on good cause shown, remand the case to the Surgeon General to take additional evidence, and the Surgeon General may thereupon make new or modified findings of fact and may modify his previous order, and shall file with the court any such modified findings of fact and order, together with the record of the further proceedings. Such additional or modified findings of fact and order shall be reviewable only to the extent provided for review of the findings of fact and order originally filed with the court. The judgment of the court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

"Prohibition against discrimination against sanitary out-of-state milk and milk products

"SEC. 808. (a) Except as provided in subsection (b)—

"(1) no milk or milk product which emanates from an interstate milk plant in another State, while such plant is listed by the Surgeon General under section 807 with respect to the milk or milk product, as the case may be, shall be subject to seizure or condemnation in, or to exclusion from, a receiving state or locality, or from transportation, distribution, storage, processing, sale, or serving in such State or locality, and

"(2) no processor, producer, carrier, distributor, dealer, or other person handling such milk or milk product in compliance with the Federal Milk Sanitation Regulations shall be subject to punishment, or to denial of a required license or permit, by reason of the failure of such milk or milk product, or of the sealed container or vehicle in which such milk or milk product was brought into the State, or of an interstate milk plant in another State or its milk supply, or of any transportation or handling facility, in which such milk or milk product was produced, processed, carried, or handled, to comply with any prohibition, requirement, limitation, or condition (including official inspection requirements) relating to health or sanitation and imposed by or pursuant to any State or local law, regulation, or order of the receiving state or locality, or by any officer or employee thereof. In the event any milk or milk product emanating from a listed interstate milk plant in another State and complying with the Federal Milk Sanitation Regulations is commingled with milk or milk products from within the receiving State the provisions of the preceding sentence shall apply to the resulting mixture, except that nothing in this section shall be construed to prevent the application of such state or local laws, regulations, or orders to such mixture by reason of the failure of such milk or milk product of intrastate origin not emanating from an interstate milk plant in another State, to comply therewith immediately prior to such commingling.

"(b) Subsection (a) shall not be deemed to prohibit any receiving State or locality from—

"(1) subjecting any milk or milk product, upon its arrival from another State, to laboratory or screening tests in accordance with standard methods for the examination of dairy products provided for in the Federal Milk Sanitation Regulations, and rejecting the shipment if upon such examination it fails to comply with the bacterial and coliform count standards, temperature standards, composition standards, and other criteria of such regulations relating to the then physical condition of such milk or milk products, and

"(2) enforcing laws and regulations equally applicable to milk or milk products not coming from outside the State—

"(A) to require pasteurization of raw milk or raw milk products brought into the State before delivery to retail sale or consumer-serving establishments or before use in making milk products or other products.

"(B) to otherwise protect milk or milk products from contamination or deterioration after arrival through requirements as to temperature and sanitary handling, transportation, and storage: *Provided*, That the State or locality may not, except as provided in subparagraph (C), reject the sealed container or vehicle, as such, in which the milk or milk product arrived in the State, if it complies with the Federal Milk Sanitation Regulations, or

"(C) as to the type of container in or from which milk or milk products may be sold at retail or served to consumers.

"General administrative provisions

"Regulations and Hearings

"SEC. 809. (a) The authority to promulgate regulations for the efficient enforcement of this title is vested in the Surgeon General.

"(b) Hearings authorized or required by this title shall be conducted by the Surgeon General or such officer or employee as he may designate for the purpose.

"(c) The Federal Milk Sanitation Regulations, which the Surgeon General is authorized to adopt by this title shall be established and amended in accordance with the following procedures:

"(1) any action for the issuance, amendment, or repeal of any regulation under this title may be begun by a proposal made—

"(A) by the Surgeon General on his own initiative, or

"(B) by petition of any interested person or State agency, showing reasonable grounds therefor, filed with the Surgeon General. The Surgeon General shall publish such proposal and shall afford all interested persons an opportunity to present their views thereon, orally or in writing. As soon as practicable thereafter, the Surgeon General shall by order act upon such proposal and shall make such order and the regulations proposed thereunder public by publication in the Federal Register. Except as provided in paragraph (2) of this subsection, the order, and the regulations proposed thereunder, shall become effective at such time as may be specified therein, but not prior to the day following the last day on which objections may be filed under such paragraph.

"(2) On or before the thirtieth day after the date on which an order entered under paragraph (1) of this subsection is made public, any person or State agency who will be adversely affected by such order or the provisions of any regulations issued thereunder, if placed in effect may file objections thereto with the Surgeon General, specifying with particularity the provisions of the order, or any regulations issued thereuder, deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections. Until final action upon such objections is taken by the Surgeon General under paragraph (3) of this subsection, the filing of such objections shall operate to stay the effectiveness of those provisions of the order to which the objections are made. As soon as practicable after the time for filing objections has expired the Surgeon General shall publish a notice in the Federal Register specifying those parts of the order which have been stayed by the filing of objections and, if no objections have been filed, stating that fact.

"(3) As soon as practicable after such request for a public hearing, the Surgeon General, after due notice, shall hold a public hearing for the purpose of receiving data, views, arguments, or hearing such other matters relevant and material to the issues raised by such objections. Such presentations may be made orally or in writing by any State agency, any interested person, or his representative. As soon as practicable after completion of the hearing, the Surgeon General shall by order act upon such objections and make such order public. Such order shall set forth, as part of the order, detailed findings and reasons upon which it is based, including a reference to such data, information, or other materials, not presented at the hearing, but which the Surgeon General may have used or consulted in making his order. The Surgeon General shall specify in the order the date on which it shall take effect, except that it shall not be made to take effect prior to the thirtieth day after publication.

"(d) Any regulations, or any portions thereof, issued by the Surgeon General under the provisions of this title shall be subject to judicial review in the manner hereafter set forth.

"(1) Any State agency or person aggrieved or adversely affected by the provisions of any regulations issued under subsection (c) hereof may, at anytime prior to the sixtieth day after the issuance thereof, file a petition with the United States court of appeals for the circuit wherein such State agency is located or such person resides or has its principal place of business for judicial review of such regulations. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Surgeon General or other officer designated by him for that purpose. The Surgeon General thereupon shall file in the court the record of the proceedings on which the Surgeon General based his order, as provided in section 2112 of title 28.

"(2) Upon the filing of the petition referred to in paragraph (1) of this subsection, the court shall have jurisdiction to affirm the order and the regulations issued therewith, or to set it aside in whole or in part, temporarily or permanently. If the order of the Surgeon General refuses to issue, amend, or repeal a regulation and such order is not in accordance with law, the court may by its judgment order the Surgeon General to take such action, with respect to such regulation, in accordance with law.

"(3) The judgment of the court affirming or setting aside, in whole or in part, any such order of the Surgeon General shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in sections 346 and 347 of Title 28.

"(4) Any action instituted under this subsection shall survive notwithstanding any change in the person occupying the office of the Surgeon General or any vacancy in such office.

"(5) The remedies provided for in this subsection shall be in addition to and not in substitution for any other remedies provided by law.

"Inspection by Surgeon General

"SEC. 810. (a) The Surgeon General may make such inspections of interstate milk plants and plants proposing to become interstate milk plants, and of their milk supply, and such laboratory examinations, studies, investigations, and ratings, as he may deem necessary in order to carry out his functions under this title and to promote uniformity in the application of the Federal Milk Sanitation Regulations and the Surgeon General's standard rating methods and criteria.

"(b) The Surgeon General shall remove any interstate milk plant from the list provided for under section 807 if the State or any local milk sanitation authority or laboratory refuses to permit representatives of the Service to inspect and copy relevant records pertaining to State or local health and sanitary supervision of such milk plant or any part thereof or facility connected therewith and its milk supply, or if the person in charge of such plant or of any part of the milk supply of such plant, or any person under his control, refuses to permit representatives of the Service, at all reasonable times, to—

"(1) enter such interstate milk plant or any establishment, premises, facility, or vehicle where milk or milk products intended for such interstate milk plant are produced, processed, packed, held, or transported,

"(2) inspect such plant, establishment, premises, facility, or vehicle, and all pertinent personnel, dairy animals, equipment and utensils, containers, and labeling, and milk and milk products, and

"(3) inspect and copy pertinent records.

"Research, studies and investigations concerning sanitary quality of milk

"SEC. 811. The Surgeon General may conduct research, studies, and investigations concerned with the sanitary quality of milk and milk products, and he is authorized to (1) support through grants, and otherwise aid in, the conduct of such investigations, studies, and research by State agencies and other public or private agencies, organizations, institutions, and individuals, and (2) make the results of such research, studies, and investigations available to State and local agencies, public or private organizations and institutions, the milk industry, and the general public.

"Training milk sanitation personnel

"SEC. 812. The Surgeon General is authorized to—

"(1) train State and local personnel in milk sanitation methods and procedures and in the application of the rating methods and criteria established in regulations pursuant to section 804,

"(2) provide technical assistance to State and local milk sanitation authorities on specific problems,

"(3) encourage, through publications and otherwise, the adoption and use, by State and local authorities throughout the United States, of the sanitation standards and sanitation practices specified in the Federal Milk Sanitation Regulations, and

"(4) otherwise cooperate with State milk sanitation authorities, other public and private organizations and institutions, and industry in the development of improved programs for the control of the sanitary quality of milk and milk products.

"Savings provisions—separability—miscellaneous

"SEC. 813. If any provisions of this title is declared unconstitutional or the applicability thereof to any person or any circumstances is held invalid, the constitutionality of the remainder of this title and the applicability thereof to other persons and circumstances shall not be affected thereby.

"(a) The provisions of this title shall not apply to milk products (except as defined in section 802(5)) which are subject to the regulatory control or sanitary conditions authorized by other laws of the United States or regulations issued thereunder.

"(b) Nothing in this title shall be deemed to make lawful or authorize the application of any State or local law or requirement of any receiving State or locality discriminating against milk and milk products which would not be lawful or authorized if this title were not in effect.

"(c) Nothing in this title shall be deemed to supersede or modify any provision of the Federal Food, Drug, and Cosmetic Act, the Milk Import Act, or any powers or provisions of the Public Health Service Act (other than this title).

"Civil action to restrain interference with operation of title

"SEC. 814. The United States district courts shall, regardless of the amount in controversy, have jurisdiction of any civil action to restrain the application of any law, ordinance, regulation, or order of any State or political subdivision of a State, or to restrain any action of an officer or agency of a State or political subdivision of a State, which interferes or conflicts with, or violates any provision of this title. Such action may be brought by the United States, by any affected State agency, or by any interested person. Nothing in this section shall be deemed to deprive any court of a State or jurisdiction which it would otherwise have to restrain any such application or action which interferes, conflicts with, or violates any provision of this title.

"Appropriations

"SEC. 815. There are hereby authorized to be appropriated annually to the Service such sums as may be necessary to enable the Surgeon General to carry out his functions under this title."

SEC. 3. Section 2(f) of the Public Health Service Act is amended to read as follows:

"(f) The term 'State' means a State or the District of Columbia, Puerto Rico, or the Virgin Islands, except that, as used in section 361(d) and in title VIII, such term means a State or the District of Columbia;".

SEC. 4. (a) Section 1 of the Public Health Service Act is amended to read as follows:

"Short title

"SECTION 1. Titles I to VIII, inclusive, of this Act may be cited as the 'Public Health Service Act'."

(b) The Act of July 1, 1944 (58 Stat. 682), is further amended by renumbering title VIII (as in effect prior to the enactment of this Act) as title IX, and by renumbering sections 801 through 814 (as in effect prior to the enactment of this Act), and references thereto, as sections 901 through 914, respectively.

SEC. 5. The amendments made by this Act shall become effective on the first day of the first fiscal year beginning more than one hundred and eighty days after the date of the enactment of this Act.

The section-by-section analysis presented by Mr. MONDALE is as follows:

SECTION-BY-SECTION ANALYSIS OF THE NATIONAL UNIFORM MILK SANITATION ACT OF 1965, INTRODUCED IN THE SENATE, WEDNESDAY, MAY 19, 1965, BY SENATOR WALTER F. MONDALE, OF MINNESOTA

This bill is designed to eliminate certain barriers to the interstate movement of milk and milk products of high sanitary quality resulting from a diversity of State and local sanitary regulations which have been used to exclude milk originating from out-of-State sources. While similar in purpose and design to bills introduced during previous sessions, this bill contains certain technical and procedural changes to overcome objections voiced during hearings on the earlier bills.

Essentially, the approach of this bill is to require receiving States and localities to accept milk of high sanitary quality emanating from an out-of-State plant, if the sanitary condition of the milk on arrival complies with the minimum regulatory standards of the Surgeon General, and if the shipping plant and its milk supply is listed on the Surgeon General's then current interstate milk shippers list.

Participation in the system authorized to be established by this bill would be entirely voluntary so far as the exporting State and its milk shippers are concerned. The Surgeon General would be empowered to assure the integrity and reliability of the system through approval of State rating plans, training and certification of State rating officers, inspection of plants and their milk supply, verification of compliance ratings, and exclusion or removal of a plant from approved status for failure to comply with the regulatory standards of the Surgeon General.

Section 801 states the congressional findings which gives rise to the need for the legislation.

Section 802 sets forth the definitions of the key terms used in the act and, in addition, indicates that its coverage is limited to "milk" and "milk products" as the Surgeon General shall, by regulation, designate having public health significance. This section also provides, expressly, that a definition or standard of identity for milk or any milk product adopted under section 401 of the Federal Food, Drug, and Cosmetic Act should govern to the extent of any inconsistency between it and any definition established by the Surgeon General under this title.

Section 803 would require the Surgeon General, by regulation, to establish "Federal uniform milk sanitation regulations" governing milk and milk products in interstate commerce. These regulations would provide for a system of rating, certification, and listing of State milk plants and their milk suppliers.

Section 804 would require the Surgeon General to promulgate rating methods and criteria to measure compliance with the Federal uniform regulations as well as the minimum compliance rating for milk and milk products, to be certified by producing States, that would be accepted as indicating compliance with the Surgeon General's regulatory standards.

Section 805 permits the appropriate State agency desiring to obtain the benefits of the Surgeon General's system for its milk shippers to submit for approval a State plan for rating its "interstate milk plants" and "milk supplies" in accordance with the rating methods and criteria established by the Surgeon General.

Section 806 describes the manner of approval of State plans submitted pursuant to section 805 and the procedure for suspension and revocation of such approval in the event that the Surgeon General finds and determines, after due notice and hearing, that the State rating methods do not comply with the requirements of the Federal regulations.

Section 807 provides that proper certification of its shipping plants and their milk supplies by a producing State under a State plan approved by the Surgeon General in conformity to regulations promulgated by him would make such plants eligible for inclusion in a periodically published Public Health Service list of certified interstate milk plants. This section also authorizes the Surgeon General to make such inspections, investigations, and laboratory examinations as he deems necessary to assure the validity of State certification, and empowers the Surgeon General to revoke the certification of shippers for cause upon his own initiative or upon a complaint of a receiving State or locality.

Careful procedural protections are included in this section, in accordance with the requirements for adjudication under the Administrative Procedure Act, to assure full opportunity for notice and hearing prior to decertification of a plant and its milk supplies or refusal by the Surgeon General to deny certification upon the complaint of a receiving locality.

This section also provides for judicial review—in the U.S. Court of Appeals for the circuit in which the State agency or interstate milk plant involved is located—of the Surgeon General's final order by any complainant or person aggrieved.

Section 808 is the key section of the bill. It provides that milk or milk products from a plant currently listed on the Surgeon General's approval would be immune from seizure or exclusion by a receiving State or its political subdivisions by reason of failure of such milk or milk products to comply with health or sanitation laws, regulations, or orders of the receiving State or locality. However, upon receipt the milk or milk

products would be subject to seizure or rejection if they failed to conform to the bacterial, temperature, composition standards or other physical or chemical criteria of the Federal uniform regulations. Such milk or milk products would also, on arrival, be subject to nondiscriminatory regulations of the receiving State or locality as to (1) pasteurization prior to delivery to retail establishments or before processing; (2) protection from contamination and deterioration during transportation and storage in the receiving State; and (3) the type of container in or from which milk or milk products may be served or sold at retail.

Section 809 contains the general administrative provisions governing the Surgeon General's rulemaking powers under the bill. It constitutes a major departure from other Federal milk sanitation bills introduced during the current and prior sessions of Congress in expressly providing that the uniform sanitation regulations referred to in the bill shall be adopted by the Surgeon General in accordance with the procedures for informal rulemaking required by section 4 of the Administrative Procedure Act. The section provides that interested persons shall have an opportunity to participate in the rulemaking process through the submission of data, views, or arguments, orally or in writing.

The section (1) requires publication of proposed regulations in the Federal Register; (2) affords opportunity for filing objections thereto; (3) requires the holding of a public hearing on such objections and the opportunity for interested persons to be heard orally or in writing; (4) requires the Surgeon General to make detailed findings on such objections and to state his reasons for his orders or rulings on exceptions; and (5) authorizes judicial review of any final order or regulation by any interested person adversely affected.

Section 810 authorizes the Surgeon General to make such inspections, investigations, laboratory examinations as he deems necessary to assure the validity of State certification and compliance with his regulations, and to decertify interstate milk plants for cause.

Sections 811 and 812 would authorize the Surgeon General, directly or through grants, to conduct appropriate studies and training, furnish technical assistance to State and local authorities, encourage uniform adoption and use of the Federal milk sanitation regulations, and cooperate with States, local governments, industries, and others in the development of improved milk sanitation programs.

Section 813 contains savings provisions applicable in the event that any part of the bill should be declared invalid. It also provides that the provisions of the bill shall not apply to milk products (except as defined in the bill) which are subject to the regulatory control or sanitary requirements imposed by other laws or regulations of the United States.

Section 814 provides for injunctive relief at the suit of the United States or of any interested person to restrain actions by State or local officers in violation of the bill. However, no criminal sanctions are provided.

Section 815 authorizes the appropriation annually to the Public Health Service of such sums as may be necessary to enable the Surgeon General to administer the bill.

Mr. NELSON. Mr. President, will the Senator from Minnesota yield?

Mr. MONDALE. I yield.

Mr. NELSON. I am happy to join the Senator from Minnesota [Mr. MONDALE] as cosponsor of the bill which he has introduced for the purpose of assuring the free movement of milk in interstate commerce without the imposition of irrational regulations that are designed to hamper the movement of milk.

The Senator from Minnesota represents, in part, one of the great dairy States in the Nation. He has established a national reputation, as attorney general of Minnesota, in fighting for this cause. I commend him for drafting what I think is the best of a long series of bills that have been introduced over the years to tackle this important problem.

Mr. MONDALE. I thank the Senator from Wisconsin for his kind remarks. He is somewhat modest, because he, too, has established a reputation as one of the leaders in the country in seeking fair and rational means for the marketing of milk and dairy products.

Coming as we do from the two major dairy States in the Union, States which produce the best milk at the lowest cost, we are desirous that our farmers may take full advantage of the economic benefits from which all other farmers of the Nation benefit.

SALARY INCREASE FOR CLASSIFIED AND POSTAL EMPLOYEES—ESTABLISHMENT OF FEDERAL SALARY REVIEW COMMISSION

Mr. MONRONEY. Mr. President, I send to the desk, for appropriate reference, two bills proposed by the President of the United States for the adjustment of classified and postal employees' salaries and for the establishment of a Federal Salary Review Commission to review at 4-year intervals the salary structure for Federal executives, Justices, and Members of Congress.

The first of these proposals provides for an across-the-board increase of 3 percent for classified and postal employees. Since the enactment of the Federal Salary Reform Act in 1962, the Kennedy and Johnson administrations and Congress have attempted to fulfill the obligations owed the comparability principle in order to attract and retain civilian personnel of the highest possible quality. This bill is part of that fulfillment. Unlike the 1962 and 1964 salary statutes, this proposal does not seek to attain comparability with nongovernment salaries for upper-level career positions. It is designed to reflect increases in salaries which have been characteristic of the economy of the past 2 years. It has no effect on the Executive salary schedule or the salaries of members of the legislative and judicial branches of the Government.

The bill also would authorize the President to revise annually classified and postal salaries and recommend adjustments in accordance with the findings of the Bureau of Labor Statistics of salary levels for similar work in non-Federal employment. His recommendations would be acted upon by Congress through the procedure followed for Executive reorganization plans—that is, unless either House of Congress expresses its disapproval by resolution within 60 days, the proposed salary schedule would become law.

The President has reported that this bill would cost $406 million annually.

The second proposal would establish a Federal Salary Review Commission appointed by the President, the presiding officers of both Houses of Congress, and the Chief Justice of the United States. The Board's duty would be to review the compensation of Members of Congress, justices and judges of the United States, and Federal officers subject to the Executive salary schedule. The Commission would meet and report to the President quadrennially. The first Commission would be appointed in 1966 and would report by January 1, 1967, and on January 1 of each 4th year thereafter. Its study would encompass the entire scope of the salary structure of these Federal officers. The President would report his recommendations to Congress for the revision of the salaries of these officers. His recommendations, again, would become law unless either House of Congress expressed its disapproval within 60 days after their submission.

I am in general agreement with the President's recommendation for an increase in the pay of civilian employees and hope that the Congress will act on this measure this year.

The Congress should also examine the President's proposals with respect to the establishment of new procedures for the review of salaries and for the making of periodic adjustments to maintain comparability of Government employees' salaries with those in private industry.

Because the procedures recommended by the President represent a radical departure from the traditions and historical prerogatives of the past, I believe they must undergo careful scrutiny not only by Congress, but also by the employees affected. For these new procedures will automatically adjust salaries down as well as up.

Congress has met its responsibilities in regard to Federal Government compensation in the past. I believe, unless clear evidence is presented that Congress cannot continue to fulfill this responsibility, it must face up to the pay problem in the years ahead, yielding to no other entity the duty of preserving the doctrine of comparability or the responsibility for fixing the rates of compensation paid to its own members. For there is also the need for accountability—this being the task of seeing that Government and Government employees perform in a manner that merits positive action by the Congress to support fair and just pay rates.

I am aware of the strong interest in the Senate in these bills. The committee will act on them as promptly as possible.

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

The bills, introduced by Mr. MONRONEY, by request, were received, read twice by their titles, and referred to the Committee on Post Office and Civil Service, as follows:

S. 1997. A bill to adjust the rates of basic compensation of certain officers and em-

ployees in the Federal Government, and for other purposes; and

S. 1998. A bill to establish the Federal Salary Review Commission.

BACKDATING THE NEW SILVER DOLLARS

Mr. CANNON. Mr. President, I introduce, for appropriate reference, a bill to provide that standard silver dollars hereafter minted shall bear the figure "1922" in lieu of the year of coinage, and shall bear no mark signifying the mint of coinage.

It was most gratifying to Senators from the West, and particularly to the junior Senator from Nevada, to learn last week of the President's decision to implement the action of the Congress last year with an Executive directive ordering the resumption of silver dollar coinage.

This action was made possible by the fact that the coin shortage has eased sufficiently to permit a portion of the mint's productive capacity to be devoted to the manufacture of the silver cartwheels which bear a great tradition and are highly honored in the historic and present-day commerce of the Western States.

We are all familiar, however, with the rapid disappearance last year of the Treasury's reserves of silver dollars, and, therefore, lest the new silver dollars become a target for speculators and hoarders, I am proposing that the date of the new silver dollars be backed up to the year 1922 and the mint mark be deleted.

The obvious purpose of this amendment, Mr. President, is to have the new coins become part of an earlier production of more than 90 million silver dollars rather than, because of their unique date, become the object of hoarding, speculation, and other noncommercial uses.

If this bill is acted upon expeditiously by the Congress, it may well serve to again bring into circulation a goodly share of the nearly $465 million that are now removed from everyday circulation.

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

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

The bill (S. 2000) to provide that standard silver dollars hereafter minted shall bear the figure "1922" in lieu of the year of coinage, and shall bear no mark signifying the mint of coinage, introduced by Mr. CANNON, was received, read twice by its title, referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, all standard silver dollars minted after the date of enactment of this Act (1) shall be inscribed with the figure "1922" in lieu of the year of the coinage, and (2) shall not bear any mark or inscription indicating the mint of coinage.

SEC. 2. The requirement of section 3550 of the Revised Statutes (31 U.S.C. 366) that the obverse working dies at each mint shall be destroyed at the end of each calendar year shall not be applicable to any such dies used for the minting of standard silver dollars after the date of enactment of this Act.

DISASTER OF BIENHOA SHOULD BE INVESTIGATED AND THE COMMITTEE FINDINGS REPORTED TO THE AMERICAN PEOPLE

Mr. YOUNG of Ohio. Mr. President, today I am introducing a Senate resolution for a complete investigation and a factfinding report to the American people of all the facts pertaining to the tragic explosions and loss of life at the Bienhoa Jet Air Force Base in South Vietnam. If the facts disclose that there was negligence on the part of the commanding general at his airbase and carelessness, inattention, and/or just ordinary stupidity on the part of those officers in charge of protecting the lives of men of our Armed Forces and Vietnamese soldiers and employees of this airbase, the American people are entitled to know all about this. We have an obligation to make a searching inquiry of this chain reaction bomb explosion last Sunday which killed some 28 men and wounded more than 100 and destroyed many millions of dollars worth of the latest type offensive jet bombers of the United States. In fact, this explosion destroyed, according to news accounts, 10 percent of our entire Vietnam-based force of this most modern type of jet bomber.

If the searching inquiry should disclose carelessness and negligence, if the planes were crowded wing to wing at a time and place when a dispersive formation was possible, and if they were in fact "sitting ducks" so that one lucky shot or unexpected explosion would likely start such a series of chain reaction explosions, let the people know the facts and let no guilty officer escape exposure and disciplinary action.

Mr. President, in the Washington Post of this morning there appeared an excellent editorial entitled "Again Bienhoa," which searchingly questions the conditions which resulted in the tragic accident at Bienhoa Airbase last Sunday. I commend this to my colleagues and ask unanimous consent that it be printed in the RECORD at this point as part of my remarks.

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

AGAIN BIENHOA

It is tragic enough to die in war from enemy action. But to die in a war area within your own lines from your own weapons is doubly tragic. So it was at the Bienhoa jet airbase in South Vietnam where a chain-reaction bomb explosion on Sunday claimed the lives of some 28 Americans and Vietnamese and the injury of more than 100.

Accidents will happen, of course, but there is something morbidly marked about Bienhoa. Last November, the Vietcong, without apparently any trouble at all, managed to sneak right up to the base's edge and bombard it with mortars, killing six Americans and Vietnamese and destroying five of the huge B–57 bombers. At that time, the planes had been lined up on the runway without a mission since the attack from the North expected last August never came off.

After much inquiry, the United States decided that it no longer could rely on the base's Vietnamese guards and sent U.S. troops to Bienhoa with orders to make deep reconnaissance patrols in all directions to prevent future surprises. Revetments were ordered built around the planes so that, in a protected and dispersed formation, they no longer would be sitting ducks for one lucky shot starting off a chain-reaction explosion.

Now, more than 6 months later, the revetments reportedly are still being built. The same base colonel still is in charge. And the big planes were all lined up together Monday when the delayed-action chemical in one plane's bomb started off a chain reaction. Since there had been a several-day halt in bombing North Vietnam, it was explained that the planes were lined up preparing to bomb the Vietcong in the South.

It also has been explained that since there are only three jet airbases in South Vietnam—Bienhoa, Saigon, just south of it, and Danang, near the North Vietnamese border—it is necessary to crowd the U.S. planes onto what small base space exists. Maybe. But many U.S. planes are based on carriers at sea. And since the bombing is virtually without opposition, why the need for crowding so many bombers on these airstrips that they have to be lined up wingtip to wingtip?

All this is quarterbacking after the tragedy. But since Bienhoa seems to be prone to tragedy, perhaps it is time really to look into its security for the future.

Mr. YOUNG of Ohio. Mr. President, I send to the desk, for appropriate reference, a resolution authorizing the Committee on Armed Services, or any duly authorized subcommittee thereof, to make a comprehensive study and investigation of any and all matters relating to the explosion at Bienhoa which resulted in the tragic loss of American and South Vietnamese lives and the substantial loss of our military aircraft and other equipment. I ask unanimous consent that the resolution be printed in its entirety at this point.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, under the rule, the resolution will be printed in the RECORD.

The resolution (S. Res. 106) was referred to the Committee on Armed Services, as follows:

S. RES. 106

Resolved, That the Committee on Armed Services, or any duly authorized subcommittee thereof, is authorized under sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to make a comprehensive study and investigation of any and all matters relating to the explosion and fire which occurred at the airbase at Bienhoa, South Vietnam, on May 16, 1965, and which resulted in the tragic loss of American and South Vietnamese lives and the substantial loss of United States military aircraft and other equipment. In carrying out such study and investigation the committee or subcommittee shall determine insofar as possible the cause or causes of such explosion and whether negligence on the part of United States military personnel contributed to the incident.

SEC. 2. The committee shall report its findings upon the study and investigation authorized by this resolution, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1966.

SEC. 3. For the purposes of this resolution the committee, through January 31, 1966, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized at its discretion to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than

—the popularly termed Korean GI bill. students could continue in college—their own expense. Except for Jan- cks, no further benefits would come the Veterans' Administration, which irected this program since its inception n September 1952.

The cutoff, however, did not affect 1,574 veterans who sustained wartime disabilities and were still in training. Congress set a more liberal limitation to fit them for taking their places in the American economy.

Termination of Korean readjustment training was no surprise to the trainees who had been apprised of the deadline when they entered school. As a whole, the closeout also affected only a comparative handful of the total who profited.

As the time for cutting off these benefits neared, the VA received some inquiries on why the program ended when it did.

VA's answer has been that the temporary nature of the educational benefits were consistent with the purposes of the law—to provide readjustment assistance immediately following wartime service.

Korean servicemen normally received a discharge soon enough to complete their educational program if they began schooling promptly. However, when a veteran elected to remain in the service longer, or chose first to enter the Nation's work force, it was assumed that he was not in need of readjustment assistance.

In the more than 12 years while these benefits were effective, 2,390,700 veterans entered the program. This was approximately one-third the number who went to college or learned technical skills under the predecessor World War II GI bill, which established a new national concept of federally sponsored education to compensate for opportunities lost in wartime.

total cost of direct benefits to Korean s will approximate $4,521 billion.

The Korean bill reached its crest in March 1957, with 764,200 veterans enrolled.

A number completed 20 years or more active military service—in both World War II and in the Korean conflict—and came late into the program, using the Korean benefits to set the foundation for the new careers.

A 41-year-old retired Army major is typical. He receives $297 monthly from military retirement, but will miss the $160 educational benefits check. The GI bill paid his monthly rent and tuition.

One veterans' adviser explained that remaining students had no problems other than financial, and all who chose could stay in school.

"We"ll take care of them on loan programs," he said, adding that many would be eligible under the National Defense Act.

Veterans interviewed about expiration of benefits agreed on one point. All felt that the GI bill is one of the finest investments the Government has made.

Reports from college officials expressed similar viewpoints.

Some veterans enrolled and dropped out because of increased responsibilities, said Gene Monson, assistant coordinator at the University of Utah. Yet enough stayed and completed their education to make it evident the program was a good investment.

"Not only have the individuals and their families benefited," observed Monson, "but the community and the country have benefited and will continue to do so. Thousands who would not otherwise have received an education have been trained and prepared to assume more responsibility in our society."

The Korean veterans were generally above t verage of nonveterans scholastically on niversity of Hawaii campus, pointed o ard F. Green, veterans' counselor.

Gree cited a 12-year veteran of the Air Force who had the highest average in the 1963 graduating class, received a Phi Beta Kappa key for his distinction, and now is teaching in the College of Guam.

Some who started earlier with partial college-level training now occupy top positions in education, business and science across the Nation.

Dr. Frank Lakin, administrative assistant to the president of Colorado State College, fought with the 1st Marine Division in Korea. Discharged in 1953, he finished his 2 years of undergraduate work, then acquired a master's degree and doctorate under the GI bill.

Another 1st Division marine is dean of students at Colorado State. He is Dr. Norman T. Oppelt, who received a disability discharge in 1952 after being injured in battle and received the Bronze Star. He completed his last 2 years of undergraduate work and finished academic training under Public Law 894, applying to service-disabled veterans.

Oberlin, Ohio College reported that most of its arts and sciences veterans received degrees in business; its conservatory graduated more college professors of music than any area and ministers outnumbered others in the graduate school of theology.

Oberlin followed up some of its veterans and their post college successes. One graduate is a member of the board of directors of a New England insurance agency. Another is the feature editor of a widely circulated magazine. Another is a college history professor in Kentucky and a fourth is a psychologist.

The Korean bill closeout marked the end of a federally sponsored mass education program that began with the signing of the original GI bill of 1944.

W. B. Gundlach, associate director of VA's Compensation, Pension, and Education Service, looked back and appraised nearly 21 years of veterans' assistance.

The 1944 GI bill, he said, was particularly timely in providing more, well-trained professional and skilled workers. The VA Administrator pointed out that 20 percent of World War II veterans and 9 percent Korean soldiers had 8 years or less of school experience when they enrolled.

Calling attention to the apprehension which had greeted each proposal for Federal participation in education, he summed up the last 20 years of joint responsibility:

"I feel that representatives of States and we in the VA, as representatives of the Federal Government, have demonstrated dramatically, cooperative Federal-State relationships that have risen above petty bickering. We have truly fulfilled the purposes of the GI bills.

"Interested persons in the Federal Government and organizations and agencies outside it view our 20 years' experiences together as a classic illustration of success," he concluded, "in what was originally viewed with great apprehension."

SUPPORT OF SENATE BILL 1993, TO ELIMINATE UNNECESSARY AND UNREASONABLE RESTRICTIONS TO THE FREE FLOW OF MILK PRODUCTS IN INTERSTATE COMMERCE

Mr. MONDALE. Mr. President, recently I introduced Senate bill 1993, designed to eliminate unnecessary and unreasonable restrictions to the free flow of milk products in interstate commerce.

Some days ago, I was extremely pleased to receive a thoughtful letter of support for this proposed legislation from Stanley Olson, vice president of the General Drivers, Helpers, and Truck Terminal Employees, a trade association directly involved in the interstate traffic in dairy products.

I request unanimous consent that Mr. Olson's letter be printed in its entirety at this point in the RECORD.

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

GENERAL DRIVERS, HELPERS AND TRUCK TERMINAL EMPLOYEES, LOCAL UNION NO. 120,
St. Paul, Minn., May 20, 1965.

Hon. WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: We are highly in favor of your bill to guarantee free movement of milk in interstate commerce and congratulate you for taking the initiative on this much overdue legislation.

Our organization has been aware of the restrictions placed on the Minnesota dairy farmers by present policies.

Your bill will result in greater utilization of the milk-producing potential of this area thereby creating more jobs and raising the income of our dairy farmers who have suffered great financial loss because of the unreasonable boycott of their products.

We are also writing to other members of the Minnesota delegation to express our interest in this legislation.

Sincerely yours,

STAN OLSON,
Vice President.

JUSTICE GOLDBERG'S UNITED NATIONS ADDRESS

Mr. CHURCH. Mr. President, on May 2, Associate Justice Arthur J. Goldberg, of the U.S. Supreme Court, delivered an excellent speech at the inaugural dinner of the Jewish Center for the United Nations, in New York City. I ask unanimous consent that the address be printed at this point in the RECORD.

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

ADDRESS BY ARTHUR J. GOLDBERG, ASSOCIATE JUSTICE, SUPREME COURT OF THE UNITED STATES

I am very much pleased to participate this evening in the inaugural dinner for the Jewish Center for the United Nations. This dinner appropriately takes place on the 60th anniversary of the Sutton Place Synagogue Thus it both commemorates the Sutton Place Synagogue's venerable history of religious service and marks the extension of that worthy tradition through the creation of a center, which will serve both local and international Jewish communities.

On an occasion such as this one, it is fitting to renew our dedication to the United Nations. The United Nations quest for peace has been based upon the theory that "since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed." I, together with millions of Americans and hundreds of millions of men and women throughout the world, would restate our conviction that the United Nations is not only a useful but also a necessary tool for building those defenses of peace, and that the United Nations is today and will be throughout the centuries to come the world's best hope for a lasting peace.

The crises—both diplomatic and financial—currently faced by the United Nations hover like a specter over the arena of international politics. Before giving way to pessimism, however, we should remember the numerous achievements of the United Nations in the 20 short years since its foundation. Only 2 years after its creation, the withdrawal of Russian troops from Iran was arranged through the United Nations. It played a part in the creation of Israel. Ag-

gression was contained in Korea by the United States working through the United Nations. Within the past few years we have seen potential sparks that in other times might well have set off major conflicts extinguished by United Nations activity in Suez, the Congo, and Cyprus. And, we have witnessed the unprecedented transfer of political power from European nations to newly independent states—a transfer that could hardly have taken place so peacefully, had the United Nations not been in existence. Moreover, the work of the United Nations in providing economic aid and technical assistance to the emerging nations, its role in facilitating international cooperation in such areas as the peaceful uses of atomic energy, and its undertakings to assure greater respect for human rights are all well known.

The failures which have resulted in the crises through which the organization is now passing are not those of the United Nations. The United Nations is not responsible for the consistent exercise of the veto by the Soviet Union in the Security Council, which has so often paralyzed effective peacekeeping action. The United Nations is not responsible for its members who refuse to pay the assessments which legally and morally they owe. Rather member states of the United Nations, not the organization itself, are at fault. Sir Alexander Cadogan once pointed out that "a Stradivarius violin is nothing more than an assemblage of wood and catgut. It takes a musician to get harmony out of it. But if the player is at fault, there is no sense in blaming the instrument—still less in smashing it to pieces." I believe that the problems facing the United Nations can be overcome provided that each member nation, and its citizens, base their actions upon a patriotism in the best sense of that word—this, as Lord Cecil once remarked, is "the patriotism by which a man instinctively sets the highest standard for his nation's conduct. The new patriotism will not be different in kind from the old, but it will be larger and more free from the sordid jealousies and suspicion which now defile international life." As we enter into International Cooperation Year we must rededicate ourselves both to support of the United Nations and to this ideal of a patriotism that will allow the United Nations to attain its goal of a lasting peace.

The Jewish Center for the United Nations, like the Catholic and Protestant centers, is itself a reaffirmation of faith in the United Nations. Moreover, it is a reaffirmation of confidence in religious liberty, tolerance and that freedom of the human spirit which the United Nations organization, as well as its Secretaries General, continually seek. We have learned that religious tolerance is the touchstone of all freedom, for freedom of body means little without freedom of the mind and soul. It is no accident that the first amendment to our Constitution—an amendment that was necessary to obtain the Constitution's ratification—guarantees the free exercise of religion. The founders of our Nation were victims of discrimination and religious oppression and were determined in the New World not to repeat the errors of the Old.

America is indeed a shining example of the benefits of religious liberty and tolerance. Under our Constitution there is a wholesome neutrality by the Government toward all religions; the ideal of our Constitution as to religious freedom is one of absolute equality before the law of all religious opinions and sects; the Government, while protecting all, prefers none, and its disparages none; our constitutional policy does not deny the value or necessity for religious training, teaching or observance; rather it secures their full exercise without helping or hindering any particular religion. The recent spirit of the Ecumenical Council of which so much is heard in fact reflects the spirit of our Constitution: freedom for all religions, preferment of none.

It is appropriate to note that the United Nations Universal Declaration of Human Rights expresses a similar ideal. Article 18, adopted by the General Assembly on December 10, 1958, states:

"Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance."

It is significant that freedom of religion is given a prominent position in this Declaration of Human Rights—a declaration which Dag Hammarskjold called "the universal expression in the field of human rights of the aims of our world today, a world where the memory is still fresh of some of the worst infringements of human rights ever experienced in history, and a world which is also facing the problem of human rights in new and increasingly complicated form."

As a reading of any newspaper amply shows, today the attention of the world is focused upon denials of racial equality. My remarks this evening emphasize religious liberty, not because I would denigrate the importance of racial equality, but because of the nature of this occasion, and because I believe that the ideals of religious liberty and racial equality are equally important. Both ideals spring directly from enlightenment concepts of the natural rights of man. Both of these ideals must be energetically and consistently pursued if they are not to be lost. In a world made up of people of all races, and religions, a harmonious and peaceful world society is impossible so long as men are ill treated either because of their race or their religion.

For these reasons I believe it most important that the United Nations adopt the draft declaration on religious intolerance currently being considered by the Human Rights Commission. I am particularly pleased that the United States, along with India and the United Kingdom, played a major role in the drafting of this convention, and urging its adoption.

The adoption of this convention is, in my view, particularly important because of the unhappy fact that religious discrimination exists in many parts of the new world. This discrimination is partcularly notable in the Soviet Union, where hostility to Jews has reached the point where it might be classified as an openly anti-Semitic campaign. The American delegates to the Human Rights Commission, obviously referring to the Soviet Union, stated the following:

"Since the defeat of Nazi Germany no state has pursued an overt and declared policy of genocide against an ethnic group. But we must recognize that some states where laws forbid discrimination in the most forceful terms nevertheless carry on policies which are designed to have the effect of obliterating an ethnic group. The biological differences of race cannot be exterminated by cultural deprivations, but ethnic differences, and sometimes nationality differences, are absolutely dependent on language, schools, publications, and other cultural institutions in order to survive. Cut an ethnic or national tradition off from these, and it will die, however nourished the body of the citizen is by food, clothing, and shelter.

"We must deal with anti-Semitism even when it takes the forms of deprivation of the religious and cultural heritage which makes this group unique. We should make it clear that a state which makes provision for German language schools for that ethnic group should not deny Yiddish or Hebrew schools to its Jews; that a state which can permit national and regional organizations of some ethnic groups should, under the principle of nondiscrimination, permit the same for Jews; that a state which permits recognized leaders of every other group to travel abroad to conferences and holy places should not be able to deny that right to Jewish leaders; that a state that finds facilities to publish [illegible]al materials in the language and tradit[illegible] some groups should not be able to de[illegible] right to Jewish groups; that a state which [illegible]s able to tolerate the differences in 100 nationalities should have no right whatever to extinguish those differences in the 101st."

The Soviet Union has consistently denied the Jews are mistreated or discriminated against within its borders. I believe that if the Soviet Government is sincere in its professed desire to eliminate anti-Semitism, it surely ought to vote for the convention on the elimination of religious intolerance; it ought not to slow down consideration of this convention and hinder its adoption. Moreover, I should like to see the Soviet Union adopt the proposal of Mr. Morris Abrams, the U.S. expert member of the Human Rights Commission, that a subcommission be formed, which would meet in various parts of the world, including the Soviet Union, to "check fact against claim and hope against reality" in determining the extent to which religious discrimination exists. Such a subcommission, of course, would deal with discrimination against any minority and would meet in any part of the world where discrimination was alleged. By providing such a neutral factfinding body, the United Nations might well destroy much discrimination by exposing it to the cold light of world public opinion.

Lord Acton, in the last century, said that "the most certain test by which we judge whether a country is really free is the amount of security enjoyed by minorities." In my opinion there can be no more worthwhile task for the United Nations, or for us, its supporters, than to work for an end to discrimination of all sorts and complete security for all minorities in every part of the world. Only by providing a world environment [illegible] which differences are tolerated and security is provided can we hope to pr[illegible] the world with a foundation for a lasting peace.

In the meantime all men of good will should endorse and support the adoption by the United Nations of convention on religious liberty. The existence of a Jewish Center for the United Nations and its counterparts will exist as an important symbol of the value to all men everywhere of freedom of religious exercise. Bringing religion to bear upon moral and ethical problems means helping all nations go forward realizing the just society and the better world which is the hope and aspiration of all men everywhere.

SENATOR FRANK CHURCH, CONSERVATIONIST

Mr. METCALF. Mr. President, those of us who serve with him in committees and engage in debate with him on the Senate floor appreciate the immense contributions and the incisive opinions of the senior Senator from Idaho [Mr. CHURCH]. The people who sent him to the Senate to represent them also recognize Senator CHURCH's talents.

One of them, Mrs. Ethel Kimball, recorded her impressions of Senator CHURCH at work on conservation matters in the State. Her comments appeared in a June 6, 1965, column in the Salmon Recorder-Herald.

Speaking also for her husband—and for many other Idahoans—Mrs. Kimball wrote:

Neither Frank nor I vote a straight t[illegible] we vote for the man we think most c[illegible]e of handling the job. But both of us are mighty glad that Idaho has a man like Senator FRANK CHURCH to represent it.

Prof. Wm. E. Biggs, University of Louisville.
Prof. W. R. Bishin, University of Southern California.
Prof. A. Bonfield, University of Iowa.
Prof. W. J. Brockelbank, University of Idaho.
Prof. A. Brodie, University of Wisconsin.
Prof. A. Brody, Boston, Mass.
Prof. T. Buergenthal, Buffalo, N.Y.
Prof. T. D. Buckley, Jr., University of North Dakota.
Prof. R. J. Childress, St. Louis University.
Prof. J. J. Cleary, Villanova University.
Prof. J. Cohen, Rutgers University.
Prof. Wm. Cohen, University of California.
Prof. R. G. Cohn, University of Illinois.
Dean T. M. Cooley, University of Pittsburgh.
Prof. V. Countryman, Harvard University.
Dean L. Cowen, University of Georgia.
Prof. E. E. Cushman, Stetson University.
Prof. C. W. Davidson, University of Iowa.
Prof. F. Davis, Emory University.
Dean P. R. Dean, Georgetown University.
Prof. D. W. Dowd, Villanova University.
Prof. T. I. Emerson, Yale University.
Prof. R. J. Farley, University of Florida.
Prof. D. M. Feild, University of Georgia.
Dean C. Clyde Ferguson, Howard University.
Prof. G. W. Foster, Jr., University of Wisconsin.
Prof. M. H. Freedman, George Washington University.
Prof. S. P. Franklino, Catholic University.
Prof. J. B. Gerard, Washington University.
Prof. D. A. Giannilla, Villanova University.
Prof. J. E. Gibbs, Florida A. & M. University.
Prof. M. Gitelman, University of Denver.
Prof. G. Gordin, Jr., Drake University.
Dean E. N. Griswold, Harvard University.
Prof. J. O. Honnold, Jr., University of Pennsylvania.
Prof. Y. Huffman, University of Denver.
Dean H. E. Hurst, University of Denver.
Prof. D. B. Isbell, University of Virginia.
Prof. E. Jarmel, Rutgers University.
Dean T. M. Jenkins, Florida A. & M. University.
Prof. E. M. Jones, University of Florida.
Prof. S. H. Kadish, University of California.
Prof. A. J. Keeffe, Catholic University.
Prof. H. C. Klemme, University of Colorado.
Prof. R. E. Knowlton, Rutgers University.
Prof. M. R. Konvitz, Cornell University.
Dean R. E. Kharas, Syracuse University.
Prof. A. K. Laughlin, University of Florida.
Prof. M. S. McDougal, Yale University.
Dean V. X. Miller, Catholic University.
Prof. M. B. Nimmer, University of California.
Prof. H. Norris, Detroit College.
Prof. W. E. Oberer, Cornell University.
Prof. R. Parker, Williamette University.
Prof. H. C. Petrowitz, American University.
Prof. D. H. Pollitt, University of North Carolina.
Prof. L. S. Powers, University of Florida.
Dean H. G. Ruschein, Villanova University.
Dean E. V. Rostow, Yale University.
Prof. C. D. Sands, University of Alabama.
Prof. M. G. Shimm, Duke University.
Prof. A. Trebach, Howard University.
Prof. W. J. van Alstyne, Yale University.
Prof. L. G. Wallace, Duke University.
Prof. T. R. Walenta, University of Idaho.
Prof. R. G. Weclew, De Paul University.
Prof. C. A. Wright, Harvard University.

JANE ADDAMS' HULL HOUSE

Mr. DOUGLAS. Mr. President, I was personally very much pleased to learn that Jane Addams' Hull House, in Chicago, has been selected by the Secretary of the Interior for Registered National Historic Landmark eligibility.

Jane Addams was undoubtedly one of Illinois' greatest citizens of all time. The example of her life is one of the lasting influences on the character of our society. It is, therefore, fitting that the original building of the settlement house, which now is a part of the new Chicago campus of the University of Illinois, should be recognized by the National Government as having historic importance. Furthermore, this recognition is not merely of a token nature. It was only by exerting the utmost effort that we were able to prevent the total destruction of Hull House when the area for the new university campus was being cleared. It would, indeed, have been a tragedy if this historic landmark had been thoughtlessly bulldozed. The national recognition now given to Hull House vindicates the efforts of the Chicago citizens who fought to save it, and should absolutely guarantee the preservation of the remaining portions of the building. I am confident that the university trustees will immediately complete the application for the certificate and a bronze plaque designated Hull House a Registered National Historic Landmark.

I ask unanimous consent that a brief statement on Hull House, as prepared by the National Survey of Historic Sites and Buildings, be printed in the RECORD.

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

HULL HOUSE, ILLINOIS

Jane Addams, in establishing Hull House, did not found the first settlement house in the United States, but she did create an institution that invariably responded to the needs of its visitors, a unique service in its period. The close identification of Hull House with the people it served gave the settlement house an internationally deserved reputation.

Nothing in Miss Addams' early career indicated what her true vocation would be. Born in Cedarville, Ill., on September 6, 1860, she was a small, bright child who responded best to her father. His influence caused her, when college age, to abandon her desire to attend Smith College and induced her to enter Rockford College, in Rockford, Ill., in 1877. Two years after completing college in 1881, she began studying medicine at the Woman's Medical College in Philadelphia, but soon abandoned her work there because of a physical collapse.

For about 5 years after leaving medical school, between 1883–88, Miss Addams searched for a purpose to her life. Two trips to Europe helped her discover it. She sailed from the United States for the first time in the summer of 1883, and while on her European tour gained a realization of the human tragedy inherent in poverty.

Despite her inability to decide definitely upon her life's work by the time of her second trip to Europe, December 14, 1887, she still sought, more zealously than ever, some means of applying her training and experience to a useful purpose. Her aim achieved realization through her learning of Toynbee Hall in London. Toynbee Hall enabled university students to live among the poor while working to improve the lot of the unfortunate. Upon visiting the hall and studying it, Miss Addams understood how she could apply the advantages that had befallen her in behalf of the poor: she could obtain a house in the slums of Chicago, live there, and place her experience at the call of the local residents.

Her decision made, she chose what w[as] now be termed a blighted area in Chicag[o] to begin her work. The house that she and two friends moved into on September 4, 1889, had formerly stood outside of Chicago, but now was in ward 19. Ward 19 had 9 churches and missions, but probably more, for it also harbored 255 saloons. Undaunted by the saloons, the amazing variety of nationalities, and the dirt, Jane Addams concentrated on her settlement work for the next 25 years.

Charles Hull built Hull House in 1856 as a suburban residence. The house was a two-story brick structure, with a piazza and a cupola on top of the roof. Now that the University of Illinois is creating a new campus in Chicago in the Hull House area, all but the original building of the expanded settlement house has been demolished. The original house is being restored.

Located at 800 South Halstead Street, Chicago, Ill., the structure is owned by the University of Chicago.

ELIMINATION OF UNREASONABLE AND UNNECESSARY RESTRICTIONS ON FREE FLOW OF MILK PRODUCTS IN INTERSTATE COMMERCE

Mr. MONDALE. Mr. President, recently I introduced Senate bill 1993, designed to eliminate unreasonable and unnecessary restrictions on the free flow of milk products in interstate commerce.

Following the introduction of the bill, I have received a number of statements of support. One of these thoughtful expressions was sent by Walter W. Thompson, general manager of St. Paul's North Star Dairy. Mr. Thompson, long familiar with the difficulties and inequalities imposed upon both consumers and producers by these restrictive barriers, is unquestionably competent to pass judgment on this important proposed legislation.

I request unanimous consent that Mr. Thompson's letter be printed in its entirety at this point in the RECORD.

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

NORTH STAR DAIRY,
St. Paul, Minn., June 8, 1965.

Senator WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: The National Milk Sanitation Act of 1965 is a good piece of legislation, particularly for the Middle West, and for the country as a whole.

There is no logical reason why milk that meets sanitary standards in one municipality, should not meet it in another. It is also time that one agency have jurisdiction over the sanitary features of milk supplies as a whole. For too many years, municipal sanitary regulations and/or State regulations have served as economic barriers for the free flow of milk. This is not sound, and should be eliminated.

I sincerely hope that this bill passes Congress this year.

Yours very truly,
WALTER W. THOMPSON,
General Ma[nager]

"BIG BROTHER"—INVASIONS OF PRIVACY

Mr. LONG of Missouri. Mr. President, today's big brother item consists of two

...ice Association, Prof. David B. Truman, of Columbia; the president-elect of APSA, Prof. Gabriel Almond, of Leland Stanford; Prof. Quincy Wright, of the University of Virginia, a former president of APSA; Prof. David Easton, of the University of Chicago; Prof. Alpheus T. Mason, of Princeton; Paul R. Dean, dean of the Georgetown University Law Center; Clarence C. Ferguson, Jr., dean of the Howard University School of Law; Erwin N. Griswold, dean of Harvard Law School; Vernon X. Miller, dean of the Catholic University School of Law; and Eugene V. Rostow, dean of the Yale Law School.

The preliminary canvass of political scientists and law professors was made by Prof. C. Herman Pritchett, of the University of Chicago, and former president of the American Political Science Association; Robert McKay, dean of the New York University Law School; and Prof. Royce Hanson, of American University, secretary-treasurer of the National Committee for Fair Representation.

The professors' statement charges:

The Dirksen amendment goes against the trend of democratic government and of expanding civil and political liberties. It would, if ratified, be the first amendment to reduce American liberties rather than to expand them. Its provision for popular ratification of malapportioned legislatures is a ruse. It would use the forms of democracy to impair both democracy and the personal ...ts of individual voters. It assumes that ...ight to be fairly represented is a right ...ch properly belongs to a majority. Rather, it belongs to individuals. We maintain that a majority should not be permitted to relinquish a right which it cannot properly claim.

The professors argue that although the amendment sponsored in the Senate by Senator DIRKSEN would require a referendum before one house of a legislature could be based on factors other than population, it should be rejected, because the right of representation is a personal right, and "the first principle of a constitutional democracy is that a majority may not deprive an individual of his fundamental rights." Calling this a "fundamental flaw in the amendment," the professors oppose its adoption "even if its language is technically improved."

The statement defends the Supreme Court's one-man, one-vote decisions, and argues that adoption of the Dirksen amendment would seriously endanger minorities, by permitting majorities to adopt schemes of representation which would discriminate against certain groups.

I ask unanimous consent to have printed in the RECORD the statement of these professors and the full list of those who signed it.

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

STATEMENT BY POLITICAL SCIENTISTS AND LAW PROFESSORS

...ppose Senate Joint Resolution 2, introduced by Senator EVERETT DIRKSEN. This proposed constitutional amendment would make possible the apportionment of one house of a bicameral legislature on factors other than population if a majority of a State's voters approved such a plan. The effect of the amendment is partially to nullify the Supreme Court's reapportionment decisions which held that to satisfy the requirements of the 14th amendment both houses of a bicameral legislature must be based on population.

We support that decision. We believe that the facts in the cases considered by the Court and the development of the equal protection clause warrant the conclusions reached by the Court. That opinion was reached on the ground that the right of representation is a personal right held by individual voters, in the same class of constitutional rights as the right to vote which is also guaranteed by the equal protection clause.

The Dirksen amendment strikes at this basic constitutional rationale. It permits, in any State, a majority of voters to abolish a properly determined constitutional right. We do not deny the power of a constitutional amendment to reduce political or civil rights. We do strongly oppose such action as unwise public policy. The first principle of constitutional democracy is that a majority may not deprive an individual of his fundamental rights. As Mr. Justice Jackson said in *West Va.* v. *Barnette,* "fundamental rights may not be submitted to vote, they depend on the outcome of no elections."

The Dirksen amendment goes against the trend of democratic government and of expanding civil and political liberties. It would, if ratified, be the first amendment to reduce American liberties rather than to expand them. Its provision for popular ratification of malapportioned legislatures is a ruse. It would use the forms of democracy to impair both democracy and the personal rights of individual voters. It assumes that the right to be fairly represented is a right which properly belongs to a majority. Rather it belongs to individuals. We maintain that a majority should not be permitted to relinquish a right which it cannot properly claim.

The amendment is, in its most basic form, unsound public policy. Because of this fundamental flaw, we oppose its adoption even if its language is technically improved. The basic objection to the amendment can be met only by its defeat.

We believe that there is enough latitude in the reapportionment decisions to permit States to assure adequate protection of minority rights. The Dirksen amendment, to the contrary, seriously endangers minorities by permitting majorities to adopt schemes of representation which grossly discriminate against certain groups. A State which is only 51 percent urban, for instance might under the amendment, assign 90 percent of all senators to urban areas, greatly disadvantaging the rural minority.

The amendment would restrict the exercise of a fundamental constitutional right for no public purpose other than maintaining the power of a particular privileged minority to exercise veto power over all State legislation which it does not prefer.

POLITICAL SCIENTISTS AND LAW PROFESSORS ENDORSING STATEMENT ON DIRKSEN AMENDMENT

Prof. S. V. Anderson, University of California.
Prof. Wm. Anderson, Minneapolis, Minn.
Dr. J. D. Barber, Washington, D.C.
Prof. G. Almond, Stanford University.
Prof. C. Adrian, Michigan State University.
Prof. H. Bach, Bradley University.
Dr. Donald Balmer, Portland, Oreg.
Dr. G. E. Baker, University of California.
Mr. R. W. Becker, St. Cloud State.
Prof. D. M. Berman, American University.
Prof. L. Beth, University of Massachusetts.
Prof. A. P. Blaustein, Rutgers University.
Prof. A. Bone, Seattle, Wash.
Prof. K. A. Bosworth, Storrs, Conn.
Mrs. Hardy J. Bowen, Wilmington, Del.
Prof. A. Bromage, University of Michigan.
Prof. E. Byrd, Jr., University of Maryland.
Mr. Richard S. Childs, New York, N.Y.
Prof. Wm. M. Beany, Princeton, N.J.
Mr. Alan Clem, University of South Dakota.
Dr. R. Cortner, University of Tennessee.
Prof. W. W. Crouch, Los Angeles, Calif.
Prof. R. F. Cushman, New York University.
Dr. R. T. Daland, University of North Carolina.
Dr. Manning J. Dauer, University of Florida.
Dr. Paul Dolan, University of Delaware.
Prof. David Easton, University of Chicago.
Dr. Ralph Eisenberg, University of Virginia.
Prof. D. Fellman, University of Wisconsin.
Dr. T. A. Flinn, Oberlin College.
Prof. R. S. Friedman, University of Michigan.
Prof. H. Garfinkel, Michigan State University.
Dr. T. C. Geary, University of South Dakota.
Dr. R. M. Goldman, San Francisco College.
Prof. R. E. Goostree, American University.
Mr. C. B. Hagan, University of Illinois.
Prof. R. J. Harris, Vanderbilt University.
Prof. F. H. Hartmann, University of Florida.
Dr. M. E. Jewell, Lexington, Ky.
Prof. B. K. Johnpoll, Hartwick College.
Mr. T. P. Johnson, Aldie, Va.
Mr. Henry Kass, Washington, D.C.
Prof. G. M. Kammerer, University of Florida.
Prof. H. Kantor, University of Florida.
Dr. Paul Kelso, University of Arizona.
Prof. R. Lemarchand, University of Florida.
Prof. D. Lockhard, Princeton, N.J.
Dr. L. Loeb, American University.
Prof. A. Maas, Cambridge, Mass.
Prof. C. P. Magrath, Ithaca, N.Y.
Dr. A. T. Mason, Princeton University.
Miss D. J. Melhorn, University of Tennessee.
Prof. D. D. McKean, University of Colorado.
Prof. O. R. McQuown, University of Florida.
Prof. F. C. Mosher, Berkeley, Calif.
Mr. A. E. Nuquist, University of Vermont.
Dr. H. P. Odegard, Bloomington, Minn.
Prof. H. Petrowitz, American University.
Mr. E. C. Reock, Jr., Rutgers University.
Dr. H. J. Schmandt, University of Wisconsin.
Prof. R. Silva, Pennsylvania State University.
Prof. T. C. Sinclair, University of Houston.
Dr. R. M. Smith, Bradley University.
Prof. R. A. Smith, Temple University.
Prof. G. W. Spicer, University of Virginia.
Mr. J. O. Stitely, University of Rhode Island.
Mr. A. L. Sturm, Florida State University.
Prof. Oscar Svarlien, University of Florida.
Prof. W. F. Swindler, College of William and Mary.
Prof. V. V. Thursby, Florida State University.
Prof. H. J. Tomasek, University of North Dakota.
Prof. D. B. Truman, New York, N.Y.
Dr. W. E. Volkomer, Hunter College.
Prof. R. M. Wade, University of Wyoming.
Mr. H. Walker, Ohio State University.
Mr. E. Weaver, University of Utah.
Prof. R. Weintraub, Hunter College.
Prof. A. F. Westin, Columbia University.
Dr. J. P. Wheeler, Hollins College.
Mr. L. Wilmerding, Princeton, N.J.
Prof. T. J. Wood, Miami, Fla.
Prof. C. Woodbury, University of Wisconsin.
Prof. B. F. Wright, University of Texas.
Prof. Q. Wright, University of Virginia.
Dr. C. Press, Michigan State University.

LAW PROFESSORS

Prof. R. Aren, Catholic University.
Prof. F. N. Baldwin, University of Florida.
Prof. W. R. Bennett, University of Utah.
Prof. J. A. Barron, University of New Mexico.
Prof. G. M. Bell, University of Idaho.
Prof. H. A. Berman, University of Idaho.
Prof. R. C. Berry, University of Florida.

Agriculture to go into the market and buy up, wherever he can find it, about $50 million worth of dairy products to meet the demands we are not able to meet with products purchased under the price-support program?

Mr. PROXMIRE. The Senator from Vermont must realize that as we correct the situation and get the Government out of buying excess dairy products, we enable the dairy farmer to earn the kind of income that he deserves to earn.

According to the Secretary of Agriculture, the dairy farmers of Wisconsin are earning less than 40 cents an hour. That is shameful. The more the excess supply is reduced, the better the situation will be for the dairy farmers. They can then begin to earn a decent, respectable living related to efficiency, investment, and their 10 to 12 hours of work every day, 7 days a week.

Mr. AIKEN. Does the Senator from Wisconsin believe that integration or take-over of milk production by retail outlets would be helpful? And to whom? Suppose the practice is followed which has been carried on in the broiler industry. I am not talking entirely from hearsay, because the talk now is to the effect that the retail stores could go into the producer handler business and buy bases from the small producers who are squeezed out by voting to reduce their production. The retail stores would produce their own milk, just as the chainstores and other markets produce their broilers now. This bill is exactly what they want.

Mr. PROXMIRE. This bill is exactly what they do not want. What they are concerned about is that on page 5 of the amendment, lines 13 to 15, we provide:

> The provisions authorized under this subparagraph may be made applicable to a regulated handler's own production of milk.

I have been discussing with another Senator the possibility of eliminating that language. I do not believe it should be taken out, because I believe we should do everything we can to provide the strongest protection for the family farm to stop vertical integration.

Mr. AIKEN. Does the Farmers Union favor selling milk bases?

Mr. PROXMIRE. The Farmers Union has never opposed that. Their concern was that the amendment did not provide the kind of assistance needed for manufacturing milk producers. I agree. That is a slice of bread, not a whole loaf. I presume they did not have any particular concern with selling bases.

Mr. AIKEN. The Senator from Wisconsin spoke about the Department of Agriculture's support. I have a report entitled "Agricultural Economics Report No. 3," prepared by the Department of Agriculture and Michigan State University.

They say:

> As expected, for each farm type, profitable milk production is less under the two-price plans than under blend pricing for unlimited production, regardless of whether the farm could add land as a substitute. Smaller milk allotments and lower excess milk prices would reduce farm incomes.

The title of the report is "Milk Production Allotment and Class I Base Plans." That is from the Michigan State Agricultural College, prepared in conjunction with the United States Department of Agriculture before they made the report.

Mr. PROXMIRE. Mr. President, I say, in answer to the Senator from Vermont, that I would prefer to rely on the farmers other than on professors.

The farmers know what is good for them, and unless they vote by a two-to-one vote, they will not get the program. Any time they want to, they can knock it out by a majority vote. What could be more fair?

Mr. AIKEN. Mr. President, I have a telegram from the New England Milk Producers Association. That is the largest milk producer organization in New England. They are opposed to the general farm bill, H.R. 9811. The telegram reads as follows:

BOSTON, MASS.

Senator GEORGE AIKEN,
Washington, D.C.:

New England Milk Producers Association is opposed to the general farm bill, H.R. 9811, for several years, the association's delegate body has passed resolutions against quota control of production by individual dairy farmers such as the class I base plan proposed in H.R. 9811. Even the voluntary aspect of the plan is objectionable, for mixed acceptance of the plan would create problems calling for mandatory controls at an early date. We are strongly opposed to any general exemption of producer handlers from the Secretary's milk price regulations. We understand that Congressman O'BRIEN of New York State will offer an amendment to H.R. 9811 proposing such exemption and we vigorously opposed any such possible amendment.

JOHN F. ADAMS,
General Manager,
New England Milk Producers Association.

Mr. President, I also have a telegram from what I believe is probably the largest dairy cooperative in the world. It is the Dairymen's League Cooperative Association, Inc.

It is certainly the largest cooperative in the Northeast. They have 17,000 members. They state:

> Any attempt to strangle the incentive and productive capacity of our dairy industry is ill-advised and has dangerous implications for the future. Furthermore, we have seen no evidence to indicate that the dairy quota program, as proposed in the original farm bill, will provide any improvement in the net income of dairy farmers. On behalf of our 17,000 member families, we urge you to oppose any efforts to reinstate the dairy quota section in the farm bill now under consideration.

Mr. PROXMIRE. Mr. President, in 1963 the same issue was raised. We pointed out then the policies of the members of the organization, not the leadership, but the members of the Farm Bureau in New York. In every single case, a substantial majority wanted the class I plan. Even when the Farm Bureau members were polled, they voted 5 to 4 for this class I base plan, in most groups, the vote was 4 to 1 or 5 to 1, whenever they were given an opportunity to vote.

Furthermore, this plan would not go into effect unless they voted 2 to 1 in a referendum in their area. Then it would not affect any other area.

The Senator from Vermont has quoted from telegrams and indicated that some of the leaders of this organization are opposed to the class I base plan. They have always been opposed.

Mr. AIKEN. Do leaders not count?

Mr. PROXMIRE. They count, yes. I believe their words should be listened to. However, we should also listen to the members.

Mr. AIKEN. I have here a telegram from the Farm Bureau. They are opposed to it, too.

Mr. LAUSCHE. Mr. President, the statement was made that the leaders count. That statement is dependent upon the type of economic association they promote.

Mr. AIKEN. The Senator is correct.

Mr. LAUSCHE. There are certain leaders whose word is law. There are other economic associations which have leaders whose word means nothing. I think we had an example today of a case when the word of the leader counts; and it is followed implicitly and without deviation.

Mr. AIKEN. I also have some more information. However, I do not believe that I need to have any more of the communications printed in the RECORD now.

If the amendment of the Senator from Wisconsin is agreed to and most of the order areas tried to avail themselves of it and operate under it, they would find it the worst law that they have had for a long time. I do not say that there are not one or two areas which have been so badly mismanaged they would be better off with anything at all. However, for most of them, this would be starting down the primrose path toward Utopia. I forget whether it was the friend of the Senator from Wisconsin or someone else who told the dairymen of our area of this Utopia for milk producers. Hwever, some of the agitators who came to New England said that. All I could think of was that it was the first time that I knew of when there was a primrose path toward Utopia in the dairy industry.

Mr. PROXMIRE. Mr. President, I yield myself 5 minutes so that I may yield to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. MONDALE. Mr. President, I commend the Senator from Wisconsin for his leadership in this important effort to improve the lot of the dairy farmers. The figures he just cited indicate that earnings for the dairy farmer are approximately 40 cents an hour. That underscores the fact that, of all the commodity programs, there is none that is less effective in terms of farmers' income than the program for the dairy farmers of this country.

Coming, as we do, from the two States of the Union which produce more milk and more dairy products than any other State, I think we have a responsibility to speak for our dairy farmers and try to do all we can to lend our support to proposals designed to provide them with more support.

I also commend the Senator for his explanation of the Class I proposal which passed the Senate last session and which is now before the Senate in identical form.

I understand that the language of the amendment of the Senator from Wisconsin is the so-called class I base bill, which the Senator first introduced as S. 1915 in 1963, and which is identical to S. 399, a bill introduced by the senior Senator from Louisiana [Mr. ELLENDER], which was considered during the present hearings before the Senate Committee on Agriculture and Forestry.

Mr. PROXMIRE. The Senator is correct.

Mr. MONDALE. Mr. President, during the recent hearings before the Senate Agriculture Committee, I inquired of the Secretary of Agriculture whether the Senate version of the Class I Base bill would restrict or in any way limit the entry of outside milk into any marketing area. The Secretary's answer to my questions appears on pages 1366 and 1367 of the hearing record. The Secretary assured me that under the Senate bill, new producers of outside milk would be able to enter the market and receive the full Class I price without first having to earn a base during some specified production period. Is that also the understanding of the Senator from Wisconsin?

Mr. PROXMIRE. Yes, it is. The class I Base Bill would in no way change the present law as interpreted by the Supreme Court in the Lehigh case.

Mr. MONDALE. Mr. President, I ask unanimous consent that the colloquy which I had with the Secretary of Agriculture, and which appears on pages 1366 and 1367 of the transcript of hearings be printed at this point in the RECORD.

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

The CHAIRMAN. Senator MONDALE, I understood that you desire to ask a few questions as to the program.

Senator MONDALE. Yes. Mr. Secretary, I know I don't have to recount the problems that our milk producers have had in Midwest. Indeed, I think that in your testimony at the outset of these hearings, you pointed out that the dairy farmer is perhaps the worst off of all of our farmers.

I was happy to see some improvement in the returns to our dairy farmers, in 1964 over 1963 but I think it still is very low. I am pleased to see the reserves of butter and powdered cheese are no longer burdensome. Indeed, I think, they are below in every case, the recommendations for national reserves.

Now, there is a great deal of discussion about this proposed class I base program and I see that the House bill, as recommended by the House committee, incorporates the so-called Poage bill. Following the Lehigh Valley case, there has been I think a very healthy development in terms of the intermarket movement of milk. As a result, milk now moves between markets into an order market easier than it did, easier that it could before.

I am worried about the restrictive features of a class I program. I must say there are certain parts of it that I think could have an appeal if we can get away from the blend price, that we might take off some of the incentive for increased surplus production. But I am afraid that there is built into the class I proposal, at least, as we see it in the House and some have testified here in the Senate, an exclusionary provision that will have the effect of eliminating all of the encouraging interstate marketing of milk that has come about since the Lehigh Valley case.

I would like to ask you a few questions along those lines, if I may.

Would a class I base plan be administered to divide fluid milk sales among "producers" under the order at the time of the adoption of the plan or would new sources be permitted to come in freely?

Secretary FREEMAN. I think new sources could be permitted to come in freely under the bill that has been before the Senate. I think they would not be permitted to come in freely under the bill that has passed the House.

Senator MONDALE. Will new producers of outside milk be able to enter the market and receive its full class I value without first having to earn a base during some specified production period?

Secretary FREEMAN. The answer is the same as to the previous question.

Senator MONDALE. In other words, your understanding of the Senate version as we now see it is that outside milk could come in freely and earn a class I base and receive a class I price.

Secretary FREEMAN. Yes, that is my understanding. Under the Senate bill, both new producers and those who have been in the milk business but not in a given market can come in and get a base in due course as well.

Senator MONDALE. Now, can an outside milk producer ship class I milk into the milk market order area?

Secretary FREEMAN. Under the Senate bill, yes.

Senator MONDALE. And sell it in the first instance for class I price?

Secretary FREEMAN. That is my understanding.

Senator MONDALE. Well, now, what bothers me about this is that as I understand the class I program, it will be essentially constructed as follows. There will be some study made of the traditional demand for class I. Then the class I demand will be allocated among the traditional suppliers of class I and each will be allocated a class I production base. Then the handlers in effect act as a conduit, take the money from the sales and return it to the farmers. But if in addition outside milk is able to come in and receive the class I prices, it seems to me that by that fact you are dislocating part of the traditional market upon which the whole basis of the class I base system is structured. You are dislocating part of the demand. Where are those who have been allocated bases going to get their money?

Secretary FREEMAN. I cover that by saying it would be no different than it is now in any milk market order where someone can come in, and does, and what keeps them from coming in is either local sanitary regulations or transportation cost differentials. So there would be no difference between the application under this provision under the base excess plan than there is under the operation of the milk marketing orders now.

Senator MONDALE. Would you have any objection to the amendment of the class I plan that would clearly write in your understanding of its operation; that is, the Senate version, to provide that the full impact of the Lehigh Valley case is not intended in any way to be modified and that outside milk can come in and receive a class I price at the outset without any discrimination or period during which they get the manufactured milk price?

Secretary FREEMAN. I have no objection to a clarification that will continue the same treatment of outside milk as is presently provided.

Mr. MONDALE. I should also observe that the testimony of the National Milk Producers Association, first by Mr. Lake, and later by Mr. Norton, appearing at pages 1126, 1133, and 1134 of the transcript of hearings expresses pre[illegible] the same view of their understandi[illegible]ss I base bill.

Mr. PROXMIRE. That is my understanding exactly.

Mr. MONDALE. And that testimony, on behalf of this proposal, represented the consensus of most of the milk producers of this country.

I ask unanimous consent at this time that the testimony of Mr. Lake, appearing in the last paragraph at the bottom of page 1126, my question and answer of Mr. Lake appearing at the bottom of page 1133, and the response of Mr. Norton, appearing at the top of page 1134, be printed at this point in the RECORD.

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

Mr. LAKE. The new base provisions would not result in barriers to the movement of milk. The movement of milk from area to area is a fact of life. These movements are taking place over wider areas and to a growing degree under the present terms of Federal milk marketing orders. None of the other provisions of the act would be changed in any way, and section 8c(5)(G) of the act, as interpreted by the Supreme Court in the case of *Lehigh Valley Cooperative Farmers* v. *United States*, would remain unimpaired.

* * * * *

Senator MONDALE. I was pleased to note your testimony at the top of page 6 in which you state the federation does not wish by the proposed class I marketing plan to place any barriers on the movement of milk and to retain section 8c(5)(G) in full forc[illegible]ect as interpreted by the *Lehigh Va*[illegible]. I assume that you would have no objection if we would include an amendment in the class I proposal which spelled out the clear meaning of this paragraph, and stated in effect that regardless of anything else in the act or in this amendment the provisions of 8c(5)(G) should apply.

Mr. LAKE. I think that is about what we have said here. That none of the other provisions of this act would be changed in any way, and section 8c(5)(G) of the act as interpreted by the Supreme Court in the case of Lehigh Valley Cooperative Farmers against the United States would remain unimpaired.

* * * * *

Mr. NORTON. Senator, this section that you refer to was referred to the Department of Agriculture Solicitor's Office and the Solicitor there maintains that is what the section is—S. 399 means, and we certainly do not object to any longer opinions, shorter opinion, amendment to or inclusion in the law which clarifies this to anyone's satisfaction. We have no intent whatsoever to change the intent of the *Lehigh Valley* case.

Mr. MONDALE. All of that underscores the point of the Senator in charge of the bill as to what is intended by the sponsors and authors of this legislation as it relates to this proposal. In other words, the Senator's understanding of the Senate version would coincide exactly with that of the Secretary as expressed in his testimony before the Senate committee—that is, that an outside milk producer would be able to sh[illegible] milk into any milk marketing orde[illegible] and in the first instance receive [illegible] class I price without first having to earn a base?

Mr. PROXMIRE. Yes; that is my understanding exactly.

Mr. MONDALE. Some of my producer[illegible] been concerned with the introdu[illegible]anguage beginning, "notwithstanding any other provisions of this section, and so forth." They are worried that the new class I base amendment would be made effective notwithstanding any other section of the bill including 8(c)(5)(G), which is the section cited by the Supreme Court in the Lehigh case as prohibiting any restrictions on the entry of milk into any marketing area?

Mr. PROXMIRE. No; and I am glad the Senator from Minnesota gives me an opportunity to clarify that point. That is not the intent of the introductory language. The only purpose of that language is to overcome any inconsistency which might arise from the present allocation provisions contained in section 8(c)(5)(B) of the act. The amendment would simply provide that the proceeds of the market could be allocated according to the producer's base.

Mr. MONDALE. I thank the Senator. I am satisfied that our discussion will make it clear that no new restrictions on the free entry of outside milk into any marketing area are intended by the Senator's amendment.

Let me add, however, that I find some who complain that the concept of free entry into a fluid milk market is new and unique.

Mr. PROXMIRE. It has been going on for years. The purpose is to establish with certainty that the practice will not be [illegible]hibited by the new legislation.

[illegible]ONDALE. There is a considerable [illegible]dy of law, of which the Lehigh Valley case is the landmark case, interpreting the meaning of free access under section 8(c)(5)(G). All we are saying, in effect, is that the same law should apply to class I base plans which now applies in milk-marketing orders.

Mr. PROXMIRE. The Senator is correct. There is no change.

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

Mr. PROXMIRE. I am happy to yield to the Senator from Washington.

Mr. MAGNUSON. There has been a great deal of discussion as to who endorses the Senator's amendment and who does not endorse it.

I am not a dairy farmer. There are many good dairy farmers in my State. But ever since I cosponsored the amendment with the Senator from Wisconsin in 1963, I have received considerable mail, not only from the cooperatives, the granges, and the Farmers' Union but from individual dairy farmers, suggesting that this was a good amendment, that it was what they wanted.

I do not know what the dairy farmers in New York may have to say through their leaders or otherwise, but I wish the RECORD to be clear that the Washington State Grange, which I think has closer contact with the dairy farmer than any other organization in my area, both Oregon and Washington, particularly [illegible] western part, in which there are [illegible] dairy farms, wholeheartedly sponso[illegible]he Senator's amendment, as it did 2 years ago.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PROXMIRE. Mr. President, I yield myself 1 minute.

I think it very significant that both Senators from Washington [Mr. MAGNUSON and Mr. JACKSON] are cosponsors of this legislation. They know that in British Columbia, where such a system has been tried for a number of years, it has worked very well, has helped the dairy farmer and has not hurt the consumer. It has been most satisfactory. Of course, having witnessed that program and how it works, they want it in Washington.

Mr. MAGNUSON. I am sure that if a vote were taken today, they would vote for the plan 2 to 1.

Mr. AIKEN. Was that a telegram from the Carnation people the Senator was discussing?

Mr. MAGNUSON. No, it was from the master of our State grange.

Mr. AIKEN. I misunderstood.

Mr. MAGNUSON. I did not wish to encumber the RECORD with it. It also contains a little discussion about the weather and other matters.

Mr. AIKEN. Fine. Mr. President, I yield myself 2 minutes.

I ask unanimous consent that there be printed in the RECORD a letter to me from the American Dairy Association of Vermont dated September 9, 1965, opposing this legislation.

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

AMERICAN DAIRY ASSOCIATION
OF VERMONT, INC.,
Montpelier, Vt., September 9, 1965.

Hon. GEORGE D. AIKEN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR AIKEN: The executive committee of the American Dairy Association of Vermont, Inc., at a meeting held on Thursday, September 2, 1965, directed that I write to the Vermont congressional delegation expressing their concern about the dairy section of the omnibus farm bill. The committee feels that the House version of the farm bill places all dairy promotion in jeopardy inasmuch as the class I base plan in the dairy section states that any increase in bases as a result of increased sales would first go to new producers. If the omnibus bill which is finally approved should contain such a provision the committee feels that the incentive for dairy promotion would be lost if producers cannot benefit from increased sales.

Vermont dairymen are currently contributing over one-half million dollars for milk promotion in the markets where their milk is sold. They lead the Nation in their contribution to dairy promotion. It is fundamental to the continuance of this program that the producers continue to receive the benefit from their efforts.

Sincerely yours,
EDWARD A. PETERSON,
Manager.

Mr. AIKEN. I should also like to state that there is a way the producers in the Chicago area might improve their lot. The Department of Agriculture is holding a hearing in the Chicago area, I think starting the 20th of this month, on the problem of the Chicago market area. Something is obviously wrong with it, for it to be in so much worse condition than the rest of the country. But the Department of Agriculture is starting hearings, and we hope some good will come of it. That is the right way to go about achieving better income.

Mr. ELLENDER. Mr. President, I yield myself 10 minutes.

I hoped that the Senate would not take up any amendments on the milk program. The matter was submitted to the committee, and by a vote of 13 to 2, it was decided not to include a dairy section in the bill since the House of Representatives had a title dealing with milk in their bill which contained undesirable clauses. We felt that we might have a better chance to obtain desirable legislation if we did not include a title which dealt with milk in the committee amendment. I believe the same situation would prevail if the dairy title should be defeated on the Senate floor, since the Senate conferees would then have wide latitude and great bargaining power in working with the House conferees to obtain the most desirable provisions possible.

The proposed Proxmire amendment was agreed to by the Senate 2 years ago. Under the rules of the committee of which I am chairman, I submitted the language of the Proxmire amendment in a bill numbered S. 399. The so-called Proxmire bill of 2 years ago is identical with the bill that I introduced as chairman of the committee and the one that is being presented now.

It is my opinion that under the law as it now stands, that is, the Agricultural Marketing Agreement Act of 1937, as amended, the Secretary of Agriculture could provide producers with one price for their share of the class 1 milk and necessary reserves and another for their excess milk. But to make certain that the Department of Agriculture would carry out what Congress intended, I supported the Proxmire bill 2 years ago.

Under the 1937 Marketing Agreement Act, it was the intention of Congress to say to farmers who organized themselves into a milkshed, "If you get together and produce milk for direct consumption, we will see that the price of that milk will be one at which you can make a fair income."

That would have worked well practically all over the country, except in some of our Northern States, where milk production was far in excess of demand.

When the Agricultural Marketing Agreement Act of 1937 was enacted, I doubt that as many as 35 States produced sufficient milk for direct consumption. As time passed and production increased, a practice developed of establishing a blend price for milk, whereby the milk that was produced for direct consumption was added to the milk that was produced for making cheese, butter and other products, and that blend price, in my opinion, induced or actually forced the production of more and more milk.

In one of the milksheds, more specifically the Chicago area, 39 percent of the milk produced is now used for direct consumption and 61 percent is used for manufacturing purposes. That huge

amount of milk produced in excess of Class I occurred because, as I said, a blend price, made possible through administrative rulings of the Department of Agriculture, is in effect there.

The Department, in my opinion, in the early stages of the marketing program did not follow what Congress desired. I repeat, the Congress wanted to make it possible for farmers to furnish our country good, pure, wholesome milk produced under the highest of sanitary conditions, and receive good prices for it. But, the blend price forced individual farmers to produce more and more in order to maintain their income, as the blend price declined.

Mr. President, one of the most vexing problems that the Committee on Agriculture and Forestry has had to deal with in past years has been the milk program.

As I showed in the RECORD last week, the milk program has cost, since its inception, approximately $4,750 million. In fiscal 1964, the milk program cost the taxpayers $829 million. Although that is a substantial amount, when we consider the total value represented by milk production and its byproducts, as the Senator from Vermont has pointed out, it is much less, percentage-wise, than most other commodities on which we have price support.

Mr. President, as I said, the committee voted 13 to 2 not to take action on the milk program, but for us to proceed and try to deal with the House, since it had a provision somewhat similar to what we propose to do through the Proxmire amendment. The House bill has several undesirable features, and it would seem to me that we would fare better if we were to leave the milk provision out of the bill so that we might be in a better position to deal with the House. My fear is, as I said, and I do not know, I have never canvassed around to see who would vote for what on the milk program, but I can well see that if insistence is made to add a milk title to the bill, we may not be able to bargain as well with the House as we can by leaving it out and trying to get a compromise after the bill is enacted. I am sure that we can work our will in conference. I stated that before the committee. I am now stating it to the Senate.

I have no objection to the enactment of the bill which I personally introduced, because it is trying, more or less, to force the Department of Agriculture to do what we intended be done under the 1937 Marketing Act. Further, I supported the enactment of the Proxmire bill in 1963 very vigorously, and under different circumstances would also support the Senator at this time very vigorously. However, as I said, it is my opinion that to include this amendment in the bill will present the Senate with unusual problems in trying to deal with the House in conference.

Mr. AIKEN. Mr. President, will the Senator from Lousiana yield?

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). Does the Senator from Louisiana yield to the Senator from Vermont?

Mr. ELLENDER. I yield.

Mr. AIKEN. Apropos of what the Senator has said regarding the cost to the Government, let me point out that in 1963 the cost of the price support and related programs was $431 million. In 1964 it was $599 million. In 1965 it is estimated to be $288 million, so the cost is coming down.

Mr. ELLENDER. Mr. President, I have before me the hearings of the Agricultural Appropriation Act for 1966 and I ask unanimous consent to have a tabulation therein printed in the RECORD at this point; it appears on page 308, part I of the agricultural appropriations bill for 1966.

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

Net realized losses and funds used for activities directly involving dairy products fiscal year 1964

	Millions
Agricultural Stabilization and Conservation Service (Commodity Credit Corporation)	
Price-support program, net realized losses:	
Payments to Veterans' Administration and armed services under sec. 202 of the Agricultural Act of 1949, as amended, for fluid milk used in excess of normal requirements and donations of other dairy products:	
Butter	$17.4
Cheese	1.3
Milk, fluid	26.5
Total	45.2
Donations from CCC inventories under sec. 416 of the Agricultural Act of 1949, as amended:	
Domestic:	
Butter	108.3
Cheese	50.4
Milk, dried	29.3
Total	188.0
Foreign:	
Butter	25.0
Butter oil	98.8
Cheese	1.9
Ghee	5.6
Milk, dried	100.9
Total	232.2
Other price-support losses:	
Butter	49.5
Butter oil	1.9
Cheese	3.8
Ghee	.1
Milk, dried	41.9
Total	97.2
Total, price-support program	562.6
Commodity export program, net realized losses:	
Milk, dried	29.7
Butter and butter products	6.9
Total	36.6
Public Law 480:	
Title I: [1]	
Milk, condensed	12.6
Milk, dried	7.5
Milk, evaporated	3.0
Butter and butter products	.9
Cheese	.1
Total	24.1

Net realized losses and funds used for activities directly involving dairy products fiscal year 1964—Continued

Public Law 480—Continued	
Title II:	
Milk dried	$8.9
Butter and butter products	11.9
Cheese	.5
Total	21.3
Title IV: [1]	
Butter and butter products	1.4
Milk, condensed	.7
Milk, evaporated	.2
Total	2.3
Total, Public Law 480	47.7
Consumer and Marketing Service:	
Special milk program for children	97.1
Removal of surplus agricultural commodities (sec. 32):	
Butter	52.8
Cheese	23.9
Milk, dried	8.3
Total	85.0
Total	829.0

[1] Amounts shown represent gross cost—do not reflect recoveries from sales of foreign currencies under title I and collections under title IV.

Mr. ELLENDER. Mr. President, the table states that the net realized losses and funds used for activities directly involving dairy products for the fiscal year 1964, and it shows the various programs for which we spend money for milk, including the separate appropriations which are made.

The total amount is $829 million for fiscal 1964.

Mr. AIKEN. For what year?

Mr. ELLENDER. Fiscal 1964.

Mr. AIKEN. Yes, but that is the total, including food for peace.

Mr. ELLENDER. I know, but that is——

Mr. AIKEN. The figures that I was reading concerned support prices.

Mr. ELLENDER. That is the total cost—for school milk for children, milk selling under special laws, at a bargain to the Army, Navy, and Air Force—also section 32—there is a lot of milk——

Mr. AIKEN. The Senator is correct.

Mr. ELLENDER. Purchased under section 32, and it includes the entire cost.

Mr. AIKEN. Both figures are correct, I believe.

Mr. ELLENDER. The Senator is correct. I am sure that my good friend the Senator from Vermnot knows there is another provision in the bill before us which would give the Secretary of Agriculture the right to purchase milk and milk products in the open market in event that the surplus runs out, but I believe——

Mr. AIKEN. That would really do some good because we have no surplus at the present time.

Mr. ELLENDER. Yes—but I favor it.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. If the Senator from Vermont wishes to yield back the remainder of his time, I will——

Mr. HOLLAND. Mr. President, if someone will yield me a few minutes, I should like to ask——

Mr. ELLENDER. Mr. President, I yield minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 2 minutes.

Mr. HOLLAND. Mr. President, most of the inquiries and complaints which have come from my State—and there has been some support from my State as well—but the complaints have been against what they regard as an invitation to the shipment of milk from south of the State. At present, we have one milkshed—the Miami milkshed, under the Federal marketing order. Two others are in contemplation. They are working on them. Apparently, there are many dairymen who are fearful that coming in under this bill, if it were to be enacted, would open the door to the shipment of large quantities of outside milk into those two new milkshed areas which would cover most of the highly populated portions of the State other than the Miami area, which is already covered.

I should like both of my distinguished friends to comment upon this, because it seems to be a matter of substantial concern to some of my dairy people.

Mr. PROXMIRE. Let me say to the Senator from Florida that I believe his is a perfectly proper concern, but my best judgment is that this amendment would have no effect whatsoever on that pro[illegible]n. It would not change the present marketing situation one way or the ot[illegible]. The situation would be precisely the same that maintains now. There is a possible hypothesis that I believe the Senator from Vermont may or may not espouse; that it is conceivable that the farmers and the marketing order area in Miami may, under this kind of situation, choose to reduce production quite sharply. It is also possible that they might even decide to go out of the dairy business. They might of course do so now without this amendment.

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

Mr. PROXMIRE. Under those circumstances it is possible that more milk would be shipped in. But this is most illogical and certainly would be against the interests of the farmers and handlers. I think there would be every expectation that the matter would be handled in such a way that they would continue to produce the fluid milk they need in the Florida area. They might decide to reduce the excess, but it would not have a significant effect on the flow of milk into Florida.

Mr. HOLLAND. We have very little excess production, and milk is expensive in Florida.

Mr. PROXMIRE. Then I do not think it would have much effect in Florida.

Mr. HOLLAND. The standards are high. The great percentage of the milk—my recollection is 90 percent—is consumed as liquid milk.

The concern manifested by certain dairymen who have communicated with me is that the bill, if it is followed by bringing these two areas into the milkshed, would be an invitation to receiving milk from other producing areas where the milk is not so good.

Mr. PROXMIRE. This provision would enable the Florida farmers to preserve this good condition, and not diminish their blend price. Many marketing order areas have started that way, but have deteriorated. There is no reason why there should be an increase of milk going into Florida in view of the fact that the producers in Florida are interested in this matter and are undoubtedly capable of taking care of the situation now.

Mr. AIKEN. Mr. President, I was about to say——

The PRESIDING OFFICER. All time has been used, unless the Senator wishes to yield time on the bill.

Mr. AIKEN. I yield 2 minutes on the bill.

I was about to say, in response to what has been said by the Senator from Florida and the Senator from Wisconsin, that any Federal market order area where the producers vote to reduce their production of class I or drinking milk would be subject to invasion of surplus milk from other areas.

Mr. HOLLAND. Mr. President, if I may have 1 minute on the bill——

Mr. ELLENDER. I yield 1 minute on the bill.

Mr. HOLLAND. Just what does the Secretary mean in his testimony in which he contrasts the situation between the House provision and this provision, referred to as the Proxmire provision, by saying this provision would invite flowing in of milk across a State line and the other would not?

Mr. AIKEN. The Secretary spoke on that subject, because the provisions of the House bill would virtually prohibit the importation of milk from outside an area that had voted to reduce its Class 1 production. That is the principal difference between the House provision and the provision of the Senator from Wisconsin.

Mr. HOLLAND. I thank the Senator.

Mr. PROXMIRE. Mr. President, I have 4 minutes remaining, I believe. I yield 1 minute to the Senator from Virginia [Mr. ROBERTSON].

Mr. ROBERTSON. Mr. President, I do not know how the pending amendment would apply to Virginia, but our farmers say it would help them and the producers. Therefore, I shall vote for it.

Mr. President, on another matter, we have an amendment, No. 441, by the Senator from Maryland [Mr. BREWSTER], which would limit all payments from all sources to $10,000. Back in 1949 I voted to end this program of supports. Following that, not only did it not end, but it grew bigger and bigger. I do not think $10,000 is very much. I send to the desk an amendment to the amendment which would raise the amount to $25,000 and provide that there shall be no payment after January 1, 1967, to any corporation.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. LAUSCHE. Mr. President, will the Senator from Vermont yield for a question? May I have 2 minutes on the bill?

Mr. AIKEN. Yes, if it comes out of the time on the bill.

Mr. LAUSCHE. The mail and telegrams which I am receiving indicate that the small milk producer is against the Proxmire amendment and the large producer is for it. I have my own surmise as to the cause of the divergence of views. Will the Senator from Vermont give me his understanding of the reason for this divergence of views?

Mr. AIKEN. I think it is easy to see why. If the small producer, one milking 20 or 40 cows, was forced by the majority to reduce his production 10 percent, it would put him out of business, because his capital costs would not come down at all, and the dealer and handler, the retail store and chain store, and any other organization would come in and pick up that farmer's base, and pretty soon they would control the whole business. They have that in mind, too.

Mr. PROXMIRE. Mr. President, I yield myself 1 minute.

Answering what the Senator from Vermont has said, in order to have such a catastropric effect on the farmer forum there would have to be a 2-to-1 vote of the producers and farmers in the milk marketing area. There are more small farmers and producers than big ones. If the small producers do not want this program, it will not go into effect. Only if the small producers, and some big ones, want it, will it go into effect. Cows do not vote. Acres do not vote. Each individual farmer, however small, has as big a vote as the biggest farmer. It is one farmer, one vote.

Mr. AIKEN. Does the Senator believe that in any State where there are marketing orders under State law they should continue to operate under those marketing orders?

Mr. PROXMIRE. Of course. This amendment would not affect that.

Mr. AIKEN. The American merchant will be glad to have that defense of section 14(b) by the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin has 2 minutes remaining.

Mr. PROXMIRE. Mr. President, if the Senator from Vermont is willing to yield back his time, I shall be glad to yield back my time.

Mr. AIKEN. I am glad to yield back my time.

The PRESIDING OFFICER. All time on the amendment has been either yielded back or exhausted.

Mr. MILLER. Mr. President, I send to the desk an amendment to the amendment of the Senator from Wisconsin, and ask that it be stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. It is proposed on page 3, line 19, to strike out everything beginning with the word "Allocations" through the period at the end of page 3, line 24, inclusive.

Mr. MILLER. Mr. President, I would like to say to my colleagues that I have

three amendments I propose to discuss, though very briefly. I hope the Senator from Wisconsin will accept them. I do not expect to take a long time on the amendments.

I was one of two members of the Agriculture Committee who voted against the deletion of the dairy title from the agriculture bill. I felt that the committee should have considered the dairy title and should have worked to perfect it rather than delete it. My amendments are the very amendments I had planned to offer in committee if the title had been left in.

I appreciate the fact that a great amount of time and effort have gone into what is known as the Proxmire amendment. I do not know whether it would work or not, but it has a meritorious theory behind it. I for one did not like to see short shrift given to it. I refer to the transfer of allocations on page 3 of the language which I find undesirable, as follows:

> Allocations to producers under this subparagraph may be transferable under an order on such terms and conditions as may be prescribed if the Secretary of Agriculture determines that transferability will be in the best interest of the public and prospective new producers.

My difficulty with this language is that I am opposed basically to a system of transfer of allotments and allocations.

There was a title in the bill which would have covered the transferability of allotments of acreage. The committee deleted this title for several reasons. One reason was that where there was set up a system of transfer of allotments, it lays the foundation for the larger farmer to grow bigger and the small farmer to go out of business.

In other words, I believe, insofar as the assurance that the Secretary of Agriculture would not take action against the public interest is concerned, this provision lays a foundation for just such an occurrence. What operates in the public interest and what does not operate in the public interest can mean many things to many people.

The Secretary of Agriculture may think one thing; the Senator from Iowa and the Senator from Wisconsin and many other Senators may think something else. I believe it is a dangerous precedent to set up a foundation for the transfer of these allotments.

There is another aspect. It lays a foundation for more corporation farming, and we are trying to get away from that and preserve the family farmer.

I believe the best guarantee of that assurance is to delete this language altogether. I cannot see that it is going to interfere with the basic thrust of this legislation. That is why I hope the Senator from Wisconsin will seriously consider accepting my amendment to his amendment.

Mr. PROXMIRE. With great regret I must tell the Senator from Iowa that I do not support his position on this amendment.

I can understand his argument for his amendment, but I feel strongly that if allocations are not transferable, the capacity of a dairy farmer to sell his farm could be destroyed. If a dairy farmer wants to sell a farm organized for dairy production, in terms of equipment, plant, herd, and so on, say in the Miami area, which sells 90 percent of its milk for fluid purposes, the Miller amendment means that a dairy farmer could not transfer his allocation to the farmer who bought the farm. He could not transfer at all. He would suffer an economic loss.

Furthermore, if a dairy farmer sold a part of his herd, he should be able to transfer his allocation if it was used to produce class I milk. To stop him from doing this would not be practicable or fair, and would almost be taking property without due compensation.

I must oppose the amendment offered by the Senator from Iowa.

Mr. MILLER. I regret that. But I point out to the Senator from Wisconsin that I do not believe his answer has been quite responsive. It is my understanding that, even with this language deleted from his amendment, the present law provides for transfer rules under marketing orders which permit the farmer to transfer his allocation under those rules.

So I do not believe the deletion of this language is necessarily going to do what the Senator from Wisconsin says it would do.

Mr. PROXMIRE. I say to the Senator from Iowa, with respect to his position, that such an interpretation can be put on the Department of Agriculture regulations—there are no allotments now. Whether such rules would be implicit in the market order law of 1937, is the subject of debate. I am not sure they would be. At any rate, if the Senator's position is correct, I cannot see that it has to do with any language on page 3, lines 19 through 24.

This provides that the Secretary of Agriculture may allocate allotments on the basis of certain general guidelines.

Mr. MILLER. I say to my friend the Senator from Wisconsin that I am not interested in adding to the transfer of allotment problem.

My understanding is that present transfer rules are entered in the order as base rules in certain areas, and that the permission to do so has been so interpreted under basic law, and that in these cases a transfer of an allocation is permitted.

If a farmer wishes to sell his farm to someone who wants to come on that farm, he can make that transfer. I believe in that limited situation this is all right.

It is getting away from the situation where he can sell to somebody else and provide a foundation for allocation in corporate farmers.

Mr. PROXMIRE. I cite the case of a farmer—and this is true in Wisconsin, Iowa, and many other States—who retires and has a son who wants to maintain the farm.

The son has a job in a factory and he cannot maintain the dairy farm. He has to take too much time at work. He could maintain a farm for production of some crops, but not dairy farming.

In this case the farmer sells his herd, and the value of the herd would diminish sharply if the farmer could not sell along with it an allotment to sell milk. He might have to sell outside the State. The situation might be very diff[illegible]

Furthermore, this language [illegible]its workable flexibility.

Mr. MILLER. I say to the Senator from Wisconsin that I, too, am sympathetic about the situation in the example which he just gave us. If he is going to follow the logic of his example, this means that if the farmer can sell to a corporation or another large farmer this is all right.

I understood that that was what we were trying to get away from. If the farmer's son wishes to work in a factory and make fine wages, and wants to get away from dairy farming, that is all right. Let him do it.

Mr. PROXMIRE. This is why we asked the Secretary of Agriculture to exercise discretion.

Furthermore under the present law there is nothing to keep a farmer from selling out to a corporation selling milk in a marketing order area. This amendment of mine would not affect this situation at all.

Mr. MILLER. Does the Senator from California have a question?

Mr. MURPHY. The Senator has answered the question.

Mr. MILLER. If the Senator from Wisconsin is willing, I yield back the remainder of my time.

Mr. PROXMIRE. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the am[illegible]dment offered by the Senator f[illegible]va [Mr. MILLER] to the amendme[illegible] the Senator from Wisconsin [Mr. PROXMIRE].

The amendment to the amendment was rejected.

Mr. MANSFIELD. Mr. President, I yield 1 minute to the Senator from Washington.

Mr. JACKSON. Mr. President, I rise in support of the amendment offered by the Senator from Wisconsin to the omnibus farm bill. Dairy farmers in my State have for a number of years wholeheartedly supported the principles of this amendment as has the National Milk Producers Federation, which represents on a national basis the vast majority of dairy farmers and their cooperatives.

Senator PROXMIRE'S amendment is more commonly known as the dairymen's class I base rating plan. It is a piece of legislation which dairy farmers throughout the Nation have almost unanimously supported. They want and need this program and they should have it. The dairymen's class I base rating plan is one of the few major legislative efforts which will result in absolutely no cost to the Government and at the same time will result in no increased cost to the consumer. This is a voluntary plan which could only be used if it were approved by two-thirds of the producers voting in a Federal order market and would result in self-imposed incentives to cut back on the production [illegible]n that market.

This plan would allow a dai[illegible]farmer to relate his production to class I or

bottled sales in a Federal order market. Under this plan it would be possible for an individual farmer supplying a Federal order market to more nearly gear his production to the needs of the market. He would be free to produce as much or as little milk as he pleased but, if he produced milk in excess of the requirements of the market and in excess of his class I base, he would receive a lower manufacturing price for that milk. In this way his excess production would not adversely affect the price that was received by other dairy farmers.

This program passed the Senate in 1963 by a substantial margin. I cosponsored the bill which passed the Senate. The House, however, failed to act on the bill. This year, however, is a completely different story. Title I of the House omnibus farm bill contains provisions similar to those provided by Senator PROXMIRE's amendment.

I certainly hope the Senate can support this program again, especially when nearly unanimous dairy farmer support has prevailed.

The dairymen's class I base rating plan affects only one portion of Federal milk marketing orders and, moreover, it only affects markets where the majority of dairy farmers elect to use the program. It provides a new and modern method of distributing money among the farmers based upon their performance in meeting the requirements of the fluid milk market.

In view of these considerations the amendment offered by the Senator from Wisconsin deserves the support of every Member of the Senate. It could result in considerable savings to the Federal Government in its supporting cost of the dairy program. It will result in no increase in cost to the consumer and will serve to stabilize the dairy industry on a market to market basis.

I, therefore, strongly endorse this amendment and express the hope that it receives unanimous approval.

I also want to call to my colleagues' attention an article that appeared in the September 1965 issue of Farm Journal, comparing the operation of a class I base plan in Vancouver, B.C., with the Washington State situation where such a plan is not in effect. I believe this article is a useful description of the value of a class I plan and I commend it to the attention of the Senate.

I ask unanimous consent that the article be printed.

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

A TALE OF TWO MARKETS

(What happens to dairymen when they switch to a base plan, like the one now before Congress? This will help you decide, as we compare two markets—one with quotas, one with a Federal order.)

(By Glenn Lorang)

The most important dairy legislation in 30 years (if enacted) will be up before Congress as you read this. It appears that the class I base plan will pass, riding through Congress on the omnibus farm bill.

Under this plan for pricing milk, a dairyman would be allotted a milk base—his historical share of the fluid milk sales in his market—for which he gets the class I price. The excess milk he produces above that base would bring class II (manufacturing milk) prices, considerably lower than the class I price.

Purpose is to take the incentive out of increasing production. For example: Suppose that class I milk is bringing $5 per hundred weight, class II is $3 and that 50 percent of the milk is going into fluid class I uses.

Under present Federal order markets, the blend price would be $4, since half would go into fluid use at $5 and the other half into manufacturing at $3. You can expand or cut production and still you get only $4. There's no incentive to cut back to the needs of your fluid milk market; and since the only way to increase income is to produce more milk at the $4 blend, there is an incentive to produce more.

As more dairymen do this, the proportion of milk that can be sold for class I use falls below 50 percent, and the blend goes below $4. Thus the need to produce even more milk to maintain the same income.

But with the class I base plan, you'd get the $5 for your class I base milk and only $3 for the class II excess. That's what will influence many dairymen to either cut back to the class I base, or at least not expand unless their base is increased, or they buy more base.

Supporters of the legislation say it will:

Reduce the milk surplus (and Government costs) without increasing consumer prices for bottled milk.

Maintain freedom for dairymen, because they can produce as much or as little milk as they want to.

Slow the race to get bigger. Expansion would be profitable only if you get more base, or if you can make money at class II prices.

Provide a retiring dairyman with a base that he can sell when he sells off the herd.

Those against the plan argue that it will—

Add to the cost of getting started in dairying. Beginners may have to buy their base, or earn it by producing at class II prices for a while.

Stimulate corporation farming by those who can afford to buy larger bases, unless a limit is put on such buying.

Give a big windfall to the farmer who happens to be dairying now and therefore has a base he can sell.

To see which of these claims and counterclaims hold up in actual practice, I went to two markets. One was the British Columbia market in Canada where a class I quota plan has operated since 1962. The other was the Puget Sound Federal order market directly across the border in northwestern Washington, which has operated since 1952.

The two areas have a lot in common. Both lie in the heavy rainfall belt, both ship in hay from east of the Cascades, and both produced more milk than they could sell in bottles—about the same percent more.

But that's where the similarities end. Puget Sound is now a surplus-burdened market and getting worse; the Canadians are tuning production to demand, as you can see in the table at left below.

This was no scientific test; other things like population trends, promotion and retail prices can affect milk consumption. But the trend is clear.

Since starting the quota plan, the Canadians have increased the percent of milk utilized for fluid to 54 percent this June; Puget Sound's percentage was the lowest in its history in June—37.4 percent. Canadian dairymen now get 40 cents per hundredweight more than Puget Sound dairymen for class I milk, 70 cents more for their blend price. But a higher percentage of the Canadian dairymen quit, probably because they could sell both cows and bases.

"Our class I quota plan did not guarantee life for the small producer," says J. D. Honeyman, a farmer-member of the three-man British Columbia Milk Board. "But overall, we feel it is hard to beat." He tells what it was like before the quota era: About 300 producers selling to high utilization dealers were getting 80 percent of their milk into the fluid market; the other 4,000 had to settle for only 40 percent.

"Now the market is stabilized, and everyone gets his fair share of class I sales, according to his quota," says Honeyman. Canadian dairymen say their quota plan has stopped the race to expand, which has plagued the Puget Sound market, and most Federal order markets.

Most of the Canadian dairymen now get more for their milk, but not all of them. "It hurt us a bit," says Jack Hougen, a 60-cow dairyman in British Columbia. The quota plan lowered his prices by $1 a can because he'd been on a 100 percent class I utilization market. "But small shippers are getting about $1 a can more now; it's been good for the area as a whole."

Now let's take a look at the Puget Sound market on the U.S. side of the line:

Puget Sound production has continued to climb, up again 3.3 percent in June 1965 over the previous June, while the amount of milk used for class I fluid dropped by 2 percent.

That spells trouble for dairymen, and those in the Puget Sound market know it. Yet they go on adding cows and feeding better to fight lower blend prices with that familiar weapon—more production. "This increased production has caused most of our problems," says Gordon Laughlin, of Consolidated Dairy Products, the marketing arm of United Dairymen's Association.

"A base quota would have kept down the size of our shippers, and the amount of class II milk," agrees dairyman Harold Knight, Whatcom County, Wash.

But not all producers blame the Federal order for all the surplus milk in the Puget Sound market. Some blame the co-op that has negotiated as much as a 74-cent premium over the Federal order price for class I milk.

The truth is probably somewhere in the middle. But the result, either way, has been to encourage more dairymen to retail their own milk to get more for it. There are now 43 such producer-handlers in the Puget Sound market, more than twice as many as in 1958. They sell 7 percent of all the fluid milk.

"We had to regulate the producer-handlers," says E. C. Carr, chairman of the British Columbia Milk Board. Laughlin, of Consolidated Dairy Products, in Seattle, explains why he thinks that is also necessary in Puget Sound.

"Every 100 pounds of milk the producer-handler sells is costing our producers 3 cents per hundredweight and that is increasing."

Producer-handler Floyd McKennon, Snohomish County, Wash., is currently leading the fight against co-op domination. He markets about all the milk from his 600-cow herd through his attractive drive-in Milk Barns in north Seattle.

McKennon argues that he doesn't add to the milk surplus because he restricts production to his fluid sales. He's fighting the class I base plan, sees it as a tool that would force him to double his herd in order to produce enough class I milk for his business.

Actually, the plan before Congress so far specifies no change in status for producer-handlers.

Milk bases will be worth gold if the new plan goes into effect. In Canada, a base has sold for as much as $23 a pound of daily quota. Current value is around $18. This

means the base on a $300 cow that averages 50 pounds of milk a day would be worth nearly $1,000.

Of course, that purchased base lasts indefinitely—long after the cow is dead—so it's a good investment. But this cost cuts down on the income from your class I base if you have to buy it.

Speculators thrived on bases in British Columbia until last year when an order was passed forbidding a producer from transferring his quota unless he has been licensed (all producers are licensed) by the milk board for at least 5 consecutive years. Two exceptions: health reasons, or if he sells the whole herd.

The base plan, as it comes out of Washington, will not spell out much detail on operations. "Nuts and bolts" will be worked out in the individual Federal order markets. The base plan will:

1. Be restricted to Federal order markets, or grade B milk markets where a classified system of pricing is used. That's where grade B producers get one price for manufacturing milk used commercially, and a lower price for that going to the Government.

2. Require a two-thirds "yes" vote of all dairymen in a market to be adopted. No bloc voting, where a co-op could vote for all its members.

3. Give the Secretary of Agriculture approval or veto power over any class I base plan worked out in Federal order markets.

4. Allocate any increase in class I usage in a market first to new producers or "hardship cases." Any left over would go to established producers.

5. Allow a producer to underproduce without losing any base.

Will a class I base system affect the amount of outside milk shipped in? Under law, a Federal order cannot establish a barrier to outside milk. But producers in unregulated markets would probably have to acquire a base in order to enter a Federal order market.

How hard that would be would depend on how hard dairymen in a Federal order market made it, and you could hardly expect them to make it easy. The net result would probably be more milk barriers.

It will take a while to initiate the new class I base system. First, specific plans for each Federal order market must be developed. Then, as happened in Canada, it will probably spend time in the courts.

"Ours has been in and out of the courts for 4 years, but each time it was upheld," says E. C. Carr, milk board chairman in British Columbia.

Dairyman Kaye Andrus, in Connecticut, sums up the thinking of many U.S. dairymen:

"One bill can't solve it all, but I'm willing to try anything. It can't go on this way."

	British Columbia		Puget Sound	
	1961	1964	1961	1964
Blend price (4 percent butterfat)	$4.56	$4.60	$4.42	$4.26
Class I price	$5.96	$5.98	$5.69	$5.48
Percent milk used in class I	50.2	52.3	48.1	44.8
Total production (pounds)	479,000,000	480,000,000	1,100,000,000	1,300,000,000
Number of producers	2,119	1,692	3,236	2,728

Mr. LAUSCHE. Mr. President, how much time is left on the bill?

The PRESIDING OFFICER. Ninety-two minutes remain to the proponents, and 153 minutes remain to the opponents.

Mr. MILLER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 5 of the Proxmire amendment, No. 438, it is proposed to strike out lines 13, 14, and 15, inclusive, as follows:

(vi) the provisions authorized under this subparagraph may be made applicable to a regulated handler's own production of milk.

It is proposed to renumber succeeding paragraphs accordingly.

Mr. MILLER. Mr. President, the amendment would strike from the Proxmire amendment the language on page 5 in lines 13 to 15, inclusive.

By doing so we would keep the law exactly as it is now. I assure Senators that I have discussed the amendment with representatives of many milk producer associations, those who are in this business, and some of whom favor the Proxmire amendment. There is absolutely no objection to the amendment by those people. They wish to leave the law exactly as it is now.

I suggest that that is the way it should be, because any action we take which might result in a different interpretation than presently exists would be premature.

Last year Congress established a National Food Marketing Commission. The purpose of the commission is to examine into all facets of food marketing, including dairying, production, and the various areas of the marketing of food products.

I know that problems exist in the dairy industry with respect to producers and handlers. Let us allow the Food Marketing Commission to make its findings and determinations and submit its recommendations. Not until then will we be in a position, intelligently, to evaluate what should be done.

I believe that the language of the amendment of the Senator from Wisconsin should not be in the bill. I hope he will consider removing it.

Mr. PROXMIRE. Mr. President, I object to the amendment of the Senator from Iowa. I do so because we tried hard in 1963 and have tried hard this year to frame language that would conform with the present practice of the Department of Agriculture. Only this afternoon, my staff spoke with representatives of the Department of Agriculture. They said the Secretary of Agriculture can now include producer-handlers under marketing orders. This is just what the language on page 5, lines 13 through 15 does. It reads:

The provisions authorized under this subparagraph may be made applicable to a regulated handler's own production of milk.

I feel strongly that this language should be in the bill because, as was brought out in the colloquy with the Senator from Vermont, we are anxious to prevent any integrated type of dairy farming from developing on a big scale. We have a real fear that without a continuation of this kind of policy in the Department of Agriculture, it is possible that big chainstores and other [illegible]ers may get into this field, to the great detriment of the family farm, and have a serious, unfortunate effect on family farming as we know it today.

Mr. PROXMIRE. I yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I wholeheartedly endorse the viewpoint of the senior Senator from Wisconsin. The provision contained in the Senator's class I proposal incorporates existing law. In the Ideal Farms case, in the third circuit, it was held that existing Federal milk marketing order statutes authorized the regulation of so-called producer-handlers. It is hard to see how the order system could work if the Department could not regulate the marketing of a producer's own milk.

The committee did not consider in the hearings the proposal of the Senator from Iowa, although he proposed it at one point, because we did not reach the juncture where extended hearings could be held on the meaning of his amendment. But it seems to me that the Senator from Wisconsin is correct. The whole theory behind the Federal milk marketing order system is that through administrative action it is possible to increase the return that can be paid to the farmer.

If certain groups are exempt from the order system, it means that they will have a lower cost for milk produced than their competitors under the system. That amendment would exempt the large companies, namely, those that are big enough to be producers and handlers, and who own the whole chain from owning the herd to the distribution to the consumer. We can take judicial notice that most farmers, are not large enough operators to own their own handling systems. Thus one can envision situations such as this: A large grocery chain in a major community may decide that it wants to be a producer and a handler. It establishes its own dairy herd, and because it is not regulated, it could, if the Miller amendment were adopted, sell its milk at a much lower cost than for handlers regulated under the marketing order.

So it seems to me, without hearings on the proposal, that the amendment of the Senator from Iowa would lead to integrated farming and, in my opinion, would endanger the whole marketing order structure. I believe that it is not only contrary to existing law, but might also result in a host of dangers that would be difficult to deal with.

Mr. MILLER. Mr. President, I yield myself as much time as I need.

I cannot quite follow the logic of the Senator from Minnesota. The Senator from Wisconsin [Mr. PROXMIRE] says that this part of the bill reflects the present state of the law. If it reflects the present state of the law, why [illegible] necessary to have the amendment in the bill?

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

Mr. MILLER. I yield.

Mr. MONDALE. As I understand, it is the view of the Senator from Iowa that the present law exempts producer-handlers.

Mr. MILLER. No, I have not said anything to that effect at all.

Mr. MONDALE. Is it the Senator's view that present law is such that the producer-handler is regulated?

Mr. MILLER. It is my understanding that the Secretary of Agriculture has interpreted the present law as the Senator from Wisconsin stated it to be interpreted. If that is so, I cannot follow the Senator from Minnesota, when he says that to take this language out will make a difference in what we have right now.

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

Mr. MILLER. I yield.

Mr. MONDALE. Does the amendment of the Senator from Iowa seek to exempt producer-handlers from the order system regulation?

Mr. MILLER. No. It seeks to leave the law exactly as it is now, as I think it should be, until the Food Marketing Commission submits its recommendations.

So long as the Senator from Minnesota has raised this point, let me make this statement: The language of the amendment of the Senator from Wisconsin reads:

The provisions authorized under this subparagraph may be made applicable to a regulated handler's own production of milk.

What about a regulated handler who is purchasing his own production of milk but purchasing someone else's production to make up a deficiency? What would the Senator propose to do in a situation like that? To answer that question, one would probably have to go through the briefs of a good many cases. That is what happens when language like this is placed in a bill in an attempt to play around with existing law. I suggest it is premature and unnecessary to have such a provision. I do not know why the Senator from Wisconsin persists in retaining it.

Mr. PROXMIRE. I understand the Senator's point. I believe a strong argument could be made that the law already specifies what is contained on page 5 of my amendment, lines 13 through 15. If that is so, why take it out? Why change it?

Furthermore, I agree with the policy of the Secretary of Agriculture. I believe it is right. I believe in the family farm. I have seen what has happened to the family farm in the broiler industry. I do not want to see it happen to the dairy industry. I think it is important to the family farm that this language should remain.

Mr. MILLER. If this language is left in the bill, we shall not quite be doing what the present law requires, because we shall have written into the bill:

The provisions authorized under this subparagraph may be made applicable to a regulated handler's own production of milk.

What shall we do about a regulated handler who handles not only his own production, but somebody else's, as well? We shall automatically have opened the bill up to something new.

Mr. PROXMIRE. If he is handling someone else's production, that is perfectly all right. He is not a producer-handler to that extent. So long as he is not handling his own, there is an arm's length situation in which he is dealing with a farmer-producer, and I do not believe that that situation should necessarily be covered.

Mr. MILLER. Perhaps it should not be, but this is by no means clear in the present state of the law. I am advised on good authority that a person who is a producer-handler uses his own production; but if, suddenly, he runs short during a certain period and goes out and buys production which is not his own production, in order to make up a deficiency, the area becomes a fuzzy one.

This is not clear. By putting this language in the bill, the Senator has automatically laid a foundation for more difficulty on this very point.

I believe that the amendment and the reasons for the amendment have been adequately explained. I do not wish to take any more of the time of the Senate. If the Senator from Wisconsin is ready to yield back the remainder of his time, I am ready to yield back the remainder of my time.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa to the amendment of the Senator from Wisconsin [Mr. PROXMIRE].

The amendment to the amendment was rejected.

Mr. MILLER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 2, line 2, to insert the following: before the word "providing": "in any marketing area in which, during a representative period determined by the Secretary of Agriculture, the highest use classification sales of milk for the area covered by such order, or proposed order, was or, in the case of new or merged areas, would have been less than 50 per centum of the total producer deliveries of milk in such area,".

Mr. MILLER. Mr. President, the reason for my amendment is to restrict coverage to those few areas which I think probably all of us would agree are in a serious situation so far as overproduction of milk is concerned, by limiting, as my amendment would do, the application of the Proxmire amendment to areas which use less than 50 percent of their milk for class 1 milk.

It would mean that the Proxmire amendment would apply to the New York-New Jersey marketing area, in which area 49 percent of the milk is marketed as class 1 milk. In the Chicago area, 39 percent of their milk is marketed as class 1 milk. In the Puget Sound area, 45 percent of their milk is marketed as class 1 milk.

I do not believe any of us know how this proposal would work. It may work and it may not. If it does not work, I believe that the fewer areas where it might not work that we provide for, the better.

If it does work out and it can be shown that it will work out, I am quite satisfied that the Senator from Wisconsin will have no difficulty in presenting the Senate with the results of how it has worked out.

This can be extended to other areas. Perhaps it should not be only 50 percent. Perhaps it ought to be 55 or 60 percent. However, it seems to me that it would be reasonable to take cognizance of the three areas which are in the most serious difficulty.

I know that the Senator from Wisconsin can say, "Why worry about it? It will not go into effect in any marketing area unless they vote 2 to 1 to put it in." I am not sure that is the complete answer. I am not sure that I want to vote to allow a vote of 2 to 1 to put it into effect in some areas in which there is no difficulty.

I would rather walk before I run. We are dealing with a very important area of food commodities.

I believe that by limiting it, as my amendment would do, it would give the program a fair chance to work in areas in which there is a serious problem. If it works there, we can vote to extend it.

Mr. PROXMIRE. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 1 minute.

Mr. PROXMIRE. Mr. President, I object to this amendment. It would mean that my amendment would apply to four States, according to the statement of the distinguished Senator from Iowa. The other 46 States would be out of it. I submit that it is not fair. It does not make sense. It seems to me that in any State in which two out of three farmers want this provision, it should apply. My amendment would provide that, without this Miller amendment.

Mr. MILLER. Mr. President, I say to my friend the Senator from Wisconsin that he is dead wrong when he says it would apply in three or four States. It would apply in all 50 States, as his amendment would apply in all 50 States, if the conditions arise.

The Senator in his colloquy with the Senator from Vermont said that his amendment would apply to 50 States. I believe it was pointed out that only 17 States are covered by marketing orders. I grant that there may be only three or four States in which there is such an amount of overproduction of milk that less than 50 percent is marketed as class 1 milk. However, that does not mean that my amendment would not apply in some other State—New Mexico, Mississippi, Florida, or any of the 50 States—if those conditions arise.

I should like to make it clear that my amendment is as applicable to the 50 States of the United States as is the amendment of the Senator from Wisconsin.

Mr. PROXMIRE. I yield 1 minute to the Senator from New York.

Mr. KENNEDY of New York. Mr. President, I am going to vote for the amendment offered by the Senator from Wisconsin [Mr. PROXMIRE], but I want

to make clear the basis on which I am doing so.

The base-excess idea for the dairy industry is not at all new. It has been advanced for some years and has always been the subject of great debate within the dairy industry and among dairy economists. Even today there are almost as many different opinions about it as there are experts on dairy matters. If the Proxmire amendment and the somewhat different version which the House included in H.R. 9811 directly legislated the two-price plan into existence, I would have considerable doubts about supporting it. I would hesitate to support any plan which is widely doubted in the industry that it is designed to help, the industry which knows most about it.

However, both the Proxmire amendment and the House version contemplate that a referendum will be taken among the farmers. If the farmers in a particular milkshed feel that the plan will be beneficial to them, they can vote for it and put it into effect. If not, they can vote it down and that will be the end of the matter.

There is considerable support for the plan among dairy farmers around the country. It would be unfair to deny them the chance to vote on it. In my judgment, then, basic fairness suggests that we should authorize a referendum on the two-price experiment. It is on that basis that I am voting for the Proxmire amendment.

There are certain differences between the version offered by the Senator from Wisconsin and the version passed by the House. The guarantee of free access to markets which is contained in the Proxmire version appears to be more desirable for the dairy industry in the Northeastern States. The provisions in the House bill protecting producer-handlers seem to be more desirable than the comparable aspects of the Proxmire version. These matters will have to be worked out in conference. At the present, I support the Proxmire amendment so that we can give Senate conferees a mandate to include a dairy provision in the bill as it finally emerges from conference.

I realize that there is opposition to this plan, even within my own State, but there is also great support for it, and I think it is only fair that the farmers be allowed to vote on this matter themselves.

That is why I support Senator PROXMIRE'S amendment.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

Mr. MILLER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa [Mr. MILLER].

The amendment was rejected.

Mr. MANSFIELD. Mr. President, I yield 5 minutes on the bill to the senior Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, in October 1963, when this question was first considered, I voted against the Proxmire plan. I intend to vote against it again today. My reasons today have been very well stated by the Senator from Vermont [Mr. AIKEN]. As a Senator from New York, the second largest producer of class I fluid milk in the country, I have had a special concern and deep interest in the provisions of this amendment. Along with almost all other Senators on both sides of the aisle from the Northeastern portion of the country I voted against this proposal in the form of S. 1915 on October 10, 1963. The amendment would establish a class I base for each dairy producer in a Federal order market and would enable the producer to receive a higher price for milk consumed in fluid form on a specified quantity of his production in lieu of a blended price on total production used for fluid consumption and for manufacturing into butter, cheese, powdered milk and other milk products. Excess production would be priced at a lower price to encourage reduced production.

The dairy farmers in my State are very much divided with respect to this proposal. Of the four largest organizations, two favor the base excess plan proposal and two strongly oppose it. There appears to be equally marked lack of consensus behind the bill nationally. The administration expressly did not include any diary plan in its farm message this year and has not enthusiastically supported any proposal. On April 5, 1965, Clarence Girard, Deputy Administrator, Regulatory Programs, Consumer and Marketing Service of the Department of Agriculture, testified before the Subcommittee on Dairy and Poultry of the House Agriculture Committee that—

> There is substantial disagreement within the dairy industry itself as to what sort of legislation they would support * * * and we have not been able to get general substantial agreement among the industry representatives on any particular proposed legislation.

Mr. Girard also testified:

> We believe this improvement in income position of some fluid milk producers can be achieved without adversely affecting the income of other dairy farmers.

He stated that favorable action on a base excess proposal such as S. 1915 "would represent a small step toward an improved dairy program." This is hardly the type of support that one would hope for a major agricultural program costing the Federal Government approximately $360 million per year. In 1963 Under Secretary of Agriculture Murphy testified before the Senate committee that the base excess proposal, without the assistance of a direct payment plan, would be of little help to dairymen.

I am most sympathetic over the serious need for improving the income of our dairymen. With sustained drought conditions and prolonged burdens of increased production costs, the dairyman in the Northeast has sustained a heavy burden. I have tried to ease this burden by working to obtain feed grains at reduced prices from the Department of Agriculture and haying and grazing privileges on land taken out of production. I have worked to obtain the Department's consideration of emergency price adjustments for hard pressed areas. The Department of Agriculture has provided important aid in many of these areas. However, I do not believe it is in the best interest of our dairymen or the consumer to impose tight production quotas on them. The curtailment of productive incentive for a sustained [illegible] will not in my judgment provide the best method of improving dairy income. The imposition of production quotas based on periods of past production places regulation on the producers which may prove very disadvantageous. With each marketing order being voted on, by bloc vote rather than individual voting, it is possible that certain parts of the country will be regulated by tight production quotas while other areas will not.

It is also possible that under the referendums provisions which do not permit voting by the individual membership that production quotas may be set by one group in approving an order and imposed upon another in the minority. The imposition of a production limitation upon one dairyman by his fellow dairyman is a situation raising many questions as desirability.

The Senate Agriculture Committee by an overwhelming vote chose to eliminate the base excess plan from the farm bill. This decision reflects the views of a very substantial number of dairymen in the Northeast. Senators from the Northeast area reflected this attitude in October 1963 when the base excess plan was acted upon by the Senate. I believe they will reflect this view again today.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment offered by the Senator from Wisconsin to the committee amendment in the nature of a substitute. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN (when his name was called). On this vote I have a pair with the Senator from Massachusetts [Mr. SALTONSTALL]. If he were present and voting he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. INOUYE. I announce that the Senator from West Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. LONG], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], the Senator from Georgia [Mr. RUSSELL], the Senator from Georgia [Mr. TALMADGE], and the Senator from Maine [Mr. MUSKIE] are absent on official business.

I further announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Minnesota [Mr. MCCARTHY], and the Senator from Virginia [Mr. ROBERTSON] are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia [Mr. BYRD], and the Senator from Connecticut [Mr. RIBICOFF] would each vote "yea."

On this vote, the Senator from Louisiana [Mr. LONG] is paired with the Senator from Virginia [Mr. ROBERTSON]. If present and voting, the Senator from Louisiana would vote "nay," and the Senator from Virginia would vote "yea."

Minnesota Historical Society

Copyright in the Walter F. Mondale Papers belongs to the Minnesota Historical Society and its content may not be copied without the copyright holder's express written permission. Users may print, download, link to, or email content, however, for individual use.

To request permission for commercial or educational use, please contact the Minnesota Historical Society.

www.mnhs.org