	7,399,000	7,399,000			
Total, Civil Aeronautics Board.....	7,576,000	7,576,000	7,576,000	7,576,000			
Panama Canal Company							
Limitation on general and administrative expenses (increase).....	(674,000)	(674,000)	(674,000)	(674,000)			
Temporary Study Commissions							
Aviation Advisory Commission, salaries and expenses.....	1,500,000	1,250,000	1,250,000	1,250,000	—250,000		
Commission on Highway Beautification, salaries and expenses.....	200,000				—200,000		
Total, related agencies.....	9,276,000	8,826,000	8,826,000	8,826,000	—450,000		
Total, Chapter XI new budget authority (obligational).....	139,251,000	108,071,000		125,261,000	—13,990,000	+17,190,000	—66,300,000
Limitation on general and administrative expenses.....	(674,000)	(674,000)	(674,000)	(674,000)			
Appropriation to liquidate contract authority.....	(275,000,000)	(275,000,000)	(275,000,000)	(275,000,000)			
Limitations on obligations.....	(15,000,000)	(10,000,000)	(15,000,000)	(10,000,000)	(—5,000,000)		(—5,000,000)

Agency and Item (1)	Budget estimate (2)	House bill (3)	Senate bill (4)	Conference action (5)	Conference action compared with—		
					Budget estimate (6)	House bill (7)	Senate bill (8)
<b>CHAPTER XII</b>							
<b>DEPARTMENT OF THE TREASURY</b>							
<b>Bureau of the Public Debt</b>							
Administering the public debt.....	\$1,700,000	\$1,000,000	\$800,000	\$800,000	-\$900,000	-\$200,000	
<b>Bureau of Accounts</b>							
Salaries and expenses.....	3,865,000	Not considered	3,750,000	3,750,000	-115,000	+3,750,000	
<b>GENERAL SERVICES ADMINISTRATION</b>							
Sites and expenses, public buildings projects.....	4,209,000	4,209,000	4,209,000	4,209,000			
Allowances and office staff for former Presidents.....	60,000	40,000	40,000	40,000	-20,000		
<b>INDEPENDENT AGENCIES</b>							
<b>CIVIL SERVICE COMMISSION</b>							
Payment to civil service retirement and disability fund.....	115,588,000	115,588,000	115,588,000	115,588,000			
Payment to civil service retirement and disability fund.....	222,253,000	222,253,000	222,253,000	222,253,000			
<b>Total</b> .....	<b>337,841,000</b>	<b>337,841,000</b>	<b>337,841,000</b>	<b>337,841,000</b>			
Government payment for annuitants, employees health benefits.....	23,882,000	23,882,000	23,882,000	23,882,000			
<b>FEDERAL LABOR RELATIONS COUNCIL</b>							
Salaries and expenses.....	Language	Language	Language	Language			
<b>COMMISSION ON GOVERNMENT PROCUREMENT</b>							
Salaries and expenses.....	600,000	Not considered	600,000	600,000		+600,000	
<b>Total, chapter XII, new budget (obligational) authority</b> .....	<b>372,157,000</b>	<b>366,972,000</b>	<b>371,122,000</b>	<b>371,122,000</b>	<b>-1,035,000</b>	<b>+4,150,000</b>	
<b>CHAPTER XIII</b>							
Claims and judgments.....	28,640,534	28,640,534	28,640,534	28,640,534			
<b>Total, title I—General supplementals:</b>							
<b>New budget (obligational) authority:</b>							
1971.....	3,351,078,593	2,657,407,093	3,049,264,593	2,792,091,593	-558,987,000	+134,684,500	-\$257,173,000
1972—Advance appropriation.....	100,000,000	100,000,000	100,000,000	100,000,000			
<b>Total</b> .....	<b>3,451,078,593</b>	<b>2,757,407,093</b>	<b>3,149,264,593</b>	<b>2,892,091,593</b>	<b>-558,987,000</b>	<b>+134,684,500</b>	<b>-257,173,000</b>
Limitation on administrative expenses.....	(674,000)	(674,000)	(674,000)	(674,000)			
Appropriations to liquidate contract authority.....	(361,500,000)	(361,500,000)	(361,500,000)	(361,500,000)			
Limitations on obligations.....	(15,000,000)	(10,000,000)	(15,000,000)	(10,000,000)	(-5,000,000)		(-5,000,000)
<b>TITLE II—INCREASED PAY COSTS</b>							
New budget (obligational) authority.....	4,428,661,484	4,131,745,452	4,136,204,380	4,136,104,380	-292,557,104	+4,358,928	-100,000
By transfer.....	(76,986,900)	(37,607,900)	(37,607,900)	(37,607,900)	(-39,379,000)		
Limitations on administrative and nonadministrative expenses.....	(66,849,000)	(66,338,000)	(66,338,000)	(66,338,000)	(-511,000)		
Appropriations to liquidate contract authority.....	(5,220,000)	(2,020,000)	(5,220,000)	(5,220,000)		(+3,200,000)	
<b>RECAPITULATION</b>							
<b>Grand total, titles I and II:</b>							
<b>New budget (obligational) authority:</b>							
1971.....	7,779,740,077	6,789,152,545	7,185,468,973	6,928,195,973	-851,544,104	+139,043,428	-257,273,000
1972: Advance appropriation.....	100,000,000	100,000,000	100,000,000	100,000,000			
<b>Total, new budget (obligational) authority</b> .....	<b>7,879,740,077</b>	<b>6,889,152,545</b>	<b>7,285,468,973</b>	<b>7,028,195,973</b>	<b>-851,544,104</b>	<b>+139,043,428</b>	<b>-257,273,000</b>
By transfer.....	(76,986,900)	(37,607,900)	(37,607,900)	(37,607,900)	(-39,379,000)		
Limitations on administrative and nonadministrative expenses.....	(67,523,000)	(67,012,000)	(67,012,000)	(67,012,000)	(-511,000)		
Appropriations to liquidate contract authority.....	(366,720,000)	(363,520,000)	(366,720,000)	(366,720,000)		(+3,200,000)	
Limitations on obligations.....	(15,000,000)	(10,000,000)	(15,000,000)	(10,000,000)	(-5,000,000)		(-5,000,000)

<sup>1</sup> The House action was for development costs only. The budget estimate, Senate bill, and final Conference action are for termination expenses. <sup>2</sup> Includes Senate items, not considered by the House, in the amount of \$4,386,928 and deletion of \$28,000 requested for Executive Office of the President, Domestic Council.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the requirement that the conference report on the second supplemental appropriation bill be printed as a Senate report be waived inasmuch as under the rules of the House of Representatives it has been printed as a report of the House of Representatives. The reports are identical.

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

**ENROLLED BILL PRESENTED**

The Secretary of the Senate reported that on today, May 24, 1971, he presented to the President of the United States the enrolled bill (S. 1399) to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior.

**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 House Concurrent Resolution 316, providing for the adjournment of the Congress from May 27 1971, until June 1, 1971, in which it requested the concurrence of the Senate.

**ENROLLED BILLS AND JOINT RESOLUTION SIGNED**

The message also announced that the Speaker had affixed his signature to the following bills and joint resolution; and they were signed by the Acting President pro tempore (Mr. BENTSEN):

S. 1399. An act to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior;

H.R. 5765. An act to extend for 6 months the time for filing the comprehensive report of the Commission on the Organization of the government of the District of Columbia; and

H.J. Res. 583. A joint resolution designating the last full week in July of 1971 as "National Star Route Mail Carriers Week."

**THE MILITARY SELECTIVE SERVICE ACT**

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business, H.R. 6531.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military

pay; to authorize military active duty strengths for fiscal year 1972, 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.

Mr. BYRD of West Virginia. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment proposed by the Senator from Pennsylvania (Mr. SCHWEIKER).

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

#### ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. I ask unanimous consent that on tomorrow, following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business not to extend beyond 10 a.m. with statements therein limited to 3 minutes.

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

#### ORDER FOR THE RESUMPTION OF CONSIDERATION OF THE UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. I ask unanimous consent that at the conclusion of morning business tomorrow, the unfinished business be laid before the Senate.

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

#### TRANSACTION OF ROUTINE MORNING BUSINESS AND RESUMPTION OF CONSIDERATION OF THE UNFINISHED BUSINESS ON WEDNESDAY, MAY 26, 1971

Mr. BYRD of West Virginia. I ask unanimous consent that on Wednesday next, immediately following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business not to extend beyond 10 a.m., with statements therein limited to 3 minutes, and that thereupon the unfinished business be laid before the Senate.

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

#### QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest an absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### THOMAS J. DODD, FORMER SENATOR FROM CONNECTICUT

Mr. RIBICOFF. Mr. President, I send the desk a resolution and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER (Mr. TUNNEY). The resolution will be stated.

The assistant legislative clerk read as follows:

#### S. RES 127

*Resolved*, That the Senate has heard with profound sorrow and regret the announcement of the death of Hon. Thomas J. Dodd, who served in the U.S. Senate from the State of Connecticut from 1959 to 1971.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

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

There being no objection, the resolution (S. Res. 127) was considered and unanimously agreed to.

#### QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

#### TERMINATION COSTS DUE TO THE AIRLINES ON THE SST CONTRACT

Mr. MAGNUSON. Mr. President, I am extremely concerned about the action taken by the House of Representatives on May 20, 1971, regarding the \$58.5 million in termination cost due to the airlines. The airlines contributed \$58.5 million in research and development money during phase III of the Civil Supersonic Prototype program. This contribution was made after the Department of Transportation called a meeting of airline executives and told the assembled executives that President Johnson wanted them to agree to invest "risk capital" before he would recommend continuation of the prototype program.

Mr. President, the Senate on May 19, 1971 voted 92-3 in favor of the amendment providing \$155.8 million in "termination costs." Included in the amendment was \$58.5 million for the airlines. On Thursday, May 20, 1971, a House/Senate conference committee agreed to the 155.8 figure for termination—following that conference, the House considered the conference report deleting all funds for termination costs. Subsequently, that afternoon, the House reversed itself and put back \$25.3 million in termination cost

for the prime contractors, \$11.9 million in funds for administration of the SST office, in order for the office to terminate the existing contracts, to recover the hardware and research effects, and to store the collected material.

Mr. President, I am convinced beyond a doubt that the airlines have a legitimate right to be reimbursed by the Federal Government. The decision by the Government to terminate was "not" one of the risks assumed by the airlines when they invested the funds in the research-development program.

I believe the Government has a moral and equitable duty to reimburse the airlines to the extent that they invested in the program. I also believe that a strong legal case can be made by the airline's against the Federal Government if we do not take appropriate action.

If the \$58.5 million is not provided in the second supplemental then I believe the DOT Appropriations Subcommittee should put this money into the fiscal year 1972 budget. Chairman ELLENDER indicated on Friday that he favored this course of action. I would prefer adding this money now but I am also concerned that Congress expedite consideration of this bill. If the motion to reconsider prevails, I would of course favor asking for a further conference to give consideration to the money due the airlines.

Mr. President, I ask unanimous consent that portions of the hearing record be placed in the RECORD at this point. Included are two letters addressed to me that explain the meeting called by DOT when they were told to invest risk capital in the SST program. The letters clearly indicate the understanding reached by the parties. The testimony of Mr. Stuart Tipton, president of ATA, is also enclosed.

Mr. President, I also ask unanimous consent that the letter and an editorial be printed in the RECORD.

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

#### AIRLINES FINANCIAL PARTICIPATION MEETING

##### FAA HEADQUARTERS BUILDING—ATTENDEES

Hon. Alan S. Boyd, Secretary of Transportation.

Mr. Cecil Mackey, Department of Transportation.

General William F. McKee, Administrator, FAA.

Maj. Gen. J. C. Maxwell, Director, Supersonic Transport Development.

Mr. Nathaniel H. Goodrich, General Counsel, FAA.

Mr. C. R. Smith, Chairman of the Board, American Airlines, Inc.

Mr. Harding L. Lawrence, President, Braniff Airways, Inc.

Mr. Harvey Wexler, V. P., Governmental Affairs, Continental Airlines, Inc.

Mr. Dave C. Garrett, V. P., Operations, Delta Airlines, Inc.

Mr. Todd G. Cole, Senior V. P., Eastern Air Lines, Inc.

Mr. Donald W. Nyrop, President, Northwest Airlines, Inc.

Mr. Juan Trippe, Chairman of the Board, Pan American World Airways, Inc.

Mr. Charles C. Tillinghast, Jr., President, Trans World Airlines, Inc.

Mr. Curtis Barkes, Exec. V. P., Finance and Property, United Air Lines, Inc.

Mr. Seymour S. Mintz, Counsel, Trans-American Aeronautical Corp.



Mr. Brian Cooke, V. P., World Airways, Inc.

Mr. Stephen F. Leo, Director, Airlift International, Inc.

Mr. John C. Pirie, General Counsel, Pan American World Airways, Inc.

Mr. Wm. J. Hogan, Exec. V. P., Finance, American Airlines.

Mr. R. Parsons, Chief, Analysis and Control Division, SST.

Mr. A. H. Skaggs, Chief, Economics Staff, SST.

Mr. B. J. Vierling, Deputy Director, SST. Senator BYRD. I have a letter from Gen. William F. McKee, U.S. Air Force, retired, addressed to Senator Warren Magnuson, under date of April 22, 1971, and it will be inserted in the record.

(The letter follows:)

DEAR MR. CHAIRMAN: I am replying to your letter of April 19, 1971 concerning forthcoming hearings on termination costs of the SST Program. You requested background information bearing on investment by the airlines in the program and their request that their investment be repaid. You asked specifically why airline support was solicited, who originated the idea, and how support from the airlines was obtained.

My personal recollection of the circumstances and my views are briefly as follows:

The President's Advisory Committee on the SST which was chaired by the Secretary of Defense, Robert S. McNamara, recommended to the President that the SST Program go forward. This was in late 1966 or early 1967. As I remember, the Committee indicated to the President there should be some participation by the airlines. In any event, the President told me and the Secretary of Transportation, Mr. Boyd, that he would insist on the interested domestic airlines putting up risk money to give a tangible indication that they had faith in the program.

Mr. Boyd called a meeting of the responsible airline officials in early February, 1967. He told them that the President was unwilling to request further appropriations from the Congress unless they were willing to take a substantial risk and that he was asking each airline to put up one million dollars, with no strings attached, for each airplane on which they had previously made a deposit. For example, in the case of one major airline, this amounted to \$15 million.

As a result of this meeting the involved airlines paid in some \$58 million on the basis that they would get their money back plus interest. They all understood that there would be no return unless:

(a) The airplane was operationally suitable (and safe).

(b) The airplane was economically viable.

It is my considered judgment that the airlines acted in good faith and on the clearcut assumption that the Government would go forward on the prototype program to determine the operational and economic aspects of the airplane.

I would not have been a party to requesting financial participation by the airlines, and I doubt that Mr. Boyd would, had I thought for an instant that the program would be arbitrarily terminated prior to finding out the answers to a. and b. above.

If I can be of any further assistance in this matter, I would be happy to do so.

Respectfully,

WILLIAM F. MCKEE,  
General, USAF (ret.).

(The following letter was subsequently received:)

ILLINOIS CENTRAL RAILROAD,  
April 29, 1971.

DEAR MAGGIE: Please forgive my delay in answering your letter of April 10, 1971 inquiring about background information pertaining to deposits by U.S. Airlines to further the development program for two prototype supersonic transport aircraft. I have been away from my office and hasten to respond at my first opportunity.

As a result of your letter, I have reviewed

such records as I possess, as well as my recollection of events surrounding the deposits.

President Johnson established an Advisory Committee on the SST to consider the pros and cons of the U.S. Government's continued participation in the development of one or more prototype aircraft. Following exhaustive studies and analyses, the Advisory Committee recommended that the President seek appropriations to construct two prototype aircraft. The Committee also urged that airlines be required to participate as a condition precedent to additional Federal financing. The President agreed. I was instructed to meet with the airlines and obtain a deposit of substantial amount from them. The purpose of the deposit was twofold: to give tangible evidence of airline interest in a supersonic transport, and to reduce to some degree the Government burden in financing the research. I met with the representatives of approximately 16 U.S. airlines in Washington, D.C., on February 6, 1967. The meeting was held to outline the reasons for my request to them to provide one million dollars as a deposit for each aircraft on which each airline held a delivery position.

The atmosphere of the meeting was that the Government planned to go forward if the airlines made the deposits. I say this to give you some idea of the tone of the meeting. I made it perfectly clear that the deposits would be at risk and would be forfeited if Boeing could not succeed in building a plane that in a production model would be economically viable and capable of safe operation at design speed.

While I made no commitment that the Federal Government would proceed with funding either in 1967 or the future, it was certainly assumed by all concerned that the deposits were at risks only in connection with failures that might be related to the aircraft itself.

As you know, the airlines provided deposits totaling 50 million dollars. Under the circumstances, as I know them, it appears to me a sacrifice of the deposits, due to failure of continuing Federal participation, was not contemplated.

If I can be of further assistance, please let me know.

Sincerely,

ALAN.

Senator BYRD. And I have another letter, from Harvey J. Wexler, vice president, governmental affairs, of Continental Airlines, Los Angeles, dated April 28, 1971, and addressed to the chairman of this subcommittee and it will be inserted in the record at this point.

(The letter follows:)

CONTINENTAL AIRLINES,  
April 28, 1971.

DEAR MR. CHAIRMAN: Reference is made to your hearings today as regards the airlines' financial contribution to the SST.

A meeting was held on the afternoon of February 6, 1967 at the request of the then Secretary of Transportation, Alan S. Boyd. I, as well as other U.S. carrier representatives, was in attendance. It was made patently clear at that meeting that the so-called risk element of the financial contribution to the development of the U.S. SST was a technological risk. Specifically, it was made clear at the above referenced meeting that the risk to the carriers was related and limited to whether or not the aircraft finally developed would be certificated. In the event that the aircraft developed was for technical or other safety reasons not to be certificated, then the airlines would lose their contribution.

At no time was it contemplated that if the Government unilaterally terminated the program that it would result in a financial loss to the airlines through their contribution to the SST program.

Respectfully yours,

HARVEY J. WEXLER.

Senator BYRD. We have one additional witness, and while we proceed with him, Mr. Secretary, we would appreciate it if you and your associates would stay just in case a question might occur in which you can help us.

Mr. BEGGS. Certainly, Mr. Chairman. Thank you very much.

STATEMENT OF S. G. TIPTON, PRESIDENT, AIR TRANSPORT ASSOCIATION OF AMERICA  
*Termination Arrangements for SST Program*

Senator BYRD. The final witness is Stuart G. Tipton, president of the Air Transport Association of America; and Mr. Tipton has a five-page statement.

Mr. Tipton, you may proceed to read your statement.

Mr. TIPTON. Very well. Thank you, Mr. Chairman and Senator Proxmire.

My name is Stuart G. Tipton. I am president of the Air Transport Association of America, the trade and service organization representing virtually all of the scheduled airlines of the United States.

We appreciate the opportunity the subcommittee has given us to discuss the termination arrangements for the supersonic program. The Department of Transportation has brought to the committee recommendations for termination payments to the basic contractors in the program, plus recommendations for other expenditures. The Department has not included funds to liquidate the obligations of the U.S. Government to the airlines which have invested substantially in the program, on the basis of an understanding that the program would be continued to the development and testing of two prototype aircraft.

Our arrangements with the Government at the time these investments were made will be detailed in a few moments, but, in essence, our position in law and equity is that the airlines were persuaded to make these investments by reason of their interest in the development of a U.S. supersonic transport, and that any risk the airlines were taking was one of technological failure and did not contemplate the withdrawal by the U.S. Government from the continuation of the effort.

The airline industry's payment to the SST program took two forms: (1) Delivery position reservation deposits of \$200,000 per aircraft for delivery positions reserved prior to June 5, 1967, and (2) investment payments of \$1 million per aircraft delivery position reserved prior to June 5, 1967, and \$750,000 per aircraft delivery position reserved after that date; actually \$200,000 of the \$750,000 was treated as a reservation deposit. The agreements relating to aircraft positions reserved prior to June 5, 1967, \$200,000 deposit and \$1 million investment, are known as the Group I Agreements, and those made after that date, \$750,000, which includes a \$200,000 reservation deposit, are known as the Group II Agreements.

The Group I Agreements involve 112 delivery positions with reservation deposits of \$22.4 million. We have been advised by DOT that these reservation deposits are being held in escrow by the U.S. Treasury and that the airlines may recover these deposits without any appropriation legislation. The airlines are now in the process of reclaiming these position deposits.

The Group I Agreements also involve investments deposits on 51 aircraft, totaling \$51 million. A list of these investments by carrier is contained in the attachment to this testimony.

The Group II Agreements involve 10 aircraft totaling \$7.5 million in deposits—\$2 million in position deposits and \$5.5 million in investment deposits. These are also listed in the attachment.

None of the \$51 million investment under the Group I contracts or the \$7.5 million Group II deposits are in escrow or appro-

prated for repayment to the carriers. Therefore, we request that this committee recommend the appropriation of \$51 million to cover the Governments liability under the Group I Agreements and \$7.5 million to cover its liability under the Group II Agreements, or a total appropriation of \$58.5 million to the airlines for the Government's termination of the SST program.

In order that our legal and equitable claim against the Government for restitution of this \$58.5 million may be more clearly understood, it is necessary to review the background which resulted in the Group I and Group II contracts.

A critical point was reached in early 1967 with respect to the continuation of the SST project. For almost 5 years research and engineering studies had been underway with respect to the supersonic airplane; and at that time it appeared that in order to continue this effort effectively, it would be necessary actually to begin the funding and construction of the prototype aircraft. Since it would be expected that larger appropriations would be required, and since the commitment of the Government to the program would be even more firm than it had been in the past, it was decided that the ultimate purchasers of the aircraft should clearly indicate their support of the program.

The executive branch of the Government apparently decided that before requesting Congress for an appropriation under these circumstances, the airlines should be requested to invest in the program. The then Secretary of Transportation, Mr. Alan Boyd, called the chief executives of the airlines which held such delivery positions to a meeting on February 6, 1967. They were told that congressional appropriation of funds for phase III of the SST program, development of two prototypes, was heavily dependent upon the willingness of the airlines to make substantial investments in the program. The Department requested that each U.S. airline which had reserved positions for the SST, invest \$1 million per aircraft position. This requirement was not made of the foreign-flag airlines which had delivery positions.

The U.S. airlines had little choice but to comply with this request if they wished the SST project to proceed. The proposal was presented to the airlines on a "take it or leave it" basis. It was the understanding of all those present at the meeting that if this commitment by the airlines was successful in obtaining the additional congressional appropriations, phase III of the project would be completed. It was further understood that if this evidence of good faith by the airline industry failed to obtain the required congressional support, the airlines would not be required to make the investment.

Thereafter, the group I contracts were prepared and sent out to the airlines covering the \$1 million per aircraft investment. Although the contract was nominally between the individual airline and Boeing, in fact the contract was substantially drafted by the Department of Transportation.

The airlines were given virtually no opportunity to negotiate any changes in the contract prepared by the Department of Transportation. In the Secretary's letter of February 28, 1967, transmitting copies of the contract to the airlines, we were advised that " \* \* \* Further negotiations would not result in any substantive change in the terms of the agreement."

It is true that both the group I and group II agreements contain provisions relieving the Government of obligations with respect to completion of the SST project or return or refund of the airline investments made thereunder. However, it is clear from reading the contract as a whole and the negotiations which surrounded the preparation of the contract that these provisions were included

to protect the Government in the event the prototype SST program became impossible for technological reasons. This is the risk the airlines were willing to assume when they invested the \$58.5 million in the project. The airlines did not assume the risk that the project would be dropped for reasons other than technological ones.

Now, the Government has abandoned its commitment to the prototype program. The Government is legally and morally obligated to return our investment.

In conclusion, I would like to point up one characteristic of this whole transaction, which in all equity argues most strongly for returning the airlines' investment. At the time the U.S. airlines holding delivery positions were persuaded to invest a million dollars per airplane under the group I contracts, the same investment was not required of foreign-flag airlines which also held delivery positions. Thus, if American-flag airlines are denied the return of their investment, the United States will have placed its own carriers in an adverse position in comparison with their foreign competitors.

We thank you very much for this opportunity to present our claim on this matter. (The lists follow:)

#### APPROPRIATIONS TO COVER THE GOVERNMENT'S LIABILITY TO THE AIRLINE INDUSTRY FOR ABANDONMENT OF PHASE III OF THE SST PROGRAM

##### I. U.S. GOVERNMENT LIABILITY UNDER THE GROUP I AGREEMENTS

Carrier	Number of aircraft at \$1,000,000 investment	Government liability (millions)
AA	6	\$6
BN	2	2
CO	3	3
DI	3	3
EA	2	2
NW	4	4
PA	15	15
TW	10	10
UA	6	6
Total	51	51

##### II. U.S. GOVERNMENT LIABILITY UNDER THE GROUP II AGREEMENTS

Carrier	Number of aircraft at \$750,000 (\$200,000 position and \$550,000 investment)	Government liability (millions)
EA	3	\$2.25
NW	2	1.5
TW	2	1.5
KLM	3	2.25
Total	10	7.5
Grand total		58.5

I should add a comment at the end and that is that later KLM made a \$2.5 million investment on the basis of the later part of that financial program and \$2.5 million, as is shown in our statement, is included in there as part of the \$58.5—or two and a quarter million, I am sorry.

#### NIGHT LETTER, MAY 21, 1971

On May 24, the Senate will take up a motion to reconsider the supplemental appropriation bill which was narrowly approved on Friday.

Deep concern has been expressed by some Senators over several issues in the bill. The scheduled airlines share the concern of the Senate over the House failure to agree with

the Senate in returning \$58.5 million of airline money invested in SST development as required by the government.

The Senate will again have the opportunity to rectify this injustice on Monday, when it will consider another vote on the bill.

The scheduled airlines respectfully urge that you support the motion to reconsider and a subsequent vote to send the supplemental back to conference.

There is reason to believe the House will sustain the Senate position on a subsequent vote.

S. G. TIPTON,  
President,  
Air Transport Association.

#### BAD RAP FOR AIRLINES

We are pleased to see Congress scuttle the supersonic transport project, but the House in its final action did an injury to the U.S. airlines that should be rectified.

While voting to reimburse Boeing and General Electric \$97.3 million for certain accrued costs, it refused, 157-116, to repay the airlines \$58.5 million they had invested in the SST. This was in spite of prior Senate and joint committee action approving the repayment.

The Senate was right. If the SST had been abandoned for technical failure, the airlines would have no cause to complain. But Congress foreclosed the project by a political decision, leaving the airlines high and dry.

Since the airlines thus lost their \$58.5 million by act of Congress, Congress should compensate in full.

#### AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE OF REPRESENTATIVES DURING THE ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House of Representatives during the adjournment of the Senate until 9:30 tomorrow morning.

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

#### AUTHORITY FOR THE PRESIDENT PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DURING THE ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President pro tempore be authorized to sign enrolled bills and joint resolutions during the adjournment of the Senate until 9:30 tomorrow morning.

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

#### ANNOUNCEMENT OF MEETING OF TOP WORLD SCIENTISTS ON THE QUESTION OF WORLD POLLUTION

Mr. MAGNUSON. Mr. President, I make the announcement at this time that tomorrow morning in the old Senate courtroom there will be a symposium involving the top scientists from many countries in the world on the question of a world environment institute, a fact-finding institute. If Sweden, for instance, finds some way to handle pollution better than ours, we will all exchange ideas. The same is true with air pollution and

all possible pollution involved in our environment.

The different world governments have sent their top representatives. Top scientists from all over the world will participate in this symposium.

Senators, are, of course, interested, as well as Members of the House of Representatives and others. I hope that they will come and participate.

We will not resolve anything with any definitiveness except that the people will go back to their countries with a feeling that we are all concerned about world environment.

As I at one time said, the pollution of the Yangtze and Yellow Rivers are just as important to this planet as the pollution of the Mississippi or the Yukon.

These men are meeting together preliminary to a world symposium which will meet in Sweden early next year and set up the guidelines for participation by all governments involved. They are the very best scientists in the countries that are going to be represented.

I hope that the Senate will participate as much as possible.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, as far as I am able to determine, this will be the final quorum call today.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. 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.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9:30 a.m. Following the recognition of the two leaders under the standing order, there will be a period, not to extend beyond 10 a.m., for the transaction of routine morning business, with a limitation of 3 minutes therein on speeches.

At 10 a.m., the Senate will proceed to debate the amendment by the junior Senator from Wisconsin (Mr. NELSON) with reference to no draftees in Vietnam after December 31, 1971. Time will be controlled and a vote will occur on the amendment at 1 p.m., tomorrow.

Immediately following the vote on the Nelson amendment, the Senate will proceed to debate the amendment by the senior Senator from Massachusetts (Mr. KENNEDY) with respect to the pay bonus for combat infantrymen. Time will be controlled, and a vote will occur on the Kennedy amendment at 4 p.m., tomorrow.

Time on any amendments to the amendments is limited to 1 hour coming within the periods allotted.

Senators are on notice, therefore, that at least two votes are scheduled for tomorrow and, undoubtedly, they will be rollcall votes.

There is little on the calendar other than the unfinished business, the bill to amend the Military Selective Service Act.

When the Senate completes its business tomorrow, it will stand in adjournment, according to the order previously entered, until 9:30 a.m., Wednesday. At least two important votes are scheduled for Wednesday, and undoubtedly they will be rollcalls.

Rollcall votes in addition to those I have enumerated may, of course, occur on tomorrow and Wednesday.

ADJOURNMENT TO 9:30 A.M.

Mr. BYRD of West Virginia. Mr. President, in accordance with the previous order and as a further mark of respect to the memory of our late, departed colleague, Thomas J. Dodd, a former Senator from the State of Connecticut, I move that the Senate stand in adjournment until 9:30 a.m. tomorrow.

The motion was agreed to; and (at 2 o'clock and 21 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, May 25, 1971, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 24, 1971:

U.S. NAVY

The following-named officers of the Navy for permanent promotion to the grade of rear admiral:

- |                        |                       |
|------------------------|-----------------------|
| Frank H. Price, Jr.    | Marmaduke G. Bayne    |
| Arthur G. Esch         | Robert L. J. Long     |
| Robert L. Baughan, Jr. | Thomas J. Christman   |
| James B. Hildreth      | Clarence A. Hill, Jr. |
| Mayo A. Hadden, Jr.    | William R. Flanagan   |
| Henry Suerstedt, Jr.   | David H. Bagley       |
| Edwin M. Rosenberg     | Kent L. Lee           |
| Philip P. Cole         | Frederick C. Turner   |
| Daniel E. Bergin, Jr.  | Robert B. Baldwin     |
| George L. Cassell      | Julien J. LeBourgeois |
| Howard S. Moore        | George P. Steele, II  |
| Philip S. McManus      | Narvin O. Wittmann    |
| Lawrence Heyworth, Jr. | Robert C. Gooding     |
| William T. Rapp        | Charles N. Payne, Jr. |
| John M. Barrett        | John L. Marocchi      |
|                        | Clarence R. Bryan     |

MEDICAL CORPS

- Harry P. Mahin
- David P. Osborne
- Herbert G. Stoeckle

SUPPLY CORPS

- Douglas H. Lyness
- Vincent A. Lascara
- Wallace R. Dowd, Jr.
- Edwin E. McMorries
- John A. Scott

DENTAL CORPS

- Vernon L. Anderson

EXTENSIONS OF REMARKS

TELEVISION AND THE PRESENTATION OF NEWS

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. DAVIS of Wisconsin. Mr. Speaker, Roger Le Grand, president of the Wisconsin Association of Broadcasters has brought to my attention the meaningful remarks of Elton H. Rule, president of the American Broadcasting Co. at a network luncheon in Los Angeles on May 3, 1971.

In renewing the pledge of the utmost to present fair, objective, but uncompromising reportage, Mr. Rule justifies the freedom from censorship pressures which are inherent in our constitutional democracy. In linking freedom with responsibility, Mr. Rule has reiterated the highest standards of the fourth estate. Mr. Rule's remarks, with some deletion in the interest of space, follow:

CVXVII—1046—Part 13

TELEVISION AND THE PRESENTATION OF NEWS—NO ROOM FOR THE ELECTRONIC OSTRICH

(By Elton H. Rule)

My friends, let me say simply and sincerely that it's fine to be back. And thank you for your good wishes. They meant more to me than I can easily express.

The last time we talked in Chicago, I was on film. One friend commented that the film was all right, but my color looked a little strange. A little strange? It was. We shot the film in full-living yellow.

In Chicago, I said that, at times during this past, traumatic year, there seemed to be a divergence of goals between the ABC Network and its affiliates. I said that recent events have proved that there is no divergence.

Our theme is unity. Our aim is unity. Our byword is unity. We're moving ahead together.

It has always been vitally important that we stand together. Perhaps it is more important now than ever before in the history of our ABC organization, and in the history of the medium we proudly represent.

Now, I know that the after-luncheon speaker often performs the function of a glass of brandy. He reminds the assemblage that all's right with the world. Allow me to depart from that tradition.

Today, I'd like to talk about a subject as vital as our heartbeat.

A recent issue of Variety carried an editorial entitled An Unholy Silence. The point of the editorial was that at a time when the television industry was under threat of censorship in the crucial area of news reporting, few voices have spoken out against this threat. It was a point well taken.

While some industry voices have indeed spoken out—perhaps we have not made enough of a noise on the side of freedom for electronic journalism.

One reason is that we do not seek to make noise for its own sake. We want to make sense.

There is so much shouting going on that American ears have begun to develop immunities. Passion can give wings to reason. But passion without reason is a vapid as reason with passion.

We must examine the events of the present, we must determine our relationship to those events, and we must emerge with a sense of identity—with a knowledge of where we stand. Then we must be passionate in the defense of that stand.

What are the events of the present?

Is television different when it comes to news? How is it different?