

ne 16, 1971

CONGRESSIONAL RECORD — HOUSE

H 5273

hearings, then it can also go to the ny as well.

Mr. GUBSER. That is right.

I simply conclude with this statement: If we want to upgrade the level of classification available to the Committee on Armed Services and to the Congress of the United States, then let us prove we are responsible individuals and keep it classified the way it was intended to be.

Mr. ARENDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I make these remarks for the purpose of getting them in the Record for the benefit of the many Members who have asked this very question that I will attempt to answer now by this insertion.

It is true that this year's bill is larger than the similar authorization approved by the committee last year. It is also true that a loaf of bread costs more this year than it did last year. This effect of inflation shows up in the Defense budget as it does in anybody's household budget and is one of the reasons why the bill has to be higher than the 1971 authorization.

The total amount in the committee's bill, H.R. 8687, after accounting for the committee-supported amendment to delete funds for the F-14, will be \$21,069,112,000. This compares with an authorization last year of \$19,595,089,000.

Thus this year's authorization is \$1,474,023,000 above last year's bill.

The reasons for the increase are very simple. One reason, as I indicated, is inflation. Since inflation affects different parts of the Defense budget to different degrees, it is difficult to give a precise estimate of the inflationary impact. The gentleman from New Hampshire (Mr. STAFFORD) in preparing his amendment on research and development, estimated a level of 5 percent for inflation. If we apply a 5-percent factor across the board to last year's authorization, it would chew up almost a billion dollars—\$977,754,450. If a 5-percent inflation is assumed across the board, the actual dollar increase remaining over last year's authorization is only \$496,268,550.

In addition to inflation, there are four reasons why this bill is higher than last year's.

First. We have increased the shipbuilding account by \$617 million. While a lot of that is chewed up by inflation, a study of the Soviet naval threat, as outlined in the committee's report, leaves no doubt in anybody's mind that we have to increase the rate of modernization in our Navy.

Second. We have increased research and development expenditures by \$860 million over last year. These two areas, ship construction and R.D.T. & E., are the two areas where major, general increases were requested by the administration and approved by the committee. The trend in research and development spending has been downward, while the momentum of Soviet research and development has been dramatically upward. And it was made very clear to our committee that we have to reverse the trend or the Soviets could gain technological superiority over us by the end of the 1970's. No other aspect of this bill is

more important than this need to improve the funding of our research and development to keep up our technological capability in the world. Again, assuming a 5-percent inflation, \$355 million of that research and development increase would be absorbed by inflation.

Third. Improvement in our strategic capability, including \$250 million for additional modernization of our land-based strategic missiles and \$100 million to improve the penetration capability of our strategic bombers.

Fourth. For the first time this year the committee has to authorize the appropriations for the procurement of torpedoes for the Navy. The authorization is \$193,500,000.

In summary, the relatively small actual increase in this year's bill over last year's authorization is easily understood and was dictated solely by clear military requirements and by the effect of inflation.

Mr. HÉBERT. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. GONZALEZ).

(Mr. GONZALEZ asked and was given permission to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Chairman, I want to thank the distinguished chairman of the Committee on Armed Services for yielding to me at this time.

Mr. Chairman, I have listened to most of the debate on this bill. I take this opportunity to rise in support of the bill.

Yesterday afternoon I am glad that I sat in and listened to a part of the discussion, because one of the cosponsors or authors of the so-called Nedzi-Whalen amendment got up and said exactly what the amendment would not do and is contrary to the extent of 180 degrees to what mail I have been receiving. I have people write and say, "Vote for the end to the war amendment."

The author, or one of the authors of the amendment, Mr. WHALEN got up yesterday and said it would not do any such thing, that it would not remove the troops from Vietnam and that it would not stop anything except to inform the administration about the desires and wishes and the hopes of the American people.

Mr. Chairman, so much for that. I rise in support of this bill, because I am fully convinced that it is necessary for the minimal adequacy of our defense at this time.

Somehow the myth has been extended that we are so superior militarily that the United States is not vulnerable at all. The real truth of the matter is that the United States never has been as vulnerable as it is now. For the first time in the 20th century, and since the last century, a squadron of Soviet modern naval ships with gas turbine engines, none of which our fleet has, cruise at will and have on occasion since 1969 in the Gulf of Mexico and in the Caribbean.

Even as we are meeting here today it is entirely possible at this time for a submarine to even rise to the surface off the coast, because it is there with a so-called multiple reentry vehicle with at least a 1- to 2-megaton delivery sys-

tem that could send three of these rockets into various sections of this country, including this very Chamber right now, and do it with mathematical accuracy.

Mr. Chairman, I do not think this is something we should completely ignore or summarily say that this is one of those propaganda gimmicks that once a year is brought forward in order to justify expenditures for our defense.

Mr. Chairman, I was one of those who took the lead in striving for accountability in the expenditure of defense funds.

I have not seen any of the critics really in favor of examining such things as the Renegotiation Board.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HÉBERT. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, I thank the gentleman for the additional time.

Mr. Chairman, that is not the issue here. The issue here, I think, is one of providing a minimal defense, not the so-called surfeit of defense, nor the so-called gluttony of defense, because that is nonexistent. I am convinced this time that we are wholly vulnerable—in what manner, shape, and form specifically only time and circumstances can tell us. But the handwriting is on the wall.

Our civil defense is in a shambles. There is no such animal—and I have spoken out on that before.

I think and I hope that the provisions of this bill will at least give us some minimal defense capability so that at least we will be able to get some gas turbine equipped ships in the fleet of our Nation, because during the time that the Russians were cruising during these last three occasions in the Gulf of Mexico and the Caribbean, there was not one American ship we could have deployed. All our ships were elsewhere throughout the world. So this notion that we have a surfeit of defense must be corrected.

Again I thank the Chairman, the gentleman from Louisiana (Mr. HÉBERT), for yielding me this time.

Mr. ARENDS. Mr. Chairman, I have no further requests for time.

Mr. HÉBERT. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Chairman, while recently in Indochina, I visited Laos and several questions occurred to me, and I would like to address those questions to the chairman of the committee. And may I say to the chairman that I appreciate his courtesy in giving me, a non-member of the committee, an opportunity to speak on this matter.

Mr. Chairman, I would ask the gentleman from Louisiana if the gentleman can tell me if there are funds in this bill for the Central Intelligence Agency?

Mr. HÉBERT. There are funds in the bill for intelligence work of all our agencies, I will tell the gentleman.

Mr. WALDIE. Would that include the Central Intelligence Agency?

Mr. HÉBERT. It does.

Mr. WALDIE. Can the gentleman tell me in what portion of the bill those funds are contained?

Mr. HÉBERT. No, I cannot tell the gentleman that.

Mr. WALDIE. Is it available so that a Member of this House of Representatives can go to the committee and examine the classified documents involving the amount of money available for the Central Intelligence Agency in this bill?

Mr. HÉBERT. No, sir, it is not. The chairman takes the full responsibility of not discussing the matter further.

Mr. WALDIE. So whatever those sums are and to whatever purpose they will be put, that is only known to the chairman of the committee?

Mr. HÉBERT. It is known to the chairman and the ranking minority member of the committee. This is a policy which has prevailed throughout the years in all administrations.

Mr. WALDIE. Yes. Mr. Chairman, I think I understand the policy that no other member of the committee knows that information.

Mr. HÉBERT. That is correct.

Mr. WALDIE. May I ask this question?

In title IV there is a prohibition against using any of the moneys appropriated in this bill for the payment of free world forces serving in Laos. Are there any funds being appropriated by this bill for the payment of any forces in Laos?

Mr. HÉBERT. No, there is not any provision for the payment of those forces. The only moneys that are involved in this bill are those providing for the intelligence agencies of this country.

May I make a further correction, I do not want to mislead anybody by saying that the chairman and the ranking minority member know about these funds and only them, because the entire committee is briefed by the CIA on its functions. So I do not want to have that misconception carried away that the members of the committee do not know of the activities of the CIA and of the other intelligence agencies, this we do know. This year, for the first time in the history of the committee, at the chairman's request, the CIA was invited to appear before the entire committee. Its director, Mr. Helms, appeared and subjected himself to all kinds of questions and all the questions were answered by the director, Mr. Helms.

Mr. WALDIE. May I ask the chairman one final question?

What is the purpose of the CIA activity in Laos?

Mr. HÉBERT. The activity of the CIA in all sections of the world, in Laos, the Middle East and everywhere is the gathering of intelligence for the protection and security of the United States.

Mr. WALDIE. I thank the gentleman.

Mr. ARENDS. Mr. Chairman, I yield to the gentleman from Missouri (Mr. HUNGATE).

(Mr. HUNGATE asked and was given permission to revise and extend his remarks.)

Mr. HUNGATE. Mr. Chairman, we will soon be called upon to vote on the Nedzi-Whalen amendment, or some House ver-

sion of the McGovern-Hatfield amendment. Since I fear there may have been a considerable amount of high-pressure, slick, oversimplification of this problem, I believe the following editorial in the Washington Post is illuminating:

CONGRESS VOTES ON THE WAR

The McGovern-Hatfield and Nedzi-Whalen amendments, which are to be voted on today in the Senate and House respectively, would not "end the war" or automatically retrieve the American POW's or guarantee the safe exit of American forces or, least of all, assure a Vietnamese reconciliation. Any such claim promises more than either amendment can deliver and invites further frustration and disillusionment. Not only does fulfillment of claims like these lie to a great extent in other than American hands. But the American system of Government gives the President broad authority to conduct a war. It is idle to pretend while the fighting goes on that Congress can remove that authority; in fact, McGovern-Hatfield explicitly concedes the point.

So it is misleading the public to talk of these proposed congressional restraints in terms of a "date certain" for our withdrawal, however comforting and convenient that piece of shorthand may be to supporters of both measures; Vietnam has given us enough deceptive shorthand, and also enough easy—and offensive—sales pitches—.

My colleagues, as you are well aware, I voted in favor of fixing December 31, 1971, as the date for withdrawal of all U.S. troops from Southeast Asia. I have voted three times this year to end the draft on June 30, 1971, in the belief that if wars in Southeast Asia can be fought with volunteers, they will prove they have the popular support of the American people. If they cannot, and I would assume this one cannot be fought with volunteers since 80 percent of combat troops are draftees, then the President could come to Congress and ask us for troops and prove his justification for the request. Then we could restore to Congress a meaningful voice in foreign policy.

However, since a majority of this Congress sees fit to draft our young men and ship them halfway around the world to fight 10,000 miles from home, I find it difficult to vote against funds to provide them with supplies, equipment, arms and ammunition they need to defend themselves and our country's position, even though we might not have selected their mission in Southeast Asia. As one who served in the combat infantry in World War II, I would consider it irresponsible to send a draftee into a combat zone without providing him with all the support those fortunate enough to stay at home can provide.

Therefore Mr. Chairman, I must oppose the Nedzi-Whalen amendment.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman.

Mr. NEDZI. Did the Washington Post editorial recommend voting for or against?

Mr. HUNGATE. The Washington Post wrote these very skillful lines, I thought, with which I agree and found that in essence my construction would be meaningless and then it came out for it.

I think it is very much like the story you have all heard of a man coming in

the House and speaking about 10 minutes, and another Member said I he you speak and I cannot tell where stand. Can you tell me whether you ... for or against it? The guy speaking said—

I watched the gentleman when he came in this House and raised his hand and took the oath to become a Member and I said, "There is a man, and no matter how long he is here, he will never know what's going on."

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman.

Mr. GUBSER. Would you not summarize the Washington Post editorial this way—that they gave all the reasons for voting against Nedzi-Whalen in order to justify their point that you ought to vote for it?

Mr. HUNGATE. The gentleman's point seems accurate to me.

Mr. WHALEN. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman.

Mr. WHALEN. I would just like to read for the RECORD the editorial's conclusion.

The amendments as written are by and large thoughtful and responsible, though limited. A wise Congress would enact them, and a wise President would welcome them as reinforcement of his own policy and his own concern for the Nation.

Mr. HUNGATE. I appreciate the gentleman's contribution, but I would say as to the expression "a wise Congress," I presume its wisdom will be revealed in the future hours today.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman.

Mr. ARENDS. When you must make a decision on what the Washington Post article sets forth as to whether this is a wise Congress or not—that is a far stretch of imagination.

Mr. HÉBERT. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. ABZUG).

The CHAIRMAN. The gentlewoman from New York is recognized.

Mrs. ABZUG. Mr. Chairman, we have all been very concerned about the shocking revelation in the last few days, that there have been secret military and political decisions by our Government without the consent or knowledge of this great body. These decisions were all the more shocking because they indicate that Government policy on Vietnam was constructed and conducted by lies and deceptions. There was a discussion that took place earlier in the debate between two members of your committee, Mr. Chairman, in which they suggested that classified material concerning the needs of our defense was available for inspection to the Members of this House.

Subsequent to this an inquiry was made of you, Mr. Chairman, by the gentleman from California (Mr. WALDIE) with respect to information available concerning the CIA, and you indicated that it was not available for inspection by Members of either the Armed Services Committee or the House.

My question to you, sir, is this: Is classified material concerning the needs of our defense and the matters about

June 16, 1971

CONGRESSIONAL RECORD—HOUSE

H 5275

which we are to act today and the next few days in the bill before us available for inspection to the members of the Congress? We need to know this because all the Members of this House are going to be subject to a great deal of questioning by our constituents, and we should be; as to whether or not we are informed on and involved in the decisions which we make. The public has a right to be skeptical and to demand that those who represent them are privy to knowledge before we commit their hard-earned tax dollars to military hardware instead of to programs for health, education, transportation, child care, housing, and employment so desperately needed in our country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HÉBERT. Mr. Chairman, I yield 2 additional minutes to the gentlewoman from New York.

The CHAIRMAN. The gentlewoman from New York is recognized for 2 additional minutes.

Mrs. ABZUG. I would like an answer to that question.

Mr. HÉBERT. That is the reason I am yielding additional time to the gentleman.

Mrs. ABZUG. Thank you, sir.

Mr. HÉBERT. I will tell the gentleman this, and try to make it very explicit: All the hearings before the House Armed Services Committee in executive session are available to any Member of this House who has the inclination, the desire, or the intent of reading them. But they must read this information within the confines of the committee room, and they can read everything that has been said in that committee room. They cannot copy it. They cannot take it out. They are bound by their consciences and the executive position of the committee in having executive hearings under the rules of the committee and of the House.

But there is nothing, absolutely nothing, that is taken away from the individual Members of this House, and any Member who desires to read the unexpurgated transcripts of the hearings is welcome to come to the House Armed Services room at any time. They can remain in the room. During that time they can look at the copy. They can read the copy. We will give you coffee, and if you are from New Orleans, we will put a little bourbon in it to make you more comfortable. You can stay around as long as you want. There are no secrets in the House Armed Services Committee.

Mrs. ABZUG. Does that include classified material presented to the committee?

Mr. HÉBERT. That includes every statement that is made by witnesses, classified or not, in the record.

Mrs. ABZUG. I am a little confused by a previous statement made by you, Mr. Chairman, in which you indicated that the material concerning the CIA was not available for inspection.

Mr. HÉBERT. It is not in the record.

Mrs. ABZUG. I see. You have answered my question, Mr. Chairman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HÉBERT. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. STRATTON).

Mr. GUBSER. Mr. Chairman, I yield 1 additional minute to the gentleman from New York.

The CHAIRMAN. The gentleman from New York is recognized for 2 minutes.

Mr. STRATTON. Mr. Chairman, the bill reported by the Committee on Armed Services recommends authorizations for appropriations for fiscal year 1972 for torpedoes and related support equipment in the amount of \$193,500,000. Most of this authorization is required for the procurement of the MK-48 torpedo.

At this point I should emphasize that this bill for fiscal year 1972 represents the first time that authorization for torpedoes was acted upon by the Committee on Armed Services and required under the statute. The inclusion of naval torpedoes as a weapons system requiring annual authorization was the result of last year's action by the conferees of the House and Senate who agreed that this weapons system required a continuing review by the respective Committees on Armed Services.

I am now happy to report that after receiving departmental testimony on behalf of the MK-48 torpedo program and supporting documents, the Committee on Armed Services approved the departmental procurement request for fiscal year 1972.

The MK-48 torpedo is the most advanced and most effective antisubmarine torpedo scheduled for use by the U.S. Navy and is vastly superior to any conventional ASW weapon now available to our submarine force.

The MK-48 torpedo is, in fact, a sophisticated missile which operates in an undersea environment rather than in an airborne mode.

In order to accomplish this capability this torpedo contained the most complex electronic components which are to be found in an advanced missile, airborne or otherwise.

Stated very succinctly, the impressive characteristics and capabilities of the MK-48 torpedo will provide the U.S. Navy with an absolutely indispensable weapon to be used to combat the increasing Soviet submarine threat.

Much has been said in the news media concerning this program. Unfortunately, much of this information has left the impression that the program was technically infeasible and constituted a horrendous waste of public moneys.

Such an inference is simply not true.

At the outset, let me point out that although there have been, in fact, many monumental technical problems encountered in this program because of the unique requirements of this weapons system, they have nonetheless been overcome and resolved during the past year. The intensive testing provided the two models of this torpedo have established conclusively that the Navy will be provided with a new and unique weapons system that will accomplish its mission of destroying both enemy submarines as well as surface vessels.

The committee report contains a great deal of information on this weapons system. The report, together with the

printed hearings, should certainly satisfy the most severe critic of this program. Nonetheless, let me review very briefly the cost picture:

As of May 1, 1971, the Navy had obligated \$524 million and had contractual commitments for an additional \$110 million, of the total \$672 million appropriated by the Congress for the development of this weapons system. The remaining \$38 million is held in a deferred status pending selection of the model torpedo for final production and procurement.

Unfortunately, too many times both the public media and others have drawn the inference that the cost to date has exceeded \$4 billion, when, in fact, the invested cost to date more nearly approximated the obligated and committed amount of \$634 million.

Reference has been made to the high unit cost of individual MK-48 torpedoes. It is true that the individual unit cost of the MK-48 torpedo would exceed \$500,000 if the total program costs including research and development moneys were included as the cost basis; however, the actual unit costs for future procurement of this torpedo are estimated to be more nearly \$300,000 and will probably reduce considerably below that in the future.

I cannot discuss much of the detailed characteristics of this new weapons system, but let me assure my colleagues that it is indispensable to our arsenal and we must go forward with this program if we are to have a meaningful antisubmarine warfare capability. I, therefore, urge your approval of this program.

Mr. DENHOLM. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from South Dakota.

(Mr. DENHOLM asked and was given permission to revise and extend his remarks.)

Mr. DENHOLM. Mr. Chairman, I thank the gentleman from Louisiana for yielding.

"The Congress shall have Power to declare to raise and support Armies"—Article I section 8, U.S. Constitution.

The original Articles of Confederation, made prior to the adoption of the Constitution of the United States, conferred upon Congress the "sole and exclusive right and power of determining on peace and war." But the United States could not engage in war "unless nine States assent to same."

More definite and full language was written by our founding fathers and is used in the existing Constitution of the United States of America. All those powers are attributes of nationality and would exist without mention in the Constitution. But it was desirable to make definite the department of the Government in which they should reside.

In the Constitutional Convention some of our forefathers thought the President should have the power; others favored restoring such powers upon the Senate as representing the States in equal number from each represented State; but the prevailing opinion was that the grave acts of declaring and conducting war

should be performed by the whole Congress.

In 1812 Congress passed an act in declaring war on Great Britain because of hostile acts done by that country.

In 1846 the Congress declared a state of war with Mexico by a resolution owing to hostile acts of that nation.

In 1898 Congress declared war on Spain.

In 1917 a resolution of war was passed by Congress as a result of the sinking by Germany of the *Lusitania* and other merchant ships with the loss of American lives, and of other violations of international law with respect to the United States.

In 1941, Japan attacked at Pearl Harbor. Congress immediately declared that a state of war existed between the United States and Japan, Germany, and Italy.

The United States emerged as the only great nation in the modern world that had never lost a war. This proud record again demonstrates the strength of free institutions. When the representatives of the people vote for a war, the people respond.

The important lesson to be learned here is that in the United States one man—or one coterie—cannot conduct or declare war.

The conduct and declaration of war can be done only by the two Houses of Congress whose Members are substantially all elected by the direct vote of the people. The argument and theory pursued by our forefathers was that action is not likely to be hurried or unjust when submitted for the due care and deliberation of such a body of representatives of the people duly assembled in a joint session of Congress.

The Supreme Court of the United States said in 1849 the following:

The genius and character of our institutions are peaceful, and the power to declare war was not conferred upon Congress for the purpose of aggression or aggrandizement, but to enable government to vindicate by arms, if it should be necessary, its own rights and the rights of its citizens.

The question before the Supreme Court was then whether the city of Tampico, Mexico, while in the military possession of the United States in 1847, ceased to be a foreign country so that custom duties could not be laid on imports from it. The answer was "No."

While the United States may acquire territory, it can do so only through the treaty-making or the legislative powers—the victories of the President as Commander in Chief "do not enlarge the boundaries of this Union, nor extend the operation of our institutions and laws beyond the limits before assigned to them by the legislative power."

Congress shall have the power to raise and support armies which is an implied power from the expressed constitutional power "to declare war." But to leave no question as to what Department of the Government would do it, the power was expressly conferred upon Congress; for otherwise the President as Commander in Chief might assume to raise armies after Congress had made the declaration of war. The President cannot raise an army, nor can Congress maintain one by

an appropriation for a longer term than 2 years.

Conclusions: There is no constitutional authority or precedent authorizing and justifying the President to declare war. The President as Commander in Chief may under the emergency powers of the President mobilize the Armed Forces in the interest of national security. The power to declare war is expressly reserved to the joint session of Congress. It is further restricted by the provision for appropriations not in excess of 2 years without another request to the Congress for further appropriations to finance war.

The more subtle and difficult issue is what may from time to time constitute an act in the national interest? There can be no doubt that when this Nation, its people or its possessions are attacked directly by a foreign aggressor our national interest is placed in jeopardy. Absent of a direct attack the citizens of this country have not historically condoned war. It is unmistakably clear that when the citizens have acted through their representatives in Congress this Nation has always prevailed whatever the adversities.

The second and equally frustrating issue of our time is premised upon the notion that national security is somewhat or somehow exposed and absent of any act by Congress, the President has continued to commit the country to military involvement. The underlying question of such an issue is to what magnitude must such military involvement be committed and for what duration absent of an act of war. Necessary appropriations to finance modern war are far in excess of any recorded in the history of all wars of this Nation.

In summary the United States entered Vietnam pursuant to a resolution passed by the Congress in 1964 with but two dissenting votes and granted unto President Lyndon B. Johnson the power to repel the Vietcong in the interest of national security. The Congress has continued to appropriate adequate funds to protect our military commitments and men in Vietnam. More recently President Nixon entered Cambodia without any act, counsel, or resolution of the Congress. However expedient in the sense of military science the act of aggression in the country of Cambodia is without precedent and of questionable merit as to national security. The continued military commitments in Indochina without congressional approval will continue to divide reasonable people on the priority of the issues of our times. It is my judgment that this Nation can ill afford to further pursue such policies without a full disclosure by the executive branch of Government to the Congress of how the security of this Nation is placed in jeopardy and an evaluation of our national interest in Vietnam. It is the duty of the Congress to respond and if war is to be declared it is for Congress to decide whom the act of war should be declared against and to lead and unite the citizens of this Nation in the common cause against the enemy. It is my belief that the Congress cannot and will not identify the enemy, the Nation, or

the people for whom any declaration of war will issue in Southeast Asia under present existing circumstances. If that is not to be an act of declared war by the Congress the policy of military involvement in Indochina should and must be reviewed to determine a true evaluation of how our national interest is in jeopardy.

It appears that our military commitments and our military involvement has exceeded any reasonable degree of temporary defense of our national security in Indochina. If we seek but the balance of power in a by-polarism struggle of world politics between communism and the people of free governments then it is for Congress to decide to what extent we must be committed economically, monetarily, and politically to achieve the equilibrium of power among nations.

It is my conclusion that Congress cannot fail to act upon these grave questions confronting the citizens of our country. It is wrong for the President to pursue a course of no apparent purpose and particularly so without consultation of the Congress. It is wrong for the members of Congress to pursue individually the political expediencies of public opinion at the expense of a divided citizenry. The present policies cannot and should not be continued and it is the duty of every elected representative of the people to do all that he can to bring these grave issues to a united decision through the consultative processes of our democratic Government by official action of the Congress in joint session.

I understand this constituted Republic is a land of laws—and not merely mortal men. In the interests of mortal men—I shall stand by precedent of the law of the Constitution of the United States of America and I shall vote against appropriations for military intervention and the deployment of arms in any foreign land until the issues of those commitments are honestly placed before the Congress for appropriate and timely determination as provided by the provision of law contained in the Constitution of the United States of America.

(Mr. STRATTON asked and was given permission to revise and extend his remarks.)

Mr. ARENDS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

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

Mr. HÉBERT. Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

Mr. ARENDS. Mr. Chairman, reserving the right to object, I do not like to object to a request by my good friend and my chairman, the gentleman from Louisiana. However, I will be constrained to object, because I believe the bill should be read by titles and open to amendment as each title is completed. Therefore, Mr. Chairman, I object.

States pursuant to article V of the Constitution.

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

S. 1318

At the request of Mr. FANNIN, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 1318, a bill to deny tax exemption under section 501 of the Internal Revenue Code of 1954.

S. 1442 THROUGH S. 1445

At the request of Mr. Moss, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1442, a bill to provide that the first \$3,000 received as civil service retirement annuity shall be excluded from gross income; S. 1443, to eliminate the survivorship reduction during periods of nonmarriage of retired employees and Members, and for other purposes; S. 1444, a bill to increase the contribution by the Federal Government to the costs of employees' health benefits insurance; and S. 1445, a bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes.

S. 1659

At the request of Mr. FANNIN, the Senator from North Carolina (Mr. ERVIN) was added as a cosponsor of S. 1659, a bill to amend the National Labor Relations Act.

S. 2223

At the request of Mr. TALMADGE, the Senator from North Dakota (Mr. BURDICK), the Senator from Georgia (Mr. GAMBRELL), the Senator from Washington (Mr. MAGNUSON), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Kansas (Mr. PEARSON) were added as cosponsors of S. 2223, a bill to amend the Consolidated Farmers Home Administration Act of 1961, and for other purposes.

S. 2258

At the request of Mr. GRIFFIN, the Senator from Wyoming (Mr. MCGEE) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2258, the Motor Vehicle Air Pollution Control Acceleration Act.

SENATE JOINT RESOLUTION 62

At the request of Mr. GRIFFIN, the Senator from Illinois (Mr. STEVENSON) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of Senate Joint Resolution 62, authorizing the display of the flags of each of the 50 States at the base of the Washington Monument.

SENATE JOINT RESOLUTION 99

At the request of Mr. CASE, the Senator from Utah (Mr. MOSS) was added as a cosponsor of Senate Joint Resolution 99, a joint resolution proposing establishment of a National Collegiate Press Day.

SENATE JOINT RESOLUTION 114

At the request of Mr. CURRIS, the Senator from Arizona (Mr. FANNIN) was added as a cosponsor of Senate Joint Resolution 114, a stable purchasing power resolution of 1971.

SENATE CONCURRENT RESOLUTION
35—SUBMISSION OF AN ORIGINAL
CONCURRENT RESOLUTION FAVORING
THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

(Ordered to be placed on the calendar.)

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following original concurrent resolution:

S. CON. RES. 35

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation pursuant to the provisions of section 244(a)(2) of the Immigration and Nationality Act, as amended (66 Stat. 204; 8 U.S.C. 1251):

A-9687873, Chan, Chuen.
A-17949342, Chin, Lean.
A-6816735, Funk, Thomas Fredrik.
A-13282197, Moy, Huey Nai.
A-10465009, Torres de Bejarano, Socorro.
A-11596573, Yee, Soon Hing.
A-8486988, Terrazas-Barrio, Efrén.
A-4316706, Ioanides, Gabriel Constantin.
A-1864768, Herrera-Marquez, Aurelio.
A-18498866, Lum, Wah Gum.
A-3212791, Candanoza-Leza, Rogello.
A-6499744, Cartier, Paul August.
A-12027264, Liu, Lai Chih.

MILITARY PROCUREMENT
AUTHORIZATIONS—1972

AMENDMENT NO. 294

(Ordered to be printed and referred to the Committee on Armed Services.)

CLOSING LOOPHOLES: AN AMENDMENT TO END U.S. FINANCING OF FOREIGN MERCENARIES IN LAOS

Mr. SYMINGTON, Mr. President, last year many of us thought that the Congress, by means of amendments to the Defense authorization and appropriations bills, had made it unlawful for the U.S. Government to pay Thai troops to fight in Laos or Cambodia. Today there are Thai troops in Laos and they are being paid by the U.S. Government. The State Department has finally admitted that we are paying the Thais, but the Thai Government still asserts there are no Thai troops in Laos.

In our discussions with the executive branch, we have encountered two lines of legal argumentation being used to justify the U.S. role in this bizarre affair. First, it is argued that the legislative history of last year's amendments indicates that the amendments' sponsor, whose avowed purpose in proposing the amendments in the first place was to prohibit payment for Thai troops in Laos or Cambodia, had, by inference, condoned the very practice he was seeking to prohibit. Second, it is argued that, even if this had been the sponsor's intent, the legislation enacted contained loopholes which permits the executive branch to do lawfully what the sponsor had sought to prohibit. Either way, they say it is legal for the United States to hire Thais to fight a war in Laos which the Lao are no longer able to sustain with their own manpower.

For those who find this situation diffi-

cult to comprehend, a brief review of the facts will be helpful before I propose a legislative solution to this problem.

Following the U.S. incursions into Cambodia in May 1970, it was recognized that language of the defense authorization and appropriations legislation providing \$2.5 billion for "support for Vietnamese and other free world forces in support of Vietnamese forces" could possibly be interpreted as permitting U.S. financing of Thai troops in Cambodia and Laos. Indeed, in August 1970, the State Department acknowledged that a "tentative agreement" had been reached between the United States and Thai Governments regarding the sending of Thai troops to Cambodia.

It was generally understood at the time that the provision of any troops to Cambodia by Thailand would be contingent upon the furnishing of financial support by the United States.

It was in the light of these facts that an amendment was added to both the Defense Authorization and Appropriation Acts which provided that nothing in the authorization to support "Vietnamese and other free world forces in support of Vietnam forces" could be construed "as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos."

This amendment was originally proposed by the distinguished chairman of the Foreign Relations Committee who declared that his intention was to prevent our paying for South Vietnamese or Thai forces to expand their military activities in Cambodia and Laos so that we would become involved in large-scale operations in close support of the Government of Cambodia or the Government of Laos.

Nevertheless, despite this amendment, a Department of State spokesman admitted on June 7 that there were Thai forces in Laos and also that the United States was supporting them, although he described them as "volunteers."

This spokesman did not say that these Thai forces are operating principally in the war in northern Laos, a war that Deputy Assistant Secretary of State Sullivan has said has "nothing to do with military operations in South Vietnam or Cambodia."

The amendment included in the Defense Authorization and Appropriation Acts for fiscal year 1971 never defined "local forces in Laos and Thailand" and the prohibitions written into the Appropriation Act applied, of course, only to "appropriations available to the Department of Defense during the current fiscal year." Thus, it might be argued that Central Intelligence Agency funds were not covered by the amendment.

In addition, it has been argued by the executive branch that the Thai forces in Laos are "local forces in Laos," even though they are Thai nationals who were recruited and trained in Thailand, are transported by us from Thailand to Laos; then they are sent back to Thailand

of myself and other Senators, I introduce, for appropriate reference, a bill to give union members a voice in determining whether they wish to remain on strike. I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

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

S. 2327

A bill to provide for strike ballots in certain cases

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act—

(1) The term "Board" means the National Labor Relations Board.

(2) The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(3) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any territory of the United States and any State or other territory, or between any foreign country, and any State, territory, or the District of Columbia, or within the District of Columbia or any territory, or between points in the same State but through any other State or any territory or the District of Columbia or any foreign country.

(4) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

(5) The term "strike" includes any concerted stoppage of work by employees, including a stoppage by reason of the expiration of a collective bargaining agreement, and any concerted slowdown or other concerted interruption of operations by employees.

SEC. 2. Upon the filing with the Board of a petition therefor signed by at least 20 per centum of the employees in the appropriate bargaining unit or units involved in a strike which has been pending for thirty days or more in any industry affecting commerce, the Board shall conduct a referendum among the employees of such unit or units on the question whether such strike should be continued. If a majority of the employees voting in the referendum vote against the strike, the labor organization representing the employees shall order such employees to discontinue the strike and such strike shall not be resumed until at least ninety days have elapsed following the referendum. If a majority of those voting in the referendum vote in favor of the strike no subsequent petition may be filed under this section until at least sixty days have elapsed following such referendum, and unless such subsequent petition has been signed by at least 30 per centum of the employees in the appropriate bargaining unit or units involved in the strike. In determining whether a petition under this section has been signed by the requisite percentage of employees, such petition shall be deemed to have been signed by any employee whose approval in writing of such petition is filed with the Board not later than 30 days following the filing of the petition.

SEC. 3. Any employee who participates in a strike which has been continued, or resumed prior to the expiration of ninety days, after a majority of the employees in the appropriate bargaining unit or units involved in the strike voting in the most recent referendum

conducted with respect to such strike under this Act shall have voted against such strike, shall not during the existence of the strike or thereafter, unless reemployed or reinstated by the employer, be considered to be an employee of such employer for the purposes of the National Labor Relations Act or the Railway Labor Act.

SEC. 4. Referendums provided for in this Act shall be conducted by the Board, except that the Board may delegate, generally or in specific cases, authority to conduct such referendums to any public or private agency or organization which, in the opinion of the Board, is qualified to conduct such referendums.

SEC. 5. Nothing contained in this Act shall be construed to supersede or modify in any way the requirements of section 8(d) of the National Labor Relations Act.

Mr. FANNIN. Mr. President, I introduced a similar bill in previous Congresses. As I have noted, the idea of providing for a secret strike vote is not new. It was recommended to the Congress by President Eisenhower in 1954. My proposal is new only insofar as it recognizes that there are legitimate reasons why a pre-strike vote may adversely affect free collective bargaining. The bill, accordingly, provides for a secret ballot by the workers concerned only on continuing the strike and only after the right to strike has been exercised and the positions of the parties have tended to become stalemated.

Under my proposal a petition for an election to determine whether a strike should continue could not be filed until after a strike had been in effect for 30 days. The bill further provides that no more than one strike-vote election can be held within any 60-day period. The purpose of this proviso is to insure that the union's ability to bargain effectively will continue after a vote favorable to a continuation of the strike.

The bill also contains a provision designed to protect the identity of petitioners. Thus, under this proposal the required percentages necessary for an election could be secured through the filing with the Board by individuals of their approval of the petition.

Within these limitations the bill provides workers caught in a protracted bargaining stalemate with a means of ending a strike which has gone beyond the point of economic return or, alternatively, with a means of expressing to management and to the public their determination to continue the strike, despite the economic costs.

Mr. President, consider the workers whose lives and livelihoods are directly affected by these struggles between the giants of labor and the giants of industry. These are the real victims in labor disputes that drag on in long and costly strikes. I know about these workers because we had more than 10,000 of them in the State of Arizona—the victims of a copper strike who still have not recovered from the long strike of 1967–68. My distinguished colleagues from New Mexico, Montana, Nevada, and Utah, as well as the other copper-producing States, had thousands more of these "forgotten men" in their constituencies.

The situation in the copper industry was symptomatic of a nationwide problem that can affect almost every working man and woman in America. Consider

the copper worker who endured months of enforced idleness. And think also of what the situation is in other industries around the Nation. I think it can be said with accuracy that almost any time a strike lasts more than 30 days, the worker stands to lose more than he can gain. I point out the recent General Motors strike, for example, it will take the average automobile production worker at General Motors several years to make up what he lost during those months of enforced idleness.

Take the machinists' strike against the major airlines during the summer of 1966—73 days of enforced idleness. Who won? Only the high chiefs of the IAM—they showed them who was top dog, all right. And they showed the general public, too, and thousands of vacationers who had to give up their vacation plans or who were left stranded around the country.

Take the strike in the rubber industry in 1968—107 days of enforced idleness. Or the long steel strike in 1959. Or the General Motors strike in 1964—it is the same story right down the line. Who wins? Well, really nobody wins in a strike, but in each instance the union high command shows who is running the ball game, who has the economic stranglehold. And who loses? The worker. Every time, it is the worker.

Last year 3,305,000 workers were unemployed due to 5,716 strikes which cost the Nation 66.4 million man working days lost. This year from January through May there occurred 2,140 strikes with a resulting loss of 12.4 million working days. A total of 1,328,000 workers have been unemployed because of these strikes.

I think that the time is at hand when the Congress must stop automatically labeling any bill which the union leaders oppose as an "antilabor" bill and consider each such bill on its merits. Is it not just as important to protect the rights of workers to vote for an end to a strike as it is to protect their right to strike? If they strike and it proves to have been a mistake, must they, their families, management, and the public suffer the results indefinitely with no opportunity for the workers to reconsider when the point of economic return for all parties involved has been reached and passed?

I sincerely hope, Mr. President, that my bill will receive early and fair consideration on its merits. Members of this Congress, like the striking workers, should be given an opportunity to vote the issue up or down.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 215

Mr. ERVIN. Mr. President, I ask unanimous consent that Senators COOK, FONG, GURNEY, HRUSKA, SCOTT, THURMOND, and TUNNEY be designated as cosponsors with me of S. 215, a bill to provide procedures for calling constitutional conventions for proposed amendments to the Constitution of the United States on application of the legislatures of two-thirds of the

July 21, 1971

S 11685

after their tours where they are given various special benefits by the Thai Government.

There are certain other facts about the composition of this Thai force in Laos, facts I gave the Senate in the course of the closed session on June 7 of this year, but which the executive branch typically continues to insist must remain classified. This testimony seriously undermines the credibility of the claim that these Thai are "local forces in Laos."

I now submit an amendment to H.R. 8687, the bill authorizing military procurement appropriations for fiscal year 1972. This amendment is designed to prohibit U.S. support for Thai soldiers—regulars or irregulars, conscripts or volunteers—in Laos. The amendment therefore authorizes the use of funds appropriated to support "local forces of Laos in Laos and local forces of Thailand in Thailand" instead of "local forces in Laos and Thailand."

The amendment also inserts language at the end of paragraph (1) of section 401(a) of the act of March 15, 1966, which language states that notwithstanding any other provision of law—including the sentence of that paragraph which authorizes funds appropriated to be made available to support "Vietnamese and other free world forces in support of Vietnamese forces"—funds made available under this law, or under any other law, cannot be used to support any member of a local force in Laos who is not a citizen or national of Laos.

If this amendment is adopted, it will cover not only Defense Department funds but all appropriated funds, including those appropriated for the Central Intelligence Agency. It will also mean that no U.S. funds can be used to support a local force in Laos that is not composed of citizens or nationals of Laos. It will therefore once and for all put an end to our paying for Thai mercenaries in Laos; and thereby remove any technical loophole which might be used to continue to circumvent the intent behind the amendment to last year's authorization and appropriation acts.

I ask unanimous consent that the text of my amendment be printed in the Record at this point.

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

AMENDMENT No. 294

On page 5, line 26, beginning with the word "local," strike out through the word "Thailand" in line 1 on page 6, and insert in lieu thereof "local forces of Laos in Laos and local forces in Thailand in Thailand."

On page 6, line 25, immediately before the quotation marks, insert the following: "Notwithstanding any other provision of law (including but not limited to the foregoing provisions of this paragraph), none of the funds made available under this or any other law may be used to support any member of a local force of Laos in Laos who is not a citizen or national of Laos."

Mr. SYMINGTON. Mr. President, here is an article published this morning in the Washington Post entitled "Thais Said To Erect Base Complex in Laos." We have had testimony from the Secretary of Defense stating that the Department

of Defense is not conducting any military operations in Laos. If that is correct, and I am sure it is if he said it, it means that the American taxpayer is financing secretly a mercenary army being utilized by the President, to invade a country with which the United States is not at war. This secret war is being carried on not only without the approval of Congress, but without full knowledge on the part of Congress.

If this article is correct, we are both financing and training an invasion force into Laos, despite an amendment to the law which specified that could not be done.

I ask unanimous consent that the article, "Thais Said To Erect Base Complex In Laos" written by D. E. Ronk, dateline from Vientiane, July 20, be printed at this point in the Record.

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

THAIS SAID TO ERECT BASE COMPLEX
IN LAOS

(By D. E. Ronk)

VIENTIANE, July 20.—Elements of a Thai army regiment have reportedly moved across the frontier and established permanent bases in western Laos.

The bases were set up in a large area of Sayaboury Province which borders Thailand, according to reports reaching here from Xieng Lom, 160 miles northwest of Vientiane.

The reports say Thai units entered Laos from Nan Province of Thailand during an antiguerrilla sweep in recent weeks and constructed satellite camps to the complex of CIA-maintained bases extending eastward from Xieng Lom in a 40-mile shallow arc to Hong Sa.

U.S. sources say the move is being coordinated by the Central Intelligence agency, probably for area security.

Other U.S. sources reporting from Sayaboury Province say the Thai units are showing indications of permanently occupying a strip of Laos nearly 100 miles deep and 20 miles wide. They are also said to be turning southward toward Sayaboury City, the province capital, establishing outposts.

A recently improved all-weather highway from Nan City in Thailand to the Lao border, where it becomes an improved trail, is said to be the supply link with the Thai units.

Western military sources last week confirmed that there have been border incursions by Thais in recent weeks, but ascribed them to the ill-defined demarcations.

A heavy security curtain maintained over northern Sayaboury Province. Air transport, which is necessary for entry, is routinely denied to those without security clearances, including newsmen.

Nan and Uttaradit provinces of Thailand, which border Sayaboury, are also off limits to journalists by orders from Bangkok.

Informed sources in Vientiane have confirmed that an operation had taken place in the Xieng Lom area in recent days but denied knowledge of any Thai participation in Laos. They said, however, that a concurrent and "possibly coordinated" sweep had occurred on the Thai side of the border.

U.S. mission sources said the clearing operation had been completed about 10 days ago. Until Monday, however, knowledge of such an operation was denied by all U.S. embassy offices normally releasing such information.

The Xieng Lom—Moung Ngeum-Hong Sa complex, with its satellite camps, are reliably reported to have outstripped the Meo base at Long Cheng near the Plain of Jars in im-

portance to the U.S. war effort in Laos. They are said to be less important, however, than a base near Ban Houei Sai, 210 miles northwest of Vientiane and 50 miles northwest of Xieng Lom.

A unit of Thais training hill tribesmen in Laos is regularly reported to be stationed in Xieng Lom and operating along the complex of positions.

A subcommittee of the Senate Foreign Relations Committee has prepared a report that puts the number of Thai troops in Laos at 4,800.

In an action possibly related to the Thai incursion from the west, pro-government irregulars have reportedly launched an offensive thrust westward from Luang Prabang across the Mekong. There is no official confirmation of the thrust.

Other reports tending to confirm Thai operations in Sayaboury Province were printed in the Bangkok Post last week and attributed to "informed government sources."

The Post said that Thai intelligence had located the headquarters of a Pathet Lao battalion less than 5 miles from the Thai border, with another battalion moving from Sayaboury Province to join it. The Pathet Lao, according to the sources, had sent men to pick up food from Thai territory.

An alert has been ordered in Uttaradit Province, according to the Post, and "the 2d Cavalry Regiment has been assigned to double the number patrolling the border area as a precaution against possible invasion by the Pathet Lao."

"Meanwhile," the Post reported, "an intelligence mission has been sent to collect more reports on Pathet Lao movements, the source said." U.S. analysts in Vientiane suggest the Post story may be a "planted cover" for operations 100 miles north of those reported and say they have received no reports on Pathet Lao presence in northern Sayaboury Province for months.

Western military sources only last week said they had no reports of enemy movements in northern Sayaboury and no knowledge of anything more than isolated, ineffective pockets of Pathet Lao.

It is noteworthy, however, that northern Sayaboury lies just across the Mekong from where military analysts believe Chinese engineers will eventually stop building their road through northwestern Laos.

U.S. intelligence sources say construction was halted 20 miles short of the Mekong a year ago but it continues to produce official comments of alarm in the Thai capital.

It is also noteworthy that Sayaboury Province was annexed by Thailand during World War II, then returned to Laos and the French as part of the war settlement. The Bangkok government is generally believed to still covet the strip of Laos west of the Mekong.

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

Mr. SYMINGTON. I am happy to yield to the able majority leader.

Mr. MANSFIELD. Mr. President, I commend the distinguished Senator from Missouri for the statement he has just made and his constant surveillance of what is happening in Laos especially, and in other parts of Indochina, as well.

I, too, have read the same news story, which indicated that Thais were moving in on a permanent basis to take over the province of Sayaboury in western Laos.

To me it appears that Laos, which is a very poor, simple country at best, is becoming more and more a victim of circumstances over which it has no say and no control.

I am hopeful that despite the fact that the distinguished Senator from Missouri has not been able to receive

July 27, 1971

replies to letters he sent to the State Department and the Department of Defense that with the arrival here—if my recollection is correct—of the American Ambassadors to Laos and Cambodia, who, I think, will be appearing before the Committee on Foreign Relations shortly, that we will be able to go into this matter in more detail.

I would like to know more about the extent of the authority of the American Ambassador to Laos; I would like to know more about what really is going on in Cambodia, where we now have a mission which has risen since the invasion from 11 to in excess of 100, I believe, at the present time. There are many questions about these areas about which we know too little, and it is because of that that I commend the distinguished Senator from Missouri for his watchdog activities over Laos, especially, but, to repeat, other areas of Indochina as well. I would express the hope that when these two Ambassadors, one to Vientiane and the other to Phnom Penh, appear before the Committee on Foreign Relations, we will get a clear picture of what is being done actually and how much is being spent.

In addition, speaking to the Senator's amendment, I most certainly hope we will be able to limit expenditures so that an expenditure of the nature the Senator has in mind will not apply to any one segment of our participation, but across the board, as he has indicated it would.

Mr. President, I commend the Senator.

Mr. SYMINGTON. I thank the able majority leader, the best authority in this body on the Far East.

The Senator mentioned letters written to the Secretary of State requesting information about Laos gotten up by the staff of the Committee on Foreign Relations. We have received no answer to date. I also wrote to the Secretary of Defense last May 27 and asked for information on Laos. On the first of June I received an answer from an Assistant Secretary which stated they were working on it and would answer shortly. That is the last we have heard about it.

I understand the Secretary of Defense will appear in executive session tomorrow about Laos before the Committee on Armed Services.

All this is an effort on the part of this Senator to find out the facts. If we first authorize and then appropriate money in this body, and later find that the money is being used to wage an unauthorized secret war, what is the purpose of our being here? In effect, what is the purpose of the legislative branch?

Mr. President, I ask unanimous consent to have printed in the Record the letters to which the distinguished majority leader referred; namely, a letter written on May 27, 1971, to the Secretary of Defense, also the reply received from his Assistant on June 1.

There being no objection, the letters were ordered to be printed in the Record, as follows:

MAY 27, 1971.

HON. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: As a result of the recent visit to Laos by the Staff of the Sub-

committee on U.S. Security Agreements and Commitments Abroad I wish to obtain additional information concerning the overall cost of Department of Defense related activities in that country. Accordingly I would appreciate your supplying answers to the enclosed list of questions.

Your cooperation in providing this information at your earliest convenience will be greatly appreciated.

Sincerely yours,

STUART SYMINGTON.

Attachment.

ATTACHMENT

1. What is the total cost of military assistance to Laos expected to be in FY 1971?

2. What is the cost of maintaining the organization headed by the Deputy Chief Joint U.S. Military Advisory Group, Thailand, which supports military assistance activities in Laos?

3. What are the comprehensive costs, direct and indirect, including personnel, facilities, aircraft and ordnance, of U.S. air activities, for all services, in and over Laos for FY 1971 and FY 1972? What are the average per sortie costs for the operation of various types of U.S. aircraft in Laos?

4. What is the cumulative cost of the facilities and equipment now operated by Task Force Alpha? What are the personnel and operating costs of Task Force Alpha for FY 1971? What is estimated for FY 1972?

5. What is the current fiscal year cost of maintaining the U.S. Army and Air Force Attache organizations in Laos, including pay, allowances, housing, local personnel costs, supplies, equipment, transportation, communications and office space (figures for the Air Attache component should include all costs associated with the American Forward Air Controllers in Laos). What is the estimate of FY 1972 costs?

6. What Defense Department related or financed activities are now being conducted or are contemplated in Laos through or under the auspices of the AID program? What is the cost of these activities for FY 1971 and what will it be for FY 1972?

7. What amount of funds appropriated to the Defense Department have been transferred to other U.S. Government agencies as reimbursement, or for any other purpose, during FY 1971? Identify all transactions of this nature, including amounts of money involved, for the current fiscal year. What transfers or transactions are expected in FY 1972?

8. How many Defense Department personnel, including armed service personnel, are on loan or detailed to other U.S. Government agencies for activities related to Laos? What are the costs (salary and maintenance) of such personnel and to what agency are they charged?

9. What is the total amount of reimbursement or other forms of payment or transfer of funds from other U.S. Government agencies to the Defense Department or to the various services during 1971? What are the anticipated totals for 1972?

10. What is the value of surplus or excess equipment given to the Royal Lao armed forces or to U.S. financed irregular forces, both Lao and Thai, for use in Laos?

11. What is the value of U.S. financed military equipment and supplies given, transferred or loaned to the Royal Lao armed forces by third countries, including specifically Thailand?

12. What was the cost of all types of military or military related training, including travel costs and language training, provided by the United States to Laos in FY 1971? What are the projected costs for FY 1972?

13. Describe the types and value of U.S. military aircraft loaned, rented or "bailed" to Air America, Continental Airlines, Lao Air Transport, Royal Air Lao or any other com-

pany during FY 1971. What is the total amount of payments or other forms or reimbursement received for the use of these aircraft?

14. What was the cost of all construction financed by Defense appropriated funds in Laos in Fiscal Years 1970 and 1971? What construction is contemplated in FY 1972?

15. What expenditures have been made from Defense Department funds for purposes related to Lao irregular forces or Thai irregular forces?

16. In addition to the information requested above, are there any other categories of Defense Department expenditures in Laos? What amounts are expected to be spent for these activities in FY 1971 and FY 1972?

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, D.C., June 1, 1971.

HON. STUART SYMINGTON,
Chairman, Subcommittee on U.S. Security Agreements and Commitments Abroad,
Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Secretary Laird has asked that I acknowledge your letter of May 27 in which you request additional information concerning the overall cost of the Department of Defense activities in Laos.

Your letter is receiving attention and you can expect a further reply at an early date.

Sincerely,

RADY A. JOHNSON,
Assistant to the Secretary for Legislative Affairs.

Mr. SYMINGTON. Mr. President, I also ask unanimous consent to have printed in the Record a letter written to the Secretary of State on June 29 and again on July 16 with respect to matters that have to do with Laos.

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

JULY 16, 1971.

HON. WILLIAM P. ROGERS,
The Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: On June 29 I wrote you requesting background information related to a statement made by the Department of State spokesman on June 7 concerning United States financing of Thai troops in Laos.

In my letter I presented that we needed this information in connection with the Senate's consideration of pending legislation having to do with United States expenditures in Laos; and for that reason asked for a reply by July 5.

More than two weeks have passed since my letter and we are now ten days beyond the date on which we had hoped to receive the information requested. So far we have not even received an acknowledgement.

It is difficult to understand the protracted delay of the Department in responding. As noted above, the questions raised were directly related to the Department's statement of June 7; therefore the Department must have made a review of the facts before issuing said June 7 statement and must have had at hand the relevant documents on which a response to our letter could have been based.

Failure to respond to such legitimate requests raises serious questions regarding the willingness of the Executive Branch to maintain a working relationship with the Senate, because continued delay in the receipt of information is tantamount to a denial of information.

Sincerely,

STUART SYMINGTON,
Chairman, Subcommittee on U.S. Security Agreements and Commitments Abroad.

JUNE 29, 1971.

Hon. WILLIAM P. ROGERS,
The Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: On June 7 a State Department spokesman told the press that the United States support for Thai troops in Laos began as a program authorized by President Kennedy, that the troops are in Laos at the request of the Prime Minister of Laos and that United States financing of these troops is "fully consistent with all pertinent legislation." As Chairman of the Subcommittee on United States Security Agreements and Commitments Abroad, I am interested in obtaining background information and documentation relevant to these assertions by the Department's spokesman.

In this connection we would appreciate your furnishing the Subcommittee with the following information.

(1) A description of the specific decisions taken by President Kennedy to authorize United States funding of Thai troops in Laos, and of the subsequent actions taken by United States diplomatic and military authorities to implement such decisions.

(2) An explanation of the funding procedure used to provide financial support for Thai troops pursuant to President Kennedy's original authorization.

(3) A description of Prime Minister Souvanna Phouma's request for Thai troops, including answers to the following specific questions:

a. When was the Prime Minister's request (or requests) made?

b. In what form was the request made?

c. To whom and to what government or governments was it addressed?

d. What specifically did the Prime Minister request?

e. What did the Prime Minister's request say with regard to arrangements for financial support and publicity concerning Thai troops?

f. What response was given to the Prime Minister by the person, government or governments to whom the request was addressed?

(4) An explanation of how Souvanna's request relates to the various undertakings of the Royal Lao Government in the Geneva Agreements of 1962.

(5) A detailed explanation of any discussions, arrangements and agreements, formal or informal, involving the United States Government and the Royal Lao Government or the Government of Thailand relative to past or present United States financing and support for Thai troops in Laos.

(6) An identification of the departments or agencies which have provided funds for support of each of the various programs involving Thai troops in Laos.

Because the above request is relevant to the Senate's consideration of pending legislation having to do with United States expenditures in Laos, we would respectfully request that the information be provided at earliest opportunity.

Sincerely,

STUART SYMINGTON,
Chairman, Subcommittee on U.S. Security Agreements and Commitments Abroad.

Mr. SYMINGTON. Mr. President, this is getting to be quite an interesting development. When there was a crisis in the British Government in 1936, a story was around that Sir Winston Churchill suggested the King use the King's men. If, in accordance with press reports, the CIA is conducting a war in Laos, we might call them the President's men, people operating not only without the approval of Congress, but also without its knowledge.

FEDERAL ELECTION CAMPAIGN
ACT OF 1971

AMENDMENTS NOS. 295 THROUGH 300

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

Mr. BELLMON submitted six amendments intended to be proposed by him to the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

AMENDMENTS NOS. 301 THROUGH 305 AND 310 THROUGH 314

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

Mr. PACKWOOD submitted 10 amendments intended to be proposed by him to the bill (S. 382), supra.

AMENDMENT NO. 306

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

Mr. ALLEN. Mr. President, I submit an amendment to S. 382, and ask unanimous consent that the amendment be printed at this point in the RECORD.

I also ask unanimous consent that certain supplemental views relating to the bill, presented by me, be printed in the RECORD.

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

AMENDMENT No. 306

On page 15, line 8, insert "608," before "610".

On page 22, strike lines 9 and 10, and insert in lieu thereof the following:

Sec. 203. Section 608 of title 18, United States Code, is amended to read as follows: "§ 608. Limitation upon certain campaign expenditures

"(a) No candidate shall make or authorize expenditures on behalf of his candidacy, or to influence the outcome of the election in which he is a candidate, for goods or services other than broadcast communications media (as regulated by section 315(c) of the Communications Act of 1934) and nonbroadcast communications media (as regulated by section 103 of the Federal Election Campaign Act of 1971) in excess of—

"(1) 10 cents multiplied by the estimate of resident population of voting age for the office for which he seeks nomination for election or to which he seeks election, as determined by the Bureau of the Census in June of the year preceding the year in which the election is to be held; or

"(2) \$60,000, if greater than the amount determined under clause (1).

"(b) No person may make any charge for goods or services (other than those regulated by section 315 (c) of the Communications Act of 1934 (relating to broadcast communications media) or by section 103 of the Federal Election Campaign Act of 1971 (relating to certain nonbroadcast communications media)) furnished to or on behalf of a candidate in connection with his campaign for nomination for election, or election, unless such candidate, or an individual authorized by such candidate to do so, certifies to such person that the payment of such charge will not violate subsection (a). Any person who furnishes such goods or services to or for the benefit of a candidate without charge therefor shall be deemed to have made a contribution to such candidate in an amount equal to the amount normally charged by such person for such goods or services. Any person who furnishes such goods or services to or for the benefit of a candidate at a charge which is less than the charge usually made by such person for such goods or services

shall be deemed to have made a contribution to such candidate in an amount equal to the excess of the amount usually charged for such goods or services over the amount charged such candidate.

"(c) Violation of the provisions of this section is punishable by a fine not to exceed \$5,000."

On page 24, between lines 17 and 18, strike the item relating to section 608 of title 18, United States Code, and insert in lieu thereof the following:

"608. Limitation upon certain campaign expenditures."

SUPPLEMENTAL VIEWS OF MR. ALLEN

While I voted to order reported from our Committee on Rules and Administration the bill, S. 382, as amended, I feel that it is subject to the objection that it does not limit the overall cost of campaigning. While commendable in purpose and potentially effective in the limited area of its operation, it simply does not go far enough.

The bill would limit campaign expenditures in two categories only, (1) broadcast media advertising, and (2) nonbroadcast media advertising, such as newspapers, magazines and other periodicals, and billboard facilities.

The limit set is 5¢ for each person of voting age for such office and each of the two categories of advertising. However, the expenditures are interchangeable, so that actually a limit of 10¢ for each person of voting age for such office is provided, to be divided as the candidate wishes between the two categories.

In most cases, the limits set are much higher than those set by S. 3637 which passed during the 91st Congress but was vetoed by the President and his veto sustained.

In the President's veto message, he said that S. 3637 did not limit the overall cost of campaigning. Neither does S. 382.

He also said in his message:

"The problem with campaign spending is not radio and television; the problem is spending. This bill plugs only one hole in a sieve.

"Candidates who had and wanted to spend large sums of money, could and would simply shift their advertising out of radio and television into other media—magazines, newspapers, billboards, pamphlets, and direct mail. There would be no restriction on the amount they could spend in these media.

"Hence, nothing in this bill would mean less campaign spending.

"In fact, the bill might tend to increase rather than decrease the total amount that candidates spend in their campaigns. It is a fact of political life that in many Congressional districts and States a candidate can reach more voters per dollar through radio and TV than any other means of communication. Severely limiting the use of TV and radio in these areas would only force the candidate to spend more by requiring him to use more expensive techniques.

"By restricting the amount of time a candidate can obtain on television and radio, this legislation would severely limit the ability of many candidates to get their message to the greatest number of the electorate. The people deserve to know more, not less, about the candidates and where they stand."

These same criticisms apply to S. 382 except that nonbroadcast media advertising has been limited along with radio and TV.

The President seemingly favors an overall limitation on expenditures and with this position I agree.

The bill places no limit on expenditures for mass mailings, for handbills, brochures, printing, WATS lines, telephones, postage, campaign headquarters (state and various local ones), unlimited campaign workers, airplane rentals and tickets, buses, trains (special and regular), campaign newspapers,

movie theatre film advertisements, campaign staffs, public relation firms, production expenses for broadcasts, public opinion polls, paid campaigners and poll watchers, novel-ties, bumper stickers, sample ballots.

I feel that an overall limit should be placed on the total amount of campaign contributions and expenditures that a candidate may receive or spend.

I would feel that a limit of 10c or less per person of voting age for an office should be set for all expenditures not limited by the broadcast and nonbroadcast media advertising limitations.

Total contributions that might be received could thus be limited to 20c or less per person of voting age for such office. This limitation on the total amount of contributions would probably be more effective than merely adding the 10c or less limitation for all expenses other than media advertising. I would also feel that the candidate's own expenditures should be treated as contributions to the campaign.

I submit that there is even greater need to limit expenditure for nonmedia advertising than for media advertising. Media advertising is open and aboveboard and available for all to see. Overuse of media advertising might even be counter-productive if the electorate felt that the candidate was overspending in that field. The nonmedia expenditures would not be as apparent to the public but could be as effective and as expensive. It would be in the field of nonmedia expenditures that irregularities, or corrupt practices or abuses, if any, might be more likely to occur. A limit should be placed on nonmedia expenditures, and I plan to offer an amendment providing for such a limit.

JAMES B. ALLEN.

AMENDMENT NO. 307

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

COMPARABLE UNIT RATE AMENDMENT

Mr. STEVENS. Mr. President, today I am introducing an amendment to S. 382, to promote fair campaign practices in Federal elections, which is designed to prevent political candidates from reaping an economic windfall because of the lowest unit rate provisions of this legislation.

Specifically, my amendment would alter section 101(b), which deals with broadcast media, by eliminating the requirement that such media charge political candidates for Federal elective office their lowest unit rate during the 45-day period preceding a primary election and the 60-day period preceding a special or general election and by substituting in lieu thereof a requirement that such candidates be assessed the rates charged for the "same class and amount of time and same frequency of use" during the specified periods. Similarly, my amendment would change section 103(b), which deals with nonbroadcast media, by eliminating the lowest unit pricing requirement and substituting a requirement that candidates be assessed the rate charged others by the person furnishing such medium for the "same class and amount of space and same frequency of use" during the time periods stipulated in the bill.

As presently written, sections 101(b) and 103(b) would require that a candidate purchasing prime television and radio time or buying space in the printed media be provided the same preferential rates that the media now gives its volume customers in order to attract additional advertising. Thus, these provisions would give volume advertising rates to a pre-

ferred group the members of which may very well not qualify under the usual volume and space criteria. In this sense, we are creating a discriminatory preference.

While I joined in voting to report S. 382, which I believe to be an important step forward in Federal campaign reform, I am strongly opposed to the concept of lowest unit pricing. One of the primary purposes of S. 382 is to limit political campaign expenditures. This is the effect of other sections of the bill. However, since sections 101(b) and 103(b) would drastically increase the value of the political dollar during the specified periods, this laudable goal would be partially thwarted. This is so because the amount of time and advertising space which a candidate could purchase with a specific amount of money would be substantially increased. Thus, these provisions are nothing more than a giveaway within the overall context of a limitation on political expenditures. If sections 101(b) and 103(b) are enacted, the broadcast and nonbroadcast media will be jammed during election time with political advertisements that do not meet the usual lowest unit pricing criteria.

In addition to thwarting one of the major purposes of S. 382, these provisions would have an extremely adverse economic impact on small broadcasters and elements of the print media. This impact would result from the fact that sections 101(b) and 103(b) would compel many elements of the media to give politicians bargain rates during prime time or in advertising space which could be more profitably utilized if allocated to other customers. In order to survive, some components of the media would find it necessary to abandon lowest unit pricing altogether. In many instances, the loss of income incurred by those radio and television stations, newspapers, and magazines which decide to retain lowest unit pricing would be just as great as for those which abandon it.

In my State of Alaska, which has many small broadcasters and elements of the print media, the economic consequences of sections 101(b) and 103(b) would be especially acute. The Alaska media is doing its best to provide our small population with modern, quality news and programming services; however, they are doing so on what often amounts to a shoe-string budget. To impose additional economic burdens on an industry which is now beleaguered by high taxes and other problems would result in the collapse of some broadcasters, newspapers, and other publications. This would be most unfortunate.

On a nationwide basis, the failure of some media elements would result in the increasing aggregation of communications resources in a few individuals and corporations. This type of aggregation is foreign to one of the basic tenets of our democracy; that is, that our citizens should be exposed to many ideas and points of view from which the best ideas will ultimately emerge. Over the years, we have seen an alarming decrease in the number of newspapers which serve the various cities of this Nation. This decrease is due to many factors. I do not want to see the Congress, through the

enactment of restrictive legislation, add another factor which is sure to accelerate the trend toward the consolidation of communications media.

In many parts of Alaska and in other rural areas throughout the Nation, the collapse of small broadcast and print media would result in the termination of all sources of information, not just the end of a healthy competition between different sources. Again, one of the basic premises of our democracy would be violated since the citizenry in these areas would not have the information necessary to make the type of informed decisions upon which the ideological health of our Nation is so heavily dependent. In addition, in places like Alaska where access to weather data and public service information is so important to the safety of the people, the collapse of the commercial media would mean that Federal, State, and local governments would have to provide all such essential information. This would be most costly and unnecessary, especially in view of the willingness of the commercial media to disseminate public service information provided that governmental regulation does not deprive them of the economic wherewithal to do so.

Mr. President, I believe that the considerations which I have referred to today are compelling reasons for the elimination of the lowest unit pricing concept from S. 382, which, as amended by the Committees on Commerce and Rules, is indeed an important statement of political campaign reform. Accordingly, I ask the Members of this body to act favorably on the amendment which I have just described.

I ask unanimous consent that the amendment be printed at this point in the CONGRESSIONAL RECORD. In addition, I also request that the rate schedule of certain broadcast and nonbroadcast media in my State be printed in order to document further the contentions which I have made today.

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

AMENDMENT No. 307

On page 3, line 14, strike out "amount of time" and insert in lieu thereof "class and amount of time and same frequency of use".

On page 10, line 6, strike out "amount of space." and insert in lieu thereof "class and amount of space and same frequency of use".

KWKO FM STEREO, 102.1 MHZ—COMMERCIAL ANNOUNCEMENTS						
Weekly rates	6	12	18	24	30	
1 minute:						
AAA	5.50	5.00	4.85	4.60	4.35	4.10
AA	4.25	4.00	3.80	3.60	3.40	3.20
ROS	4.00		3.60	3.40	3.20	
½ minute:						
AAA	4.50	4.00	3.90	3.70	3.50	3.20
AA	3.25	3.00	2.80	2.60	2.50	2.30
ROS	2.50		2.40	2.30	2.20	
13 week 26 week 52 week						
Earned rate:						
1 minute	3.80		3.50		3.00	
½ minute	2.75		2.60		2.10	

Notes: AAA: Monday through Friday, 7 to 9 a.m. and 5 to 11 p.m. Saturday and Sunday, 9 a.m. to 11 p.m. AA: Monday through Friday, 9 a.m. to 5 p.m. ROS: Monday through Sunday, 6 a.m. to 1 a.m. ER: Earned rate is based on a minimum 13 week schedule with no less than 3 announcements per week. Air time is ROS between 7 a.m. and 11 p.m.

ator from Pennsylvania (Mr. SCHWEIKER), Dick Siegel, and the Senator from Minnesota (Mr. MONDALE), Sid Johnson, Bert Carp, and Steve Engelberg, not to mention Jon Steinberg of my subcommittee staff who, I think, all worked night and day for many hours on the important substance of this measure.

Mr. BYRD of West Virginia. Now, Mr. President, with apologies to the distinguished junior Senator from Michigan—

Mr. GRIFFIN. Mr. President, let me say to the distinguished acting majority leader that if I were not so anxious to get back to the dining room to rejoin the three astronauts, with whom I am having lunch, I would speak for 5 minutes or more about the work of those who have managed the bill on both sides of the aisle as well as others who have participated in the debate.

However, let me say that I join in the tributes already extended by the acting majority leader.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished assistant minority leader, and now, with apologies to him, I respond to his inquiry.

The Senate will adjourn before too much longer—

Mr. CRANSTON. Mr. President, would the Senate from West Virginia yield so that I may comment on the comments which have just been made regarding the just-passed bill?

Mr. BYRD of West Virginia. Let me continue first, if the Senators please, and then I will ask that the able Senator's remarks appear in the RECORD at the appropriate place with those just made.

Mr. STENNIS. Mr. President, may we have quiet in the Chamber so that the acting majority leader may be heard?

The PRESIDING OFFICER (Mr. ROTH). The Senate will please be in order.

Mr. BYRD of West Virginia. I thank the distinguished Senator from Mississippi (Mr. STENNIS).

Mr. President, the Senate will convene tomorrow at 10 a.m. Immediately following the recognition of the two leaders, or their designees, under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the stated order:

Senators JACKSON, DOLE, PERCY, and COOK.

Following the recognition of these Senators under the order which I shall get later, there will be a period for the transaction of routine morning business, not to exceed 15 minutes, with statements therein limited to 3 minutes; following which the Senate will resume consideration of the so-called military procurement bill, H.R. 8687, which I expect to ask the Chair to lay before the Senate and make the pending business before I yield the floor today.

I have discussed this matter at considerable length with the very distinguished Senator from Mississippi (Mr. STENNIS), who is the chairman of the Committee on Armed Services and who will be the manager of the bill on the floor. In view of those consultations with the Senator from Mississippi, I am inclined to announce that there will be no

more rollcall votes today, and that tomorrow will be consumed with respect to opening statements on that legislation. Therefore, Senators need not expect any rollcall votes on tomorrow.

The Senate will adjourn tomorrow, at the close of business, until 10 a.m., on Monday morning next.

In accordance with the wishes of the distinguished majority leader, and in accordance with the arrangements which he made some days ago, the Senate, on Monday next, will proceed to the consideration of the conference report on the extension of the draft. The unfinished business, of course, will continue to be the Military Procurement bill.

It is anticipated that rollcall votes may occur at any time on any day next week.

The distinguished majority leader indicated also, some time ago, that the Senate might anticipate sessions on Saturdays after this weekend.

Mr. STENNIS. If the Senator will yield so that I may respond briefly to the Senator's remarks about the setting of the military procurement bill, I commend the Senator and the Senate for disposing of the other bill. We are ready to present the military procurement bill. I think it will save time for the Senate, though, later—I am sure it will—if the committee is given the opportunity on the first day to present the overall picture of what is in the bill and the pertinent parts of the report, and such other remarks as the subcommittee chairman, as well as the chairman of the full committee may see fit to make on the overall subjects—and down to the detail level, too.

So, Mr. President, we will be ready tomorrow, when we get to the bill, and if anyone in opposition to it wishes to speak, that will be all right and they will have an equal opportunity to state their views.

Mr. FULBRIGHT. Mr. President, I join my colleagues in commending the leadership, as well as the manager of the bill which has just been passed, on the efficient and excellent way it was handled.

With regard to the military procurement bill coming up, on behalf of the distinguished Senator from Missouri (Mr. SYMINGTON) and myself, he is intensely interested in some aspects of it, as I am, and we wanted to make the request of the leadership that with regard to any anticipated unanimous consent request on votes on the bill or amendments, certainly those in which we would be interested, that we have positive notice of it.

I know it is difficult for the leadership because we are sometimes in committee meetings or not on the floor. However, this is an extremely important bill. By this I do not mean in any way to criticize the leadership for the unanimous consent procedure. I think on most bills it is entirely in order and entirely proper and the most efficient way in which to handle it. However, there are certain bills that involve vast sums of money in which we want to be very sure that we are not precluded from offering amendments.

I hope that is the understanding of the leadership.

Mr. BYRD of West Virginia. Mr. President, it will be the understanding of the leadership. The leadership will certainly keep the wishes of the distinguished junior Senator from Arkansas in mind. The Senator from Arkansas has also included in the request the name of the distinguished senior Senator from Missouri (Mr. SYMINGTON).

Mr. FULBRIGHT. The Senator is correct. I have discussed it with him, and he makes the same request.

Mr. BYRD of West Virginia. The Senator can be assured that any unanimous consent requests concerning amendments of interest to him or to the senior Senator from Missouri will certainly be discussed with them before such requests are presented to the Senate.

Mr. FULBRIGHT. I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, I might say, in that connection, that the distinguished Senator from Wisconsin (Mr. NELSON) has four amendments to the military procurement bill. He has already indicated his agreement to enter into a unanimous-consent agreement with respect to each of his four amendments, with 1 hour to be allotted to each. The Senator from Mississippi (Mr. STENNIS) has indicated his consent with respect thereto.

UNANIMOUS-CONSENT REQUEST

If the Senator from Arkansas would not think it inappropriate at this time, I would now ask unanimous consent that there be a time agreement with respect to those four amendments only, so that at such time as the Senate reaches those four amendments they would be under a time limitation.

Mr. FULBRIGHT. I am not aware of the substance of the four amendments to which the Senator refers. If they do not involve the subject in which I am interested, I would have no objection. However, I am not aware of the substance of the amendments.

Mr. BYRD of West Virginia. Very well. I will not seek a unanimous-consent agreement at this time, inasmuch as I cannot inform the able Senator as to their exact nature.

Mr. FULBRIGHT. If they cover the same subject in which the Senator from Missouri is interested, we would have objection. We do this with the intention of having flexibility on certain amendments that deal with certain subjects.

Mr. BYRD of West Virginia. The Senator's wishes will be respected.

ORDER FOR ADJOURNMENT TO 10 A.M. MONDAY, SEPTEMBER 13, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 10 o'clock on Monday morning next.

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

MILITARY PROCUREMENT APPROPRIATION AUTHORIZATIONS, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent at this time, for the purpose of making it the pending business—and with the under-

standing that has already been expressed—that the Senate proceed to the consideration of Calendar No. 355, H.R. 8687.

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

The legislative clerk read as follows:

Calendar No. 355, H.R. 8687, a bill to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

The Senate proceeded to consider the bill which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert:

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1972 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, \$94,200,000; for the Navy and the Marine Corps, \$3,256,200,000 of which not to exceed \$801,600,000 shall be available for a F-14 aircraft program of not less than 48 aircraft; for the Air Force, \$2,989,000,000.

MISSILES

For missiles: for the Army, \$1,066,100,000; for the Navy, \$704,100,000; for the Marine Corps, \$1,300,000; for the Air Force, \$1,774,900,000.

NAVAL VESSELS

For naval vessels: for the Navy, \$3,010,600,000, of which \$14,600,000 is authorized only for advance procurement for the nuclear powered guided missile frigate DLGN-41.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, \$112,500,000; for the Marine Corps, \$63,900,000.

TORPEDOES

For torpedoes and related support equipment: for the Navy, \$193,500,000.

OTHER WEAPONS

For other weapons: for the Army, \$33,000,000; for the Navy, \$1,300,000; for the Marine Corps, \$1,000,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. (a) Funds are hereby authorized to be appropriated during the fiscal year 1972 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, \$1,818,256,000;

For the Navy (including the Marine Corps), \$2,376,869,000;

For the Air Force, \$2,910,744,000; and

For the Defense Agencies, \$451,443,000.

(b) Section 40 of Public Law 1028, approved August 10, 1956 (70A Stat. 636; 31 U.S.C. 649c) is amended to read as follows:

"Sec. 40. Unless otherwise provided in the appropriations Act concerned, moneys appropriated to the Department of Defense (1) for the procurement of technical military equipment and supplies and the construction of public works, including moneys appropriated to the Department of the Navy for the

procurement and construction of guided missiles, remain available until spent, and (2) for research and development remain available for obligation for a period of two successive fiscal years."

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1972 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, \$50,000,000.

TITLE III—RESERVE FORCES

SEC. 301. For the fiscal year beginning July 1, 1971, and ending June 30, 1972, the Selected Reserve of each Reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 400,000.

(2) The Army Reserve, 260,000.

(3) The Naval Reserve, 129,000.

(4) The Marine Corps Reserve, 45,849.

(5) The Air National Guard of the United States, 88,191.

(6) The Air Force Reserve, 49,634.

(7) The Coast Guard Reserve, 15,000.

SEC. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Select Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

SEC. 303. (a) Section 270(a) of title 10, United States Code, is amended by adding at the end thereof a new sentence as follows:

"However, no member who has served on active duty for one year or longer shall be required to perform a period of active duty for training if the first day of such period falls during the last one hundred and twenty days of his required membership in the Ready Reserve."

(b) Section 502(a)(2) of title 32, United States Code, is amended by adding at the end thereof a new sentence as follows:

"However, no member of such unit who has served on active duty for one year or longer shall be required to participate in such training if the first day of such training period falls during the last one hundred and twenty days of his required membership in the National Guard."

TITLE IV—ANTI-BALLISTIC MISSILE CONSTRUCTION AUTHORIZATION; LIMITATIONS ON DEPLOYMENT

SEC. 401. (a) Military construction for the Safeguard anti-ballistic missile system is authorized for the Department of the Army as follows:

(1) Technical and supporting facilities and acquisition of real estate inside the United States, \$98,500,000.

(2) Military family housing, four hundred and thirty units, \$11,070,000:

Malmstrom Safeguard site, Montana, two hundred and fifteen units,

Grand Forks Safeguard site, North Dakota, two hundred and fifteen units.

(b) There are authorized to be appropriated for the purpose of this section not to exceed \$109,570,000, of which not more than \$5,200,-

000 shall be available for community impact assistance as authorized by section 610 of Public Law 91-511.

(c) Authorization contained in this section (except subsection (b)) shall be subject to the authorizations and limitations of the Military Construction Authorization Act, 1972, in the same manner as if such authorizations had been included in that Act.

SEC. 402. Notwithstanding the repeal provision of section 605(b) of the act of October 26, 1970, Public Law 91-511 (84 Stat. 1204, 1223), authorizations contained in section 401 of the act of October 7, 1970, Public Law 914-41 (84 Stat. 905, 909) for the following items which shall remain in effect until fifteen months from the date of this Act and which shall be increased from \$8,800,000 to \$9,200,000.

(a) two hundred family housing units at Malmstrom Safeguard Site, Montana.

(b) two hundred family housing units at Grand Forks Safeguard Site, North Dakota.

SEC. 403. (a) None of the funds authorized by this or any other Act may be obligated or expended for the purpose of initiating deployment of an anti-ballistic-missile system at any site; except that funds may continue to be obligated or expended for the purpose of advanced preparation (site selection, land acquisition, site survey, and the procurement of long leadtime items) for anti-ballistic-missile system sites at Francis E. Warren Air Force Base, Cheyenne, Wyoming, and Whiteman Air Force Base, Knobnoster, Missouri. Nothing in this section shall be construed as a limitation on the obligation or expenditure of funds in connection with the deployment of an anti-ballistic missile system at Grand Forks Air Force Base, Grand Forks, North Dakota, or Malmstrom Air Force Base, Great Falls, Montana.

(b) Section 402 of Public Law 91-441 (84 Stat. 905, 909) is hereby repealed.

TITLE V—GENERAL PROVISIONS

SEC. 501. Subsection (a) (1) of section 401 of Public Law 89-367, approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"(a) (1) Not to exceed \$2,500,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos and Thailand; and for related costs, during the fiscal year 1972 on such terms and conditions as the Secretary of Defense may determine. None of the funds appropriated to or for the use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970. Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: *Provided*, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of United States Forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war."

SEC. 502. No part of the funds appropriated pursuant to this Act may be used at any institution of higher learning if the Secretary of Defense or his designee determines that at the time of the expenditure of funds to such institution recruiting personnel of any of the Armed Forces of the United States are being barred by the policy of such institution from the premises of the institution except that this section shall not apply if the Secretary of Defense or his designee determines that the expenditure is a continuation or a renewal of a previous grant to such institution which is likely to make a significant contribution to the defense effort. The Secretaries of the military departments shall furnish to the Secretary of Defense or his designee within 60 days after the date of enactment of this Act and each January 31st and June 30th thereafter the names of any institution of higher learning which the Secretaries determine on such dates are barring such recruiting personnel from the campus of the institution.

SEC. 503. Section 5(a) of the United Nations Participation Act of 1945 (22 U.S.C. 287c(a)) is amended by adding at the end thereof the following new sentence: "On or after the effective date of this sentence, the President may not prohibit or regulate the importation into the United States pursuant to this section of any material determined to be strategic and critical pursuant to section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), which is the product of any foreign country or area not listed as a Communist-dominated country or area in general headnote 3(d) of the Tariff Schedules of the United States (19 U.S.C. 1202), for so long as the importation into the United States of material of that kind which is the product of such Communist-dominated countries or areas is not prohibited by any provision of law."

SEC. 504. (a) The amount of \$321,500,000 authorized to be appropriated by this Act for the development and procurement of the C-5A aircraft may be expended only for the reasonable and allocable direct and indirect costs incurred by the prime contractor under a contract entered into with the United States to carry out the C-5A aircraft program. No part of such amount may be used for—

- (1) direct costs of any other contract or activity or the prime contractor;
- (2) profit on any materials, supplies, or services which are sold or transferred between any division, subsidiary, or affiliate of the prime contractor under the common control of the prime contractor and such division, subsidiary, or affiliate;
- (3) bid and proposal costs, independent research and development costs, and the cost of other similar unsponsored technical effort; or
- (4) depreciation and amortization costs on property, plant, or equipment.

Any of the costs referred to in the preceding sentence which would otherwise be allocable to any work funded by such \$321,500,000 may not be allocated to other portions of the C-5A aircraft contract or to any other contract with the United States, but payments to C-5A aircraft subcontractors shall not be subject to the restriction referred to in such sentence.

(b) Any payments from such \$321,500,000 shall be made to the prime contractor through a special bank account from which such contractor may withdraw funds only after a request containing a detailed justification of the amount requested has been submitted to and approved by the contracting officer for the United States. All payments made from such special bank account shall be audited by the Defense Contract Audit Agency of the Department of Defense and, on a quarterly basis, by the General Accounting Office. The Comptroller General shall submit to the Congress not more than thirty days after the close of each

quarter a report on the audit for such quarter performed by the General Accounting Office pursuant to this subsection.

(c) The restrictions and controls provided for in this section with respect to the \$321,500,000 referred to in subsections (a) and (b) of this section shall be in addition to such other restrictions and controls as may be prescribed by the Secretary of Defense or the Secretary of the Air Force.

REFERRAL OF S. 2464

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from South Dakota (Mr. McGOVERN) I ask unanimous consent that S. 2464—a bill he introduced to amend the Voting Rights Act of 1965 to require that persons eligible to register to vote in Federal elections shall be permitted to register as late as 30 days prior to the date of such an election—be referred to the Committee on Post Office and Civil Service where other similar bills, I am told, have been referred.

The Senator from South Dakota (Mr. McGOVERN) asks for this assignment to make it possible for hearings to be held on the bill by the same committee which is holding hearings on other legislation pertaining to voter registration.

Mr. GRIFFIN. Mr. President, reserving the right to object, when the request concerning the other bills to which reference has been made, was made earlier, the junior Senator from Michigan asked unanimous consent that following consideration by the Post Office and Civil Service Committee, those bills be referred to any other committee or such other committee as they might have been or would have been referred to if the unanimous consent request had not been made.

I would make a similar request with respect to this matter. It would be my first impression that such a bill should go to the Judiciary Committee. It do not know whether the Parliamentarian would say it should go there or not. However, if it should go to the Judiciary Committee, I would ask that the acting majority leader so modify the request.

Mr. BYRD of West Virginia. That would be so that the measure would be referred to the committee normally having jurisdiction after having been referred to the Post Office and Civil Service Committee.

Mr. GRIFFIN. After it had been referred to the Committee on Post Office and Civil Service in accordance with the request made by the acting majority leader.

Mr. BYRD of West Virginia. Mr. President, I am in no position to object to the request made by the distinguished Senator from Michigan, inasmuch as he is in a position to object to the request I have made. I do not think that the Senator from South Dakota (Mr. McGOVERN) would be constrained to oppose the suggestion made by the Senator from Michigan. So, I modify my request accordingly.

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

Mr. GRIFFIN. Mr. President, the Chair understands that the request has been modified.

Mr. BYRD of West Virginia. The request as modified is as follows: I ask unanimous consent that S. 2464, a bill introduced by the Senator from South Dakota (Mr. McGOVERN), be referred to the Committee on Post Office and Civil Service, to which other similar bills have been referred, and that if, in the judgment of the Parliamentarian, the contents of the bill are such that in the ordinary course of things, another standing committee—for example, the Judiciary Committee—would have jurisdiction, that bill, S. 2464, along with all other similar bills, be then referred—after having been reported by the Committee on Post Office and Civil Service—to the appropriate committee having regular jurisdiction over such legislation.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the order previously entered with respect to the referral of S. 2464 be negated.

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

Mr. BYRD of West Virginia. Mr. President, may the Record show that my request, with respect to the negation of the order previously entered concerning S. 2464, was made with the approval and understanding of the distinguished Senator from South Dakota (Mr. McGOVERN).

ORDER FOR RECOGNITION OF SENATORS JACKSON, DOLE, PERCY, AND COOK TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, immediately following the recognition of the two leaders or their designees under the standing order, the following Senators be recognized, each for not to exceed 15 minutes and in the order stated: Senators JACKSON, DOLE, PERCY, and COOK.

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

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the completion of the orders previously entered for the recognition of Senators there be a period for the transaction of routine morning business tomorrow for not to exceed 15 minutes, with statements therein limited to 3 minutes.

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

ORDER TO RESUME CONSIDERATION OF H.R. 8687 TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business tomorrow the Senate resume consideration of Calendar No. 355, H.R. 8687, an act to authorize appropriations for military procurement.

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

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 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 RECOGNITION OF SENATOR PROXMIRE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the remarks by the able Senator from Kentucky (Mr. Cook), the distinguished Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 15 minutes.

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 10 o'clock a.m.

Immediately following the recognition of the two leaders or their designees under the standing order, the following Senators will be recognized each for not to exceed 15 minutes, and in the order stated: Senators JACKSON, DOLE, PERCY, COOK, and PROXMIRE.

At the conclusion of the orders for the recognition of Senators there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

At the conclusion of routine morning business, the Senate will resume its consideration of the then unfinished business, H.R. 8687, an act to authorize appropriations for military procurement.

Opening statements will be made by the manager (Mr. STENNIS) and other members of the committee.

No rollcall votes will occur tomorrow on that legislation. This will give committees of the Senate an opportunity

to hold uninterrupted sessions with respect to legislation which may soon be reported to the Senate for floor action, and the joint leadership hopes that Senate committees will take advantage of that opportunity.

When the Senate completes its business on tomorrow, it will stand in adjournment until 10 o'clock on Monday morning next.

On Monday next, in accordance with the wishes of the distinguished majority leader, the Senate will proceed to the consideration of the conference report on the extension of the draft. The unfinished business at that time will continue to be the military procurement authorization bill.

ADJOURNMENT UNTIL 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 3 o'clock and 39 minutes p.m.) the Senate adjourned until tomorrow, Friday, September 10, 1971, at 10 a.m.