Charles F. Norton
Richard A. O'Neil
Merton J. Oss
Arthur P. Padios Jr.
Rabun N. Patrick Jr.
Wilber E. Pernell Jr.
Joel N. Peterson
Joseph R. Phaneuf
Herbert E. Pierpan
Kenneth W. Pipes
Russell C. Prouty
Henry J. Radcliffe
Robert J. Regan Jr.
Kenneth L. Rider
Willie G. Roberson
Ronald C. Rook
Donald W. Rourke
William E. Russell
Robert E. Salisbury
William P. Schlotzhauer
Ronald W. Schmid
Adolfo P. Sgambelluri
Russell R. Sherzer
Troy T. Shirley
William N. Simmons
Robert W. Smith
James P. Smyth
Louis M. Spevetz
Bayliss L. Spivey Jr.
James L. Steele
Stanley R. Stewart
Leo J. Still Jr.
Marion F. Stone
Alan B. Stout
William C. Stroup
Andrew P. Taylor Jr.
Orville M. Thompson
Jack L. Throckmorton
George V. Thurmond
Thomas M. Truax
James B. Way
John L. Whaley
Roy Whitehead Jr.
James L. Williams
Ronald N. Wilson
Peter D. Winer
Joseph J. Yetter

CONFIRMATIONS

Executive nominations confirmed by the Senate October 27, 1969:

IN THE MARINE CORPS

The nominations beginning Joseph C. Abrams, to be captain, and ending John D. Wright, to be first lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on Sept. 25, 1969.

HOUSE OF REPRESENTATIVES—*Monday, October 27, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord will give strength to His people; the Lord will bless His people with peace.—Psalm 29: 11.

O Thou who art the Good Shepherd of our human hearts, restore our minds and renew our spirits as we wait upon Thee in this our morning prayer. We would linger silently and reverently in Thy presence until Thy spirit comes to new life within us. Then with courage, strength, and wisdom we would face the trying duties of this turbulent day.

To Thy loving care we commend our Nation. So guide our President, so bless our Speaker, so direct these Members of Congress that filled with Thy spirit they may lead our people in right paths, by just ways, and along the solid road that ultimately brings us to an honorable peace, an enduring good will, and a willingness to work for the welfare of all mankind.

"O Thou who dost the vision send
And givest each his task,
And with the task sufficient strength;
Show us Thy will we ask;
Give us a conscience bold and good;
Give us a purpose true,
That it may be our highest joy,
Our Father's work to do."

Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, October 23, 1969, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 5968. An act to amend the act entitled "An act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes", approved September 5, 1962;

H.R. 9857. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, to authorize an increase in license fee, and for other purposes; and

H.R. 11609. An act to amend the act of September 9, 1963, authorizing the construction of an entrance road at Great Smoky Mountains National Park in the State of North Carolina, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 232. An act to promote the economic development of the Trust Territory of the Pacific Islands;

S. 1455. An act to amend section 8c(2)(A) of the Agricultural Adjustment Act to provide for marketing orders for apples produced in Colorado, Utah, New Mexico, Illinois, and Ohio; and

S. 1968. An act to authorize the Secretary of the Interior to permit the removal of the Francis Asbury statue, and for other purposes.

The message also announced that the Vice President, pursuant to Public Law 83–420, appointed Mr. YARBOROUGH to be a member of the board of directors of Gallaudet College in lieu of Mr. Brewster.

THE LATE HONORABLE EDWARD H. REES

(Mr. SHRIVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHRIVER. Mr. Speaker, it is with a feeling of personal loss and sadness that I inform my colleagues in the House of the passing of a former distinguished Congressman, Edward H. Rees of Emporia, Kans., on Saturday, October 25, 1969. It was my privilege to succeed Ed Rees as Kansas' fourth district Congressman following his decision to retire in 1960 after 24 years of outstanding service in the House.

Funeral services for Ed Rees will be held this afternoon in his hometown of Emporia.

For 24 years he was a dedicated and courageous Member of this House. Ed Rees was a man of integrity and responsibility. He fought for what he believed in and for the people whom he represented. His belief in what was right was never subject to compromise.

Ed Rees was a warm and sympathetic person, interested in the problems of the people he served. He was deeply appreciated by his own people and everyone who knew him had a deep affection for him.

He was born on a farm near Emporia, Lyon County, Kans., and attended the public schools and the Kansas State College at Emporia.

Ed Rees' long career of public service began in 1912 when he became clerk of the court of Lyon County. He was later to be admitted to the bar. His legislative service began in 1925 when he was elected to the Kansas House of Representatives, and 4 years later became majority leader. He was elected to the Kansas Senate in 1933, and to Congress in 1936.

Ed Rees was a member of the Post Office and Civil Service Committee for 16 years, and twice was its chairman. He was responsible for many improvements in Government working conditions, particularly wage improvements.

He was sponsor of legislation signed by President Eisenhower establishing an annual Veterans' Day on November 11 to honor America's servicemen of all wars.

One of his final legislative achievements in Congress was the authorization of the Cheney Dam and Reservoir in Sedgwick County, Kans., which has provided much-needed water resources and development for the Wichita area.

Upon his retirement from Congress nearly 9 years ago, Ed Rees returned to his hometown of Emporia to practice law.

He will be greatly missed not only by all of us in Kansas who knew and admired him, but also by his friends here in Congress and the Nation as well.

Mrs. Shriver and I extend our heartfelt sympathy to his widow, Agnes; to his son, John; and his sister, Mary Jane Rees.

Mr. PELLY. Mr. Speaker, will the gentleman yield?

Mr. SHRIVER. I am glad to yield to the gentleman from Washington.

Mr. PELLY. Mr. Speaker, I am sure that all those of us who served with him will remember Ed Rees well. Everyone liked him. Everyone respected him. He was an able legislator.

I think of him as a gentle person; as kindly and helpful and patient.

Yet, I think of him as a person of great integrity and inward strength and firmness.

I have a group picture of some of us taken on the White House steps with President Eisenhower in 1953. It hangs on the wall of my office in the Rayburn Building. He is smiling, and that is the way many of us will remember him.

Meanwhile, history will record his public service and place him high in the ranks of those who served their country well.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. SHRIVER. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, it is with a feeling of deep personal loss that I rise to join my colleagues in extending to Mrs. Rees and the family of Ed Rees our personal condolences and sympathy.

Mr. Speaker, I had the good fortune to grow up in the Fourth District of Kansas, and Ed Rees was my Congressman when I was growing up. I well remember the first campaign of his election—the primary campaign and the general election. I remember how impressed I was with this honest, sincere man who had offered himself to the people of Kansas as a Member of the House of Representatives. I was particularly attracted to him, because, having come from Emporia, as did my mother's family, he was an old family friend not only of mine but of my parents and grandparents. I watched him as a Member of the House grow in stature, and later, of course, it became my good fortune to join him here in the membership of the House of Representatives. He was always a kind man. He was particularly kind to me and solicitous of my welfare when I came here as a freshman. He was a distinguished Member of the House in every sense of the word; a true gentleman, and a man who took his legislative duties very seriously but never forgot the fact that the people of the 4th district of Kansas had sent him to this body. He was always a true representative of them and their beliefs.

The country will be a poorer place because of the loss of Ed Rees, but all of us who knew him and loved him can take comfort in the exemplary life that he led and the great heritage that he leaves not only to us but to his former constituents and family in the State of Kansas.

Mrs. Rhodes joins me in extending to Mrs. Rees and the family our very deepest condolences and personal sympathy.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. SHRIVER. I am happy to yield to the gentleman from Oklahoma, the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, the news which the gentleman from Kansas has brought to the House today saddens me very much. I had not previously known of the passing of my friend and former colleague, Ed Rees.

I first came to the Congress on January 3, 1947. Shortly after the organization of the House in the 80th Congress, Mr. Rees took over as chairman of the Committee on Post Office and Civil Service, and I was assigned to that committee. I worked closely with him during the time that I was a member of that committee.

I was always impressed with the qualities of this man. He was a Christian. He was a gentleman. He was a man of integrity. He was loyal to his country. He was true to his own principles. He was a devoted and dedicated legislator. He was my friend and I shall miss him. I shall remember as long as I live the many kindnesses he extended to me when I was a new Member of this House.

Mr. Speaker, I extend to his family and all of his loved ones my own deepest sympathies and the sympathy of Mrs. Albert who also knew him well.

Mr. SHRIVER. I thank the distinguished majority leader for those kind remarks.

Mr. SKUBITZ. Mr. Speaker, will the gentleman yield?

Mr. SHRIVER. I am glad to yield to the gentleman from Kansas.

Mr. SKUBITZ. Mr. Speaker, on November 11, all through this broad land of ours, Americans will pause for a moment to pay tribute to those living and dead who have nobly served their country.

In Kansas the day has added meaning because it was a Kansan who introduced the bill which expanded the significance of Armistice Day to Veterans Day.

That Kansan was Congressman Ed Rees, of Emporia, Kans. Ed Rees will not be with us this Veterans Day. He passed away Saturday night at his home in Emporia, leaving to mourn his passing his wonderful wife, Agnes, his son, John; three grandchildren and his sister, Mary.

For 24 years he served the Fourth District of Kansas ably and well. His was a dedicated life—dedicated to the country he revered, to the family he loved, and the people he respected and served. He was truly a Christian.

For me, the passing of Ed Rees is a personal loss. He was my friend in every sense of the word. I knew him long before I came to the Congress of the United States.

In 1962 when the State of Kansas was redistricted, Lyon County became a part of the Fifth District. That is the year that I decided to run for Congress. I asked his support and received it and through the years I sought his advice and counsel. I shall miss him as will his family and thousands of friends throughout Kansas and the Nation.

Ed Rees may have departed this earth but he is not dead. The spirit of Ed Rees will always be with us. Too much of what he did, what he stood for, what he believed in has become a part of us.

Thomas Curtis Clark said it much better than I when he wrote:

THE VICTOR

He is not dead. Why should we weep
Because he takes an hour of sleep,
A rest before God's greater Morn
Answers a new world is born;
A world where he may do the things
He failed in here; where sorrow stings
And disappointment yield to joy;
Where cares and fears cannot destroy?
He is not dead. He hurried on
Ahead of us to greet the dawn
That he might meet the loved who left
Us yesterday. We are bereft—
But weep not—hail him where, afar,
He waits for us on some bright star.
He is not dead. Beyond all strife
At last he wins the prize of life.

Mrs. Skubitz joins me in extending our sympathies to Mrs. Rees and the family.

Mr. GROSS. Mr. Speaker, I deeply regret to learn of the death last week of the Honorable Edward H. Rees, of Kansas, one of the most conscientious and dedicated Members of Congress it has been my privilege to know.

Mr. Rees was the first chairman of the House Post Office and Civil Service Committee, having served in that capacity in the 80th Congress. When I came to the House in the 81st Congress he was the ranking Republican member of this, the first committee to which I was assigned. In the 82d Congress he was again the committee chairman.

Through the years that I served on the committee, and until his retirement at the end of the 84th Congress, it was my privilege to have the benefit of his counsel and experience.

Ed Rees was a man of sterling character and a hard worker who had little time for the social life of Washington. He left his imprint on much legislation and in so doing was a credit to his State and Nation.

I join with my colleagues in the House in extending sympathy to Mrs. Rees and the members of their family in this time of bereavement.

Mr. DULSKI. Mr. Speaker, I join with my colleagues in expressing sincere sorrow at the passing of the Honorable Edward H. Rees, a distinguished former Member of this House for 24 years and a member of the Committee on Post Office and Civil Service for 16 years.

Mr. Rees was the ranking minority member of this committee when I was elected to Congress and was named to this committee at the outset of my own congressional career.

He had twice served our committee as its chairman and had compiled an enviable record of service and dedication over the years.

In particular, I believe it appropriate to cite his conscientious and productive effort to expand the merit system among Federal employees. When he began his effort, only about 60 percent were included in the merit system, but before his effort was concluded the number had exceeded 90 percent.

The Federal Club honored Mr. Rees in 1954 for his work in strengthening management and the civil service merit system.

Two weeks from tomorrow—Tuesday, November 11—is Veterans Day. It is appropriate to recall on the eve of this year's observance that it was Mr. Rees who changed the name of that observance from Armistice Day by his legislation in 1954.

Edward H. Rees was a distinguished and well-liked Member of this body. He served his district, his Nation and our committee well until his voluntary retirement in 1960. I join in extending my sincere condolences to his family.

Mr. Speaker, as a part of my remarks, I include the text of the obituary which appeared Sunday, October 26, in the Washington, D.C., Sunday Star:

EDWARD H. REES DIES—FORMER REPRESENTATIVE

Edward H. Rees, 81, who served 24 years as a Republican congressman from the 4th District of Kansas, died yesterday at his home in Emporia, Kan., after a long illness.

Mr. Rees retired from the House in 1960. He was a member of the Post Office and Civil Service Committee for 16 years, and twice was its chairman.

He was born on a farm in Lyon County, Kan., and attended Kansas State Teachers College. He became a lawyer in 1915, entered the Kansas House of Representatives in 1927, and four years later became majority leader.

He was elected to the state senate in 1933 and to Congress in 1936.

Mr. Rees was a conservative who fought for balanced budgets and the civil service merit system. For many years he favored a return to prohibition "on a much broader scope than before" and, in the 1950s, helped lead the congressional campaign to root alleged Communists out of federal jobs.

Mr. Rees often criticized the Civil Service Commission's waste and inefficiency" and the "low morale" he said it fostered. At various times he urged speedy dismissal of government wartime employees, proposed revision of the federal salary structure and charged the commission with callously displacing career employees.

He was known as a committee "peacemaker" who could persuade conservative and liberal lawmakers to compromise. The Federal Club here named him Man of the Year in 1954.

GENERAL LEAVE

Mr. SHRIVER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the passing of our late colleague, Ed Rees.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

TRIBUTE TO B. J. SIGURDSEN, CHIEF CLERK, OFFICIAL REPORTERS OF DEBATES

(Mr. ROONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROONEY of New York. Mr. Speaker, 30 years ago a young man named Bjarne Sigurdsen came to work here in the office of the Official Reporters of Debates in the House of Representatives. Today we salute him as he concludes a career marked by hard work and devotion. It is a bad day for us but a good one for Johnny and so let us be happy with him and his lovely wife and fine family who are watching so proudly from the gallery today. Born in Oslo, Norway, he arrived in New York in 1924 at the age of 11. Upon arrival in New York he became a resident of the Sunset Park section of Brooklyn which I represented for many years and where Eighth Avenue was known as Oslo Boulevard. Yet only 13 years after arriving in this country, in 1937, he went to work with the Government Printing Office. Two years later he was assigned to the Official Reporters of Debates office here in the House of Representatives. In 1955, by resolution of the House, he was made assistant clerk of that office and for the past 5 years he has been its chief clerk. Mr. Speaker, I take the liberty to speak in behalf of my colleagues in saying a fond farewell to Bjarne Sigurdsen and wishing him the happiness and contentment in his retirement that he has so justly earned in his years of faithful and loyal service in the United States House of Representatives.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Speaker, I want to thank the gentleman from New York (Mr. ROONEY) for yielding to me, and I want to express my appreciation to the gentleman for bringing to the attention not only of this House of Representatives, but to the people of this country today, what Johnny Sigurdsen has meant to the House of Representatives and to this country.

But while thanking the gentleman from New York for bringing this to our attention, I also want to thank from the bottom of my heart Johnny Sigurdsen for what he has done for this Congress and for this country—his country—in these many years of service.

Mr. Speaker, I was not in the House of Representatives when Johnny Sigurdsen first came here, although there are some Members who were here when he came to the Hill, but it is with the utmost regret that I am here to see Johnny leave. We all appreciate what he has done for us. No one would envy his successor in the task he inherits because it is going to take a big man to fill Johnny's shoes.

Johnny has been a personal friend of mine, as he has of every other Member of this House, throughout these many years, and it is with deep regret that we say goodbye to him today—but we have had too much of his time, and his country has, and now it is time for Johnny and his family to enjoy some of the things that he has helped provide.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Speaker, I thank my colleague for yielding, and take this opportunity to join with him in expressing my appreciation for the many extra services that Johnny Sigurdsen has rendered to me as a Member of the House. All too often we Members and the general public take the CONGRESSIONAL RECORD as a matter of course. It just does not come out of the Government Printing Office without a great deal of background preparation. If it had not been for the foresight and work over the years of Johnny Sigurdsen, the CONGRESSIONAL RECORD, insofar as the House of Representatives is concerned, would not have been the great publication that it is. We will all miss his presence and keen devotion to duty.

In addition to this background, John had some other attributes that many people do not know—he is a great cook. Let me tell you that with his Norwegian background he can do more things in preparing and cooking wild game than any person I know.

My genuine wish for John and the members of his family is the very best in the years to come.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman from New York for yielding to me. I join the other Members in the many kind things that have been said about Johnny Sigurdsen; the deserved tributes for his good work and for his personal dedication.

Wherever Johnny may go and whatever he may do in his retirement we all wish him well. He will be missed at his usual place at the front desk in the House of Representatives and I hope that he will return often so that we may visit and keep contact with him.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman.

Mr. RHODES. Mr. Speaker, I thank the gentleman from New York for yielding. I also thank him for informing the House of the imminent retirement of John Sigurdsen.

John has been a great public servant in every sense of the word. I am happy to have this opportunity to express to him my personal appreciation as well as the appreciation, I am sure, of all the Members of the House, both present and past, who have had the benefit of his intelligent public service. The House of Representatives will long miss him, but we certainly wish him the best of everything in his retirement.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman.

Mr. HAYS. Mr. Speaker, I wish to say that this announcement took me by surprise. I am sorry to hear that John Sigurdsen will leave the service of the House of Representatives.

I think it is fair to say that when the gentleman from Iowa (Mr. GROSS) and I both praise somebody that he has got to be pretty good.

Mr. HAGAN. Mr. Speaker, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman.

Mr. HAGAN. Mr. Speaker, I would just like to add my accolade to this gentleman.

For 9 years now I have been somewhat close to him, worrying him from time to time. But if I had known he was such a good cook, I would have been a lot closer to him, I will tell you that. It is bad news when we learned of his imminent retirement and we hope for and wish him Godspeed from here out.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, our esteemed Official Reporter of Debates, John Sigurdsen, is retiring from public service at the end of this month. John Sigurdsen has been in the U.S. Government Service for 32 years. He was assigned to the position of Official Reporter of Debates in 1939. Our late beloved Speaker Sam Rayburn of Texas appointed him to the position of assistant clerk during 1954 and our distinguished Speaker JOHN W. MCCORMACK appointed John Sigurdsen to the position of chief clerk in 1963.

John has been a faithful and loyal public servant. Always on the job, very efficient, he always carried out his assignment in a graceful way. John is retiring to Cape May, N.J., with his lovely wife Louise. He has one son and one daughter and five grandchildren. I know I express the wishes of the entire membership when I wish him many years of happiness.

To John may I also say that I hope

he has many happy days with the sport of kings. As one who always had a deep and abiding interest in the development and breeding of horses I know he will have more time now to study this fascinating subject.

John does not look over 39 years of age. May he always remain young at heart and young in spirit. As a parting word may I use the Celtic expression and say to John, "God bless."

CITIES ANNOUNCED FOR GRASSROOTS HEARINGS ON THE U.S. ECONOMY

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATMAN. Mr. Speaker, the Domestic Finance Subcommittee of the Banking and Currency Committee will go into the field during the next few months to obtain grassroots testimony on economic problems.

Today, we are announcing the first three cities which we will visit. They are—

Newark, N.J., Monday, November 10, and Tuesday, November 11.

Los Angeles, Calif., Monday, December 1, and Tuesday, December 2.

Atlanta, Ga., Monday, December 8, and Tuesday, December 9.

Additional cities and dates will be announced just as soon as they can be worked out. We plan to cover all sections of the Nation.

Mr. Speaker, this is an attempt to take Government to the people, to learn what the people are thinking on the key economic questions of the day. Issues involving high interest rates and tight money, consumer prices, housing credit, and small business problems.

Mr. Speaker, I am convinced that these hearings will be of great value as the Congress seeks solutions to these tremendous problems. We have heard much from the so-called experts on these subjects; now it is time that we heard from the people who are directly affected.

CONTINUING APPROPRIATIONS RESOLUTION

(Mr. MAHON asked and was given permission to address the House for 1 minute.)

Mr. MAHON. Mr. Speaker, at my request, the leadership has scheduled consideration of the continuing resolution tomorrow.

Especially in view of the summer recess, the existing continuing resolution was made to extend over a period of 4 months. It expires this coming Friday, October 31. We therefore have to enact another continuing resolution to take care of necessary functions for which the regular bills have not been enacted.

A number of additional appropriation bills have been passed by the House since July 1 when the present resolution went into effect. The other body has also moved some of the bills since that time, and we are hopeful and confident that some of the remaining bills will also move along.

There has been some indication of a controversy in regard to an appropriation which will be offered as an amendment to the continuing resolution. I am going to put a fact sheet in the Extensions of Remarks section of today's RECORD with regard to just what is involved in order that there may be no doubt among the Members as to just what the situation is with respect to the continuing resolution.

Information in regard to the proposed continuing resolution is available in the committee report, the resolution having been reported out of the Committee on Appropriations on Thursday of last week, and also statistical data is available in the Committee on Appropriations to Members who may wish additional information before we meet tomorrow.

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I am glad to yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Do I correctly understand that the continuing resolution to which the gentleman has referred would continue appropriations at the lowest level set out in the Nixon administration budget?

Mr. MAHON. The resolution would continue appropriations at last year's level or at the House-passed level, whichever is lower. For example, in the field of education, in which many Members have shown their interest, on July 1 the Labor-HEW bill had not passed the House; so the lower amount between the budget and last year's amount was the budget. But now the lower level would be last year's appropriation, which, however, would be about $600 million above the currently authorized level under the resolution that has been in effect since July 1.

Mr. ROGERS of Colorado. Would there be any objection to putting the amount at the level at which the House has heretofore approved the appropriation for education?

Mr. MAHON. The continuing resolution is not an appropriation bill. It is merely an interim measure to provide for the functions of the Government until the Congress makes its decisions on the regular bills. The appropriation bill involving HEW is now before the other body, and I was told today that it would be reported within about two weeks by the other body. I would hope that this can be done.

Mr. ROGERS of Colorado. Would the gentleman yield further?

Mr. MAHON. If I have the time.

Mr. ROGERS of Colorado. Does the gentleman realize that the money is not coming forth under Public Law 874 as we intended for the assistance of federally impacted areas, and does the gentleman propose to cure that situation in the resolution which he proposes to offer tomorrow?

Mr. MAHON. The resolution which we propose to offer tomorrow will provide $319 million in excess of the present level for impacted areas. The resolution in my opinion does a good job of taking care of the program for aid to federally impacted school districts. It will authorize a total of $506 million effective next Saturday. Final action on the appropriation for the whole fiscal year on this important matter will have to await action on the regular bill.

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

THE 23D ANNUAL REPORT ON U.S. PARTICIPATION AT UNITED NATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–118)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

In accordance with the provisions of the United Nations Participation Act of 1945, I am transmitting the 23d annual report, covering the calendar year 1968, on United States participation in the United Nations.

The large number of topics covered, the number of U.N. agencies involved, and the increasing contributions of the United States to U.N. programs all show how important the United Nations has become to the peace, security, and welfare of the world. In the United States, support of the United Nations and participation in its many activities have always been nonpartisan.

I therefore take pleasure in transmitting to the Congress this report of the President on our participation in the United Nations.

RICHARD NIXON.

THE WHITE HOUSE, *October 27, 1969.*

CALL OF THE HOUSE

Mr. PELLY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 244]

Abbitt	Celler	Fountain
Adams	Chamberlain	Gallagher
Addabbo	Chisholm	Gettys
Anderson, Calif.	Clancy	Giaimo
Anderson, Tenn.	Clark	Haley
Andrews, N. Dak.	Clay	Halpern
Arends	Colmer	Hanna
Ashbrook	Conte	Harrington
Aspinall	Corbett	Harvey
Baring	Coughlin	Hosmer
Barrett	Culver	Howard
Bell, Calif.	Cunningham	Hull
Bevill	Daddario	Jarman
Biaggi	Daniel, Va.	Jones, N.C.
Bingham	Davis, Wis.	King
Blatnik	Dawson	Kirwan
Bolling	Denney	Kleppe
Brasco	Dickinson	Kluczynski
Burton, Utah	Diggs	Landrum
Bush	Downing	Long, La.
Byrne, Pa.	Edwards, La.	Lowenstein
Byrnes, Wis.	Fallon	McCarthy
Cahill	Fascell	McClory
Carey	Findley	McCulloch
Cederberg	Fish	McDonald, Mich.
	Ford, Gerald R.	McKneally
	Ford, William D.	MacGregor

Mann	Pirnie	Staggers
Michel	Powell	Symington
Monagan	Price, Tex.	Teague, Calif.
Moorhead	Reifel	Thompson, N.J.
Morton	Robison	Tunney
Moss	Rooney, Pa.	Udall
Murphy, N.Y.	Roudebush	Watkins
Nix	Ryan	Watson
O'Konski	St Germain	Whalley
O'Neill, Mass.	St. Onge	Wiggins
Pepper	Sandman	Wilson,
Pettis	Satterfield	Charles H.
Pickle	Scheuer	Wydler
Pike	Smith, Iowa	Zablocki

The SPEAKER pro tempore (Mr. BOGGS). On this rollcall 311 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

UNITED STATES MUST MAINTAIN SOVEREIGN RIGHTS OVER PANAMA CANAL

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, this afternoon under special orders heretofore agreed to, time will be taken on a bipartisan basis by the gentleman from Pennsylvania (Mr. FLOOD), and the gentlewoman from Missouri (Mrs. SULLIVAN), and the gentleman from Ohio (Mr. DEVINE), and me on a resolution having to do with ceding of our territory and real estate to the Republic of Panama.

Mr. Speaker, this is a repetition of the resolution of 1967 which more than 135 Members cosponsored. I hope Members will join in cosponsoring this resolution which says in part:

It is the sense of the House of Representatives that the Government of the United States maintain and protect its sovereign rights and jurisdiction over said canal and that the United States Government in no way forfeit, cede, negotiate, or transfer any of these sovereign rights or jurisdiction to any other sovereign nation or to any international organization.

Mr. Speaker, there are blank forms available for cosponsorship by those parties who wish to do so.

Real estate ceding and jurisdiction, and so on, pertain to the House of Representatives according to our U.S. Constitution, whereas treaties are advised and consented to by the other body. It is most appropriate, inasmuch as this involves a transfer of territory, that we get ourselves on record.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER pro tempore. This is District of Columbia day. The Chair recognizes the gentleman from South Carolina (Mr. MCMILLAN), chairman of the Committee on the District of Columbia.

Mr. MCMILLAN. Mr. Speaker, I yield to the gentleman from Florida (Mr. FUQUA), to call up bills considered by his subcommittee.

AMENDING THE DISTRICT OF COLUMBIA HEALING ARTS PRACTICE ACT

Mr. FUQUA. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 13837) to amend the Healing Arts Practice Act, District of Columbia, 1928, to revise the composition of the Committee on Licensure to Practice the Healing Art, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 13837

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

SECTION 1. (a) Section 4 of the Healing Arts Practice Act, District of Columbia, 1928 (D.C. Code, sec. 2–103), is amended to read as follows:

"SEC. 4. (a) (1) There is established a commission to be known as the Commission on Licensure to Practice the Healing Art (hereafter in this Act referred to as the 'Commission'). The Commission shall be composed of eleven members. The Commissioner of the District of Columbia shall appoint nine members of the Commission as follows:

"(A) Three members shall be appointed from a panel of six physicians licensed under this Act who are in private practice in the District of Columbia and who are nominated by the Medical Society of the District of Columbia.

"(B) One member shall be appointed from a panel of two physicians licensed under this Act who are nominated by the dean of the Georgetown University Medical School.

"(C) One member shall be appointed from a panel of two physicians licensed under this Act who are nominated by the dean of the the George Washington University Medical School.

"(D) One member shall be appointed from a panel of two physicians licensed under this Act who are nominated by the dean of the Howard University Medical School.

"(E) One member shall be appointed from a panel of two osteopathic physicians licensed under this Act who are nominated by the Association of Osteopathic Physicians of the District of Columbia, Incorporated.

"(F) Two members shall be appointed from persons who are not physicians and who represent the community at large.

"(2) The Corporation Counsel of the District of Columbia (or his delegate) and the Director of the Department of Public Health of the District of Columbia (or his delegate) shall be ex officio members of the Commission.

"(3) A vacancy in the Commission shall be filled in the same manner as the original appointment was made.

"(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, members of the Commission (appointed under paragraph (1) of subsection (a)) shall be appointed for terms of three years.

"(2) Of the members first appointed to the Commission under such paragraph (1)—

"(A) three members shall be appointed for terms of one year,

"(B) three members shall be appointed for terms of two years, and

"(C) three members shall be appointed for terms of three years,

as designated by the Commissioner of the District of Columbia at the time of appointment.

"(3) Any member of the Commission appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member of the Commission may serve after the expiration of his term until his successor has taken office.

"(c) The Commission shall elect a President and a Vice President from among its members. The Director of the Department of Public Health of the District of Columbia (or his delegate shall be the Secretary of the Commission.

"(d) The Commission shall make, and may alter, such rules as it deems necessary to conduct its business. The Commission shall adopt a common seal and from time to time may alter it. The courts shall take judicial notice of the seal."

(b) The Commissioner of the District of Columbia shall appoint the first nine members of the Commission on Licensure to Practice the Healing Art, established by section 4 of the Healing Arts Practice Act, District of Columbia, 1928 (as amended by this Act), not later than 90 days after the date of the enactment of this Act.

SEC. 2. (a) The Healing Arts Practice Act, District of Columbia, 1928, is amended by redesignating section 25(a) (D.C. Code, sec. 2–122a) as section 25A and by adding after that section the following new section:

"SEC. 25B. (a) The Commission may issue, without examination, temporary licenses to persons holding the degree of doctor of medicine or doctor of osteopathy who wish to pursue or participate in residency or fellowship training programs in the District of Columbia. An applicant for a temporary license shall furnish to the Commission satisfactory proof that—

"(1) he is at least twenty-one years of age and is of good moral character;

"(2) he is a graduate of a medical school or an osteopathic school registered under section 5(a) of this Act or is otherwise qualified after examination by the Educational Council for Foreign Medical Graduates;

"(3) he has been accepted or appointed for residency or fellowship in an accredited program;

"(4) he will limit his practice and training to the confines of the hospitals or other facilities within such accredited program; and

"(5) he will practice only under the supervision of the attending medical staff of such hospitals, facilities, or affiliated institutions within such accredited program.

Each applicant for a license under this section must be nominated by the institution in which he is serving as a resident or fellow. An institution which nominates an applicant for a license under this section shall notify the Commission of the beginning and ending dates of the period for which such applicant has been accepted or appointed.

"(b) A license issued under this section shall be valid for a period not to exceed one year. Such a license may be renewed upon application for a period not to exceed one year. A license issued under this section may not be renewed for periods aggregating more than four years.

"(c) The holder of a license under this section may sign birth and death certificates, prescriptions for narcotics, barbiturates, and other drugs, and other legal documents in compliance with existing laws, if the execution of such documents involves duties prescribed by or incident to his residency or fellowship program.

"(d) Within sixty days after appointment of any intern to any hospital or institution in the District of Columbia, such hospital or institution shall file with the Commission the name of each such intern and shall furnish such other information concerning such intern as the Commission may require."

(b) Sections 6 and 23 of such Act (D.C. Code, secs. 2–104, 2–119) are each amended by striking out "section 25(a)" and inserting in lieu thereof "section 25A".

SEC. 3. (a) Section 25 of the Healing Arts Practice Act, District of Columbia, 1928 (D.C. Code, sec. 2–121), is amended—

(1) by striking out in the first sentence "An applicant who desires to obtain a license

without examination" and inserting in lieu thereof "An applicant who desires to obtain a license by endorsement and without examination"; and

(2) by striking out the third and fourth sentences and inserting in lieu thereof "The Commission may issue a license by endorsement to an applicant under this section if it determines he has met the requirements of this section. A license issued to an applicant under this section shall correspond in scope as nearly as practicable to the license held by the applicant which is the basis for the issuance of a license under this section. No person may be licensed under this section who has been examined under authority of the Commission and who has failed."

(b) Sections 6, 11, and 23 of such Act (D.C. Code, secs. 2–104, 2–108, 2–119) are each amended by striking out "reciprocity" each place it appears in those sections and inserting in lieu thereof "endorsement".

SEC. 4. (a) (1) The first sentence of section 25A of the Healing Arts Practice Act, District of Columbia, 1928 (D.C. Code, sec. 2–122a) (as so redesignated by section 2 of this Act), is amended by striking out ": *Provided*, That the examination given by the national examining board" and inserting in lieu thereof the following: "or to anyone who has successfully completed the examination administered by the Federation of State Medical Boards of the United States if the Commission determines that the examination given by the national examining board or by such Federation, as the case may be,".

(2) The proviso in the last sentence of such section 25A is amended by inserting "or on the basis of successful completion of the examination administered by the Federation of State Medical Boards of the United States" immediately after "national examining board".

(b) (1) The second sentence of the first pargaraph of section 6 of such Act (D.C. Code, sec. 2–104) is amended by inserting "or by virtue of successful completion of the examination administered by the Federation of State Medical Boards of the United States as provided in such section," after "section 25A of this Act,".

(2) The sixth sentence of section 11 of such Act (D.C. Code, sec. 2–108) is amended by inserting "or by virtue of successful completion of the examination administered by the Federation of State Medical Boards of the United States." after "national examining board,".

(3) Clause (4) of the third sentence of section 23 of such Act (D.C. Code, sec. 2–119) is amended by inserting "or by virtue of successful completion of the examination administered by the Federation of State Medical Boards of the United States" after "national examining board."

(4) The fourth sentence of such section 23 is amended by inserting "or on the basis of successful completion of the examination administered by the Federation of State Medical Boards of the United States" immediately after "national examining board".

SEC. 5. (a) Section 50 of the Healing Acts Practice Act, District of Columbia, 1928 (D.C. Code, sec. 2–141), is repealed.

(b) The amendments made by this Act shall not be construed as affecting any provision of Reorganization Plan Number 3 of 1967, except that the Commissioner of the District of Columbia and the District of Columbia Council shall exercise their respective functions under the Healing Arts Practice Act, District of Columbia, 1928, through the Commission on Licensure to Practice the Healing Art established by section 4 of such Act (as amended by this Act).

(c) The members of the Commission on Licensure to Practice the Healing Art in office on the date of the enactment of this Act shall continue in office until at least four members have been appointed to that Commission under section 4(a)(1) of the Healing Arts Practice Act, District of Columbia, 1928 (as amended by this Act).

Mr. FUQUA. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the purpose of H.R. 13837 is to amend the District of Columbia Healing Arts Practice Act in three respects, as follows:

First, to revise the make of the Commission on Licensure, increasing the number of members from five to 11 and assuring a broad representation of the medical profession and other areas of the community's professional skills;

Second, to provide for temporary licensure of physicians and osteopaths who are engaged in residency and fellowship training programs in the District of Columbia; and

Third, to broaden the use of endorsement as a method of licensure, by eliminating the application of reciprocity as a barrier to the admission of competent physicians to practice in the District of Columbia.

PROVISIONS OF THE BILL

1. COMMISSION ON LICENSURE

Section 4 of the District of Columbia Healing Arts Practice Act of 1928 (D.C. Code, sec. 2–103; 45 Stat. 1327) presently provides for a five-member Commission on Licensure to Practice the Healing Art in the District of Columbia, consisting of the Commissioner of the District of Columbia, the U.S. Commissioner of Education, the U.S. attorney for the District of Columbia, the Superintendent of Public Schools of the District of Columbia, and the Director of the District of Columbia Department of Public Health. This Commission is responsible for the licensing of physicians, osteopaths, and others who practice the healing art in the District of Columbia. They are aided in this function by an examining board, whose duty is to examine the applicants for such licensure as provided by law, and to report their findings with respect to the candidates' qualifications to the Commission.

It will be noted that this Commission, as presently constituted, includes only one physician in its membership. Also, the lay members of the Commission are all officials with a heavy burden of time-consuming duties and responsibilities in other areas, for which reason they cannot be expected to take any great interest in the operation of this Commission on Licensure or to have any particular training or expertise in its vitally important work.

Section 1 of the bill, H.R. 13837, will provide for an 11-member Commission on Licensure To Practice the Healing Art. Nine of these members shall be appointed by the Commissioner of the District of Columbia, as follows:

Three members from among six physicians in private practice in the District, and who are nominated by the Medical Society of the District of Columbia.

Four members, consisting of one physician from each panel of two nominated by the deans of the three local medical schools and by the Association of Osteopathic Physicians of the District of Columbia, Inc.

Two members who are not physicians, and who represent the community at large.

The remaining two members of the Commission will be the District of Columbia Corporation Counsel or his delegate, and the Director of the District of Columbia Public Health Department, both ex officio. The nine members appointed by the District of Columbia Commissioner shall serve 3-year terms. However, the terms of the original appointees will be staggered so as to provide a continuity of membership.

It is obvious that the membership of this newly created Commission, which will include seven physicians representing a broad spectrum of the city's medical community, as well as a representative of the District of Columbia Department of Public Health and a legal representative from the District of Columbia Corporation Counsel's office, will assure a high degree of professional interest and competence. Further, the two lay members will presumably be selected for their demonstrated special interest in the city's health problems, and their presence on the Commission will provide added balance in the public interest. For these reasons, it is the opinion of your committee that such a body will constitute a far more effective agency for the licensing of medical and osteopathic physicians in the District of Columbia than can the Commission as presently constituted.

Our committee believes also that the system of nominations for membership, from which the District of Columbia Commissioner will select the medical appointees to the Commission, will be invaluable to the Commissioner by assuring the high caliber of his appointees and their proper distribution among the various segments of the medical community.

2. TEMPORARY LICENSURE FOR RESIDENTS AND FELLOWS

Section 2 of the bill authorizes the Commission to issue, without examination, temporary licenses to persons holding the degree of doctor of medicine or doctor of osteopathy who wish to participate in residency or fellowship trainship programs in the District of Columbia. These temporary licenses shall be valid for 1 year, and renewable for additional 1-year periods not exceeding a total of 4 additional years.

These residents and fellows will have completed their internship, and hence will be advanced trainees in the medical profession. However, they will be limited in their practice and training under this temporary license to the confines of the hospitals or other medical facilities in which they are employed, and will be permitted to practice only under the supervision of the attending medical staffs of these institutions. Thus, they will not be licensed to engage in the general practice of medicine.

The purpose of the temporary license is to enable these residents and fellows, in the course of their service as trainees, to sign birth and death certificates, prescriptions for narcotics, barbiturates, and other drugs, and other documents, all of which functions require medical licensure in the District of Columbia. This

authority will of course greatly enhance the contribution of these residents and fellows to the institutions and to the attending medical staffs under whose supervision they will serve.

Our committee is informed that 37 States now require residents serving in hospitals to be licensed or registered, and seven of these require full licensure to practice medicine. It is the committee's opinion that the temporary license for limited practice, as provided in H.R. 13837, is desirable and appropriate for the District of Columbia.

The bill does not provide for the licensing of interns in the city's medical institutions, but it does require that the names of such interns be filed with the Commission.

3. WIDER USE OF LICENSE BY ENDORSEMENT

Section 25 of the District of Columbia Healing Arts Practice Act (D.C. Code, sec. 2–121; 45 Stat. 1335) presently provides for licensing by endorsement, without examination, of physicians or osteopaths who are licensed in other jurisdictions of the United States or in foreign countries, and who possess the qualifications required for licensure in the District of Columbia—provided, however, that the State in which the candidate is licensed maintains a policy of reciprocity with the District with respect to such licensure by endorsement. This limitation does not apply in the case of physicians licensed in foreign countries.

At this time, all State and territorial medical licensing boards do have such a reciprocal relationship with the District of Columbia, except for Florida, Hawaii, and the Virgin Islands. Hence, under existing law, a physician or an osteopath licensed in these jurisdictions and who wishes to practice in the District may obtain a license to do so only by taking the written examination, even though he may have been out of school for some years. All such applicants have previously been required to pass such examinations, of course.

Section 3 of the bill, H.R. 13837, remove this unrealistic barrier to the licensing, by endorsement and without examination, of applicants who meet all the requirements for a license to practice the healing art in the District of Columbia, with no limitation as to reciprocity between the District and other jurisdictions.

This section provides further however, that licensure by endorsement may not be allowed in the case of any applicant who has previously been examined under the authority of the Commission and failed. Thus, there will be no lowering of the present standards for licensure to practice the healing art in the District of Columbia.

PREVIOUS LEGISLATION

Public Law 115 of the 90th Congress, approved October 24, 1967 (81 Stat. 336; D.C. Code, sec. 2–133), waived the requirement of licensure to practice the healing art in the District of Columbia in the case of physicians or osteopaths practicing entirely within the confines of hospital or other medical facilities under the jurisdiction of the District of Columbia Department of Public Health. This proposed legislation, H.R. 13837, will not affect that provision of law in any way.

SUPPORT FOR THE BILL

At a public hearing conducted on September 4, 1969, spokesmen for the Medical Society of the District of Columbia expressed that group's unqualified endorsement of H.R. 13837 as reported by your committee. The bill is endorsed also by the respective deans of Howard University College of Medicine, Georgetown University School of Medicine, and George Washington University School of Medicine, and by the Osteopathic Association of the District of Columbia, Inc.

CONCLUSION

It is the opinion of our committee that the amendments to the District of Columbia Healing Arts Practice Art contained in H.R. 13837 will provide for a more realistic, effective, and desirable administration of that act, and that the enactment of this proposed legislation is therefore in the public interest.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. FUQUA. I am happy to yield to the gentleman from Minnesota.

Mr. NELSEN. This bill seemed to be a very needed piece of legislation. Recommendations came to the committee to put licensing procedures and authorities in the hands of the city council. It was the feeling of the committee that there needed to be some revision of our licensing provisions here in the District of Columbia patterned pretty much after the provision of the States.

I checked with my good colleague, Dr. HALL, who should know more about it than I. He indicated to me it was a good bill. I am sure he will want to comment about it, and I hope the gentleman will yield to him.

Mr. FUQUA. I am happy to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's yielding and the remarks of my colleague from Minnesota.

I have studied the committee's report in detail on this bill, and I certainly would like to compliment the committee for the work it has done in presenting what should be an almost ideal Healing Arts Practice Act for the District of Columbia.

As the gentleman from Minnesota says, I have long been interested in this. Actually, I interned here—in the District of Columbia—some 35 or 36 years ago, and I was at that time personally interested in the Healing Arts and Registration Act of the District of Columbia; as a matter of fact, I took the Maryland exam in competition with the Johns Hopkins graduates in the wintertime of 1935, in lieu thereof because of the always present question of interstate reciprocity, expense, and so forth.

I am glad we are actually getting the District Healing Arts Practice Act straightened out. I believe the committee should be particularly commended on the perception and depth to which it has gone about getting actual practitioners who do know the problems of serving and selling their trained category of personal services in the quality care of human beings to the people of the District of Columbia.

I believe it is a good bill. I recommend it be passed.

Again I commend the committee for the report and the legislation.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise to commend to my colleagues for their favorable action the bill H.R. 13837, which I was pleased to cosponsor with my colleague from Florida (Mr. FUQUA).

This bill will amend the District of Columbia Healing Arts Practice Act in three major respects, as follows:

First. Establish new requirements for the appointment of a Commission on Licensure to Practice the Healing Art, which will increase the number of members of this Commission from 5 to 11, and also will provide broad representation of the healing arts profession and other areas of professional skill and interest in the city;

Second. Provide for temporary licensing, without examination but with certain requirements, of doctors of medicine or osteopathy who seek to participate in residency or fellowship training programs in medical institutions in the District; and

Third. Establish broader and more realistic criteria for licensing, by endorsement and without examination, of applicants who are licensed in other jurisdictions or have successfully passed standard examinations for such licensure, and who meet all the requirements for licensing as specified in the District of Columbia Healing Arts Practice Act.

Under existing law, the Commission on Licensure to Practice the Healing Art in the District of Columbia has only one physician in its membership, the Director of the District of Columbia Department of Public Health. The other members are the Commissioner of the District of Columbia, the U.S. Commissioner of Education, of the District of Columbia Superintendent of Schools, and the U.S. Attorney for the District of Columbia. It is obvious that the lay members of this Commission as presently constituted can have little interest in its operation, and because of their heavy burden of other duties and responsibilities can have little or no time to devote to its operation.

By contrast, the proposed new Commission on Licensure will include three physicians in private practice in the District of Columbia, three physicians representing each of the three local medical schools, one osteopathic physician in practice in the District, and a representative of the District of Columbia Health Department. In addition, there will be two nonphysician members representing the community at large, whom the Congress will expect to be appointed by reason of their special interest in the health problems of the city, and an attorney from the office of the District of Columbia Corporation Counsel.

There is no question that this new Commission, by virtue of its much greater representation from the medical profession itself, will provide a much more effective administration of licensure of medical and osteopathic practitioners in the District.

The bill will further modernize and update the District of Columbia Healing Arts Practice Act by authorizing the issuance of temporary licenses to physicians and osteopaths who wish to participate in residency and fellowship training programs in the various medical institutions in the District of Columbia. These licenses will be issued for a 1-year period, and will be renewable for additional 1-year periods not to exceed 4 years in the aggregate.

These temporary licenses will not permit these physicians to engage in the general practice of medicine. Instead, they will be restricted to practice only in the hospital or other medical institution in which they are engaged, and only under the supervision of the medical staffs of those institutions. The purpose of the temporary license is to enable these advanced trainees in the medical profession to perform such duties as signing birth and death certificates, prescriptions for narcotics—within the restrictions of the Federal Narcotics Act—barbiturates, and other drugs, as well as other legal documents incident to their training work. These residents and fellows are thoroughly capable of assuming these responsibilities, and by doing so will not only increase the scope of their own medical experience but also will be of greater service to the hospitals and the medical staffs by whom they are employed.

I am informed that temporary licensing of residents and fellows in training is now required by 37 medical licensing boards throughout the country, and it is obvious that this is a growing practice which is definitely in the public interest. The bill will not provide for such temporary licensing for interns, but will require that they be registered with the Commission by name.

The final major provision of H.R. 13837 will remove a legal impediment existing in present law, with respect to the licensing of physicians and osteopaths who are licensed in other jurisdictions, and who meet all the requirements of licensure prescribed in the District of Columbia Healing Arts Practice Act, by endorsement and without examination. At present, this licensure by endorsement is restricted to those applicants who can submit proof that the licensing agency of the jurisdictions from whence they come grants, without examination, to physicians licensed in the District of Columbia, licenses to practice within its jurisdiction. In other words, such licensure is granted to physicians only from jurisdictions which maintain a policy of reciprocity with the District of Columbia in this respect.

At the present time, all jurisdictions within the United States do maintain such a reciprocal relationship with the District of Columbia with the exception of Florida, Hawaii, and the Virgin Islands. Thus, physicians licensed to practice in those States and who wish to practice in the District of Cclumbia, cannot be licensed to do so without taking the written examination. Inasmuch as many of these applicants have been out of medical school for many years, and yet have a record of proven competency in the practice of the healing art, I regard this situation as ridiculous.

This proposed legislation will correct this inequity by abolishing this unrealistic barrier to the proper application of the issuance of licenses by endorsement to qualified physicians from other jurisdictions regardless of reciprocity. There is no reason whatever, in my judgment, to maintain the present ban on such licensure by endorsement for physicians or osteopaths who happen to be licensed in Florida, Hawaii, the Virgin Islands, or anywhere else.

I wish to point out that inasmuch as the bill will not permit licensing by endorsement, and without examination, to any candidate who has taken the written examinations required by the Commission and failed such examination, this amendment will in no way lower the standards now existing for the practice of the healing art in the District of Columbia.

This proposed legislation has the endorsement of the Medical Society of the District of Columbia, and also of all the local medical colleges. It is definitely in the public interest, and I solicit the support of my colleagues in behalf of its enactment.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO AUTHORIZE TRANSFER OF BLOOD COMPONENTS WITHIN THE DISTRICT OF COLUMBIA

Mr. FUQUA. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 12673) to authorize the transfer by licensed blood banks in the District of Columbia of blood components within the District of Columbia.

The Clerk read the bill, as follows:

H.R. 12673

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any blood bank in the District of Columbia, holding an unsuspended and unrevoked license issued under section 351 of the Public Health Service Act, may transfer, for use in the District of Columbia, platelets and other components of blood in general use in the States (as determined by the Commissioner of the District of Columbia), produced in such blood bank, to physicians licensed under the Healing Arts Practice Act, District of Columbia, 1928 (D.C. Code, sec. 2–101 et seq.), to District of Columbia hospitals, and to licensed private hospitals and other medical facilities in the District of Columbia.

(b) Section 351 of the Public Health Service Act shall not apply with respect to any transfer made in accordance with the first section of this Act.

The SPEAKER. The gentleman from Florida is recognized.

Mr. FUQUA. Mr. Speaker, the purpose of H.R. 12673 is to authorize the Commissioner of the District of Columbia to determine that blood platelets and other blood components in general use in the States may be transferred from local licensed blood banks in which they are produced to licensed physicians, to District of Columbia hospitals, and to licensed private hospitals and other medical facilities within the District of Columbia. This authority will place the District of Columbia in the same position as the States, all of which permit the intrastate transfer of blood components within their borders.

NEED FOR LEGISLATION

Section 351 of the Public Health Service Act (58 Stat. 702), as amended (42 U.S.C. 262), prohibits the transfer in interstate or foreign commerce, or within the boundaries of the District of Columbia, of certain biological products including blood platelets and other blood components, unless both the establishment in which these components are prepared and the products themselves are licensed under standards prescribed by the Secretary of Health, Education, and Welfare. Transfer of unlicensed such products is permitted, however, within the boundaries of the various States, for use in those States, whereas these same products cannot be exchanged between medical facilities in the District of Columbia.

At present, there are no acceptable standards in existence for many of the components of human blood, and therefore the license required under section 351 of the Public Health Service Act is not available. The basic problem involved, your committee is informed, is that no means has been developed for the preservation of certain blood components in such a condition that they may be used safely and effectively after an appreciable period of time following their preparation. Blood platelets, for example, will remain in a usable condition for not more than 6 to 8 hours. Until some solution to this problem is discovered, the transfer of these components in interstate or foreign commerce cannot safely be approved. The shortness of the shelf life of these products, however, even though it makes their use after long-distance transfer questionable, still is long enough to permit their successful local use where they can be utilized within a short time after their production in a blood bank. Such local uses are recognized by the American Association of Blood Banks in their brochure, "Technical Methods and Procedures of the Association of Blood Banks" (1966).

EFFECT OF LEGISLATION

The major blood components whose use will immediately be affected by the enactment of this proposed legislation are platelet concentrates, cryo-precipitates, and frozen red blood cells. It is known also that other blood components will become available from time to time. Also, it appears likely that in time some or all of these products will become licensed. However, the present legal barrier to such licensing prevents the proper treatment of patients in the District of Columbia with unlicensed blood components which are now in general use.

Many of these blood components are vital to proper patient care in a variety

of blood disorders. For example, platelet concentrates are a valuable adjunct in the treatment of leukemia patients under chemotherapy, to prevent major bleeding. Also, cryo-precipitates are the accepted form of treatment for hemophilic patients, and frozen red blood cells are currently the best known method of storing blood for the rare blood types.

Our committee is informed that these blood products will probably be prepared locally by the American Red Cross or in blood banks which have been certified by the National Institutes of Health or the American Association of Blood Banks. At present, 59 Red Cross Blood Centers throughout the United States follow accepted procedures in the preparation of both licensed and unlicensed blood and blood components. These procedures are on file with the Division of Biologics Standards of the National Institutes of Health, which is the licensing agent for all blood banks under section 351 of the U.S. Public Health Service Act.

HEARING

A public hearing on this bill was conducted on September 4, 1969, at which time approval of the proposed legislation was expressed by or on behalf of the Commissioner of the District of Columbia, the District of Columbia Department of Public Health, the Committee on Blood of the Medical Society of the District of Columbia, the Division of Biological Standards of the National Institutes of Health, and the Washington Regional Chapter of the American Red Cross. No opposition to the enactment of the bill was expressed.

CONCLUSION

It is the opinion of our committee that this legislation is clearly needed to allow patients in the District of Columbia to enjoy the same advantages in the use of these unlicensed products as do patients in all the States, and thus to assure them the benefits of treatment with the most effective tools known to modern medical science. For this reason, we unanimously endorse its passage.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE DISTRICT OF COLUMBIA LAW WITH RESPECT TO COMMERCIAL FACILITIES FOR THE PARKING OR STORAGE OF MOTOR VEHICLES

Mr. FUQUA. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 9257) to amend the code of laws of the District of Columbia with respect to facilities for the parking or storage of motor vehicles.

The Clerk read the bill, as follows:

H.R. 9257

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 40 of the code of laws of the District of Columbia is amended by the addition of the following sections:

"218. (a) Any person who shall offer to park or store for a fee motor vehicles within the District of Columbia shall be required to post conspicuously, in a manner visible from street, sidewalk, or other public space at each place at which such offer is made, a sign setting forth the address and telephone number at which an agent or such person shall be available, at all hours of the day and night, to release, on reasonable identification of ownership, or of status as agent or servant of the owner, any vehicle parked or stored on the premises, upon payment of the published fee for such parking or storage.

"(b) It shall be the responsibility of the person described in subsection (a) of this section to insure that his agent will be available at the location described in the public notice required by subsection (a) of this section at all hours of the day and night during which the premises are not open, for dealing with the public.

"(c) The provisions of this section shall apply to any motor vehicle parking or storage facilities of the District of Columbia, or any instrumentality, for which a fee is charged, and to any person contracting with the District of Columbia for the operation on public space of facilities for the parking or storage of motor vehicles for a fee."

With the following committee amendments:

Page 1, strike out lines 3 through 5 and insert in lieu thereof the following: "That the District of Columbia Motor Vehicle Parking Facility Act of 1942 (District of Columbia Code, secs. 40–801—40–809a) is amended by redesignating section 11 as section 12 and by adding after section 10 the following new section:

" 'SEC. 11. (a) Any person who shall offer to park or store".

Page 2, strike out the quotation mark at the end of line 17, and after line 17 insert the following:

" '(d) Any person who violates this section shall be fined not more than $100. If such violation is a continuing one, each day of such violation shall constitute a separate offense.' "

The committee amendments were agreed to.

Mr. FUQUA. Mr. Speaker, the purpose of the bill H.R. 9257, as amended and reported by our committee, is to require the owner or operator of a commercial facility for the parking or storage of automobiles to post conspicuously on the premises a sign setting forth the address and telephone number at which an agent of such owner or operator shall be available, at any hour when the facility is not open for business, to release any vehicle parked or stored on the premises, upon adequate identification of the claimant and the payment of any legitimate charges due.

Our committee is informed that most operators of motor vehicle parking facilities in the District of Columbia do post signs on the premises advising customers as to how they may reclaim their cars during the times when the facility is not open for business, and thus are in substantial voluntary compliance with the provisions of this bill. However, there are other such operators who apparently have not felt it necessary to display this concern for their customers' welfare, and this neglect sometimes poses serious inconvenience for the owners of the vehicles.

Examples of situations involving such inconvenience which have come to the attention of members of this committee, include the following:

1. That of the motorist who is delayed in the downtown area until after the closing hour of a parking facility, which may be earlier than that to which he has been accustomed.

2. That of the motorist who leaves his automobile at a parking facility overnight by intent, without realizing that the facility will not be open for business on the following day which happens to be a Saturday, a Sunday, or a holiday. Also in such circumstances, even though the motorist was aware of this, he may find an unexpected need for his car on that day.

Our committee is advised of one particular instance when a Member of Congress found it necessary to enlist the aid of the Metropolitan Police Department in freeing the automobile of a constituent who found it impossible to reclaim his car from a locked and unattended commercial parking facility. In this instance, the owner had left his car in the parking garage on a Friday, and when he returned the following day he found the premises closed. The operator of this garage also operated some other parking facilities, which were open for business on weekends. However, he had left no instructions with the attendants at any of those other facilities as to how he might be located by patrons in such emergencies, and in addition he had an unlisted telephone number at his residence.

Such incidents as these must be of particular concern to Members of Congress, by reason of the flow of visitors from their districts to the Nation's Capital each year, many of whom are not familiar with the local customs and practices involved in the commercial parking of motor vehicles here. This can lead to considerable inconvenience and distress, as in the case described above when all of this constituent's luggage and clothing were in his car.

Our committee has also heard reports of similar situations when area physicians have had difficulty in reclaiming their cars from parking facilities which they unexpectedly found locked, leaving them without prompt access to their medical kits.

IMPOUNDING OF VEHICLES

At a public hearing on this bill conducted on October 15, 1969, some questions arose as to whether under the provisions of section 40–810 of the District of Columbia Code, it would be legally possible for the operator of a commercial parking facility to have a customer's car impounded if left in the garage or lot after closing hours, to circumvent the new responsibility placed upon him by the enactment of this proposed legislation.

The above-cited section of the District of Columbia Code provides for, among other things, the impoundment by the police of motor vehicles which are parked on private property without the consent of the owner thereof.

Our committee wishes to make clear its intention that the provisions of section 40–810 of the District of Columbia Code shall not be used in any way to thwart the intended effect of this proposed new legislation.

COMMITTEE AMENDMENTS

The only substantive amendment to the bill is the addition of a provision for a penalty, not to exceed $100, for any violation of the provisions of the bill. It is further provided that if the

violation is a continuing one, each day of such violation shall constitute a separate offense.

The other amendment is purely technical in nature.

CONCLUSION

It is the view of our committee that regardless of the hours of operation of a commercial parking facility, the parked or stored motor vehicle remains the property of the owner, and it should be returnable to the lawful owner at any time, upon the payment of the legitimate parking or storage charges due. Accordingly, the committee unanimously endorses the bill.

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

Mr. MARSH. I am grateful to the committee, Mr. Speaker, for giving attention to the circumstances which prompted me to offer this bill.

This is not major legislation, but the situation it proposes to alleviate certainly is major to the citizen who encounters it.

It merely seeks to insure that the owner of a motor vehicle have access to his vehicle at all times convenient to him, irrespective of the hours of operation of a commercial parking facility to which he had entrusted the vehicle temporarily.

As set forth in the committee report, the bill would require that the operator of the commercial facility post a notice as to where the owner of the vehicle might find a person with authority to release his automobile during times in which the garage or lot is closed.

I should emphasize that there would be no requirement that an attendant be kept on duty at all times at the premises in question—an arrangement to permit reaching such a person by telephone would be sufficient.

It should be recognized that many garages and parking lots already are in substantial compliance with the provisions of the bill.

Additionally, the owner of the vehicle obviously would be expected to pay parking charges due when obtaining the release of the automobile.

I believe this bill would prove helpful, particularly, Mr. Speaker, to visitors to the Nation's Capital who might not take pains to ascertain the operating hours of a parking facility when leaving their vehicles.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO ELIMINATE STRAW PARTY DEEDS IN JOINT TENANCIES

Mr. FUQUA. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 13564) to provide that in the District of Columbia one or more grantors in a conveyance creating an estate in joint tenancy or tenancy by the entireties may also be one of the grantees.

The Clerk read the bill, as follows:

H.R. 13564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1031 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 45–816), is amended (1) by adding at the end thereof the following: "An estate in joint tenancy or tenancy by the entireties may be created by a conveyance in which one or more of the grantors in the conveyance is also one of the grantees.", and (2) by striking out "and joint tenancies" in the side heading of such section and inserting in lieu thereof the following: ", tenancies by the entireties, and joint tenancies".

Mr. FUQUA. Mr. Speaker, the purpose of H.R. 13564 is to eliminate to the common law requirement, which is presently applicable in the District of Columbia; namely, that creation of a joint tenancy in real property by act of one of the parties thereto, must be accomplished through a third, a so-called "straw," party.

BACKGROUND

The Code of the District of Columbia makes no provision relating to the creation of joint tenancies in real property; consequently, the common law applies in such conveyances involving real property located in the District. A joint tenancy in real property is one in which the owners hold undivided interests which pass to the surviving tenants until the last surviving tenant takes the entire interest. A tenancy by the entirety is a joint tenancy between husband and wife.

Under the common law, a basic element of joint tenancy is that the interests of the grantees must arise *at the same time,* by the same purchase or grant, thus precluding the owner of real property from directly conveying a joint interest therein to another. It is necessary under this concept that a conveyance creating a joint tenancy be granted through a third party. To comply with the provisions of the common law, for example, a man wishing to give his wife such an interest in property owned by himself individually must first deed the property to another person, referred to as a straw party, who in turn deeds it back to the husband and wife.

PROVISIONS OF THE BILL

H.R. 13564 amends the act of March 3, 1901 (D.C. Code, sec. 45–816) to provide by statute that a joint tenancy in real property may be created by an owner's directly conveying title to himself and another or others in joint tenancy.

The bill also amends the heading of this section so that it properly indicates that tenancies by the entireties is also treated in the section.

REASONS FOR THE LEGISLATION

The use of a third person, the straw party, in the creation of a joint tenancy is a legal fiction. It involves a record holder of title who is actually a stranger to the intended chain of title, solely to meet a technical requirement of the law. The transaction under common law is encumbered by an additional deed and recording thereof. It has an additional disadvantage: the straw party may have filed against him a judgment or lien which may attach to and cloud the title of the property in which the straw is merely a conduit of title. This bill will protect the true interests of innocent parties in such situations.

The bill will eliminate the unnecessary intermediary and permit the owner of real property to create a joint tenancy with a single deed, granting an interest directly to a joint tenant or joint tenants.

HEARING

A public hearing on this proposed legislation was conducted on October 15, 1969. Testimony in favor of the bill was presented by representatives of the District of Columbia government and of local title companies. No opposition was expressed to the passage of the bill.

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield?

Mr. FUQUA. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Speaker, I wish to ask the chairman of the subcommittee or the chairman of the full committee some questions pertaining to this bill.

Can either one of them tell me whether the District law now requires the use of straw parties in connection with a joint tenancy?

Mr. FUQUA. Yes. it does.

Mrs. SULLIVAN. Then, if this bill passes, it will no longer be necessary for the parties to engage in a phantom or ghost transaction with a person who never actually owns the property?

Mr. FUQUA. Let me say that the gentlewoman is eminently correct. Many times ghost parties tend to cloud the deeds later on.

Mrs. SULLIVAN. Would there, if this bill is enacted, be any further legitimate need for straw parties in any other type of real estate transaction in the District?

Mr. FUQUA. To my knowledge, there would not be any other need. Of course, this particularly relates to joint tenancies between parties.

Mrs. SULLIVAN. I realize that this particular bill is restricted to joint tenancies in which straw parties are now required. But would the gentleman object to outlawing straw party deals in the District of Columbia altogether?

Mr. FUQUA. I see no real reason for them to exist. I think they are a nuisance and personally at this time I must say we have not held any hearings going that far particularly. However, as it related to joint tenancies we held hearings on it. I would be happy if the gentlewoman has a bill which we can have considered by the committee.

Mrs. SULLIVAN. The reason I have asked these questions is that in an investigation by an ad hoc subcommittee of the Committee on Banking and Currency we went into the question of speculative real estate deals in the Washington, D.C., area and we discovered that the straw party was the principal and essential ingredient in artificially marking up—kiting—the value of a house to provide a fictitiously high sales price on which a higher mortgage could then be based. This has been a vicious and unconscionable practice here in the District.

Did the gentleman's committee consider going into that aspect of it in considering this bill?

Mr. FIQUA. No, madam, we did not go that far. I assume this is a situation which probably is not confined alone to the District of Columbia, the straw party

deals. This would be a national problem and not restricted solely to the District of Columbia.

Mrs. SULLIVAN. Mr. Speaker, I would like to say to the gentleman further, that if this ad hoc investigation on which we have yet to file our report should find this to be a bad situation as all the evidence indicates, perhaps we should delay action on this measure today until amendments could be prepared dealing with the general use of straw parties. If you do not wish to do that, I wonder if you would assure us that you will go into that aspect of it, in the District Committee, if our study finds that it is primarily a local problem rather than a national one. Straw parties are being used here in many transactions and they are never shown to be straws. The speculators transfer property to the straw party and sometimes from one straw to another, and nothing is ever shown on the deed that the property has changed hands in fictitious deals. This practice is artificially pushing up the sales prices on which higher mortgages can then be based. This practice virtually destroyed one savings and loan in the District.

Mr. FUQUA. I would say to the distinguished gentlewoman from Missouri that after the ad hoc committee completes its investigations and findings, certainly it would be an appropriate time when we could look into this matter and if legislation is needed I feel as though we could get proper hearings to do it and eliminate that, if it does represent a problem in the District of Columbia.

However, I would hope that we could go ahead with this bill as it relates to joint tenancies.

Mrs. SULLIVAN. I realize that this bill just deals with joint tenancies, but I will call the chairman's attention to this matter again when we have completed the work of the ad hoc subcommittee in the Committee on Banking and Currency on real estate speculation involving straw party transactions.

PROCEDURES FROM MIDDLE AGES

While I do not profess to be a real estate expert I believe we can simplify the transfer of real property. It has always been a source of wonderment to me that many of the procedures utilized in our modern mobile economy for the simple transfer of real estate, according to experts I have consulted, date back to the Middle Ages and the antiquated rules of the English common law.

It makes a great deal of sense to permit the joint owners of real estate to change title to that real estate through a simple single transfer, as H.R. 13564 would do, rather than go through all of the expense and confusion that results from transfer of the property to a straw party and then retransfer to the party intended to be the owner.

Therefore, I support H.R. 13564 as written.

But if we are going to address ourselves to the problem of eliminating abuses in residential property transfers, we should give serious thought to eliminating entirely the use of straw parties. This is where the evil exists.

Many of the members may recall a series of articles which appeared in the Washington Post last January, "Mortgaging the Ghetto." The articles outlined shocking and widespread real estate speculation in the District of Columbia where real estate operators would buy up properties at market, or below market, prices and then through a series of transactions using straw parties, fictitiously drive up the price of the property before unloading it on a poor family with a mortgage far more than the property was worth.

STRAW PARTY WAS ESSENTIAL INGREDIENT

The straw party device was an essential ingredient in all these transactions.

Shortly after this session of Congress convened, Chairman PATMAN of the House Banking Committee appointed me as chairman of a special ad hoc subcommittee consisting of five members of the full committee to inquire into the questions raised by these articles. The other members appointed were Representatives HANLEY, BRASCO, MIZE, and BEALL of Maryland.

The subcommittee held 5 days of hearings on real estate speculation in the District of Columbia, as part of our overall assignment. I can assure you that some of these things we found were scandalous.

Lusk's Real Estate Directory publishes all real estate transfers in the District of Columbia on a monthly, and on an annual, basis. You can pick up any of the annual volumes of this directory for the last 8 years and, with the help of a knowledgeable District of Columbia real estate man, you can pick out any number of these speculative deals. They were part and parcel of certain types of real estate activities in the inner city area of the District of Columbia.

The real estate speculator used a number of other devices or persons in accomplishing his objective of a quick and easy profit at the expense of the homeowner. He needed a cooperating appraiser for his phony appraisal, he needed a cooperating lending institution willing to lend money on the property on the basis of an inflated appraisal. He sometimes needed the cooperation of a settlement house, and sometimes a settlement company, perhaps to hold a worthless check or to provide an employee to serve as his straw party. These practices can occur, generally, only when there is a surplus of mortgage funds available, not during a period of tight money. So they are not going on now to any appreciable extent.

"TRUTH IN SETTLEMENT LAW" NEEDED

But when the subcommittee makes its report it will make a number of recommendations, I hope, which will deal effectively with the questions involved in real property transfer procedures, at least where the Federal Government is involved, and also here in the District where the local laws depend upon congressional action.

We should outlaw the use of straw parties altogether. Why should not the buyer of real estate, particularly the homeowner, know exactly who he is purchasing the property from, and how much the seller actually paid for it?

It used to be the case that the purchase price of a property could be roughly ascertained through a mathematical calculation based on the revenue stamps appearing on the deed. A recent revision of the revenue laws has made this all but impossible. Commonsense and fairness would dictate that the money paid for the property involved be set forth on the deed.

During our hearings one of our witnesses, in criticizing the vague, complex and confusing real estate procedures here, called for a "truth in settlement law." The District of Columbia is certainly in need of such a law.

I do not oppose this bill today but I wish it covered more of the problems of straw parties than it does.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VALIDATION OF DEFECTS IN LAND RECORDS

Mr. FUQUA. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 13565) to validate certain deeds improperly acknowledged or executed—or both—that are recorded in the land records of the Recorder of Deeds of the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. SAYLOR. Mr. Speaker, reserving the right to object, I would say to my colleague from Florida, Mr. FUQUA, that certain questions have been raised by a number of lawyers with reference to this particular bill. I think it would be the better part of wisdom to pass this bill over until the next District Day. The reasons for it are very simple. First, a number of lawyers disagree violently with the statement in the committee report saying:

> The instruments comprising such records serve not to vest legal title in property but to constitute notice to the public.

Many lawyers here in the District say that the deed itself conveys title.

Second, many of the lawyers are afraid that bringing this bill up to January 1, 1969, will eliminate many defects that could and should be corrected if notice was served that deeds on record are defective.

Therefore, if this bill is called up, it will be necessary for me to offer an amendment making the perfecting date several years earlier.

Mr. FUQUA. Mr. Speaker, if the gentleman will yield, I might state that we had open public hearings and the Title Association in the District of Columbia supported the legislation and we were told that the District of Columbia Bar Association supported this legislation. No one from the District of Columbia Bar appeared in opposition. The District of Columbia government supported this legislation with certain amendments which were incorporated into the bill.

We were not aware of any problems that had developed or may be caused by the passage of this. I understand that

this is not unprecedented; that many States do this every so often, and pass a general law correcting errors that were made, and certainly not with criminal intent or illegal provisions, but honest errors that were made, and just correct them and remove those clouds that may exist on certain land transaction deeds.

Mr. SAYLOR. Mr. Speaker, I must say that I commend the committtee for the amendments that they offered. However, one of the objections is that it brings it up to January 1, 1969. The last bill was 1902. There are a lot of people who think that this bill, or a bill of this type, should be passed, but that it should not be brought up to January 1 of this year. I would suggest a date of January 1, 1962.

Mr. HUNGATE. Mr. Speaker, if the gentleman would yield, I think the gentleman from Pennsylvania raises some very valid problems that are inherent in this, and as one who was a practicing lawyer I agree with the gentleman from Florida that it would be wise to bring it up from 1902 or 1909, whatever date it is, but I would confirm the fear of the gentleman from Pennsylvania on bringing it up to 1969. For example, sometimes, as has happened in validating deeds, they have been incorrectly recorded without the seal of the notary public. Sometimes the notary public might say the deed did not have any seal because the grantor never came before me. So I think the suggestion of the gentleman from Pennsylvania is correct, that we should bring it up considerably, but maybe not up to yesterday, would be wise.

Mr. FUQUA. Mr. Speaker, if the gentleman would yield further, if the gentleman would offer such an amendment to change it to 1962 it will certainly be acceptable to me.

Mr. SAYLOR. Mr. Speaker, with that statement I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 13565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 515 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 45–408), is amended—

(1) by striking out "prior to the adoption of this code" and inserting in lieu thereof "prior to January 1, 1968,", and

(2) by inserting "(1)" immediately after "in the District" in the paragraph of such section designated "Seventh" and by adding before the period at the end of such paragraph the following: ", (2) which may have been recorded without the seal of the notary public before whom the acknowledgment was taken having been first attached, (3) in which the certificate of acknowledgment is not in the prescribed form, (4) which may not have been acknowledged before a proper officer, or (5) in which the official character of the officer taking the acknowledgment is not set out in the body of the certificate".

With the following committee amendment:

Page 1, line 8, strike out "1968" and insert "1969" and strike out "and".

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. SAYLOR

Mr. SAYLOR. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. SAYLOR: On page 1, line 8, strike out "1969" and insert "1962".

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

COMMITTEE AMENDMENTS

The SPEAKER. The Clerk will report the remaining committee amendments.

The Clerk read as follows:

Committee amendments: Page 2, line 7, strike out "not" and immediately after "before" insert "a person who was not".

Page 2, line 10, strike out the period and insert a comma and "and".

Immediately following line 10 on page 2, insert the following:

"(3) By inserting '(a)' immediately after 'Defective acknowledgments.—' and by adding at the end of such section the following new subsection:

"'(b) This section shall not be construed to validate any deed with respect to which there was any misrepresentation, fraudulent act, or illegal provision in connection with its execution or acknowledgment.'"

The committee amendments were agreed to.

Mr. FUQUA. Mr. Speaker, the purpose of H.R. 13565 is to validate certain deeds and acknowledgments recorded in the land records of the District of Columbia prior to January 1, 1969.

Land records for the District of Columbia are kept by the Recorder of Deeds. The instruments comprising such records serve not to vest legal title in property but to constitute notice to the public. There are technical requirements for recordation, including acknowledgments and execution in prescribed form. A defect in either is a basis for objection to title.

Under present law, certain defective acknowledgments and executions in documents recorded prior to January 1, 1902, have been validated (D.C. Code, sec. 45–408). The seven classes of defects so validated include executions or acknowledgments by married women, by attorneys in fact, and before specified officials in foreign jurisdictions, as well as those wherein certain agents fail to declare the execution to be the act of the grantor; and those not having certain technicalities of acknowledgment.

There has been no curative legislation of defective acknowledgments and executions in the District of Columbia since 1902.

PROVISIONS OF THE BILL

H.R. 13565 provides for validation of the seven categories of defective acknowledgments and executions enumerated in existing law and recorded in the District of Columbia prior to January 1, 1968. In addition, it amends the category dealing with technicalities of acknowledgment. The present law in this respect relates only to omission of the legal certificate as to the official character of the person taking the acknowledgment. This provision is amended to include also omission of the seal of the notary public before whom the acknowledgment was taken; failure to follow the prescribed form in the certificate of acknowledgment; acknowledgment before persons not properly authorized; and omission of official designation of the person taking the oath.

The bill also provides a safeguard against abuse of such validations. An amendment to the bill as recommended by our committee specifically denies validation to misrepresentations or fraud in the acknowledgment or execution of a deed.

REASONS FOR THE LEGISLATION

Innocent parties to deeds or acknowledgments may offer for recording an instrument which is assumed to be properly acknowledged and executed, but which through inadvertence or misleading information fails to meet the prescribed technicalities for recordation. Defects may not be discovered for 10, 15, or 20 years, and when title is then challenged, it is costly, time consuming, and, in some cases, impossible to validate the instrument, as in the event of the death of one of the parties.

Although our committee believes that the Office of the Recorder of Deeds is careful in examination of documents offered for recordation, and regardless of the attention to detail given by persons preparing deeds, technical defects are occasionally overlooked and not found until someone is making a title search years later. Such defects may be minute—a misspelled or omitted word, or an illegible signature.

It is in the public interest that such defects not remain as a cloud on title to real property and that they be cured by appropriate legislation, such as the reported bill which follows the practice in many of the States.

HEARING

A public hearing on this proposed legislation was conducted on October 15, 1969. Testimony in favor of the bill was presented by representatives of the District of Columbia government and of a local title association. The District of Columba government proposed two amendments which are recommended by your committee. No opposition was expressed to the passage of the bill. Our committee is advised that both neighboring States, Maryland and Virginia, periodically and as often as every 2 years, enact similar curative legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks in explanation of the bill just passed and the other bills considered today from the Committee on the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 13950, FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 584 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 584

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13950) to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes, and all points of order against section 401(c)(1) of said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 13950, it shall be in order in the House to take from the Speaker's table the bill S. 2917 and to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof of the provisions contained in H.R. 13950 as passed by the House.

The SPEAKER. The gentleman from Texas (Mr. YOUNG) is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 584 provides an open rule with 3 hours of general debate for consideration of H.R. 13950, the Federal Coal Mine Health and Safety Act of 1969. After passage of the House bill, it shall be in order to take S. 2917 from the Speaker's table, move to strike all after the enacting clause of the Senate bill and amend it with two House-passed language.

All points of order are waived against section 401(c)(1) of the bill because that particular section contains an appropriation.

The purpose of H.R. 13950 is to protect the health and safety of coal miners and to combat the steady toll of life, limb, and lung.

The bill establishes procedures for the promulgation of mandatory health and safety standards by the Secretary of the Interior, who is responsible for developing and revising only mandatory safety standards. The Secretary of Health, Education and Welfare is responsible for developing and revising mandatory health standards.

Health and safety requirements are set forth in detail in titles II and III of the bill.

The bill authorizes and requires that an underground mine be inspected at least four times a year, with no advance notice being given.

Procedural mechanisms are established for finding dangerous conditions or violations and for the issuance of notices and orders with respect to them. Application for review of an order may be made within 30 days of its receipt.

A Board of Review is established whose functions are: Review of violations of mandatory health and safety standards; review of penalties; review of proposed mandatory health and safety standards; establish research objectives; conduct special study into possible Federal-State cooperative arrangement.

The Board shall be subject to judicial review by the U.S. Circuit Court of Appeals.

An operator found in violation of a health or safety standard, or any provision of the act, shall be assessed a civil penalty of not more than $10,000 for each violation. Anyone convicted of violating any order shall be subject to a penalty of not more than $10,000 or 6 months, or both. The penalty for a repeat conviction is not more than $20,000 or 1 year, or both. Anyone convicted of making a false statement or representation relative to the act shall be subject to a penalty of not more than $10,000 or 6 months, or both. These provisions apply to directors, officers, or agents of corporate operators, as well as operators.

Pay guarantees are provided to miners idled by a closure order and to miners disabled from pneumoconiosis or their widows.

Title II of the bill sets out interim mandatory health standards with regard to dust and provides for medical examinations for the miners.

Title III of the bill sets out interim mandatory safety standards for underground mines and covers roof support, ventilation, electrical equipment, fire protection, maps, blasting and explosives, hoisting and mantrips, emergency shelters, communication, and miscellaneous requirements.

The bill would impose on the owner of every coal mine a royalty of 2 cents on each ton of coal produced for use or sale, to be used to finance the medical examinations for miners and for the research activities provided in the bill.

The bill would authorize an appropriation equal to 2 cents for each ton of coal produced for use or sale during the preceding fiscal year. In addition, there is authorized to the Board an amount equal to any amount granted by any State to the Board except the appropriation based on the State's grant may not exceed more than 1 cent per ton of coal produced for use or sale in such State during the preceding year.

Mr. Speaker, I urge the adoption of House Resolution 584 in order that H.R. 13950 may be considered.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. YOUNG. I am glad to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, again we have all points of order waived against a specified section in a bill. I was listening but I apologize if I did not understand the gentleman from the Committee on Rules explanation for waiving points of order. Would the gentleman repeat that for Members now on the floor?

Mr. YOUNG. I will be glad to, Mr. Speaker. All points of order are waived against section 401(c)(1) of the bill because that particular section contains an appropriation, which makes this necessary.

Mr. HALL. In other words, that would be an appropriation on a legislative bill?

Mr. YOUNG. That is correct, Mr. Speaker.

Mr. HALL. I thank the gentleman.

The SPEAKER. The gentleman from Tennessee (Mr. QUILLEN) is recognized.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Texas (Mr. YOUNG) has ably stated, House Resolution 584 makes in order for consideration H.R. 13950 under an open rule with 3 hours of general debate. Additionally, a waiver of all points of order was granted by the committee upon request of the Education and Labor Committee. This specific waiver covers the language of section 401(c)(1) of the bill on pages 108 and 109. This waiver was granted because this paragraph contains appropriating language in violation of the rules of the House.

The purpose of the bill is to improve the operations of the coal mines in the United States from two standpoints: the safety of operations and the health of those employed in the mines.

The bill authorizes the Secretary of the Interior to promulgate mandatory health and safety standards. He is responsible for developing only the mandatory safety standards. The Secretary of Health, Education, and Welfare is responsible for developing the health standards which shall be submitted to the Secretary of the Interior for promulgation.

The bill further authorizes the Secretary of the Interior, through his investigators, to inspect each underground coal mine at least four times a year without advance notice to the operator and to take whatever action he deems necessary consistent with section 104 of this bill to insure compliance with the mandatory health and safety standards.

Section 104 establishes procedural mechanisms for the finding of dangerous conditions or violations of the mandatory health and safety standards applicable to all underground coal mines, and the issuance by the Secretary of notices and orders with respect to such violations. In this area the Secretary will act through the Bureau of Mines, an agency within the Department of the Interior.

Upon the finding of a condition of imminent danger, the investigator shall immediately issue an order requiring the mine operator to withdraw all personnel until the danger is abated. Upon the finding of a violation of mandatory health or safety standard by the investigator, he shall immediately issue a notice fixing a reasonable time for the removal of the condition which gives rise to the violation. If such violation is not abated within the time period fixed, the investigator shall issue an order requiring the withdrawal of all persons until the viola-

tion has been abated. If the investigator finds a failure of an operator to comply with a mandatory health or safety standard, he shall issue a notice of the finding of the violation. Within 90 days the investigator shall reinspect the mine and if the violation is found to continue, he shall issue an order requiring the operator to withdraw all personnel until the violation has been abated.

Finally, section 104 provides for the finding of a violation of a health standard by atmospheric samples used to determine the amount of coal dust in the mine. Upon such a finding, the investigator shall fix a reasonable time within which to take corrective action. If, at the expiration of such time limit, the violation has not been abated, the investigator shall issue a withdrawal order of all personnel until the violation has been abated.

With respect to all orders mentioned previously, any operator or miner affected by such order may apply to the Secretary of the Interior for a review of such order within 30 days of its receipt. The Secretary shall make an investigation and provide an opportunity for a hearing; he is empowered to affirm, vacate, modify, or terminate orders.

The bill establishes the Federal Coal Mine Health and Safety Board of Review. Current members of the existing Federal Coal Mine Safety Board are retained until the expiration of their terms. New and additional members shall be appointed by the President with the advice and consent of the Senate. There will be five permanent members; one representing small mine operators, one representing large mine operators, one representing workers in small mines, one representing workers in large mines, and a chairman representing the general public. The Chairman shall have had no interest or association with the coal industry for the previous five years. When The Board if reviewing proposals for health and safety standards or carrying out its responsibilities under section 401—research programs—three additional members are added; one with a background in public health and two having backgrounds in coal mining technology.

Any operator served with an order section 104 may appeal directly to the Board for a review or, if he has appealed to the Secretary, he may ask the Board to review the decision of the Secretary. Applications for review must be made within 30 days of the receipt of the order by the investigator or the decision of the Secretary. Any decision issued by the Board is subject to judicial review by the U.S. Circuit Court of Appeals for the circuit in which the affected coal mine is located. The decision of the court is subject to the review by the Supreme Court.

The bill sets forth a series of penalties for a mine operator found in violation of a mandatory health and safety standard. He may be assessed a civil penalty of not more than $10,000 for each violation. Whoever knowingly violates or refuses to comply with an imminent danger withdrawal order issued by an inspector or with any other final decision shall be fined not more than $10,000 or imprisoned for 6 months, or both. The penalty for a repeat conviction is a fine of not more than $20,000 or imprisonment for not more than 1 year, or both. Anyone knowingly making any false statements or representations shall be fined not more than $10,000 or imprisoned for not more than 6 months, or both.

The bill requires each coal mine operator to take accurate samples of the amount of respirable dust in the mine atmosphere to which miners are exposed and to transmit such samples to the Secretary. The bill establishes standards covering the amount of dust permissible in the mine. Effective upon enactment each mine operator shall maintain an average concentration of respirable dust in the mine atmosphere at or below 4.5 milligrams per cubic meter of air. Effective 6 months after enactment the limit on the level of dust is reduced to 3 milligrams per cubic meter of air. The Secretary of Health, Education, and Welfare is authorized to further reduce the limit if he determines such reduction to be technologically feasible. The Secretary of the Interior may grant an extension of no more than 90 days with respect to the 4.5 milligram limit and no more than 6 months with respect to the 3 milligram limit. The committee believes these standards to be realistic although they are substantially below the limits which prevail in the British mines which the committee visited earlier this year.

The bill provides that each miner shall have an opportunity to have taken at least once every 5 years a chest roentgenogram to be paid for by the Federal Coal Mine Health and Safety Board. Any miner, who, in the judgment of the Secretary of Health, Education, and Welfare, has substantial evidence of the development of pneumoconiosis shall, at the option of the miner, be assigned by the coal mine operator in a relatively dust free area, and shall receive his regular rate of pay.

The measure provides for the setting of both interim and permanent mandatory health and safety standards in a number of categories. In addition to the dust level, they include such areas as roof support, ventilation, use of electrical equipment, fire protection, use of explosives and escape ways.

A system of payments to miners totally disabled from complicated pneumoconiosis is provided as well as to widows of miners who suffered from the disease at the time of their deaths. Payments are based upon a minimum monthly payment to a Federal employee in grade GS–2, at present this is approximately $136 per month.

The bill also requires the Board to establish objectives for the conduct of appropriate studies, research, experiments and demonstrations in the area of coal mine health to be carried out by the Secretary of Health, Education, and Welfare. Funds for such research as well as for the required chest roentgenogram are generated from payments required of the coal mine operators. Each operator is required to contribute an amount equal to 2 cents for each ton of coal he produces. This amount may be reduced by the Board if it determines it has sufficient funds from other sources with which to carry out its activities. Additionally, the Government will contribute an amount equal to 2 cents for each ton of coal and the States may also contribute.

Minority views are filed by the gentleman from Ohio (Mr. ASHBROOK), the gentleman from Iowa (Mr. SCHERLE), the gentleman from Texas (Mr. COLLINS), and the gentleman from Indiana (Mr. LANDGREBE). They oppose the bill because of two provisions: First, imposing on the owner of every coal mine a tax of 2 cents for every ton of coal he produces; and, second, establishing a system of Federal workmen's compensation for a relatively small group of workers. In the first instance they believe the Education and Labor Committee does not have jurisdiction to report a tax bill. As to the second, they do not believe the Federal Government should intrude upon the workmen's compensation programs now successfully operated by the several States.

Supplemental views are filed by the gentleman from Ohio (Mr. AYRES), the gentleman from Minnesota (Mr. QUIE), the gentleman from Illinois (Mr. ERLENBORN), the gentleman from Pennsylvania (Mr. ESHLEMAN), the gentleman from Indiana (Mr. LANDGREBE), and the gentleman from North Carolina (Mr. RUTH). They support the concept of the bill but find a number of weaknesses in it. They intend to propose a number of amendments. They do not believe that HEW should develop the health standards but rather that the Secretary of the Interior through the Bureau of Mines, which has experience in the field, should promulgate mine health standards. Nor do they believe that the bill should provide for the closing of mines for health standard violations when no imminent risk or danger is present. Since lung diseases due to dust in coal mines takes a number of years to develop, it seems wrong to them to permit a mine to be closed when the dust content of the atmosphere is at a high level at a particular time. They also point out that the dust levels set by the bill are substantially higher than those applicable in British mines. I might note that the reason the Education and Labor Committee went to Great Britain this year was to examine this very point and get information on what they considered to be the excellent British system. They also question the imposition of 2 cents on the owners for each ton of coal mined. It applies to all mines, underground as well as strip, taking no account of past health or safety records. They point out that other imminent danger industries are not so discriminated against—nuclear power—and that the bill will, in effect, discourage industries from conducting research and development by requiring the owners to pay for such Government projects.

Finally, they question whether the Government should enter the workmen's compensation field, now the exclusive prerogative of the several States.

Separate views are filed by the gentleman from California (Mr. BELL) and the gentleman from Idaho (Mr. HANSEN).

They support the supplemental views except with respect to the compensation provisions of the bill.

I have no further requests for time, but I reserve the balance of my time.

I urge the adoption of the rule.

Mr. YOUNG. Mr. Speaker, I yield 5 minutes to the gentleman from West Virginia (Mr. HECHLER) for purposes of debate.

Mr. HECHLER of West Virginia. Mr. Speaker, with the adoption of this rule we shall have an opportunity to vote the first comprehensive revision of the coal mine safety law since 1952. For the first time in history we have before Congress legislation relating to health.

I would like to commend the chairman of the full Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS), and the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. DENT), for the leadership which they have exerted in coal mine health and safety legislation, and particularly for bringing this bill to the floor in the light of the many pressures which have come from outside.

Every Member of Congress received a scare letter from the National Coal Association, dated October 21, the complete text of which follows:

NATIONAL COAL ASSOCIATION,
Washington, D.C., October 21, 1969.

Re Federal coal mine health and safety legislation.

DEAR MR. CONGRESSMAN: The coal industry supports strong, workable legislation to protect the health and safety of coal miners. But the public health and safety is also important, and if Congress enacts a bill which closes many coal mines it will jeopardize the public welfare by bringing on a nationwide power and steel shortage. This is one of the hidden issues before you this week as you consider HR 13950.

The bill imposes increasingly rigid limits on the average dust content of mine atmosphere, and a critically short timetable for mines to attain these levels or be closed. Some mines may be able to reach these standards, but for hundreds—perhaps thousands—of others the technology simply will not be available.

Though the industry is operating at capacity, the nation faces a serious coal shortage—and coal generates more than half of the nation's electricity. Utility stockpiles are shrinking. Press reports say the Tennessee Valley Authority is beginning this week to truck coal supplies from one plant to another. Some TVA plants, we understand, are down to about one week's supply. If Congress forces the closing of coal mines, a serious shortage can become critical and the nation will face power blackouts.

This need not happen. There need not be *an either/or choice* between miners' health and adequate coal supply. The Congress should make clear that the Government need not close a mine in which the operator is doing his utmost to meet the dust standards but is unable to do so for lack of technology. The bill already requires that miners wear respirators or other equipment to protect their health when dust exceeds the standard. Giving the Government discretion to keep a mine open would be a reasonable provision, since the operator would be compelled to meet the dust standard when technology is available, since respirators and other equipment are now available to protect the health of the wearer, and since the health effects of coal dust are the cumulative result of years of exposure, not short-term highs.

Because mine operations vary from day to day, the dust reading should be averaged over several shifts. The multi-shift average is used by both Britain and Germany which have had dust standards for many years.

Britain has made remarkable progress in reducing the incidence of pneumoconiosis, but it has never closed a coal mine for excessive dust and its dust standard is an average of 5.7 milligrams per cubic meter—almost twice the standard which H.R. 13950 would impose one year after enactment. The British recognize that a higher dust level is not an imminent danger requiring quick action, simply an unsatisfactory condition to be corrected in an orderly fashion.

There are other important provisions in H.R. 13950. Its provisions are so far reaching that there must be recognition of the need for administrative and judicial appeal for all interested parties.

It also requires non-gassy mines to install permissible electrical equipment, which will be a great burden on many operators. If this provision is retained, the Congress should at least provide adequate time for obtaining the equipment; closing mines because of a bottleneck at a machinery factory would—again—intensify the critical shortage of coal.

The coal industry has been accused of crying "Wolf" about the threat of closed mines. We dont think we have been guilty of this in the past—but the point of the old story is that nobody believed the boy when the wolf finally showed up. Gentlemen, the wolf is here. The coal industry will not close its mines—it sincerely hopes that Congress will *not* do so!

Sincerely,

STEPHEN F. DUNN,
President.

Mr. Speaker, I would just like to point out that prior to the 1941 Federal law, Bureau of Mines inspectors had no power to enter any mine without the express permission of the owner. After years of going up to mines, hat in hand, asking if they could not please go in and inspect safety conditions, inspectors were finally authorized, in 1941, by that law to enter and inspect all coal mines. And yet this very simple provision was bitterly fought by the coal operators, who made all kinds of predictions of gloom and doom and disaster if this simple authority were granted.

Listen to the statement that was made before a Senate committee in June of 1939, 30 years ago, by the executive secretary of the National Coal Association. He said, in 1939:

I predict now that whatever bureau should inherit this job as now prescribed in the bill, should it become law, will multiply itself by a hundred within a few years. Another bureau, another thousand jobs, more red tape, more reports, a higher cost of doing business, less tonnage produced, less work for all concerned in the mines and more relief funds, more unemployment. That is where this measure leads . . . The coal industry needs help from the Government rather than a law to further increase cost. . . Any increase in coal-mining costs will further reduce production and injure labor along with the coal-mine owners.

I would like to point out, Mr. Speaker, that the coal industry has never been as profitable as it is today. The prospects of the coal industry have never been as bright. The predictions of the National Coal Association are that production will increase 12.8 percent by 1973. Many new mines are opening up. There is no danger of the gloom and doom that is predicted every time a bill like this comes up.

I include articles from Barron's and the Magazine of Wall Street, and also a special report of the National Coal Association which dramatically illustrate the prosperity and bright future prospects in the coal industry:

[From Barron's, July 8, 1968]

FUEL OF THE FUTURE: LONG-RANGE PROSPECTS FOR COAL HAVE NEVER LOOKED BRIGHTER

(By Joseph V. Sherman)

Less than a decade ago, it was widely predicted that mounting competition from oil and natural gas had doomed the coal industry. But its demise, like the celebrated report of Mark Twain's death, has been highly exaggerated. In fact, oil companies, along with others, are rushing to get into the business via acquisitions and mergers. Within the past two years alone, the nation's three biggest coal producers have been taken over by outsiders: in 1966, Continental Oil Corp. acquired the No. 2 producer, Consolidation Coal Co.; last January, Occidental Petroleum Corp. bought Island Creek Coal Co., which ranks No. 3; and, in March, Kennecott Copper Corp. absorbed the leading producer, Peabody Coal Co.

BIGGER STAKE

A number of other firms are boosting their stake in coal. Proposed acquisitions include Old Ben Coal Corp. by Standard Oil Co. (Ohio); Hawley Fuel Corp. by Belco Petroleum Corp.; and Bear Coal Co. by Atlantic Richfield Co. Others either have acquired coal properties or rights or are developing or planning to develop such interests. Among them are Humble Oil & Refining Co., a wholly owned affiliate of Standard Oil Co. (New Jersey); Kerr-McGee Corp.; Shell Oil Co.; Sun Oil Co.; FMC Corp.; Bethlehem Steel Corp.; Jones & Laughlin Steel Corp.; and Reynolds Metals Co.

A big attraction for newcomers and older hands alike is rising demand from the electric utility industry, the No. 1 outlet for coal. The utilities have been doubling their output of power every 10 years and their fuel consumption almost as fast. Coal's second-largest customer is steel, which also stepped up consumption of the versatile mineral in recent years to make coke for blast furnaces as well as to generate steam and electric power for plant operations. Many other industries, including cement, chemical, food, paper, automobile, textile, ceramics and rubber, eat up large tonnages. Finally, U.S. exports of coal have been picking up, particularly to Japan and other industrialized countries which are short of the mineral.

The overall result is that coal consumption, which had been declining through 1961, has racked up a gain each year since then. U.S. production of 551 million tons in 1967 rose 3.2% above the previous year. Although output of 135 million tons in the first quarter of 1968 slightly lagged the corresponding year-earlier span, both domestic consumption and exports topped the level of March quarter of 1967 and are likely to continue to run ahead for the year as a whole.

SUSTAINED GROWTH

In short, the bituminous coal industry has made "a complete turnaround in recent years," Eastern Gas & Fuel Associates asserts, and "now looks forward to its greatest period of sustained growth in the next 20 years." While coal will face rising competition from the atom, such rivalry is not expected to hobble future growth. Kennecott, which made a careful study of the outlook before it took over Peabody Coal, is confident that "while a major portion of the new electric generating plants may be nuclear-powered, there will be a significant increase in the use of coal in electric power generating as well."

The roster of major producers of coal, with their 1967 output in thousands of tons, encompasses besides Peabody, 60,152, Consolidation, 48,700 and Island Creek, 25,880, Pitts-

ton Co., 19,681; Eastern Associated Coal Corp. (subsidiary of Eastern Gas & Fuel Associates), 12,250; Old Ben Coal, 10,521; Pittsburgh & Midway Coal Mining Co. (subsidiary of Gulf Oil Corp.), 8,974; Ayrshire Collieries Corp., 8,726; North American Coal Corp., 8,700; Westmoreland Coal Co., 6,337; Zeigler Coal & Coke Co., 4,063; and Rochester & Pittsburgh Coal Co., 3,873.

Rounding out the list are Elk Horn Coal Corp., Maust Coal & Coke Corp., Cannelton Coal Co. (subsidiary of Algoma Steel Corp. Ltd.), and Freeman Coal Mining Corp. and United Electric Coal Cos. (both subsidiaries of General Dynamics Corp.). Pickands Mather is important, too, and U.S. Steel Corp. mined 19 million tons of coal in 1967, almost all of which was used to make coke for its own use.

MORE STABLE

The importance of the acquisition of Peabody to Kennecott is evident from the fact that Peabody's 1967 revenues totaled $260 million and net income, $28 million. Moreover, Peabody promises to add stability to the rather volatile operations of Kennecott. Last year, for example, labor stoppages pared Kennecott's sales 37%, to $489.3 million, and net by 27%, to $3.35 a share.

The business and assets of Peabody were purchased, subject to a $300 million production payment, by a wholly owned Kennecott subsidiary, Peabody Coal Co. (Delaware) for approximately $285 million in cash, plus the assumption of certain liabilities of about $36.5 million. Peabody hopefully will contribute "substantially" to Kennecott's earnings, particularly after the liquidation of the production payment, which is expected to take about seven years.

Similarly, Island Creek Coal stands to add significantly to Occidental Petroleum. During the past five years, Island Creek doubled its tonnage of coal output and more than tripled operating earnings. In 1967, gross reached an all-time high of $140 million, up 2.4% over 1966. Net before federal income taxes amounted to $8.9 million, 14% ahead of the previous year. Cash flow exceeded $15 million last year, while the company spent $25 million for new equipment and construction of its five new mines.

Consolidation Coal (Consol) "greatly" hiked its coal output and capacity during 1967—its first full year of operation under the aegis of Continental. Consol turned out 48.7 million tons, up 13.2% from 1966. Moreover, Continental reported that profits from its coal operations rose during the first quarter of 1968, thanks to a gain in production and "slightly" higher prices.

A GOOD START

Pittston, which derived 55% of its net from coal in 1967, posted new highs in consolidated revenues and earnings for the fourth year in a row. Revenues of $387 million ran 23% ahead of 1966, while earnings rose to $3.50 a share, from $2.79. Moreover, the company is off to a good start this year: first quarter net advanced to 98 cents a share, from 95 cents (adjusted stock basis) as sales climbed $15 million, to $127.3 million. Over the past decade, Pittston's coal output has doubled, compared with a rise of 34% for the industry.

Eastern Gas & Fuel, which garners slightly more than half of its revenues from coal, also enjoyed higher sales and earnings in 1967, and in the opening three months of this year. Coal chipped in $103 million of last years total volume of $203 million and $7.7 million of the $9 million gain in sales over 1966. Adjusted for the 2-for-1 stock split this year, earnings amounted to $1.76 a share, comfortably above the $1.46 of 1966. Net in January-March advanced to 53 cents a share, from 50 cents a year earlier.

RED AND BLACK

Also scoring year-to-year gains in both sales and profits in 1967 were North American Coal Corp. and Westmoreland Coal Co. Zeigler Coal & Coke Co. reported higher earnings on lower sales. Maust Coal & Coke Corp. remained mired in the red in the fiscal year ended March 31, 1968. Rochester & Pittsburgh Coal Co. also suffered a loss in 1967, but sharply reduced its deficit in the first quarter of 1968: to $39,754, from $318,369.

A highly important development for the industry has been the rapid and widespread acceptance of long-term purchase contracts, both by electric utilities and by domestic and foreign steel concerns. As recently as five years ago, some utilities bought coal on a year-to-year basis from as many as 25 producers. Today, nearly all major power companies buy coal on long-term contracts—some stretching over 30 years—and often from only one or two suppliers.

As a result, the business has gained considerable stability. Long-term contracts have permitted debt financing of part of the cost of the new mines, substantial investment in modern production equipment and the training and organization of a stable work force.

While the aforementioned mergers and consolidations have removed some coal producers from the field of direct investment, their places have been taken by larger, stronger and more diversified firms. There are fewer publicly owned concerns deriving all of their sales from coal today but a greater number with interests in the mineral than ever before.

A basic reason for the long-term bullishness in the industry is that reserves of coal—estimated at 3.2 trillion tons for the U.S.—are greater in energy content that those of any other fuel. They represent four-fifths of the nation's storehouse of fuel in proved reserve and 75% of all the fuel believed likely to be found and recovered. Indeed, the National Coal Association calls coal "the fuel of the future," because "no other energy source now known is abundant enough to meet the future's demands."

GASOLINE FROM COAL

Moreover, research efforts are under way to convert coal into other fossil fuels—oil and gas. At Cresap, W. Va., Consolidation is working on a gasoline-from-coal process under a $20 million contract with the Department of Interior's Office of Coal Research. The plant is designed to process 20 to 25 tons of coal daily to produce 50 to 75 barrels of synthetic crude liquids ready for the refinery. Similar research is being carried on by at least two oil companies with coal interests: Humble Oil & Refinery Co. and Atlantic Richfield. Other research, backed by the natural gas industry, shows "great promise" of converting coal to pipeline-quality gas to supplement dwindling supplies of the latter.

As Kennecott points out, the coal business is becoming part of a much bigger energy industry committed to the most efficient utilization of all fuels—oil, gas and uranium as well as coal. Meanwhile, great strikes in production, transportation and marketing in recent years have created, in effect, a "new" coal industry.

An important factor in the growing use of coal by the electric utilities has been the development of minemouth generating stations. They receive coal by conveyor belt, truck or short barge hauls, convert it into electricity and then transmit it to distant cities over high-voltage lines, some carrying more than half a million volts. Several of these huge mine-mouth plants are located in the Appalachian coal fields and serve the heavily populated areas of the East. Similar plants are being developed to serve the burgeoning populations of the West, particularly Southern California.

A project which is expected to demonstrate the ability of the coal industry and the railroads to improve operating efficiency and lower costs in competition with other fuels is scheduled for completion in late 1971. Consolidation will supply West Virginia coal, under a 25-year contract, to a 1.5 million-kilowatt power plant under construction at Monroe, Mich. Initially, about four million tons annually will be transported by unit trains, each consisting of 130 specially designed cars and a power unit. Each train will carry 13,000 tons and make the 720-mile round trip between West Virginia and Michigan in three days, a significant reduction from previous coal-hauling schedules.

In another project, also slated for 1971, Peabody will begin using a coal slurry pipeline 275 miles long to carry crushed coal from northeastern Arizona to a generating plant to be built near Davis Dam, Nev. Peabody will supply a minimum of 117 million tons of coal over a 35-year period to that plant.

GIANT SHOVELS

Comparable advances have been made in mining coal. In strip mining for example, giant shovels now boast 140-cubic-yard capacity, twice the size of the largest ones available just a few years ago. Peabody Coal uses one piece of stripping equipment that stands as high as a 20-story building.

Although the long-pull outlook for the industry is bright, the expiration on September of the present United Mines Workers contract poses uncertainties over the near term. Producers differ as to the likelihood of a strike. One company expects a walkout before agreement is reached on a new contract and fears that profits will be affected. But another discounts the probability of a strike and believes that any wage boosts would be passed on to customers.

At any rate, strikes aside, the industry has high hopes for the future. Thus, the National Coal Association's Economics Committee estimates that by 1972 total consumption of U.S. bituminous coal will reach 643 million tons, of which the utilities will take 367 million tons. Others predict even greater gains.

Island Creek Coal Co., for instance, cites estimates that coal consumption nationally will rise by roughly 100 million tons at five-year intervals, and will exceed 800 million tons by 1980. Most of this gain will come in the electric utility market, which historically has grown at a rate of 7%–8% a year. This forecast, moreover, does not include any estimate for sales which may be generated by the development of entire new markets for coal, such as the commercial production of gasoline, pipeline gas and other hydrocarbons, although Island Creek believes such developments are "bound to come."

The successful completion of such projects could provide a substantial lift for the coal business. Trade sources point out that if coal captures 10% of the estimated 1980 market for gasoline, 175 million tons of coal would be required annually. To take over the same share of the 1980 natural gas market would require an additional 138 million tons of coal. If these potential new outlets are added to the projected 800 million tons for 1980, the total would run to 1.1 billion tons—twice the 1967 output. Even at that accelerated rate, U.S. coal reserves would last nearly 3,000 years.

[From the Magazine of Wall Street, Feb. 15, 1969]

COAL: ITS FUTURE IS ANYTHING BUT BLACK

(By Harvey Ardman)

(NOTE.—Dramatic changes in technology and the economy have caused experts to reappraise the future of the industry. With unprecedented stability, borrowing power and modernization, coal looks very hot.)

The aura of doom that once characterized the coal industry has reversed totally—all because of some technological and economic developments that turned coal into the most modern fuel of all.

Time was, in the early 1960s, that the coal industry, viewed either by investors or by the producers themselves, was thought to be nearing the bottom of the pit.

In those days it seemed a sure bet that coal would sooner or later—and probably sooner—be blasted out of existence by nuclear power or some other, more modern fuel. (That was when the electric utilities, the main users of coal, had—with the help of the government and nuclear power plant makers—finally brought down the cost of atomic energy to a competitive level.)

Even earlier, of course, coal had lost almost all of its residential heating market to natural gas and oil.

Today, however, things have changed dramatically.

In the last five years, coal consumption in this country has risen at a rate of 4.4 per cent a year—after a long, steady decline. And industry officials and independent observers are predicting a long, glorious, growth-filled future for coal.

Not only are investors beginning to believe these predictions, so are officials of other energy-producing industries.

A STATISTICAL TURNABOUT

After World War II, coal production declined through 1961, when it bottomed out at 403 million short tons. Since then, the gains have been steady. In 1967, the last year for which complete figures are available, U.S. producers mined more than 550 million short tons of coal. Preliminary 1968 figures show a similar increase, and the National Coal Association's Economics Committee estimates that by 1972, total consumption of U.S. soft coal will reach 643 million tons. Many authorities predict even more.

Coal sales in this country now amount to more than $2.5 billion yearly, as compared to about $1.09 billion in 1940. More than 90 per cent of these sales are accounted for by soft, or bituminous coal.

During the same period, U.S. coal exports have risen from 16.5 million short tons to 49.3 million short tons, about 9 per cent of this country's total production.

STEEL USAGE

Although soft coal is still used to some extent in industrial heating, mainly it's used in making electricity and in the production of pig iron (one of the steps in the manufacture of steel). In 1940, utilities used about 49 million tons of coal. By 1967, they were using 264 million tons a year. The steel industry's usage during that period has remained relatively steady.

During this time, the average number of miners in soft-coal mines has dropped from 439,000 to 131,000. Simultaneously, output per man has risen from 5.19 tons a day in 1940 to nearly 19 tons a day in 1967.

SOME ECONOMIC FACTORS

Coal's bright future rests on several pillars. The first is the tremendous increase in the consumption of energy—from all sources—in this country. The electric utilities, for example, have been doubling their output of power every 10 years and, correspondingly, their consumption of fuel.

In the last 20 years of industrial expansion, many other industries have stepped up their demands for energy. This continuing increase in demand has caused experts to look at fuel reserves to see how future increases will be supplied. What they found is part of the reason the coal industry is so optimistic.

U.S. coal reserves, estimated at 3.2 trillion tons, are greater in energy content than those of any other fuel (including uranium). Further, they account for 80 per cent of America's proven energy reserves and at least 75 per cent of all the remaining fuel expected to be found and recovered in North America.

This means that at the current rate of consumption, the U.S. has enough coal to last for 1,500 years, enough natural gas for 16 years, enough untapped crude oil and easily recovered uranium for 11 years each.

Meanwhile, despite the attractions of nuclear power, the major users of coal were finding ways to increase efficiency of its use. For example, electric utilities now consume about .87 lbs. of coal per kilowatt hour of electricity—a 6 per cent decrease in 10 years. And, in 1967, the steel industry used an average of 1,262 lbs. of coal to make a ton of pig iron, a 25 per cent reduction since 1957.

The reserves and the increased efficiency lead to the most important economic advance in the history of the U.S. coal industry—the long-term contract. Just five years ago, electric utilities usually bought coal on a year-to-year basis and from a score of producers. Since then, the coal industry has convinced both the utilities and the major steel makers to sign contracts as much as 30 years in duration.

This has given the coal industry an unprecedented stability—plus the borrowing power, for the first time, to modernize mining operations and to develop a program of technological advance to assure the future of the industry. (It has also proved a bonanza for manufacturers of mining equipment, who have record backlogs.)

TECHNOLOGICAL ADVANCES

The industry has made many important technological advances, both to improve its profit possibilities and to keep competitive. It has automated and mechanized a large number of mining operations, increasing the productivity of the individual miner—which allows the industry to slash its work force while producing more coal. Much of this is recent; for example, in strip mining, giant shovels that can scoop out 140 cubic yards in one load are now available—twice the size of the biggest ones in use only a few years ago.

The industry has reduced its largest single nonmining expense: transportation. So-called *unit* trains, that do nothing but shuttle back-and-forth from mine mouth to user (usually a utility), may be replaced because some larger coal producers are experimenting with the *integral* train. This contains specially designed, permanently coupled cars that can carry as much as five times the ordinary load, that can be loaded and unloaded quickly and that have exceptionally powerful engines, to keep trip time to a minimum.

In addition, Peabody has revived the slurry pipeline concept. They're building a 275-mile pipeline to run from the coal fields in Arizona to a utility in Nevada.

Equally important, utilities now can be built near coal mines, and the power, rather than coal, can be transported.

COAL CONVERSION

Converting coal to oil is not a new idea: The Germans built the first such commercial plant in the late 1920s; and during World War II, cut off from natural crude, the Luftwaffe flew on synthetic gasoline. South Africa is still making oil from coal. But these processes had one tremendous drawback: oil so produced cost two to three times as much as natural oil drawn from the ground.

Still, considering the relative supplies of coal and oil in this country, it is worth working on the conversion process.

Probably the major impetus for coal-to-oil conversion experiments came from the Department of the Interior's Office of Coal Research (OCR), founded in 1961. Today, a number of companies are working vigorously on this problem:

At Cresap, W. Va., Consolidation Coal is working under a $20 million OCR contract; the plant has been designed to turn 20–25 tons of coal a day into 50–75 barrels of crude oil.

Hydrocarbon Research, now a subsidiary of Dynalectron Corp. of Washington, D.C., has been operating a three-ton-a-day plant for several years.

Humble Oil, a subsidiary of Standard of New Jersey, has invested some $20 million in coal research and coal reserves, backing up its stated belief that "coal can and will play a significant role in meeting the nation's future energy needs, both as a source of raw material for synthesis operations and as a direct fuel."

Esso Research and Engineering, another Standard Jersey affiliate, has formed a synthetic fuels research department. Its goal: to develop, within 10 years, a commercial conversion technique.

The FMC Corp. is building a 25-ton-a-day pilot plant for its Project COED (Char-Oil-Energy-Development).

Several of these processes are reaching the 11.5-cent-per-gallon figure needed for coal-oil to be competitive with natural oil.

OCR figures that the first major coal-to-oil plants will turn out 100,000 barrels of oil per day, or 33 million per year, from a total of 11.5 million tons of coal. Today, about 10 million barrels of oil are refined in the U.S. daily; therefore, one of these coal-to-oil conversion plants will account for 1 per cent of the nation's refining capacity.

CHEMICALLY SPEAKING

The concept is not scientifically complex. Coal is high in carbon molecules and low in hydrogen molecules; crude oil is just the opposite. Therefore, to create oil, just add hydrogen to coal at high temperatures and pressures. So hydrogen gas is pushed into coal at about 3,000 lbs. per square inch, at 800° F. in one promising process. The resulting liquified coal is distilled, where less volatile products are separated; these fractions can be further refined into gasoline, jet fuel, fuel oil, furnace oil and diesel oil.

In some conversion processes, it is possible to get natural gas as a by product; another very useful side effect is that sulfur is usually removed from the coal. Sulfur is the main cause of the pollution resulting from coal being burned: This year, about 27 million tons of sulfur dioxide will pollute the air, half of it as a direct result of burning coal.

For this reason, the industry is developing two processes to remove sulfur. The first—and seemingly most practical—is to remove the noxious chemicals in the smokestack, after the coal has been burned. Progress has been made—so much so in fact, that the removed sulfur can be sold at a net profit.

At the same time, OCR is spending $1.5 million a year to explore removing sulfur from unburned coal. Such coal would have a higher heating value, be pulverized and produce less ash. However, most existing methods are still too expensive, regardless of benefits.

Perhaps the last obstacle to successful commercial coal conversion is the cost of the equipment and the plants. Most authorities feel that only the largest firms will be able to handle the capital costs.

THE MERGER GAME

Fortunately, through a remarkable series of mergers, the coal industry has been positioning itself to be able to handle such costs. As of last year, these are the major American coal producers: 1. Peabody—60 million tons; 2. Consolidation—48.7 million; 3. Island Creek—25.8 million; 4. Pittston—19.6 million; 5. Eastern Associated Coal—12.2 million; 6. Old Ben Coal—10.5 million; 7. Pittsburgh & Midway—8.9 million; 8. Ayrshire Collieries—8.7 million; 9. North American Coal, 8.7 million; 10. Westmoreland Coal—6.3 million; 11. Ziegler Coal and Coke—4 million; 12. Rochester & Pittsburgh Coal—3.8 million.

Other important mining outfits include Elk Horn Coal, Maust Coal and Coke, Channelton Coal, Freeman Coal Mining, United Electric Coal—and U.S. Steel, which mines about 19 million tons of coal a year, for its own use.

A surprisingly large number of these companies have been involved in mergers. In 1966, Continental Oil bought Consolidation Coal. In January 1968, Occidental Petroleum bought Island Creek. In March 1968, Kennecott Copper bought Peabody Coal.

Eastern Associated Coal is owned by Eastern Gas and Fuel Associates. Pittsburgh & Midway is a subsidiary of Gulf Oil. Channelton is owned by Algoma Steel Corp. Ltd. General Dynamics owns both Freeman Coal and United Electric Coal. Standard of Ohio recently purchased Old Ben Coal. Atlantic Richfield took a one-year option to buy Bear Coal. Shell Oil has won exploratory rights to Crow Indian lands in Montana.

In addition, Humble Oil has purchased most of the coal lands in Southern Illinois, Air Reduction is buying Maust Coal, Kerr-McGee has been developing fairly extensive coal lands in Oklahoma, and Sun Oil, FMC, Bethlehem Steel, Jones & Laughlin Steel and Reynolds Metals are all reportedly interested in either coal companies or coal fields.

Of the some 6,800 coal mining companies in the U.S. today, four companies alone accounted for 26 per cent of this country's total coal output: Kennecott Copper (Peabody), 10.4 per cent; Continental Oil, 8.8 per cent; Pittston, 3.6 per cent and U.S. Steel, 3.4 per cent.

While these mergers and consolidations have removed some coal producers from the field of direct investment, they have been replaced by larger, stronger and more diversified firms.

THE OUTLOOK

"Coal may not look like a glamor industry," says Continental Oil President Andrew W. Tarkington, "but it has a growth potential that few other industries its age can match."

According to Eastern Gas and Fuel Associates, coal has made "a complete turnaround in recent years and now looks forward to its greatest period of sustained growth in the next 20 years."

Kennecott Copper, which made a careful study of the industry before acquiring Peabody, says that "while a major portion of new electric generating plants may be nuclear-powered, there will be a significant increase in the use of coal in electric power generating as well."

Island Creek Coal, now owned by Occidental Petroleum, estimates that coal consumption nationally will rise by roughly 100 million tons at five-year intervals, and will exceed 800 million tons by 1980. Most of this gain will come in the electric utility market, the firm says.

If coal conversion is commercially successful, it could easily capture 10 per cent of the 1980 gasoline market. If it does, an additional 175 million tons of coal would be required annually. If the same thing happens with natural gas, another 138 million tons of coal will be needed. All of this new production would be added to production now growing through conventional markets.

When all factors are taken into account, the coal industry will probably write itself a notable success story. For this reason, it is well worth close investigation by investors interested either in long- or short-term gains.

A 12.8 PERCENT HIKE IN COAL USE SEEN BY 1973

WASHINGTON.—Annual consumption of U.S. bituminous coal during the next five years will climb from 571 million tons to 644 million tons—an increase of 12.8 per cent, the National Coal Association has forecast.

Coal consumption in 1968 was estimated at 552 million tons.

The five-year 1969–1973 forecast was released by Lester E. Langan, chairman of National Coal Association's 12-member Economics Committee, who said use of coal in 1969 was forecast at 571 million tons, up 13 million tons, or 3.4 per cent, over 1968. Bituminous coal consumption by 1973 will reach 644 million tons, a 73-million ton increase from 1969, he said.

The forecast showed substantial increases in most major coal markets. Total consumption was predicted at 594 million tons in 1970, 614 million tons in 1971, 630 million tons in 1972 and 644 million tons in 1973.

The greatest percentage increase in coal use during the five-year period was forecast for electric utilities which already burn more than half of all coal mined, NCA said. The utilities' use of coal will jump from 312 million tons in 1969 to 375 million tons by 1973—an increase of 20.2 per cent.

Use of coal to make coke—principally for the steel industry—is to increase from 93 million tons in 1969 to 97 million tons in 1973—an increase of 4.2 per cent. Other industries will use 99 million tons this year, and 102 million tons in 1973—a rise of 3 per cent.

Sale of coal in the retail market—mostly to heat homes and buildings—is expected to decline from 15 million tons this year to 13 million tons by 1973.

Coal exports, in which the U.S. leads the world, this year will remain constant with 1968 figures—17 million tons to Canada and 35 million overseas, NCA said. However, by 1973 these markets are forecast to climb to 20 million tons to Canada and 37 million tons overseas.

NCA does not forecast production of U.S. bituminous coal, however, under normal conditions production trends follow closely those of consumption.

The forecast did not allow for new markets from converting coal into gas and oil. Langan said the committee believes these processes now in pilot plant stage, will "involve substantial tonnages in the not too distant future."

The consumption forecast is based on economic trends and statistical data and a tolerance of 1 or 2 per cent should be allowed, Langan said.

ESTIMATED CONSUMPTION OF BITUMINOUS COAL, 1969–73

[Millions of net tons]

	1969	1970	1971	1972	1973	Percent increase 1973–1969
Electric utilities	312	332	349	364	375	20.2
Coking coal	93	94	95	96	97	4.3
General industry	99	100	101	101	102	3.0
Retail deliveries	15	15	14	13	13	(13.3)
Domestic consumption	519	541	559	574	587	13.1
Canada	17	17	18	19	20	17.6
Overseas	35	36	36	37	37	5.7
Total consumption	571	594	613	630	644	12.8

Therefore, I would hope that when this bill is debated and after this rule is passed, we concentrate not on the production and profits and how much this may cost, but rather on what it has cost in human life to the coal miners of this Nation and what we need to do in order to protect the lives of the coal miners. Let us begin with the premise that we must do everything necessary to protect the health and safety of the coal miner. No coal operator has any vested right to continue to kill, maim, gas and crush human beings.

Again I would like to add my commendation to all the members of the Committee on Education and Labor, to the chairman of the full committee, the gentleman from Kentucky (Mr. PERKINS), and to the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. DENT), as well as the members on the minority side, all of whom have worked so hard to bring this bill out.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2864, AMENDING AND EXTENDING LAWS RELATING TO HOUSING AND URBAN DEVELOPMENT

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2864) to amend and extend laws relating to Housing and Urban Development, and for other purposes, with a House amendment thereto, insist on the House amendment and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. PATMAN and BARRETT, Mrs. SULLIVAN, Messrs. ASHLEY and WIDNALL, Mrs. DWYER, and Mr. BROWN of Michigan.

PROVIDING FOR CONTINUATION OF AUTHORITY FOR REGULATION OF EXPORTS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4293) to provide for continuation of authority for regulation of exports, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Mr. PATMAN, Mrs. SULLIVAN, Messrs. REUSS, ASHLEY, WIDNALL, MIZE, and BROWN of Michigan.

CALL OF THE HOUSE

Mr. GRAY. Mr. Speaker, the Coal Mine Safety Act is a very important piece of legislation. Therefore, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. STEED. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 245]

Abbitt	Dickinson	Mann
Adams	Diggs	Michel
Anderson, Calif.	Downing	Mink
	Edwards, La.	Monagan
Anderson, Tenn.	Fallon	Moorhead
	Fascell	Morton
Andrews, N. Dak.	Findley	Moss
	Fish	Murphy, N.Y.
Arends	Ford, Gerald R.	Nix
Ashbrook	Ford, William D.	O'Konski
Ashley		O'Neal, Ga.
Aspinall	Fulton, Tenn.	O'Neill, Mass.
Baring	Gettys	Ottinger
Barrett	Green, Oreg.	Pepper
Bell, Calif.	Haley	Pettis
Bevill	Halpern	Pirnie
Biaggi	Hanna	Powell
Bingham	Hansen, Wash.	Price, Tex.
Boland	Harrington	Reid, N.Y.
Bolling	Harvey	Reifel
Brasco	Hébert	Robison
Burton, Utah	Hogan	Rooney, Pa.
Bush	Horton	Roudebush
Byrne, Pa.	Hosmer	St Germain
Byrnes, Wis.	Howard	Sandman
Cahill	Hull	Satterfield
Carey	Jarman	Scheuer
Cederberg	Jones, N.C.	Smith, Calif.
Celler	King	Smith, Iowa
Chamberlain	Kirwan	Stephens
Chisholm	Kleppe	Symington
Clancy	Kluczynski	Teague, Calif.
Clark	Kyros	Thompson, N.J.
Clay	Leggett	Tunney
Colmer	Lipscomb	Udall
Conte	Long, La.	Ullman
Corbett	Lowenstein	Watkins
Culver	McCarthy	Watson
Cunningham	McClory	Whalley
Daddario	McCulloch	Wiggins
Daniel, Va.	McDonald, Mich.	Wilson, Charles H.
Davis, Ga.		
Davis, Wis.	McKneally	Wydler
Dawson	MacGregor	Yatron
Denney	Madden	Zablocki

The SPEAKER. On this rollcall 302 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13950) to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13950, with Mr. STEED in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Kentucky (Mr. PERKINS) will be recognized for 1½ hours, and the gentleman from Illinois (Mr. ERLENBORN) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, H.R. 13950, a bill to provide for the protection of the health and safety of persons working in the coal mining industry in this country, to my way of thinking, is one of the most important health safety measures ever brought before this Congress, if not the most important.

I certainly would be derelict in my responsibility if I did not pay tribute to the distinguished gentleman from Pennsylvania (Mr. DENT) and his entire subcommittee. Never in my time have I seen a committee work so untiringly and diligently and persevere on subject matter day in and day out as did JOHN DENT and his General Labor Subcommittee.

Mr. Chairman, in taking up H.R. 13950—the Federal Coal Mine Health and Safety Act of 1969—we are considering major legislation which deals comprehensively with the health and safety problems of the Nation's most dangerous occupation.

As we proceed with our deliberations today, the safety and health of the men who work in the mines must at all times remain our prime consideration.

I envision ever expanding job opportunities for miners in the eastern Kentucky congressional district it is my privilege to represent. I have growing concern, however, that the people of this area and particularly the young people may not look upon work in the coal mines as an attractive opportunity because of the risks involved.

The work of the miner should be a highly rewarding lifetime occupation, one in which the worker in addition to a good income could take pride in making an important and substantial contribution to the growth and development of this Nation. The production of energy is basic to our wealth and economic growth and coal, a major source of that energy, must continue to play a significant role in the increasing productivity of this Nation. If the miner were not constantly faced with danger from roof falls, explosions, fires, and all manner of accidents, if each day in the mine did not increase the likelihood that his life would be choked off by the dreaded "black lung" disease, if, in short, his work could be made tolerably safe, more miners would stay with mining, and more importantly, miners and their wives will stop discouraging their sons from working in the mines.

Mr. Chairman, I believe that the legislation we consider today will make mining a safer and a healthier occupation. It will make mining more attractive particularly to the young people. It will increase the likelihood that experienced miners will remain in the industry. It will increase the likelihood that young people will enter it. If, on the other hand, we fail in the task we have set for ourselves, if coal mines are permitted to remain unhealthy and unsafe then the average age of miners will continue to rise and eventually there will be no men to work the mines. That would be a tragedy—for the miners, for the operators, and for the Nation.

HISTORY OF MINE SAFETY LAW

Like almost all legislation on this subject, the bill before us was triggered by a coal mine disaster—one in which 78 men lost their lives. Every significant advance in Federal coal mine safety law has required that men die—that they die dramatically and in substantial numbers—before the Congress would undertake to afford them a greater measure of protection.

The majority of coal miners killed on the job, however, do not lose their lives in dramatic disasters. They die by ones and twos in accidents that do not generate national headlines. And more, many more, are killed not on the job but by the job, victims of the insidious "black lung" disease that results from the daily breathing of coal dust.

Since the 78 miners died at Farmington, W. Va., last November—less than a year ago—another 144 have lost their lives in day-to-day, undramatic accidents. No one knows how many more have died, or will die, from black lung.

It took the deaths of more than 3,100 miners between 1900 and 1910 to move Congress to authorize the establishment of a Federal Bureau of Mines. Even then, for three full decades, the Bureau was equipped only with advisory powers. It was denied the most basic authority—to enter and inspect coal mines. When the right of entry finally was provided by law in 1941, it was not accompanied by any authority to establish safety standards, or to require compliance with an inspector's safety recommendations.

Even limited enforcement powers were not given to the Bureau until 1952, and, again, only after a major disaster in which 119 miners died. The law that gave those powers, once amended in 1966, is the law under which the Bureau operates today. When he signed it, former President Truman pointed out its glaring deficiencies. "A sham," he called it.

Those same deficiencies exist today.

The 1952 law was directed only at the prevention of major disasters. The day-to-day accidents, which still cause roughly 90 percent of all coal mine fatalities, were not to be a concern of the Federal Government. Despite a record which showed that the States were not discharging their responsibilities and were unlikely to do so, despite their weak standards and weaker enforcement, the chief responsibility for mine safety was left with the States.

Because of the procedural complexities with which it is burdened relating to inspections, orders, and appeals, the law has proved to be extremely difficult to administer.

In the law's favor it may be said, however, that for the first time the Bureau could require that specific hazardous conditions be corrected, and that men be withdrawn from a mine if there were "imminent danger" of a disaster.

In 1966, the 1952 law was extended to cover small coal mines, which until then had been exempted from its mandatory provisions. The Bureau also received additional enforcement powers for use in instances where there was "unwarrant-

able failure" of an operator to comply with those provisions.

In spite of almost 60 years of periodic congressional concern, however, and in spite of past legislative efforts, all of us are painfully aware of the poor safety record of the coal mining industry in this country. From 1952 through 1968 nearly 5,000 men were killed and 200,000 injured in underground coal mines.

For much too long the cliche "coal mining is a dangerous business" has served as an excuse for inaction on the part of the industry and the States. It must no longer serve as an excuse for inaction on the part of the Congress. When the fatality rate for one industry is 10 or more times the rate for all industry, improvement must be considered not only desirable but mandatory. And that is the case with underground coal mining.

THE 1969 ACT

The Federal Coal Mine Health and Safety Act of 1969 which we are considering today deals comprehensively with both the health and safety problems of the mines. It corrects the deficiencies of the 1952 act, takes account of past experience and provides for the development and implementation of safeguards against hazards that may develop in the future.

The bill, H.R. 13950, establishes an extensive array of interim mandatory health and safety standards. The standards included in the bill are minimum standards. Necessary changes need not await statutory amendments for the bill permits and encourages administrative changes where experience proves them necessary and desirable. The bill expands coverage of the law to afford protection against all hazards to the miners—not just against those likely to kill five or more at a time.

Adequate enforcement is assured by provision of administrative and judicial processes of both civil and criminal nature. The rights of the operator and the miners are protected.

The bill also requires an expansion of the sadly deficient Bureau of Mines' safety and health research program.

INTERIM SAFETY STANDARDS

The bill would establish a set of interim safety standards, technical and detailed minimum and interim specifications dealing with such things as roof support, ventilation, combustible materials, rock-dusting, electrical equipment, trailing cables, fire protection, maps, explosives, and so forth.

Many of these standards contained in title III of the bill for years have been included in the voluntary Federal mine safety codes for bituminous coal and lignite and anthracite mines. Many of the suggestions of the industry, the union, and State experts on mines and mine safety have been included in this bill. These interim standards should be regarded as the minimums on the basis of which new and improved standards will be promulgated as a changing technology makes improvements in safety desirable or necessary. These interim standards will provide guidelines for planning and operation during the period of transition from the existing law to the time when new standards can be issued under the procedures prescribed in this bill.

Three features of the interim standards will serve as examples to members of the provisions of title III. Like other of the interim standards they are directed toward reducing the frequency of accidents and fatalities from the most common causes.

ROOF CONTROL

The standards require that a roof control plan be submitted by each operator and that each such plan be approved by the Secretary of the Interior. This provision, along with the other requirements for roof support contained in this bill, has been expressly designed to reduce fatalities from roof falls—the No. 1 killer in underground coal mines. The provisions of this bill, strictly enforced, should help greatly in controlling this hazard which each year causes more than half the fatalities in the industry.

The roof control plan which the Secretary will require will be adopted within 5 months after this bill is passed and will show the type of support and spacing that has been approved by the Secretary. To insure that the plans will continue to provide safe roof conditions in the mine they will be reviewed at least every 6 months.

The bill further provides that no person may go beyond the last roof supports since this is the area of the mine in which 70 percent of the roof fall fatalities occur. In order to insure that the miner can work under a safe roof the operator is required to provide an ample supply of the materials needed to make the roof secure. When roof bolts are permitted under the mining plan they must be tested according to that plan and may be recovered only under carefully prescribed rules, that are a part of this bill, in order to be certain that their recovery will not result in extra hazards to miners.

Finally the bill provides that the roof, face, and ribs will be thoroughly inspected before any work or machine is started and they will be inspected frequently thereafter as may be necessary to insure that dangerous conditions are corrected.

VENTILATION

Mine ventilation requirements have been greatly upgraded over the standards in the current law. For example, the minimum air flow required in the last open cross cut has been increased 50 percent, and line brattice must be used unless a specific exemption is granted by an authorized representative of the Secretary of the Interior. Such standards are necessary to reduce dangers from accumulations of explosive methane gas or to guard against adverse health effects from high concentrations of respirable coal dust.

ELECTRICAL EQUIPMENT

New and improved standards have been provided to reflect the growing sophistication of electrical systems in underground coal mining and the higher voltages used on machines that become larger each year. These new standards should help significantly to reduce electrocution accidents, which have been occurring in increasing numbers.

INTERIM HEALTH STANDARDS

The bill takes another major step forward. For the first time in any legislation concerning coal mining in the United States, we have prescribed health standards that will ultimately eliminate the insidious black lung disease.

For years there has been controversy as to whether coal dust was the cause of certain pulmonary disorders found among coal miners. There can no longer be any doubt that it is. Coal dust in the respirable-size range, breathed over many years, causes black lung. The clinical evidence is overwhelming. Furthermore, as productivity continues to rise—as it has so dramatically over the past 20 years—the dust exposure of miners will be even greater, with even more deadly consequences.

There is no cure for this disease. Prevention, by reducing the exposure levels, is the only known protective measure.

The statistical evidence that we have indicates that the likelihood of death from black lung is twice as great as that of being fatally injured in an underground coal mine accident. This bill will establish dust standards that can dramatically reduce the fatality rate from black lung. Dust concentration levels will be reduced to less than half the level now encountered by the average miner working at the face in an underground mine.

The bill would establish a statutory maximum level of coal dust permitted in a mine. That level would be reduced over time.

Title II thus provides that the average concentration of respirable coal dust to which each miner is exposed would be kept at or below 4.5 milligrams per cubic meter of air. Six months after the date of enactment that level is reduced to 3 milligrams per cubic meter of air. The operator will be granted a limited extension where he can prove he is doing his best to comply, but cannot for technical reasons beyond his control.

On the basis of British X-ray evidence, a coal miner exposed to the high concentrations of dust found in coal mines today has almost a 35 percent probability of contracting simple black lung during a 35-year working life. This bill can make it possible to reduce that probability to less than 10 percent.

Further reduction to a much lower probability level will be attainable with the X-ray program provided for in the bill. Such a program will permit the identification of miners who show susceptibility to black lung, so they can be relocated in parts of a mine where dust concentrations are lower.

Although the dust standard incorporated in the bill is designed to give the lowest concentrations possible with today's technology, we realize that even lower concentrations must be achieved if black lung is to be eliminated. We have left to the discretion of the Secretary of Health, Education, and Welfare the times when lower levels of dust concen-

tration shall become mandatory. We have made it clear, however, that these lower levels shall be attained as quickly as possible.

ESTABLISHMENT OF MANDATORY HEALTH AND SAFETY STANDARDS

A major advance contained in this legislation is the authority given the Secretary of the Interior and the Secretary of Health, Education, and Welfare to develop, promulgate, and establish new standards for health and safety as they are needed.

For the first time, safety and health standards will be kept abreast of a constantly changing mining technology. Standards can be changed and updated as necessary to reflect new developments in mine technology, new methods and perhaps new hazards. Just as important, it will now be possible to speed up use of the latest and best in safety and health technology as it becomes available.

The flexibility afforded in the establishment of mandatory health and safety standard by title I of the bill is not accomplished at the expense of either the operator or the miner. An elaborate system of development, consultation, publication, notice, hearings, and review—administrative and judicial—is provided.

No standard promulgated through the process provided in title I may reduce the protection afforded miners by the interim mandatory health and safety standards provided in titles II and III.

ENFORCEMENT OF STANDARDS

Establishment of rigorous standards would be a meaningless gesture unless effective means for enforcing them were provided. The bill, therefore, authorizes both the Secretaries of Interior and Health, Education and Welfare, and their representatives to enter and inspect coal mines. Inspections would, in fact, occur at least four times a year and without notice.

A mine or portions of a mine may be closed down where an imminent danger exists or where violations of health and safety standards exist and persist.

Orders and directives relating to closures or violations are subject to review by the Secretary, the Board, and the courts.

The Secretary is authorized to seek injunctions against any who refuse to comply with the standards.

The bill also provides for fines for failures to adhere to the standards. Both fines and imprisonment may result from knowing violations of orders to withdraw men where an imminent danger exists or knowing refusal to obey other final orders.

ASSISTANCE TO THE OPERATORS

Because of possible economic hardship to mine operators that might result from the law's requirements with respect to the type of equipment that can be used underground and the possible economic dislocations in areas already depressed, the bill provides for loans to mine operators under favorable conditions. A loan would be made at the lower interest rates that are generally available to the Federal Government, and repayment may be scheduled over periods as long as 20 years.

COMPENSATION

Existing State compensation laws are in most instances inadequate to meet the real needs of miners disabled by black lung. Even where compensation payments are made, they are frequently below the minimum subsistence level, or miners disabled by the disease are ineligible on the basis of some technicality. For example, they may have worked in a State other than that in which they reside when the disease catches up to them, or the number of employers they worked for makes it difficult to assign the costs of compensation to those who might be held legally responsible for the disability.

One thing is clear, however. The coal produced by these victims of black lung was sold throughout the United States at prices lower than it could have been if compensation costs had been paid at the time that the disability was incurred. Consequently, compensation for past damage to a coal miner's health can, we believe, logically be considered a national responsibility. The bill provides for payments to miners where the State does not assume responsibility or where the payments are inadequate.

The level of benefits are low but they will be a help. A miner disabled by "black lung" would receive a benefit equal to one-half the amount paid a totally disabled Federal employee at a GS–2 rate—$136 per month. This amount would be offset by other income by way of State workmen's compensation, unemployment compensation, social security disability benefits, and so forth.

This bill provides for another essential complement to law, which is research and development aimed at eliminating hazards from the coal mining environment.

Historically, neither the coal industry nor the Federal Government has spent large sums of health and safety research. In fiscal year 1969 the Bureau of Mines was authorized to spend less than $3 million on all types of health and safety research, including that on metal and nonmetal mining operations. Moreover, much of this effort was devoted to relatively routine testing. At the same time the Department of the Interior was spending over $20 million in developing new uses for coal and on studies aimed at a better definition of the domestic coal resource base.

I would be among the first to agree that $20 million for mining and utilization research is less than is needed to bring the coal industry to the point where it can serve this Nation as it should. But, compared to that $20 million, the pitiful sums spent on research and development in health and safety would have to be considered ludicrous—if the results were not so tragic.

To assure that Federal research and development in this vital area are not starved for funds in the future, the bill that we are proposing provides for the assessment of up to 2 cents per ton on each ton of coal used or sold, and authorizes the appropriation from Federal funds, for each fiscal year, of an additional 2 cents per ton, along with an amount—up to 1 cent per ton—equal to that granted by any State for the support of Federal research and development. Under the bill, the sums appropriated and those paid by the industry will be administered by the Federal Coal Mine Health and Safety Board of Review to support Federal research and development.

The bill is long and complex, largely because of the numerous interim health and safety standards. I would like to emphasize, however, that legislation, no matter how well written and how rigorous, is only one of the means of achieving improved health and safety in this Nation's coal mines. The road to reduced injuries and fatalities is through the cooperation and motivation of both management and labor to work safely. Until there is an awareness that safety must always come first there can be no real and lasting improvement in safety records.

The coal industry must improve its health and safety record if it is to attract the manpower it needs. The industry no longer has a surplus of labor on which to draw. There are shortages of manpower at every level—the miner at the face, the foreman, the superintendent, and the mining engineer. Competition with other industries for manpower will become more keen. A continuation of the industry's poor safety record will not attract the needed workers. Unless there is a change in attitudes, based on a better image and record in the coal industry, this manpower shortage will continue. This as I have indicated, earlier could lead to serious economic consequences for the country. Economics and humanity alike dictate passage of H.R. 13950.

Mr. Chairman, at the appropriate time I shall offer a series of amendments relating to deletion of the Federal Coal Mine Health and Safety Board of Review. For the information of Members, the text of these amendments follows:

Page 5, strike out lines 5 and 6, and insert the following:

"(m) 'Panel' means the Interim Compliance Panel established by this Act."

Page 5, after line 13, insert the following:

"INTERIM COMPLIANCE PANEL

"SEC. 5. (a) There is hereby established the Interim Compliance Panel, which shall be composed of five members as follows:

"(1) Assistant Secretary of Labor for Labor Standards, Department of Labor, or his delegate;

"(2) Director of the Bureau of Standards, Department of Commerce, or his delegate;

"(3) Administrator of Consumer Protection and Environmental Health Service, Department of Health, Education, and Welfare, or his delegate;

"(4) Director of the Bureau of Mines, Department of the Interior, or his delegate;

"(5) Director of the National Science Foundation, or his delegate.

"(b) Members of the Panel shall serve without compensation in addition to that received in their regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of duties vested in the Panel.

"(c) Notwithstanding any other provision of law, the Secretary of Health, Education, and Welfare, Secretary of Commerce, the Secretary of Labor, and the Secretary of the Interior shall, upon request of the Panel, provide the Panel such personnel and other assistance as the Panel determines necessary to enable it to carry out its functions under this Act.

"(d) Three members of the Panel shall constitute a quorum for doing business. All decisions of the Panel shall be by majority vote. The chairman of the Panel shall be selected by the members from among the membership thereof.

"(e) The Panel is authorized to appoint as many hearing examiners as are necessary for proceedings required to be conducted in accordance with the provisions of this Act. The provisions applicable to hearing examiners appointed under section 3105 of title 5 of the United States Code shall be applicable to hearing examiners appointed pursuant to this subsection.

"(f)(1) It shall be the function of the Panel to carry out the duties imposed on it pursuant to sections 202 and 305 of this Act and to provide an opportunity for a hearing, after notice, at the request of an operator of the affected mine or the representative of the miners of such mine. Any operator or representative of miners aggrieved by a final decision of the Panel under this subsection may file a petition for review of such decision under section 106 of this Act. The provisions of this section shall terminate upon completion of the Panel's functions as set forth under sections 202 and 305 of this Act. Any hearing held pursuant to this subsection shall be of record and the Panel shall make findings of fact and shall issue a written decision incorporating its findings therein in accordance with section 554 of title 5 of the United States Code.

"(2) The Panel shall make an annual report, in writing, to the Secretary for transmittal by him to the Congress concerning the achievement of its purposes, and any other relevant information (including any recommendations) which it deems appropriate."

On page 6, line 4, strike "the Board, other".

On page 8, line 3, strike "by the Board".

On page 8, line 7, change the comma to a period and strike out all thereafter through the period of line 9.

On page 8, line 10, strike all through page 9, line 6, and substitute the following:

"(f) Promptly after any such notice is published in the Federal Register by the Secretary under subsection (e) of this section, the Secretary, in the case of mandatory safety standards, or the Secretary of Health, Education, and Welfare, in the case of mandatory health standards, shall issue notice of, and hold a public hearing for the purpose of receiving relevant evidence. Within sixty days after completion of the hearings, the Secretary who held the hearing shall make findings of fact which shall be public. In the case of mandatory safety standards, the Secretary may promulgate such standards with such modifications as he deems appropriate. In the case of mandatory health standards, th Secretary of Health, Education, and Welfare may direct the Secretary to promulgate the mandatory health standards with such modifications as the Secretary of Health, Education, and Welfare deems appropriate and the Secretary shall thereupon promulgate the mandatory health standards. In the event the Secretary or the Secretary of Health, Education, and Welfare determines that a proposed mandatory standard should not be promulgated or should be modified, he shall within a reasonable time publish his reasons for his determination."

Page 19, line 20, insert "(1)" after "(a)".

Page 20, after line 10, insert the following:

"(2) The operator and the representative of the miners shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code."

Beginning with line 15 on page 21, strike out everything down through line 24 on page 27.

And renumber the sections which follow accordingly.

Beginning with line 1 on page 28, strike out everything down through line 19 on page 30.

And renumber the sections which follow accordingly.

Beginning with page 30, line 21, strike all through page 31, line 14, and substitute the following:

"SEC. 108. (a) Any decision issued by the Panel under section 5 or the Secretary under section 105 of this Act shall be subject to judicial review by the United States court of appeals for the circuit in which the affected mine is located, upon the filing in such court within thirty days from the date of such decision of a petition by the operator or a representative of the miners aggrieved by the decision praying that the decision be modified or set asde in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the other party and to the Secretary of the Panel, as appropriate, and thereupon the Secretary or the Panel, as appropriate, shall certify and file in such court the record upon which the decision complained of was issued, as provided in section 2112, title 28, United States Code.

"(b) The Court shall hear such petition on the record made before the Secretary or the Panel, as appropriate. The findings of the Secretary or the Panel, as appropriate, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any such decision or may remand the proceedings to the Secretary or the Panel, as appropriate, for such further action as it may direct."

Page 31, line 18, after "appeal" insert the following: "from a decision of the Secretary or the Panel, as appropriate, except a decision from an order issued under section 104(a) of this title,".

Page 32, line 2, strike out "Board's" and insert "Secretary's or Panel's".

Page 36, line 3, strike out "Board" and insert "Secretary".

Page 44, line 25, strike out "sections 105, 107, and 108 of".

Page 46, in lines 13 and 16, strike out "Secretary" and insert "Panel".

Page 47, in lines 5 and 8, strike out "Secretary" and insert "Panel".

Page 48, in lines 10 and 14, strike out "Board" and insert "Secretary of Health, Education, and Welfare".

Page 49, line 9, strike out ", the Board,".

On page 51, lines 22 and 23, strike "sections 105, 107, and 108 of".

Page 72, line 15, strike out "Secretary" and insert "Panel".

Page 72, lines 16 and 19, strike out "he" and insert "it".

Page 73, lines 8, 11, and 23, strike out "Secretary" and insert "Panel".

Page 73, lines 10 and 13, strike out "he" and insert "it".

Page 73, beginning in line 11, strike out "The Secretary may also" and insert "Also, the Secretary may".

On page 106, line 5, strike all through line 7, and substitute the following:

"SEC. 401. (a) The Secretary and the Secretary of Health, Education, and Welfare, as appropriate, shall conduct such studies, research, experiments, and demonstrations as may be appropriate."

Page 108, strike out lines 2, 3, 4, and 5 and insert the following: "tion (a), the Secretary shall distribute funds available to him under this section as equally as practicable between himself and the Secretary of Health, Education, and Welfare. Activities under this sec- ".

Page 108, beginning in line 13, strike out "Such Secretaries shall consult and cooperate with the Board on specific projects and programs."

Page 108, line 24, strike out "Board" and insert "Secretary".

Page 109, in line 1, strike out "Board" and insert "Secretary", and strike out "it" and insert "him".

Page 109, line 2, after "sufficient" insert "for the Secretary of Health, Education, and Welfare".

Page 109, line 4, strike out "it" and insert "he".

Page 109, line 5, strike out "it" and insert "he".

Page 109, in line 7, strike out "Board" and insert "Secretary", and strike out "it" and insert "him".

Page 109, line 11, strike out "Board" and insert "Secretary".

Page 109, line 16, strike out "Board" and insert "Secretary".

Page 109, line 18, strike out "it" and insert "him and the Secretary of Health, Education, and Welfare".

Page 109, line 20, strike out "Board" and insert "Secretary", and strike out "it" and insert "him and the Secretary of Health, Education, and Welfare".

Page 109, line 22, strike out "Board" and insert "Secretary".

Page 114, line 22, strike out "The" and insert "Except as otherwise provided in this Act, the".

Page 117, line 8, strike out "Board" and insert "Secretary".

Page 117, line 15, strike out "Board" and insert "Secretary".

Page 117, line 16, strike "its" and insert "his".

Mr. Chairman, these amendments strike the Board of Review from the bill and make the following other related changes in the bill:

An Interim compliance panel would be created for the purpose of reviewing and acting upon requests by mines for waiver of dust standards and the use of permissible—nonspark—mining equipment.

REVIEW OF STANDARDS

Under the amendment, once objections are received from any person, the Secretary must hold a public hearing. Within 60 days after the hearing is completed, the Secretary must publicize his findings in the Federal Register. As in the bill, the Secretary, in the case of safety standards, may promulgate them finally with such modifications as he deems appropriate, and, in the case of health standards, these are developed by the Secretary of Health, Education, and Welfare who then transmits to the Secretary to promulgate them formally.

The standards, of course, are subject to review in court as part of any appeal in an enforcement proceeding.

REVIEW OF CLOSING ORDERS

The amendment provides for an appeal from any closing order issued by a Federal inspector to the Secretary or on the modification or termination of an order at the request of either the operator or the representative of the miners. The amendment specifically makes the adjudication provisions of title 5 of the United States Code, formally known as the Administrative Procedures Act, applicable to this appeal and the hearing on the appeal. Under title 5, hearing examiners would be appointed to adjudicate these appeals promptly.

After the hearing, the Secretary must issue his findings of fact which are incorporated in his decision vacating, affirming, modifying, or terminating the appealed order.

TEMPORARY RELIEF PENDING APPEALS

Finally, the amendment permits, on a very limited basis, temporary relief from any closing order, except imminent danger closing orders while an appeal is being taken. H.R. 13950, on the other hand, permits the Board to grant temporary relief from imminent danger orders, as well as other orders, with no specified safeguards.

I want my colleagues to understand what the implications of this provision are. Remember, imminent danger orders are only issued when, in fact, conditions in a mine are so serious that, unless the miners are withdrawn immediately, disaster will strike.

JUDICIAL REVIEW

Under the amendment, an operator or the representative of the miners may appeal to the U.S. Court of Appeals in the circuit in which the mine is located, or for the District of Columbia, from any decision of the Secretary relative to a closing order. As in the case of appeals from Board decisions under H.R. 13950, the findings of the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify the Secretary's decision or remand the proceedings to the Secretary. The court may, on request, grant temporary relief for limited purposes from such decisions, except those pertaining to an imminent danger order.

CIVIL PENALTIES

Under H.R. 13950, with the amendment, the Secretary is directed to assess civil penalties for violations of the mandatory standards. On request, under my amendment, the Secretary must hold a public hearing on the violation and the amount of the penalty and issue a decision thereon. If the operator, under the bill and the amendment, fails to pay the penalty, the Secretary would have to institute a civil action in the U.S. district court to collect the penalty. The record of the proceedings before the Secretary or his decision are not binding on the court. The trial in the court is de novo—that is, the court hears all the evidence afresh. Thus, the operator is fully protected.

OTHER MATTERS

Under the amendment, the Secretary of Health, Education, and Welfare would oversee the X-ray program and both the Secretary and the Secretary of Health, Education, and Welfare shall carry out the health and safety research program prescribed in the bill. The royalty payments would be available to both Secretaries for the X-ray program and research. Finally, the study required by section 412 of the bill would be carried out by the Secretary.

Mr. Chairman, at this point I would like to insert in the RECORD amendments to title III of H.R. 13950, that I am advised by the distinguished chairman of the subcommittee, the gentleman from Pennsylvania (Mr. DENT) will offer at the appropriate time. The insertion which follows is in such form that language not changed by the amendment is shown in roman type, the portions which the amendments would eliminate are enclosed in black brackets, and new language is shown in italic. These amendamendments are acceptable to me and it is my understanding that they are likewise acceptable to Members on both sides of the aisle:

PROPOSED AMENDMENTS TO BE OFFERED TO TITLE III H.R. 13950 (THE FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969) SHOWING CHANGES MADE IN THE BILL AS REPORTED BY THE COMMITTEE ON EDUCATION AND LABOR

TITLE III—INTERIM MANDATORY SAFETY STANDARDS FOR UNDERGROUND COAL MINES

COVERAGE

SEC. 301. (a) The provisions of sections 302 through 317 of this title shall be interim mandatory safety standards applicable to all underground coal mines until superseded in whole or in part by mandatory safety standards promulgated by the Secretary under the provisions of section 101 of title I of this Act, and shall be enforced in the same manner and to the same extent as any mandatory safety standard promulgated under title I of this Act. Any orders issued in the enforcement of the interim standards set forth in this title shall be subject to review as provided in sections 105, 107, and 108 of title I of this Act.

(b) The Secretary may, upon petition by the operator, waive or modify the application of any mandatory safety standard to a mine when he determines such application will result in a diminution of safety to workers in such mine, but any action taken by the Secretary under this subsection shall be consistent with the purposes of this Act and shall not reduce the protection afforded miners by it.

(c) Upon petition by the operator, the Secretary may modify the application of any mandatory safety standard to a mine. Such petition shall state that an alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded miners by such standard. Upon receipt of such petition the Secretary shall publish notice thereof and give notice to the representative, if any, of persons working in the affected mine and shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a hearing, at the request of such representative or other interested party, to enable the applicant and the representative of persons working in such mine or other interested party to present information relating to the modification of such standard. The Secretary shall make findings of fact and publish them in the Federal Register.

ROOF SUPPORT

SEC. 302. (a) Each operator shall undertake to carry out on a continuing basis a program to improve the roof control system of each mine and the means and measures to accomplish such system. The roof and ribs of all active underground roadways, travelways, and working places shall be supported or otherwise controlled adequately to protect persons from falls of the roof or ribs. A roof-control plan and revisions thereof suitable to the roof conditions and mining system of each mine and approved by the Secretary shall be adopted and set out in printed form within sixty days after the operative date of this title. The plan shall show the type of support and spacing approved by the Secretary. Such plan shall be reviewed periodically, at least every six months by the Secretary, taking into consideration any falls of roof or ribs or inadequacy of support of roof or ribs. No person shall proceed beyond the last permanent support unless adequate temporary support is provided or unless such temporary support is not required under the approved roof control plan. A copy of the plan shall be furnished the Secretary or his authorized representative and shall be available to the miners or their authorized representatives.

(b) The method of mining followed in any mine shall not expose the miner to unusual dangers from roof falls caused by excessive widths of rooms and entries or faulty pillar recovery methods.

(c) The operator shall provide at or near the working face an ample supply of suitable materials of proper size with which to secure the roof of all working places in a safe manner. Safety posts, jacks, or other approved devices shall be used to protect the workmen when roof material is being taken down, crossbars are being installed, roof boltholes are being drilled, roof bolts are being installed, and in such other circumstances as may be appropriate. Loose roof and overhanging or loose faces and ribs shall be taken down or supported. Supports knocked out, except in recovery, shall be replaced promptly.

(d) When permitted, installed roof bolts shall be tested in accordance with the approved roof control plan. Roof bolts shall not be recovered where complete extractions of pillars are attempted, where adjacent to clay veins, or at the locations of other irregularities whether natural or otherwise that induce abnormal hazards. Where roof bolt recovery is permitted, it shall be conducted only in accordance with methods prescribed in the approved roof control plan, and shall be conducted by experienced miners and only where adequate temporary support is provided.

(e) Where miners are exposed to danger from falls of roof, face, and ribs the operator shall require that examinations and tests of the roof, face, and ribs be made before any work or machine is started, and as frequently thereafter as may be necessary to insure safety. When dangerous conditions are found, they shall be corrected immediately.

VENTILATION

SEC. 303. (a) All coal mines shall be ventilated by mechanical ventilation equipment installed and operated in a manner approved by an authorized representative of the Secretary and such equipment shall be examined daily and a record shall be kept of such examination.

(b) All active underground workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away, flammable or harmful gases and smoke and fumes. The minimum quantity of air in any mine reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be nine thousand cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be nine thousand cubic feet a minute. *The minimum quantity of air in any mine reaching each working face shall be three thousand cubic feet a minute and, in the case of a mechanized mine, there shall also be a minimum velocity of one hundred feet per minute passing over any miner operating electrical equipment at the working face.* The Secretary or his authorized representative may require in any coal mine a greater quantity *and velocity* of air when he finds it necessary to protect the *health and* safety of miners. *Within three years after the operative date of this title, the dust level in intake aircourses shall not exceed 0.25 milligrams per cubic meter of air.* In robbing areas of anthracite mines, where the air currents cannot be controlled and measurements of the air cannot be obtained, the air shall have perceptible movement.

(c)(1) Properly installed and adequately maintained line brattice or other approved

devices shall be used from the last open crosscut of an entry or room of each working section to provide adequate ventilation to the working faces for the miners and to remove [gases, dust, and expolsive fumes,] *flammable, explosive, and noxious gases, dust, and explosive fumes,* unless the Secretary or his authorized representative permits an exception to this requirement. When damaged by falls or otherwise, they shall be repaired promptly.

(2) The space between the line brattice or other approved device and the rib shall be large enough to permit the flow of a sufficient volume of air to keep the working face clear of flammable, *explosive,* and noxious gases, *dust and explosive fumes.*

(3) Brattice cloth used underground shall be of flame-resistant material.

(d)(1) Within three hours immediately preceding the beginning of a coal-producing shift, and before any workmen in such shift enter the underground areas of the mine, certified persons designated by the operator of the mine shall examine a definite underground area of the mine. Each such examiner shall examine every underground working place in that area and shall make tests in each such working place for accumulations of explosive gases with means approved by the Secretary for detecting explosive gases and shall make tests for oxygen deficiency with a permissible flame safety lamp or other means approved by the Secretary; examine seals and doors to determine whether they are functioning properly; examine and test the roof, face, and rib conditions in the underground working places; examine active roadways, travelways, and all belt conveyors on which men are carried, approaches to abandoned workings, and accessible falls in sections for hazards; examine by means of an anemometer or other device approved by the Secretary to determine whether the air in each split is traveling in its proper course and in normal volume; and examine for such other hazards and violations of the mandatory health safety standards, as an authorized representative of the Secretary may from time to time require. Belt conveyors on which coal is carried shall be examined after each coal-producing shift has begun. Such mine examiner shall place his initials and the date at all places he examines. If such mine examiner finds a condition which constitutes a violation of a mandatory health or safety standard or any condition which is hazardous to persons who may enter or be in such area, he shall indicate such hazardous place by posting a "DANGER" sign conspicuously at all points which persons entering such hazardous place would be required to pass, and shall notify the operator of the mine. No person, other than an authorized representative of the Secretary or a State mine inspector or persons authorized by the mine operator to enter such place for the purpose of eliminating the hazardous condition therein, shall enter such place while such sign is so posted. Upon completing his examination such mine examiner shall report the results of his examination to a person, designated by the mine operator to receive such reports at a designated station on the surface of the mine, before other persons enter the underground areas of such mine to work in such coal-producing shift. Each such mine examiner shall also record the results of his examination with ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard.

(2) No person (other than certified persons designated under this subsection) shall enter any underground area, except during a coal-producing shift, unless an examination of such area as prescribed in this subsection has been made within eight hours immediately preceding his entrance into such area.

(e) At least once during each coal-producing shift, or more often if necessary for safety, each underground working section shall be examined for hazardous conditions by certified persons designated by the mine operator to do so. Such examination shall include tests with means approved by the Secretary for detecting explosive gases and with a permissible flame safety lamp or other means approved by the Secretary for detecting oxygen deficiency.

(f) Examination for hazardous conditions, including tests for explosive gases, and for compliance with the standards established by, or promulgated pursuant to, this title shall be made at least once each week, by a certified person designated by the operator of the mine, in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and, insofar as safety considerations permit, abandoned workings. Such weekly examination need not be made during any week in which the mine is idle for the entire week; except that such examination shall be made before any other miner returns to the mine. The person making such examinations and tests shall place his initials and the date at the places examined, and if hazardous conditions are found, such conditions shall be reported promptly. Any hazardous conditions shall be corrected immediately. If a hazardous condition cannot be corrected immediately, the operator shall withdraw all persons from the area affected by the hazardous condition except those persons whose presence is required to correct the conditions. A record of these examinations, tests, and actions taken shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

(g) At least once each week, a qualified person shall measure the volume of air entering the main intakes and leaving the main returns, the volume passing through the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms, the volume being delivered to the intake end of each pillar line, and the volume at the intake and return of each split of air. A record of such measurements shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

(h)(1) At the start of each coal-producing shift, test for explosive gases shall be made at the face of each working place immediately before electrically operated equipment is energized. Such tests shall be made by qualified persons. If more than 1.0 volume per centum *or more* of explosive gas is detected, electrical equipment shall not be energized, taken into, or operated in, such working place until such explosive gas content is [no more] *less* than 1.0 volume per centum of explosive gas. Examinations for explosive gases shall be made during such operations at intervals of not more than twenty minutes during each shift, unless more frequent examinations are required by an authorized representative of the Secretary. In conducting such tests, such person shall use means approved by the Secretary for detecting explosive gases.

(2) If the air at an underground working place, when tested at a point not less than twelve inches from the roof, face, or rib, contains [more than] 1.0 volume per centum *or more* of explosive gas, changes or adjustments shall be made at once in the ventilation in such mines so that such air shall [not] contain [more] *less* than 1.0 volume per centum of explosive gas. While such ventilation improvement is underway and until it has been achieved, power to face equipment located in such place shall be cut off, no other work shall be permitted in such place, and due precautions will be carried out under the direction of the agent of the operator so as not to endanger other active workings.

If such air, when tested as outlined above contains 1.5 volume per centum *or more* of explosive gas, all persons shall be withdrawn from the portion of the mine endangered thereby, and all electric power shall be cut off from such portion of the mine, until the air in such working place shall [not] contain [more] *less* than 1.0 volume per centum of explosive gas.

(i) If, when tested, a split of air returning from active underground workings contains [more than] 1.0 volume per centum *or more* of explosive gas, changes or adjustments shall be made at once in the ventilation in the mine so that such returning air shall [not contain more] *contain less* than 1.0 volume per centum of explosive gas. Such tests shall be made at four-hour intervals during each shift by a qualified person designated by the operator of the mine. In making such tests, such person shall use means approved by the Secretary for detecting explosive gases.

(j) If a split of air returning from active underground workings contains 1.5 volume per centum *or more* of explosive gas, all persons shall be withdrawn from the portion of the mine endangered thereby, and all electric power shall be cut off from such portion of the mine, until the air in such split shall [not contain more] *contain less* than 1.0 volume per centum of explosive gas. In virgin territory, if the quantity of air in a split ventilating the active workings in such territory equals or exceeds twice the minimum volume of air prescribed in subsection (b) of this section, if the air in the split returning from such workings does not pass over trolley or power feeder wires, and if a certified person designated by the mine operator is continually testing the explosive gas content of the air in such split during mining operations in such workings, it shall be necessary to withdraw all persons and cut off all electric power from the portion of the mine endangered by explosive gases only when the air returning from such workings contains [more than] 2.0 volume per centum *or more of explosive gas.*

(k) Air which has passed by an opening of any abandoned area shall not be used to ventilate any active working place in the mine if such air contains 0.25 volume per centum or more of explosive gas. Examinations of such air shall be made during the pre-shift examination required by subsection (d) of this section. In making such tests, a certified person designated by the operator of the mine shall use means approved by the Secretary for detecting explosive gases. For the purposes of this subsection, an area within a panel shall not be deemed to be abandoned until such panel is abandoned.

(l) Air that has passed through an abandoned panel or area which is inaccessible or unsafe for inspection shall not be used to ventilate any active working place in such mine. No air which has been used to ventilate an area from which the pillars have been removed shall be used to ventilate any active working place in such mine, except that such air, if it does not contain 0.25 volume per centum or more of explosive gases, may be used to ventilate enough advancing working places immediately adjacent to the line of retreat to maintain an orderly sequence of pillar recovery on a set of entries.

(m) A methane monitor approved by the Secretary shall be installed and be kept operative and in operation on all electric face cutting equipment, continuous miners, longwall face equipment, and loading machines, and such other electric face equipment as an authorized representative of the Secretary may require. Such monitor shall be set to deenergize automatically any electric face equipment on which it is required when such monitor is not operating properly. The sensing device of any such monitor shall be installed as close to the working face as possible. An authorized representative of the Secretary may require any such monitor to be set to give a warning automatically when the concentration to explosive gas reaches 1.0 volume per centum and automatically to deenergize equipment on which it is installed when such concentration reaches 2.0 volume per centum.

(n) Idle and abandoned areas shall be inspected for explosive gases and for oxygen deficiency and other dangerous conditions by a certified person with means approved by the Secretary as soon as possible, but not more than three hours, before other employees are permitted to enter or work in such areas. However, persons, such as pumpmen, who are required regularly to enter such areas in the performance of their duties, and who are trained and qualified in the use of means approved by the Secretary for detecting explosive gases and in the use of a permissible flame safety lamp or other means for detecting oxygen deficiency are authorized to make such examinations for themselves, and each such person shall be properly equipped and shall make such examinations upon entering any such area.

(o) Immediately before an intentional roof fall is made, pillar workings shall be examined by a qualified person designated by the operator to ascertain whether explosive gas is present, such person shall use means approved by the Secretary for detecting explosive gases. If in such examination explosive gas is found in amounts of more than 1.0 volume per centum *or more,* such roof fall shall not be made until changes or adjustments are made in the ventilation so that the air shall not contain more *contain less* than 1.0 volume per centum of explosive gas.

(p) [Within six months after the operative date of this title, and thereafter, all areas in all mines in which the pillars have been extracted or areas which have been abandoned for other reasons shall be effectively sealed or shall be effectively ventilated by bleeder entries, or by bleeder systems or an equivalent means. Such sealing or ventilation shall be approved by an authorized representative of the Secretary.] *A ventilation system and explosive gas—and dust-control plan and revisions thereof suitable to the conditions and the mining system of the mine and approved by the Secretary shall be adopted by the operator and set out in printed form within ninety days after the operative date of this title. The plan shall show the type and location of mechanical ventilation equipment installed and operated in the mine and such other information as the Secretary may require. Such plan shall be reviewed by the operator and the Secretary at least every six months.*

[(q) Pillared areas ventilated by means of bleeder entries, or by bleeder systems or an equivalent means, shall have sufficient air coursed through the area so that the return split of air shall not contain more than 2.0 volume per centum of explosive gas before entering another split of air.]

(q) Each operator of a coal mine shall provide for the proper maintenance and care of the permissible flame safety lamp by a person trained in such maintenance and before each shift care shall be taken to insure that such lamp is in a permissible condition.

(r) Where areas are being pillared on the operative date of this title without bleeder entries, or without bleeder systems or an equivalent means, pillar recovery may be completed in the area to the extent approved by an authorized representative of the Secretary if the edges of pillar lines adjacent to active workings are ventilated with sufficient air to keep the air in open areas along the pillar lines below 1.0 volume per centum of explosive gas.

(s) Each mechanized mining section shall be ventilated with a separate split of intake air directed by overcasts, undercasts, or the equivalent, except an extension of time, not in excess of six months may be permitted by the Secretary, under such conditions as he may prescribe, whenever he determines that this subsection cannot be complied with on the operative date of this title.

(t) In all underground areas of a mine, immediately before firing each shot or group of multiple shots and after blasting is completed, examinations for explosive gases shall be made by a qualified person with means approved by the Secretary for detecting explosive gases. If explosive gas is found in amounts of [more than] 1.0 volume per centum *or more,* changes or adjustments shall be made at once in the ventilation so that the air shall [not contain more] *contain less* than 1.0 volume per centum of explosive gas. No shots shall be fired until the air contains [not more] *less* than 1.0 volume per centum of explosive gas.

(u) Each operator of a coal mine shall adopt a plan within sixty days after the operative date of this title which shall provide that when any mine fan stops, immediate action shall be taken by the operator or his agent (1) to withdraw all persons from the working sections, (2) to cut off the power in the mine in a timely manner, (3) to provide for restoration of power and resumption of work if ventilation is restored within a reasonable period as set forth in the plan after the working places and other workings where explosive gas is likely to accumulate are reexamined by a certified person to determine if explosive gas in amounts of [more than] 1.0 volume per centum *or more* exists therein, and (4) to provide for withdrawal of all persons from the mine if ventilation cannot be restored within such reasonable time. The plan and revisions thereof approved by the Secretary shall be set out in printed form and a copy shall be furnished to the Secretary or his authorized representative.

(v) Changes in ventilation which materially affect the main air current or any split thereof and which may affect the safety of persons in the coal mine shall be made only when the mine is idle. Only those persons engaged in making such changes shall be permitted in the mine during the change. Power shall be removed from the areas affected by the change before work starts to make the change and shall not be restored until the effect of the change has been ascertained and the affected areas determined to be safe by a certified person.

(w) The mine foreman shall read and countersign promptly the daily reports of the preshift examiner and assistant mine foremen, and he shall read and countersign promptly the weekly report covering the examinations for hazardous conditions. Where such reports disclose hazardous conditions, the mine foreman shall take prompt action to have such conditions corrected. The mine superintendent or assistant superintendent of the mine shall also read and countersign the daily and weekly reports of such persons.

(x) Each day, the mine foreman and each of his assistants shall enter plainly and sign with ink or indelible pencil in a book provided for that purpose a report of the condition of the mine or portion thereof under his supervision which report shall state clearly the location and nature of any hazardous condition observed by them or reported to them during the day and what action was taken to remedy such condition. Such book shall be kept in an area on the surface of the mine chosen by the operator to minimize the danger of destruction by fire or other hazard.

(y) Before a mine is reopened after having been abandoned, the Secretary shall be notified and an inspection made of the entire mine by an authorized representative of the Secretary before mining operations commence.

(z) *(1)* In any coal mine opened after the operative date of this title, the entries used as intake and return air-courses shall be separated from belt [and trolley] haulage entries, and each operator of such mine shall limit the velocity of the air coursed through belt [and trolley] haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall [not] contain [more than 1.0 volume per centum of explosive gas.] *less than 1.0 volume per centum of explosive gas, and such air shall not be used to ventilate active working places.* Whenever an authorized representative of the Secretary finds, in the case of any coal mine opened on or prior to the operative date of this title which has been developed with more than two entries, that the conditions in the entries, other than *belt* haulage entries, are such as to adequately permit the coursing of intake or return air through such entries, (1) the belt [and trolley] haulage entries shall not be used to ventilate, unless such entries are necessary to ventilate active working places, and (2) when the belt [and trolley] haulage entries are not necessary to ventilate the active working faces, the operator of such mine shall limit the velocity of the air coursed through the belt [and trolley] haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall [not] contain [more] *less* than 1.0 volume per centum of [methane] *explosive gas.*

(2) In any coal mine opened on or after the operative date of this title, or in any new working section of a coal mine opened prior to such date, where trolley haulage systems are maintained and where trolley or trolley feeder wires are installed, an authorized representative of the Secretary shall require a sufficient number of entries or rooms as intake air courses in order to limit, as prescribed by the Secretary, the velocity of air currents on such haulageways for the purpose of minimizing the hazards associated with fires and dust explosions in such haulageways.

COMBUSTIBLE MATERIALS AND ROCK DUSTING

SEC. 304. (a) Coal dust, including float coal dust deposited on rock-dusted surfaces, loose coal, and other combustible materials, shall be cleaned up and not be permitted to accumulate in active underground workings or on electric equipment therein.

(b) Where underground mining operations create or raise excessive amounts of dust, water, or water with a wetting agent added to it, or other effective methods approved by an authorized representative of the Secretary, shall be used to abate such dust. In working places, particularly in distances less than forty feet from the face, water, with or without a wetting agent, or other effective methods approved by an authorized representative of the Secretary, shall be applied to coal dust on the ribs, roof, and floor to reduce dispersibility and to minimize the explosion hazard.

(c) All underground areas of a mine, except those areas in which the dust is too wet or too high in incombustible content to propagate an explosion, shall be rock dusted to within forty feet of all faces, unless such areas are inaccessible or unsafe to enter or

unless an authorized representative of the Secretary permits an exception. All crosscuts that are less than forty feet from a working face shall also be rock dusted.

(d) Where rock dust is required to be applied, it shall be distributed upon the top, floor, and sides of all underground areas of a mine and maintained in such quantities that the incombustible contents of the combined coal dust, rock dust, and other dust shall be not less than 65 per centum, but the incombustible content in the return aircourses shall be no less than 80 per centum. Where explosive gas is present in any ventilating current, the per centum of incombustible content of such combined dusts shall be increased 1 and 0.4 per centum for each 0.1 per centum of explosive gas, where 65 and 80 per centum, respectively, of incombustibles are required.

(e) Subparagraphs (b) through (d) of this paragraph shall not apply to underground anthracite mines subject to this Act.

ELECTRICAL EQUIPMENT

SEC. 305. (a) One year after the operative date of this title—

(1) all electric face equipment used in a coal mine shall be permissible and shall be maintained in a permissible condition, except that the Secretary may permit, under such conditions as he may prescribe, nonpermissible or open-type electric face equipment in use in such mine on the date of enactment of this Act, to continue in use for such period (not in excess of one year) as he deems necessary to obtain such permissible equipment: *Provided, however,* That the provisions of this paragraph shall not apply to any mine which is not classified as gassy; and

(2) only permissible junction or distribution boxes shall be used for making multiple power connections inby the last open crosscut or in any other place where dangerous quantities of explosive gases may be present or may enter the air current.

(b) (1) Four years after the operative date of this title all electric face equipment used in mines exempted from the provisions of section 305(a)(1) of this Act shall be permissible and shall be maintained in a permissible condition, except that the Secretary may, upon petition, waive the requirements of this paragraph on an individual mine basis for a period not in excess of two years if, after investigation, he determines that such waiver is warranted. The Secretary may also, upon petition, waive the requirements of this paragraph on an individual mine basis if he determines that the permissible equipment for which the waiver is sought is not available to such mine.

(2) One year after the operative date of this title all replacement equipment acquired for use in any mine referred to in this subsection shall be permissible and shall be maintained in a permissible condition, and in the event of any major overhaul of any item of equipment in use one year from the operative date of this title such equipment shall be put in and thereafter maintained in a permissible condition, if, in the opinion of the Secretary, such equipment or necessary replacement parts are available.

(3) One year after the operative date of this title all hand held electric drills, blowers and exhaust fans, electric pumps, and other such low-horsepower electric face equipment as the Secretary may designate which are taken into or used in by the last open crosscut of any coal mine shall be permissible and thereafter maintained in a permissible condition.

(4) During the term of the use of any nonpermissible electric face equipment permitted under this subsection the Secretary may by regulation provide for use of methane monitoring devices, under such conditions as he shall prescribe, which will automatically deenergize electrical circuits providing power to electrical face equipment when the concentration of explosive gas in the atmosphere of the active workings permits, in the opinion of the Secretary, a condition in which an ignition or explosion may occur.

(c) A copy of any permit granted under this [paragraph] *section* shall be mailed immediately to a duly designated representative of the employees of the mine to which it pertains, and to the public official or agency of the State charged with administering State laws relating to coal mine health and safety in such mine. *After the operative date of this title, whoever knowingly, in the case of a manufacturer, distributes, sells, offers for sale, introduces, or delivers in commerce any new electrical equipment used in coal mines, including, but not limited to, components and accessories of such equipment which fails to comply with the specifications or regulations of the Secretary, or, in the case of any other person, removes, alters, modifies, or renders inoperative any such equipment prior to its sale and delivery in commerce to the ultimate purchaser, shall, upon conviction, be subject to the sanctions in section 111(f) of this Act.*

(d) Any coal mine which, prior to the operative date of this title, was classed gassy and was required to use permissible electric face equipment and to maintain such equipment in a permissible condition shall continue to use such equipment and to maintain such equipment in such condition.

(e) All power-connection points, except where permissible power connection units are used, outby the last open crosscut shall be in intake air.

(f) The location and the electrical rating of all stationary electric apparatus in connection with the mine electric system, including permanent cables, switchgear, rectifying substations, transformers, permanent pumps and trolley wires and trolley feeders, and settings of all direct-current circuit breakers protecting underground trolley circuits, shall be shown on a mine map. Any changes made in a location, electric rating, or setting shall be promptly shown on the map when the change is made. Such map shall be available to an authorized representative of the Secretary and to the miners in such mine.

(g) All power circuits and electric equipment shall be deenergized before work is done on such circuits and equipment, [except, when necessary, a person may repair energized trolley wires if he wears insulated shoes and lineman's gloves.] *except when necessary for trouble shooting or testing. Energized trolley wires may be repaired only by a person qualified to perform such repairs and the operator of such mine shall require that such person wear approved and tested insulated shoes and wireman's gloves.* No work shall be performed on medium and high-voltage distribution circuits or equipment except by or under the direct supervision of a [competent electrician. Switches shall be locked out and suitable warning signs posted by the persons who are to do the work. Locks shall be removed only by the persons who installed them.] *qualified person. Disconnecting devices shall be locked out and suitably tagged by the persons who perform such work, except that, in cases where locking out is not possible, such devices shall be opened and suitably tagged by such persons. Locks or tags shall be removed only by the persons who installed them or, if such persons are unavailable, by persons authorized by an agent of the operator.*

[(h) Electric equipment shall be frequently examined by a competent electrician to] *(h) All electrical equipment shall be frequently examined, tested, and properly maintained by a qualified person to* assure safe operating conditions. When a potentially dangerous condition is found on electric equipment, such equipment shall be removed from service until such condition is corrected. A record of such examinations shall be kept and made available to an authorized representative of the Secretary and to the miners in such mine.

(i) All electric conductors shall be sufficient in size and have adequate current-carrying capacity and be of such construction that the rise in temperature resulting from normal operation will not damage the insulating materials.

(j) All [joints] *electrical connections* or splices in conductors shall be mechanically and electrically efficient and suitable connectors shall be used. All [joints] *electrical connections or splices* in insulated wire shall be reinsulated at least to the same degree of protection as the remainder of the wire.

(k) Cables shall enter metal frames of motors, splice boxes, and electric compartments only through proper fittings. When insulated wires other than cables pass through metal frames the holes shall be substantially bushed with insulated bushings.

(l) All power wires (except trailing cables on mobile equipment, specially designed cables conducting high-voltage power to underground rectifying equipment or transformers, or bare or insulated ground and return wires) shall be supported on well-installed insulators and shall not contact combustible material, roof, or ribs.

(m) Except trolley wires, trolley feeder and bare signal wires, power wires and cables installed shall be insulated adequately and fully protected.

(n) Automatic circuit-breaking devices or fuses of the correct type and capacity shall be installed so as to protect all electric equipment and circuits against short circuit and overloads. Three-phase motors on all electric equipment shall be provided with overload protection that will deenergize all three phases in the event that any phase is overloaded.

(o) In all main power circuits disconnecting switches shall be installed underground within five hundred feet of the bottoms of shafts and boreholes through which main power circuits enter the underground portion of the mine and at all other places where main power circuits enter the underground portion of the mine.

(p) All electric equipment shall be provided with switches or other controls that are safely designed, constructed, and installed.

(q) Each ungrounded, exposed power conductor that leads underground shall be equipped with lightning arresters of approved type within one hundred feet of the point where the circuit enters the mine. Lightning arresters shall be connected to a low resistance grounding medium on the surface which shall be separated from neutral grounds by a distance of not less than twenty-five feet.

(r) No device for the purpose of lighting any underground coal mine or flame which has not been approved by the Secretary or his authorized representative shall be permitted in any underground coal mine, except under the provisions of section 311(d) of this title.

(s) An authorized representative of the Secretary may require in any coal mine that face equipment be provided with devices that will permit the equipment to be deenergized quickly in the event of an emergency.

TRAILING CABLES

SEC. 306. (a) Trailing cables used underground shall meet the requirements established by the Secretary for flame-resistant cables.

(b) Short-circuit protection for trailing cables shall be provided by an automatic circuit breaker or other no less effective device approved by the Secretary of adequate current interrupting capacity in each ungrounded conductor. Disconnecting devices used to disconnect power from trailing cables shall be plainly marked and identified and such devices shall be equipped or designed

in such a manner that it can be determined by visual observation that the power is disconnected.

(c) When two or more trailing cables junction to the same distribution center, means shall be provided to assure against connecting a trailing cable to the wrong size circuit breaker.

(d) No more than two temporary splices shall be made in any trailing cable, except that if a third splice is needed during a shift it may be made during such shift, but such cable shall not be used after that shift until a permanent splice is made. In any case in which a temporary splice is made pursuant to this subsection such splice shall, within five working days thereafter, be replaced by a permanent splice. No temporary splice shall be made in a trailing cable within twenty-five feet of the machine, except cable reel equipment. Temporary splices in trailing cables shall be made in a workmanlike manner and shall be mechanically strong and well insulated. Trailing cables or hand cables which have exposed wires or which have splices that heat or spark under load shall not be used. As used in this subsection, the term "splice" means the mechanical joining of one or more conductors that have been severed.

(e) When permanent splices in trailing cables are made, they shall be—

(1) mechanically strong with adequate electrical conductivity and flexibility;

(2) effectively insulated and sealed so as to exclude moisture; and

(3) vulcanized or otherwise treated with suitable materials to provide flame-resistant qualities and good bonding to the outer jacket.

(f) Trailing cables shall be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections. Trailing cables shall be adequately protected to prevent damage by mobile machinery.

(g) Trailing cable and power cable connections to junction boxes shall not be made or broken under load.

GROUNDING

SEC. 307. (a) All metallic sheaths, armors, and conduits enclosing power conductors shall be electrically continuous throughout and shall be grounded. Metallic frames, casing, and other enclosures of electric equipment that can become "alive" through failure of insulation or by contact with energized parts shall be grounded effectively. Methods other than grounding which provide equivalent protection may be permitted by the Secretary.

(b) The frames of all offtrack direct current machines and the enclosures of related detached components shall be effectively grounded or otherwise maintained at safe voltages by methods approved by an authorized representative of the Secretary.

[(c) The frames of all high voltage switchgear, transformers, and other high voltage equipment shall be grounded to the high voltage system ground.]

(c) The frames of all stationary high-voltage equipment receiving power from ungrounded delta systems shall be grounded by methods approved by an authorized representative of the Secretary.

(d) High-voltage lines, both on the surface and underground, shall be deenergized and grounded before work is performed on them [.] *, except that repairs may be permitted, in the case of energized surface high-voltage lines, if such repairs are made by a qualified person in accordance with procedures and safeguards, including, but not limited to, a requirement that the operator of such mine provide, test, and maintain protective devices in making such repairs, to be prescribed by the Secretary prior to the operative date of this title.*

(e) When not in use, power circuits underground shall be deenergized on idle days and idle shifts, except that rectifiers and transformers may remain energized.

UNDERGROUND HIGH-VOLTAGE DISTRIBUTION

SEC. 308. (a) High-voltage circuits entering the underground portion of the mine shall be protected by suitable circuit breakers of adequate interrupting [capacity. Such breakers shall be equipped with relaying circuits to protect against overcurrent, ground fault, a los.. of ground continuity, short circuit, and under voltage.] *capacity which are properly tested and maintained as prescribed by the Secretary. Such breakers shall be equipped with devices to provide protection against under-voltage, grounded phase, short circuit, and overcurrent.*

(b) High-voltage circuits extending underground *and supplying portable, mobile, or stationary high-voltage equipment* shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the source transformers, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all high-voltage equipment supplied power [from that circuit. At the point where high-voltage circuits enter the underground portion of the mine, disconnecting devices shall be installed out by the automatic breaker and such devices shall be equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected.] *from that circuit, except that the Secretary or his authorized representative may permit ungrounded high-voltage circuits to be extended underground to feed stationary electrical equipment if such circuits are either steel armored or installed in grounded, rigid steel conduit throughout their entire length. Within one hundred feet of the point on the surface where high-voltage circuits enter the underground portion of the mine, disconnecting devices shall be installed and so equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected, except that the Secretary or his authorized representative may permit such devices to be installed at a greater distance from such portion of the mine if he determines, based on existing physical conditions, that such installation will be more accessible at a greater distance and will not pose any hazard to the miners.*

(c) The grounding resistor, *where required,* shall be of the proper ohmic value to limit the voltage drop in the grounding circuit external to the resistor to not more than 100 volts under fault conditions. The grounding resistor shall be rated for maximum fault current continuously and insulated from ground for a voltage equal to the phase-to-phase voltage of the system.

(d) High-voltage, *resistance grounded, wye-connected* systems shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity and the fail safe ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken.

[(e) Underground high-voltage cables shall be equipped with metallic shields around each power conductor. One or more ground conductors shall be provided having a cross-sectional area of not less than one-half the power conductor or capable of carrying twice the maximum fault current. There shall also be provided an insulated conductor not smaller than No. 8 (AWG) for the ground continuity check circuit. Cables shall be adequate for the intended current and voltage. Splices made in the cable shall provide continuity of all components and shall be made in accordance with cable manufacturers' recommendation.]

(e) (1) Underground high-voltage cables used in resistance grounded, wye-connected systems shall be equipped with metallic shields around each power conductor, with one or more ground conductors having a total cross-sectional area of not less than one-half the power conductor, and with an insulated internal or external conductor not smaller than No. 8 (AWG) for the ground continuity check circuit.

(2) All such cables shall be adequate for the intended current and voltage. Splices made in such cables shall provide continuity of all components.

(f) Couplers that are used with high-voltage power circuits shall be of the three-phase type with a full metallic shell, except that the Secretary may permit, under such guidelines as he may prescribe, couplers constructed of materials other than metal. Couplers shall be adequate for the voltage and current expected. All exposed metal on the metallic couplers shall be grounded to the ground conductor in the cable. The coupler shall be constructed so that the ground check continuity conductor shall be broken first and the ground conductors shall be broken last when the coupler is being uncoupled.

(g) Single-phase loads such as transformer primaries shall be connected phase to phase.

(h) All underground high-voltage transmission cables shall be installed only in regularly inspected aircourses and haulageways, and shall be covered, buried, or placed so as to afford protection against damage, guarded where men regularly work or pass under them unless they are six and one-half feet or more above the floor or rail, securely anchored, properly insulated, and guarded at ends, and covered, insulated, or placed to prevent contact with trolley and other low-voltage circuits.

(i) Disconnecting devices shall be installed at the beginning of branch lines in high-voltage circuits and equipped or designed in such a manner that it can be determined by visual observation that the circuit is deenergized when the switches are open.

(j) Circuit breakers and disconnecting switches underground shall be marked for identification.

[(k) Terminations and splices of high voltage cable shall be made in accordance with manufacturer's specifications.]

(k) In the case of high-voltage cables used as trailing cables, temporary splices shall not be used and all permanent splices shall be made in accordance with section 306(e) of this title. Terminations and splices in all other high-voltage cables shall be made in accordance with the manufacturer's specifications.

(l) Frames, supporting structures, and enclosures of [substation or switching station apparatus] *portable or mobile underground high-voltage equipment and all high-voltage equipment supplying power to such equipment* shall be effectively grounded to the high-voltage ground.

[(m) Power centers and portable transformers shall be deenergized before they are moved from one location to another. High voltage cables, other than trailing cables, shall not be moved or handled while energized.]

(m) Power centers and portable transformers shall be deenergized before they are moved from one location to another, except that, when equipment powered by sources other than such centers or transformers is not available, the Secretary may permit such centers and transformers to be moved while energized, if he determines that another equivalent or greater hazard may otherwise be created, and if they are moved under the supervision of a qualified person, and if such centers and transformers are examined prior to such movement by such person and found to be grounded by methods approved by an authorized representative of the Secretary and otherwise protected from hazards to the miner. A record shall be kept of such examinations. High-voltage cables, other than

trailing cables, shall not be moved or handled at any time while energized, except that, when such centers and transformers are moved while energized as permitted under this subsection, energized high-voltage cables attached to such centers and transformers may be moved only by a qualified person and the operator of such mine shall require that such person wear approved and tested insulated wireman's gloves.

UNDERGROUND LOW- AND MEDIUM-VOLTAGE ALTERNATING CURRENT CIRCUITS

SEC. 309. (a) Low- and medium-voltage power circuits serving three-phase alternating current equipment shall be protected by suitable circuit breakers of adequate interrupting [capacity. Such breakers shall provide protection for the circuit against overcurrent, ground fault, short circuits, and loss of ground circuit continuity.] *capacity which are properly tested and maintained as prescribed by the Secretary. Such breakers shall be equipped with devices to provide protection against under-voltage, grounded phase, short circuit, and overcurrent.*

(b) Low- and medium-voltage *three-phase alternating-current* circuits used underground shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the power center, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all the electrical equipment supplied power from that [circuit. The grounding resistor shall be of the proper ohmic value to limit the ground fault current to 25 amperes. The grounding resistor shall be rated for maximum fault current continuously.] *circuit, except that the Secretary or his authorized representative may permit ungrounded low- and medium-voltage circuits to be used underground to feed such stationary electrical equipment if such circuits are either steel armored or installed in grounded rigid steel conduit throughout their entire length. The grounding resistor, where required, shall be of the proper ohmic value to limit the ground fault current to 25 amperes. The grounding resistor shall be rated for maximum fault current continuously and insulated from ground for a voltage equal to the phase-to-phase voltage of the system.*

[(c) Low and medium voltage circuits] *(c) Six months after the operative date of this title, low- and medium-voltage resistance grounded, wye-connected systems* shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity and the fail safe ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken. *Cable couplers shall be constructed so that the ground check continuity conductor shall be broken first and the ground conductors shall be broken last when the coupler is being uncoupled.*

(d) Disconnecting devices shall be installed in conjunction with the circuit breaker to provide visual evidence that the power is disconnected. Trailing cables for mobile equipment shall contain one or more ground conductors having a cross sectional area of not less than one half the power conductor and *six months after the operative date of this title,* an insulated conductor for the ground continuity check circuit. Splices made in the cables shall provide continuity of all components.

(e) Single phase loads shall be connected phase to phase.

(f) Circuit breakers shall be marked for identification.

(g) Trailing cable for medium voltage circuits shall include grounding conductors, a ground check conductor, and ground metallic shields around each power conductor or a grounded metallic shield over the assembly; except that on machines, employing cable reels, cables without shields may be used if the insulation is rated 2,000 volts or more.

TROLLEY AND TROLLEY FEEDER WIRES

SEC. 310. (a) Trolley wires and trolley feeder wires shall be provided with cutout switches at intervals of not more than 2,000 feet and near the beginning of all branch lines.

(b) Trolley wires and trolley feeder wires shall be provided with overcurrent protection.

(c) Trolley and trolley feeder wires, high-voltage cables and transformers shall not be located inby the last open crosscut and shall be kept at least 150 feet from pillar workings.

(d) Trolley wires, trolley feeder wires, and bare signal wires shall be insulated adequately where they pass through doors and stoppings, and where they cross other power wires and cables. Trolley wires and trolley feeder wires shall be guarded adequately (1) at all points where men are required to work or pass regularly under the wires [, unless the wires are placed 10 feet or more above the top of the rail]; (2) on both sides of all doors and stoppings, and (3) at man-trip stations. The Secretary or his authorized representatives shall specify other conditions where trolley wires and trolley feeder wires shall be adequately protected to prevent contact by any person, or shall require the use of improved methods to prevent such contact. Temporary guards shall be provided where trackmen and other persons work in proximity to trolley wires and trolley feeder wires.

FIRE PROTECTION

SEC. 311 (a) Each coal mine shall be provided with suitable firefighting equipment adapted for the size and conditions of the mine. The Secretary shall establish minimum requirements for the type, quality, and quantity of such equipment, and the interpretations of the Secretary relating to such equipment in effect on the operative date of this title shall continue in effect until modified or superseded by the Secretary. After every blasting operation performed on a shift, an examination shall be made to determine whether fires have been started.

(b) Underground storage places for lubricating oil and grease shall be of fireproof construction. Except for specially prepared materials approved by the Secretary, lubricating oil and grease kept in face areas or other underground working places in a mine shall be in portable, fire proof, closed metal containers.

(c) Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return. All other underground structures installed in a mine shall be of fireproof construction.

(d) All welding, cutting, or soldering with arc or flame in all underground areas of a mine shall, whenever practicable, be conducted in fireproof enclosures. Welding, cutting, or soldering with arc or flame in other than a fireproof enclosure shall be done under the supervision of a qualified person who shall make a diligent search for fire during and after such operations and shall immediately before and during such operations, continuously test for explosive gas with means approved by the Secretary for detecting explosive gas. Welding, cutting, or soldering shall not be conducted in air that contains [more than 1 volume per centum] *1.0 volume per centum or more* of explosive gas. Rock dust or suitable fire extinguishers shall be immediately available during such welding, cutting, or soldering.

(e) Within one year after the operative date of this title, fire suppression devices meeting specifications prescribed by the Secretary shall be installed on unattended underground equipment and suitable fire-resistant hydraulic funds approved by the Secretary shall be used in the hydraulic systems of such equipment. Such fluids shall be used in the hydraulic systems of other underground equipment unless fire suppression devices meeting specifications prescribed by the Secretary are installed on such equipment.

(f) Deluge-type water sprays or foam generators, automatically actuated by rise in temperature, or other effective means of controlling fire shall be installed at main and secondary belt conveyor drives. Such sprays or foam generators shall be supplied with a sufficient quantity of water to control fires.

(g) Underground belt conveyors shall be equipped with slippage and sequence switches. *The Secretary shall, within sixty days after the operative date of this title, require that devices be installed on all such belts which will give a warning automatically when a fire occurs on or near such belt. The Secretary shall prescribe a schedule for installing fire suppression devices on belt haulageways.*

(h) On or after the operative date of this title, all conveyor belts acquired for use underground shall meet the requirements established by the Secretary for flame-resistant conveyor belts.

MAPS

SEC. 312. (a) The operator of an active underground coal mine shall have, in a surface location chosen to minimize the danger of destruction by fire or other hazard, an accurate and up-to-date map of such mine drawn on such scale as the Secretary may require. Such map shall show the active workings, all worked out and abandoned areas, excluding those areas which have been worked out or abandoned before the effective date of this paragraph which are inaccessible or cannot be entered safely and on which no information is available, entries and aircourses with the direction of airflow indicated by arrows, elevations, dip of the coalbed, escapeways, adjacent mine workings within one thousand feet, mines above or below, water pools above, and oil and gas wells, either producing or abandoned, located within five hundred feet of such mine, and such other information as the Secretary may require. Such map shall be made or certified by a registered engineer or a registered surveyor of the State in which the mine is located. As the Secretary may by regulation require, such map shall be kept up to date by temporary notations, and such map shall be revised and supplemented at intervals on the basis of a survey made or certified by such engineer or surveyor.

(b) The coal mine map and any revision and supplement thereof shall be available for inspection by the Secretary or his authorized representative, by coal mine inspectors of the State in which the mine is located, and by persons working in the mine and their authorized representatives and by operators of adjacent coal mines. The operator shall furnish to the Secretary or his authorized representative, or to the Secretary of Housing and Urban Development, upon request, one or more copies of such map and any revision and supplement thereof.

(c) Whenever an operator permanently closes such mine, or temporarily closes such mine for a period of more than ninety days, he shall promptly notify the Secretary of such closure. Within sixty days of the permanent closure of the mine, or, when the mine is temporarily closed, upon the expiration of a period of ninety days from the date of closure, the operator shall file with the Secretary a copy of the mine map revised and supplemented to the date of the closure. Such copy of the mine map shall be certified

as true and correct by a registered surveyor or registered engineer of the State in which the mine is located and shall be available for public inspection.

BLASTING AND EXPLOSIVES

SEC. 313. (a) Black blasting powder shall not be stored or used underground. Mudcaps (adobes) or other unconfined shots shall not be fired underground.

(b) Explosives and detonators shall be kept in separate containers until immediately before use at the working faces. In underground anthracite mines, (1) mudcaps or other open, unconfined shake shots may be fired, if restricted to battery starting when no explosive gas or a fire hazard is present, and if it is otherwise impracticable to start the battery; (2) open, unconfined shake shots in pitching veins may be fired, when no explosive gas or a fire hazard is present, if the taking down of loose hanging coal by other means is too hazardous; and (3) tests for explosive gas shall be made immediately before such shots are fired and if explosive gas is present when tested in 1 volume per centum, such shot shall not be made until the explosive gas content is reduced below 1 per centum.

(c) Except as provided in this subsection, in all underground areas of a mine only permissible explosives, electric detonators of proper strength, and permissible blasting devices shall be used and all explosives and blasting devices shall be used in a permissible manner. Permissible explosives shall be fired only with permissible shot firing units. Only incombustible materials shall be used for stemming boreholes. The Secretary may, under such safeguards as he may prescribe, permit the firing of more than twenty shots and allow the use of nonpermissible explosives in sinking shafts and slopes from the surface in rock. This section shall not prohibit the use of compressed air blasting.

(d) Explosives or detonators carried anywhere underground by any person shall be in containers constructed of nonconductive material, maintained in good condition, and kept closed.

(e) Explosives or detonators shall be transported in special closed containers (1) in cars moved by means of a locomotive or rope, (2) on belts, (3) in shuttle cars, or (4) in equipment designed especially to transport such explosives or detonators.

(f) When supplies of explosives and detonators for use in one or more working sections are stored underground, they shall be kept in section boxes or magazines of substantial construction with no metal exposed on the inside, located at least twenty-five feet from roadways and power wires, and in a dry, well rock-dusted location protected from falls of roof, except in pitching beds, where it is not possible to comply with the location requirement, such boxes shall be placed in niches cut into the solid coal or rock.

(g) Explosives and detonators stored in the working places shall be kept in separate closed containers, which shall be located out of the line of blast and not less than fifty feet from the working face and fifteen feet from any pipeline, powerline, rail, or conveyor, except that, if kept in niches in the rib, the distance from any pipeline, powerline, rail, or conveyor shall be at least five feet. Such explosives and detonators, when stored, shall be separated by a distance of at least five feet.

HOISTING AND MANTRIPS

SEC. 314. (a) Every hoist used to transport persons at an underground coal mine shall be equipped with overspeed, overwind, and automatic stop controls. Every hoist used to transport persons shall be equipped with brakes capable of stopping the fully loaded platform, cage, or other device used for transporting persons, and with hoisting cable adequately strong to sustain the fully loaded platform, cage, or other device for transporting persons, and have a proper margin of safety. Cages, platforms, or other devices which are used to transport persons in vertical shafts shall be equipped with safety catches that act quickly and effectively in an emergency, and the safety catches shall be tested at least once every two months. Hoisting equipment, including automatic elevators, that is used to transport persons shall be examined daily. Where persons are regularly transported into or out of a coal mine by hoists, a qualified hoisting engineer shall be on duty while any person is underground, except that no such engineer shall be required for automatically operated cages, platforms, or elevators.

(b) Safeguards adequate, in the judgment of an authorized representative of the Secretary, to minimize hazards with respect to transportation of men and materials shall be provided.

(c) Hoists shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes used. An accurate and reliable indicator of the position of the cage, platform, skip, bucket, or cars shall be provided.

(d) There shall be at least two effective methods approved by the Secretary of signaling between each of the shaft stations and the hoist room, on of which shall be a telephone or speaking tube.

(e) In order to be capable of stopping with the proper margin of safety each locomotive and haulage cars used in an underground coal mine shall be equipped with automatic brakes, or shall be subject to speed reductions or other safeguards approved by the Secretary.

EMERGENCY SHELTERS

SEC. 315. The Secretary or an authorized representative of the Secretary may require in any coal mine that rescue chambers, properly sealed and ventilated, be erected at suitable locations in the mine to which men could go in case of an emergency for protection against hazards. Such chambers shall be properly equipped with first aid materials, an adequate supply of air and self-contained breathing equipment, an independent communication system to the surface, and proper accommodations for the men while awaiting rescue, and such other equipment as the Secretary may require. A plan for the erection, maintenance, and revisions of such chambers shall be submitted by the operator to the Secretary for his approval.

COMMUNICATIONS

SEC. 316. A two-way communication system, approved by the Secretary, shall be provided between the surface and each landing of main shafts and slopes and between the surface and each working section that is more than two hundred feet from a portal.

MISCELLANEOUS

[SEC. 317. (a) No coal mine shall be operated in any coal seam where the coal has been or is being removed from the said seam within five hundred feet of a known gas or oil well whether producing or abandoned, except that the Secretary may permit such operation within three hundred feet of such well under regulations prescribing conditions which will assure the complete safety of all miners engaged in such operation.]

Sec. 317. (a) While pillars are being extracted in any area of a mine, such area shall be ventilated in a manner approved by the Secretary or his authorized representative. Within six months after the operative date of this title, all areas which are or have been abandoned in all mines, as determined by the Secretary or his authorized representative, shall be ventilated by bleeder entries or by bleeder systems or equivalent means or sealed, as determined by the Secretary or his authorized representative, except that the Secretary may permit, on a mine-by-mine basis, an extension of time of not to exceed six months to complete such work. Ventilation of such areas shall be approved only where the Secretary or his authorized representative is satisfied that such ventilation can be maintained so as to, continuously, dilute, render harmless, and carry away explosive gases within such areas and to protect the active workings of the mine from the hazards of such gases. When sealing is required, such seals shall be made in an approved manner so as to isolate with explosion-proof bulkheads such areas from the active workings of the mine. In the case of mines opened on or after the operative date of this title or in the case of working sections opened on or after such date in mines opened prior to such date, the mining system shall be designed, in accordance with a plan and revisions thereof approved by the Secretary and adopted by such operator, so that, as each working section of the mine is abandoned, it can be isolated from the active workings of the mine with explosion-proof seals or bulkheads. For the purpose of this paragraph, the term "abandoned" as applied to any area of a mine shall include, but not be limited to, areas of a mine which are not ventilated and inspected regularly, areas where mining has been started but not completed, areas where future mining is still possible, and areas that are deserted.

(2) Each operator of a coal mine shall take reasonable measures to locate oil and gas wells penetrating coalbeds or any underground area of a coal mine. When located, such operator shall establish and maintain barriers around such oil and gas wells in accordance with State laws and regulations, except that such barriers shall not be less than three hundred feet in diameter, unless the Secretary or his authorized representative permits a lesser barrier consistent with the applicable State laws and regulations where such lesser barrier will be adequate to protect against hazards from such wells to the miners in such mine, or unless the Secretary or his authorized representative requires a greater barrier where the depth of the mine, other geologic conditions, or other factors warrant such a greater barrier.

(b) Whenever any working place approaches within fifty feet of abandoned workings in the mine as shown by surveys made and certified by a registered engineer or surveyor, or within two hundred feet of any other abandoned workings of the mine which cannot be inspected and which may contain dangerous accumulations of water or gas, or within two hundred feet of any workings of an adjacent mine, a borehole or boreholes shall be drilled to a distance of at least twenty feet in advance of the face of such working place and shall be continually maintained to a distance of at least ten feet in advance of the advancing working face. When there is more than one borehole, they shall be drilled sufficiently close to each other to insure that the advancing face will not accidentally hole through into abandoned workings or adjacent mines. Boreholes shall also be drilled not more than eight feet apart in the rib of such working place to a distance of at least twenty feet and at an angle of forty-five degrees. Such rib holes shall be drilled in one or both ribs of such working place as may be necessary for adequate protection of persons working in such place.

(c) Smoking shall not be permitted underground, nor shall any person carry smoking materials, matches, or lighters underground. Smoking shall be prohibited in or around oil houses, explosives magazines, or other surface areas where such practice may cause a fire or explosion. The operator of a coal mine shall institute a program, approved by the Secretary, at each mine to insure that any person entering the underground portion of the mine does not carry smoking materials, matches, or lighters.

(d) Persons underground shall use only permissible electric lamps approved by the Secretary for portable illumination. No open

flame shall be permitted in any underground mine except as specifically authorized by this Act.

(e) The Secretary shall prescribe the manner in which all underground working places in a mine shall be illuminated by permissible lighting while persons are working in such places.

(f) (1) At least two separate and distinct travelable passageways *which are maintained to insure passage at all times of any person, including disabled persons, and which are* to be designated as escapeways, at least one of which is ventilated with intake air, shall be provided from [each mine working section continuous to the surface, and] *each working section of a mine continuous to the surface escape drift opening, or continuous to the escape shaft or slope facilities to the surface, as appropriate, and* shall be maintained in safe condition and properly marked. Mine openings shall be adequately protected to prevent the entrance into the underground portion of the mine of surface fires, fumes, smoke, and flood water. [Adequate facilities approved by the Secretary or his authorized representative shall be provided in each escape shaft or slope to allow persons to escape quickly to the surface in event of emergency.] *Adequate and readily accessible escape facilities approved by the Secretary or his authorized representative, properly maintained, and frequently tested shall be immediately present at or in each escape shaft or slope to allow persons, including disabled persons, to escape quickly to the surface in the event of an emergency.*

(2) Not more than twenty miners shall be allowed at any one time in any mine until a connection has been made between the two mine openings, and such work shall be prosecuted with reasonable diligence.

(3) When only one main opening is available, owing to final mining of pillars, not more than twenty miners shall be allowed in such mine at any one time, except that the distance between the mine opening and working face shall not exceed five hundred feet.

[(4) In the case of all coal mines opened after the operative date of this title the escapeway required by paragraph (1) of this subsection to be ventilated with intake air, shall be separated from the belt and trolley haulage entries of the mine.]

(4) In the case of all coal mines opened on or after the operative date of this title, and in the case of all new working sections opened on or after such date in coal mines opened prior to such date, the escapeway required by this subsection to be ventilated with intake air shall be separated from the belt and trolley haulage entries of the mine for the entire length of such entries to the beginning of each working section, except that the Secretary or his authorized representative may permit such separation to be extended for a greater or lesser distance so long as the safety of the miners is assured.

(g) After the operative date of this title, all structures erected on the surface within one hundred feet of any mine opening shall be of fireproof construction. Unless structures existing on or prior to such date located within one hundred feet of any mine opening are of such construction, fire doors shall be erected at effective points in mine openings to prevent smoke or fire from outside sources endangering men working underground. These doors shall be tested at least monthly to insure effective operation. A record of such tests shall be kept and shall be available for inspection by interested persons.

(h) Adequate measures shall be taken to prevent explosive gases and coal dust from accumulating in excessive concentrations in or on surface coal-handling facilities, but in no event shall explosive gases be permitted to accumulate in concentrations in or on surface coal-handling facilities in excess of limits established for explosive gases by the Secretary within one year of the operative date of this title, and coal dust shall not accumulate in excess of limits prescribed by or under this Act. Where coal is dumped at or near air-intake openings, provisions shall be made to prevent the dust from entering the mine.

(i) Every operator of a coal mine shall provide a program, approved by the Secretary, of training and retraining of both qualified and certified persons needed to carry out functions prescribed in this title.

[(j) In any mine that liberates excessive quantities of explosive gases, and if in the opinion of the Secretary such excessive liberations present or are likely to present explosion dangers, a Federal inspector shall be present at such mine, for the purpose of making mine inspections on each and every day such mine is producing coal.]

(j) Whenever the Secretary finds that a mine liberates excessive quantities of explosive gases during its operations, or that a gas ignition or explosion has occurred in such mine which resulted in death or serious injury at any time during the previous five years, or that there exists in such mine other especially hazardous conditions, he shall provide a minimum of twenty-six spot inspections of all or part of such mine each year at irregular intervals by his authorized representative.

(k) An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that the face equipment, including shuttle cars, be provided with substantially constructed canopies or cabs to protect the operators of such equipment from roof falls and from rib and face rolls.

(l) The opening of any mine that is declared inactive by its operator or is abandoned for more than ninety days, after the operative date of this title, shall be sealed in a manner prescribed by the Secretary. Openings to all active coal mines shall be adequately protected to prevent entrance by unauthorized persons.

(m) Each mine shall provide adequate facilities for the miners to change from the clothes worn underground, to provide the storage of such clothes from shift to shift, and to provide sanitary and bathing facilities. Sanitary toilet facilities shall be provided in the active workings of the mine when such surface facilities are not readily accessible to the active workings.

(n) Arrangements shall be made in advance for obtaining emergency medical assistance and transportation for injured persons. Emergency communications shall be provided to the nearest point of assistance. Selected agents of the operator shall be trained in first aid and first aid training shall be made available to all miners. Each mine shall have an adequate supply of first aid equipment located on the surface, at the bottom of shafts and slopes, and at other strategic locations near the working faces. In fulfilling each of the requirements in this subsection, the operator shall meet at least minimum standards established by the Surgeon General. Each operator shall file with the Secretary a plan setting forth in such detail as the Secretary may require the manner in which such operator has fulfilled the requirements in this section.

(o) A self-rescue device approved by the Secretary shall be made available to each miner by the operator which shall be adequate to protect such miner for one hour or longer. Each operator shall train each miner in the use of such device.

(p) The Secretary shall prescribe improved methods of assuring that miners are not exposed to atmospheres that are deficient in oxygen.

(q) Each operator of a coal mine shall establish a check-in and check-out system which will provide positive identification of every person underground and will provide an accurate record of the miners in the mine kept on the surface in a place chosen to minimize the danger of destruction by fire or other hazard. Such record shall bear a number identical to an identification check that is securely fastened to the lamp belt worn by the person underground. The identification check shall be made of a rust resistant metal of not less than sixteen gauge.

(r) The Secretary shall require, when technologically feasible, that devices to suppress ignitions be installed on electric face cutting equipment.

(s) Whenever an operator mines coal in a manner that requires the construction, operation, and maintenance of tunnels under any river, stream, lake, or other body of water, such operator shall obtain a permit from the Secretary which shall include such terms and conditions as he deems appropriate to protect the safety of men working or passing through such tunnels from caveins and other hazards. Such permits shall require, in accordance with a plan to be approved by the Secretary, that a safety zone be established beneath and adjacent to any such body of water that is, in the judgment of the Secretary, sufficiently large to constitute a hazard. No plan shall be approved unless there is a minimum of rock cover to be determined by the Secretary based on test holes drilled by the operator in a manner to be prescribed by the Secretary.

(t) The Secretary shall require that developed and improved devices and systems for the monitoring and detection of mine safety conditions and for the protection of the individual miner be acquired by each operator of a coal mine and that such devices and systems be used as soon as they become available.

(u) All haulage equipment acquired by an operator of a coal mine on or after one year after the operative date of this title shall be equipped with automatic couplers which shall couple by impact and uncouple without the necessity of men going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on the operative date of this title shall also be so equipped within four years after the operative date of this title.

(v) An adequate supply of potable water shall be provided for drinking purposes in the active workings of the mine, and such water shall be carried, stored, and otherwise protected in sanitary facilities.

(w) The Secretary shall send a copy of every proposed standard or regulation at the time of publication in the Federal Register to the operator of each coal mine and the representative of the miners at such mine and such copy shall be immediately posted on the bulletin board of the mine by the operator or his agent, but failure to receive such notice shall not relieve anyone of the obligation to comply with such standard or regulation.

(x) An employee, the duties of whose position are primarily the inspection of coal mines, including an employee engaged in this activity and transferred to a supervisory or administrative position, who attains the age of fifty years and completes twenty years of service in the performance of those duties may, if the Secretary recommends his retirement and the Civil Service Commission approves, voluntarily retire and be paid an annuity. Any such employee who attains the age of sixty years and completes fifteen years of service may voluntarily retire on an annuity, unless the Secretary determines that such retirement would not be in the best interests of the program and, in such case, the Secretary may extend such employee's service on an annual basis. An employee who retires under this subsection shall be entitled to an annuity of 2½ per centum of his average pay multiplied by his total service, except that the annuities shall not exceed 80 per centum of his average pay. As used in this

subsection, the terms "employee", "average pay", and "service" have the meaning ascribed to those terms in subchapter III, chapter 83, title 5, United States Code, and the provisions of that subchapter respecting payment and adjustment of annuity, survivor annuities, and related matters, shall apply with respect to employees retiring under this subsection.

(y) (1) No person shall discharge or in any other way discriminate against or cause to be discharged or discriminated against any miner or any authorized representative of miners by reason of the fact that such miner or representative (A) has notified the Secretary or his authorized representative of any alleged violation or danger pursuant to section 103(g) of this title, (B) has filed, instituted, or caused to be instituted any proceeding under this Act, or (C) has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(2) Any miner or a representative of miners who believes that he has been discharged or otherwise discriminated against by any person in violation of paragraph (1) of this subsection may, within thirty days after such violation occurs, apply to the Secretary for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party, to enable the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

Upon receiving the report of such investigation, the Secretary shall make findings of fact. If he finds that such violation did occur, he shall issue an order requiring the person committing such violation to take such affirmative action to abate the violation as the Secretary deems appropriate, including, but not limited to, the rehiring or reinstatement of the miner or representative of miners to his former position with back pay. If he finds that there was no such violation, he shall issue an order denying the application. Such order shall incorporate the Secretary's findings therein. Any decision issued by the Secretary under this paragraph shall be subject to judicial review in accordance with the provisions of this Act. Violations by any person of paragraph (1) of this subsection shall be subject to the civil penalties provisions of this title.

(3) Whenever an order is issued under this subsection, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

DEFINITIONS

SEC. 318. For the purpose of this title and title II of this Act, the term—

(a) "certified person" means a person certified by the State in which the coal mine is located to perform duties prescribed by such sections, except that, in a State where no program of certification is provided or where the program does not meet at least minimum Federal standards established by the Secretary, such certification shall be by the Secretary;

[(b) "qualified person" means an individual deemed qualified by the Secretary to make tests for measurements, as appropriate, required by this Act;]

(b) "Qualified person" means, as the context requires, an individual deemed qualified by the Secretary to make tests and examinations required by this Act; and an individual deemed, in accordance with minimum requirements to be established by the Secretary, qualified by training, education, and experience, to perform electrical work, to maintain electrical equipment, and to conduct examinations and tests of all electrical equipment.

(c) "permissible" as applied to—

(1) equipment used in the operation of a coal mine, means equipment to which an approval plate, label, or other device is attached as authorized by the Secretary and which meets specifications which are prescribed by the Secretary for the construction and maintenance of such equipment and are designed to assure that such equipment will not cause a mine explosion or a mine fire,

(2) explosives, shot firing units, or blasting devices used in such mine, means explosives, shot firing units, or blasting devices which meet specifications which are prescribed by the Secretary, and

(3) the manner of use of equipment or explosives, shot firing units, and blasting devices, means the manner of use prescribed by the Secretary;

(d) "rock dust" means pulverized limestone, dolomite, gypsum, anhydrite, shale, talc, adobe, or other inert material, preferably light colored, 100 per centum of which will pass through a sieve having twenty meshes per linear inch and 70 per centum or more of which will pass through a sieve having two hundred meshes per linear inch; the particles of which when wetted and dried will not cohere to form a cake which will not be dispersed into separate particles by a light blast of air; and which does not contain more than 5 per centum of combustible matter or [more than a total of 5 per centum of free and combined silica (SiO_2);] *more than a total of 3 per centum of free and combined silica (SiO_2) or, where the Secretary finds that such silica concentrations are not available, up to 5 per centum of free and combined silica;*

(e) "coal mine" includes areas of adjoining mines connected underground;

(f) "anthracite" means coals with a volatile ratio equal to 0.12 or less;

(g) "volatile ratio" means volatile matter content divided by the volatile matter plus the fixed carbon;

(h) (1) "working face" means any place in a coal mine in which work of extracting coal from its natural deposit in the earth is done,

(2) "working place" means the area of a coal mine inby the last open crosscut,

(3) "working section" means all areas of the coal mine from the loading point of the section to and including the working faces,

(4) "active workings" means any place in a coal mine where miners are normally required to work or travel;

(i) "abandoned areas" means sections, panels, and other areas that are not ventilated and examined in the manner required for active underground working places;

(j) "electric face equipment" means electric equipment that is installed or used in the last open crosscut in an entry or a room;

(k) "registered engineer" or "registered surveyor" means an engineer or surveyor registered by the State pursuant to standards established by the State meeting at least minimum Federal requirements established by the Secretary, or if no such standards are in effect, registered by the Secretary;

(l) "low voltage" means up to and including 660 volts; "medium voltage" means voltages from 661 to 1,000 volts; and "high voltage" means more than 1,000 volts;

(m) "average concentration" means a determination which accurately represents the atmospheric conditions with regard to respirable dust during a full working shift; such determination shall be the result of applying valid statistical techniques to the minimum necessary measurements of respirable dust; and

(n) "respirable dust" means only dust particulates 5 microns or less in size.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from Wisconsin, a member of the subcommittee, who has worked diligently on this legislation.

Mr. STEIGER. of Wisconsin. I appreciate the gentleman from Kentucky yielding to me.

In your remarks you directed the attention of the Members of the House to the question of compensation for persons suffering from black lung disease, about which there will be some controversy. The chairman knows that I supported the inclusion of this compensation section, but I simply want to see if the distinguished chairman of the full committee agrees with the statement appearing in the committee report:

> It is clearly not intended to establish a Federal prerogative or precedent in the area of payments for the death, injury, or illness of workers.

Does the gentleman agree with that statement.

Mr. PERKINS. Let me follow the gentleman a little closer. Let me get the report. I want to make sure that that is not intermingled with other sentences.

Mr. STEIGER of Wisconsin. It is on page 13.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. PERKINS. Mr. Chairman, I yield myself 1 additional minute.

The CHAIRMAN. The gentleman is recognized for 1 additional minute.

Mr. PERKINS. On page 13? Where on page 13?

Mr. STEIGER of Wisconsin. The middle of the page.

It starts out by saying:

> This program of payments——

Mr. PERKINS. All right, "This program of payments"——

Mr. STEIGER of Wisconsin. It states:

> This program of payments—maintained in the bill by a committee vote of 25 to 9—is not a workmen's compensation plan.

I am sure that the chairman would clearly agree with that statement.

Mr. PERKINS. It is not a workmen's compensation plan even though it is included in the bill because the committee found workmen's compensation statutes in various States totally inadequate to compensate the victims of black lung. It is a special compensation plan because of the hazardous nature of the employment of coal miners.

Mr. STEIGER of Wisconsin. I understand.

Mr. PERKINS. There is no other occupation to my knowledge or thinking as hazardous and as dangerous. It is for this reason, because of the insidious nature of this disease, that we wrote the compensation provisions into this bill—knowing that many of the States would never provide compensation for the coal miners when they may have contracted

the disease in those States—they would never write a statute.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. PERKINS. Mr. Chairman, I yield myself 1 additional minute.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield further?

Mr. PERKINS. I yield further to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I simply want to again point to the one sentence that I think is the key and I want to make sure that the legislative record is clear for all to see, that this is not intended to serve as a precedent. It is on that point that I have asked the gentleman from Kentucky to make his comment about that sentence in the committee report.

Mr. PERKINS. This is intended—let me put it in my own words—as a Federal compensation statute to take care of a group of employees that has been ostracized by most of the State workmen's compensation statutes. It is a special statute because of the hazardous nature of the work.

Mr. STEIGER of Wisconsin. I appreciate the gentleman yielding.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

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

Mr. Chairman, we are here today considering H.R. 13950, the Federal Coal Mine Health and Safety Act of 1969 in an atmosphere of some emotion as a result of the terrible disaster in West Virginia's Consolidation Coal Co.'s No. 9 mine near Farmington, W. Va.

It is unfortunate that this would be true, that one of the major reasons that this bill comes out onto the floor for consideration and that we are presently considering the health and safety of the coal miners is as the result of such a disaster.

It does make it more difficult as well in considering this bill to make the kind of dispassionate valid judgments that one must make in order to legislate effectively.

Mr. Chairman, a little over a year ago 78 miners were killed in an explosion and fire at the Farmington mine. As was pointed out by the chairman of our committee (Mr. PERKINS), the one thing that goes unheralded is that over 170 men have died in coal mine accidents since the Farmington disaster, more than double the number that died in that disaster.

Mr. Chairman, this points up, I think, the fact that this is an extremely hazardous occupation.

But unfortunately we do not look at the hazards that exist day by day. Most people are not aware, except when there are demonstrations or strikes against the State legislatures, most people are not aware of the disease pneumoconiosis—which I could not even pronounce at the beginning of this session, and was not aware of it. It comes trippingly off my tongue now because I have talked about pneumoconiosis and studied it for the better part of this year—but most people are not aware of this disabling disease, how it comes about, and what we might do to see that miners are protected from the onset of this disease.

I believe it is a sad commentary that we here in the United States, being one of the greatest coal-producing nations in the world, have not done the job of research that should have been done years ago into the causes and prevention of the disease pneumoconiosis. Because of this, our subcommittee while considering this legislation felt that we should go to the source of valid information since it was not available through our own research, and some members of our subcommittee did go to England where for the last 20 or 30 years they have made a very detailed study of pneumoconiosis. They have taken readings over a period of a number of years on the concentration of respirable dust in the coal mines, and have developed the relationship between the concentration of respirable dust and the length of time a miner is exposed to it, and the possibility or probability that the miner would contract the disease pneumoconiosis.

We had some difficulty in relating the information we got there to our situation in the United States for several reasons.

One is that historically the British had made a particle count to determine the prevalence of respirable dust. In other words, they would take a measurable amount of air and actually count the particles that were deposited upon a filter. We in the United States had used what is called a gravimetric measurement, that is, we gathered the particles within a measured volume of air, and weighed them. So we talked about milligrams of a certain weight of respirable dust in a cubic meter of air, and the English were talking about hundreds of particles in a given volume of air.

Since our trip the English have changed over to the type of measurement that we have, the gravimetric measurement, and they have for the first time promulgated standards of dust concentration for the purpose of limiting the chance of contracting the disease pneumoconiosis. I think it has a real bearing on what we are proposing to do in this bill, as to the interim mandatory standards which appear in title II, and I will talk about that later.

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

Mr. ERLENBORN. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am very much interested in the standards of respirable dust promulgated and fixed in England recently, what is that standard at the present time?

Mr. ERLENBORN. The English have just recently established a standard of 5.7. It would relate in the same terms to what we use of 5.7 milligrams per cubic meter of air, whereas the standards proposed to be established upon the operative date of this bill will be 4.5 milligrams, and within a year this would be reduced to 3 milligrams.

Mr. CARTER. In a recent letter from the Mining Board in England I believe I read that a standard of 8 milligrams per cubic meter would be required this year.

Mr. ERLENBORN. The gentleman is right. The standard set is 8 milligrams per cubic meter in England, but they measure at a different point than we do, and I think relating this to the standards and the method of measurement in the United States, if the gentleman will look at page 91 of the report of the committee, in the supplemental views, the gentleman will see that this would correspond to 5.7 milligrams concentration of coal dust.

Mr. CARTER. Is it not true that England has done a great deal more research work in this field than we have up to the present time?

Mr. ERLENBORN. There is no question about that. Up until a few years ago we had done practically no research in the United States. In the last 25 years or more extensive research has been conducted in England.

Mr. CARTER. Then, with an amount of research, less than that of England, we are setting a standard today in the United States which is lower than that of England; is that not true?

Mr. ERLENBORN. The gentleman is correct.

Mr. CARTER. I thank the distinguished gentleman.

Mr. ERLENBORN. I intend to address myself to that later in my remarks.

Mr. CARTER. I thank the gentleman.

Mr. ERLENBORN. Mr. Chairman, the history of coal mine legislation at the Federal level relates itself to safety legislation only. This bill will, for the first time put the Federal Government into the business that they should be in, in my opinion, and that is looking to the health of the coal miners.

As I say, over the years, actually over 100 years, we have had some legislation in the field of coal mine safety. The first real authority, I think, to inspect mines and to go into the business of safety for coal miners occurred in 1941.

In 1951 additional legislation was adopted that extended this authority.

In 1966 for the first time all of the mines were covered, and we brought in the smaller mines under the authority of this coal mine safety legislation.

At that time it was made quite clear that a valid distinction existed between the gassy mines, those liberating large amounts of methane gas and other mines that were not liberating excessive amounts of methane gas or enough methane gas to cause an explosive combination in the mine atmosphere.

An exemption was made for these nongassy mines so they would not have to comply with the very expensive requirement for permissible equipment, that is equipment designed according to specifications required by the Secretary of the Interior and the Bureau of Mines in such a way that it would not cause sparks or cause an ignition. It is contemplated under this bill to eliminate the nongassy classification and to bring all mines under the same requirement for the use of permissible equipment.

But to follow the historic progression of the legislative efforts of the Congress,

as I say, in 1966 the last amendment was made bringing the small mines under the Federal legislation.

Then in 1968, we had the Farmington disaster and here in 1969 we are considering the question of coal mine health and safety legislation.

One of the first items in the bill, section 101, relates to the setting of standards—interim standards for health are established in title II and interim standards for safety are established in title III.

But these are meant only to be interim standards until the Secretary through investigation and through advancements in technology decides that different standards should apply—more rigid standards should apply—that will help eliminate accidents and health problems.

I might mention again for reemphasis that we have never been in the field of health in the Federal jurisdiction in this area and this bill, for the first time, puts us in the area of health. But to make this clear, what we are talking about in the field of health for coal miners, is the disease of pneumoconiosis and the concentration of respirable dust.

This is a very technical field. The majority of the subcommittee and the majority of our full committee felt it was one which was within the unique expertise and knowledge of the Secretary of Health, Education, and Welfare.

I admit that the research that has been taking place now and what research has been conducted is under the auspices of the Secretary of Health, Education, and Welfare. I admit that the Secretary of Health, Education, and Welfare is uniquely qualified through the Surgeon General and through the National Institutes of Health to further this research.

But I have maintained and I continue to maintain and reiterate, and I hope the majority of Members of the House will agree with me, that the Secretary of the Interior, through the Bureau of Mines, is uniquely qualified to know what is technologically and technically freasible in the setting of standards and in the enforcement of those standards. In this bill the majority of our committee has provided a most unique procedure, I think an unprecedented procedure, for the establishment of health standards, giving the authority to the Secretary of Health, Education, and Welfare to develop these standards, and then the Secretary of Health, Education, and Welfare will direct the Secretary of the Interior to promulgate and to enforce those standards. That puts us in the most unique position—I think ridiculous position—of having one Cabinet-level Secretary dictating to another Cabinet-level Secretary, having one Cabinet-level Secretary developing standards, those standards being mandatory, and then the enforcement of the standards put in the hands of the Secretary of the Interior, a different authority.

At the proper time I intend to offer an amendment which would recognize the role that HEW can play in this field. It would provide that the Secretary of Health, Education, and Welfare would recommend the standards, but the actual development and promulgation of those standards would be by the Secretary of the Interior, who knows what is desirable from the reports given to him by the Secretary of Health, Education, and Welfare, but also will be armed with the knowledge as to what is possible, and he could relate the two together, so that the standards that would be promulgated would be really attainable, because the Secretary of the Interior knows that he is going to have to enforce them.

For the first time this bill also puts the Secretary of the Interior and the Bureau of Mines in the field of day-by-day safety. Up until this time the Secretary of the Interior and the Bureau of Mines have had no real authority in the field of the day-by-day accident—the roof falls and the other things that occur—which really account for many more lives than the great disasters. Those have not been within the jurisdiction of the Bureau of Mines, and this bill will expand the Secretary's authority so that he can really get into the most important field of day-by-day safety regulations.

The bill also provides carefully drawn provisions for judicial review of the decisions that are made by the Secretary of the Interior. The Secretary has some rather broad authority in the enforcement of interim health and safety standards, in the closure of mines, in the imposition of criminal penalties of up to $10,000, and 6 months in jail, in seeking the closure of a mine through an order of the Secretary. All of this should be subject to review. The Secretary can also enforce many of the provisions of this act through the use of injunctions. If the operator violates or refuses to comply with a valid order of the Secretary, the Secretary can go into the Federal District Court and get an injunction to enforce compliance. If the operator hinders or delays the representative of the Secretary or the mine inspector—refuses to allow him into the mine or will not show him his books and records—again the Secretary can go into the Federal District Court and obtain an injunction to enforce compliance.

I have mentioned penalties. The penalties are stiff. The penalties include not only closing a mine and getting injunctions, but, as I mentioned before, criminal penalties of up to $10,000 and 6 months in jail, and civil penalties will be up to $10,000 and for a repeated violation, a fine of not more than $20,000 a year and/or imprisonment for not more than 1 year.

The interim mandatory health standards, as they are called—again, I reiterate this really does not get into any broad questions of health—only the one question of respirable dust and the onset from which could be caused pneumoconiosis.

As has been pointed out already in the colloquy with the gentleman from Kentucky, England has conducted research in this field and they have come up with standards, which measured in the same places, would relate to the standards set in this bill of 5.7 milligrams per cubic meter. We are requiring in this bill, within 6 months after the passage of the bill, that is, the operative date of title II, 4.5 milligrams, a much lower standard than the English. Then 6 months thereafter, in other words, 1 year after the passage of the bill, we require 3 milligrams. Then we require the Secretary to reduce that even further as the technology becomes available.

These are very harsh limitations. They are meant really for the protection of the health of the miners. We should have very stringent standards.

I doubt whether anyone really knows if we can obtain the standards set in the act. I know it is desirable to do so. It is desirable that we have the toughest standards that are attainable.

My own inclination originally was to hold out for higher figures, those which would be more in keeping with what the English have established, but what is even more important—and this is something Members should realize—there is no imminent danger to the health or safety of the miners because of an extra large concentration of dust in the mine. Many people relate the dust standards to such things as concentration of methane. If we have a concentration above 5 percent, between 5 percent and 15 percent of methane in the atmosphere of a mine, it is an explosive situation. A spark can set it off. People can be killed in a disaster. But the concentration of coal dust in a mine constitutes no imminent danger to the mine, the mine operator, or the owner.

The fact is, a person would have to be subjected day in and day out to exposure over 15 or 20 years or more before evidence of pneumoconiosis would even begin to be ascertainable by X-ray and lung function tests.

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

Mr. ERLENBORN. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, first I compliment the distinguished gentleman from Illinois (Mr. ERLENBORN) for the outstanding job he has done, for being so diligent in his efforts to try to write a coal mine safety bill.

However, I do feel the 4.5 dust level figure in the House bill requires reduction to the 3.0 dust level within 12 months, with waivers for an additional 6 months. Based on recent tests that the gentleman heard discussed this morning, does the gentleman not think that timetable is achievable?

Mr. ERLENBORN. Mr. Chairman, first of all, I thank the chairman of the committee for his contribution. As the gentleman from Kentucky knows, we did have a meeting with representatives of the Bureau of Mines. They detailed for us some investigations they have made in the last few months that make it very hopeful these standards would be attained. I feel, as a result of that meeting, that, although it may not be entirely certain, it is more hopeful that these standards can be reached within the period of time set forth in this bill.

I was about to say that even though I think our standards are harsh and maybe not attainable, I am not going to attack the standards and try to increase the 4.5 to some higher number or to reduce it.

Mr. PERKINS. Mr. Chairman, I am glad to hear the gentleman make that

statement. We set no time in the bill as to the time when the 3.0 should be reached, but we leave that to the discretion of the Secretary, as I think it should be. I am glad the gentleman makes the observation that he does not intend to try to amend the standards.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I listened with great interest to the remarks of the gentleman from Illinois.

I do not want this time to pass without noting for the benefit of Members of the House the fantastic contribution made by the gentleman in the well. On our side we consider this a subject in which many of us have at least a peripheral interest, but clearly the gentleman from Illinois (Mr. ERLENBORN) has been the man who has spent the time and effort and energy and intelligence to do the most detailed and exhaustive study on the question of coal mine safety. He has spent hour after hour in studying what is a very complex and detailed piece of legislation. He has been extremely influential in shaping and forming the bill that is before the House today.

I believe it is important to note that the gentleman from Illinois has no coal mines in his district. This is not a subject in which, representing his constituency, he might have an interest. But as a member of the Committee on Education and Labor and as the ranking minority member on this subcommittee he has done his job, which he has handled, I believe, exceptionally well, in making sure the bill before us came to us, in the first place, and is in the shape it is in, in the second place.

I intend to support a number of the amendments he has talked about. I do not intend to support all of the amendments the gentleman from Illinois or others might offer, as he knows.

But I want to make sure that the record is here, and I wish to express my tribute to the work of the gentleman in the well, who has contributed so much to this kind of bill. If it passes, as I hope it will in the shape the gentleman from Illinois discussed in most details, it will be in large part due to the efforts of the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Illinois (Mr. ERLENBORN) who together have done a magnificent job.

Mr. ERLENBORN. I thank the gentleman for that kind endorsement.

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

Mr. ERLENBORN. I am happy to yield to the gentleman from Colorado.

Mr. BROTZMAN. Mr. Chairman, I do not have the privilege of serving on the committee, as does the prior speaker, but I have been sitting here on the House floor today listening to the very lucid explanation of a very complex subject by the gentleman from Illinois.

I represent a State that does have coal mining. In fact, I do have some coal mines in my particular district.

On behalf of those people who expose themselves to great risks on a daily basis to mine coal, I should like to congratulate the gentleman not only on qualifying himself so expertly but also on explaining, as he has today, to the Members of this House this complicated proposal.

I should like to take this opportunity to express my gratitude and say that I too, intend to support this particular bill. I will have to listen to all the debate relative to the various amendments.

Mr. ERLENBORN. I thank the gentleman for his kind remarks.

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

Mr. ERLENBORN. I am happy to yield to my colleague from Illinois.

Mr. PUCINSKI. Is it the gentleman's intention to place the proposed amendments in the RECORD today, so that there will be an opportunity to study them tomorrow as we begin debating the various amendments? I know they are undoubtedly very complicated amendments. This is a very complicated bill.

I believe it would be helpful to all of us to have an opportunity to review them in the RECORD tomorrow as we go into the discussion of them.

Mr. ERLENBORN. I thank the gentleman for that suggestion. I may well do that. My amendments are not very complicated. For the most part they are very simple.

Mr. PUCINSKI. The gentleman knows that we on the subcommittee who wrote this bill, with his very good help and assistance, have learned over the past year that everything we touch in this bill is of immense complexity. There are no easy provisions in the bill. I believe this was one of the toughest bills we have ever had to work with.

I myself feel it is a good bill as it is. I am going to be very reluctant to support any amendments. That is why I suggested to the gentleman he might place his amendments in the RECORD, so that we could have an opportunity to study them.

Mr. ERLENBORN. Again I thank the gentleman for that suggestion.

I am encouraged by the gentleman's observation that this was the most complicated bill we had to consider. Because of my limited experience on the committee, I did not realize that. This was one of the most complicated bills I would care to handle, and I am happy to know there will not be others that are worse.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I commend the gentleman from Illinois for his presentation and for his obvious knowledge of this subject.

The gentleman from Illinois mentioned that he has an amendment which would transfer jurisdiction back to the Department of the Interior for the control of dust standards and recommendations for control of pneumoconiosis.

What disturbs me in this whole area of coal mine health and safety is the fact that if the Bureau of Mines and the Department of the Interior had been doing their job over the years we would not have to be debating at such great length the measure we are debating today and tomorrow. Because the Bureau of Mines and the Department of the Interior are production oriented in their approach and the emphasis in the expenditure of their funds has been almost entirely on production rather than health and safety, I wonder if the gentleman would not support an amendment to transfer jurisdiction to the Department of Labor, which is more sympathetic toward employees and coal miners.

Mr. ERLENBORN. Mr. Chairman, first of all let me say that I respectfully disagree with the gentleman about his observation concerning the Bureau of Mines.

My colleagues on the subcommittee know that I am not an apologist for the Bureau of Mines. I have had my differences with them. But the gentleman's assertion that if the Bureau of Mines had done their job over the years we would not be in the situation of having to give them the additional powers I do not think recognizes the facts.

As a matter of fact, we never gave them jurisdiction to go into anything except major disaster situations. We never gave the Bureau of Mines jurisdiction to go into any health-related situation. This bill, I believe, represents a great step forward in giving jurisdiction to the Bureau of Mines. It has not been a matter of emphasis, or a lack of their desire. We have not given them the funds to hire a sufficient number of inspectors to do the job that they should do. We have not given them the jurisdiction necessary to protect the coal miners. That is exactly what we intend to do with this bill.

The point that I make about setting of mandatory standards I still consider to be a very valid point. Whether you are talking about the Department of the Interior or HEW or any other department in this Government, you should not have one Secretary dictating to another Secretary. You should not have this conflict within the President's Cabinet. You should not have one department of the executive branch setting standards without any need to relate this to the achievability of those standards and without having to stand up in the final analysis and apply those standards. HEW, even though I am sure they will try to act in the most reasonable manner, has no jurisdiction and has no responsibility to enforce the standards that they will dictate to the Secretary of the Interior. This is bad from an organizational standpoint. It will not be good for the miners or the mines, and I hope my amendment on this will be adopted.

Mr. HECHLER of West Virginia. Mr. Chairman, recognizing our disagreement, if the gentleman will yield briefly, I will join the gentleman in supporting adequate funding for those additional responsibilities that we are placing on the departments.

I thank the gentleman for yielding.

Mr. ERLENBORN. I thank the gentleman for his contribution.

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

Mr. ERLENBORN. I am happy to yield to the gentleman from Pennsylvania.

Mr. MORGAN. I am interested in section 317(j), the section dealing with Government inspectors in certain mines. I represent a district that has many

gaseous mines. In the last 50 years we have had at least five or six major mine explosions in my district. I just read the supplemental views, and I see one of the reasons given for opposing this is these provisions will not only be costly but difficult to administer. Do you intend to offer in your series of amendments one amendment which will be an amendment to 317(j)?

Mr. ERLENBORN. An amendment to 317(j) will be offered to make it more workable. As the gentleman is probably aware from reading the report, it requires a mine inspector or a representative of the Bureau of Mines to be present on every working shift in the mine. There are just not enough Federal inspectors to do this job. In the second place, it turns the attention of the mine operators and the miners away from what is really their basic job, to see that safe rules are followed and standards are followed to avoid explosions, injuries, and deaths.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. Yes. I yield to the gentleman from California.

Mr. BURTON of California. Is it not the case that the requirement that a mine inspector be present every single day mandates the utilization of the already limited inspector manpower? It precludes the Bureau of Mines from using those inspectors in situations that on the facts may be more hazardous yet given the current requirement that there be an inspection every quarter may make that mandate impossible to comply with? And it also runs the unhealthy risk that the inspector will no longer be able to maintain an arm's length relationship with those operating the mines, because he will be there day in and day out and will virtually become a part of the management and thereby run the risk that management might default in its responsibility and turn over to the inspector every decision affecting mine safety which should essentially be a management function?

Mr. ERLENBORN. I agree with everything that the gentleman from California has said. This is one of those things that at first blush appears to be a great thing for safety, but as a matter of fact upon sober consideration my view of this is that it will not increase safety. It will probably do just the opposite. It will use up this limited manpower. There are many other inspections which should be made for the general safety of the miners.

Mr. BURTON of California. Mr. Chairman, if the gentleman will yield further, is it not the case that virtually every safety expert in the field agrees that a regular spot check procedure is infinitely more desirable on all counts than this permanent stationing of a mine inspector at a mine?

Mr. ERLENBORN. The gentleman is correct.

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

Mr. ERLENBORN. Yes, I yield to the gentleman from Kentucky.

Mr. PERKINS. Did I understand the gentleman from Illinois to say that he intended to offer an amendment to divest the Department of Health, Education, and Welfare of the authority to promulgate health standards?

Mr. ERLENBORN. Yes.

Mr. PERKINS. And place that authority with the Secretary of the Interior?

Mr. ERLENBORN. Yes. I would be happy to repeat that and then I will have to move along with the balance of my statement.

Mr. PERKINS. Let me just make this observation: I personally feel that the provision in the bill is sound. I cannot see any conflict. We simply provide in the bill that the Secretary of the Interior shall promulgate health standards that are called to his attention and approved by the Secretary of Health, Education, and Welfare.

Now, the Secretary of Health, Education, and Welfare is in a position to promulgate the health standards and the Secretary of the Interior does not have that know-how around him.

Mr. ERLENBORN. I cannot yield further to the gentleman. I am running short of time. However, I would like to explain my position.

Mr. PERKINS. Well, I shall be glad to yield the gentleman 1 additional minute if he needs it.

Mr. ERLENBORN. I yield to the gentleman.

Mr. PERKINS. Let me say to the gentleman that there is no conflict between the Secretaries here. We just require the Secretary of the Interior to publish those standards in the Federal Register promulgated by the Secretary of Health, Education, and Welfare. We are not going to have any division of authority here anywhere along the line. That is the point I want to get across.

I certainly hope that the gentleman, if he presently intends to offer the amendment, will reconsider and not offer it, because I feel we have taken the best approach.

Mr. ERLENBORN. Well, I do intend to offer the amendment. I hope my good chairman will in the meantime reconsider his position and support my amendment.

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

Mr. ERLENBORN. I cannot yield any further at this time because we just do not have the time. There are other Members on my side who are seeking time and I do not wish to use all of it. However, I would like to proceed with my statement.

Mr. Chairman, before the colloquy with several Members we were talking about the dust standards, and to finish my thought on that, it is not my intention to vary the numbers in the bill. But I would call to the attention of the Members the fact that there is no other coal mining country in the world that closes mines because of dust. Those who have had their attention called to this know that the concentration of dust is harmful and they require that standards be set and that the operators try to attain those standards. Unless there is an imminent danger situation they do not close the coal mines. So, I intend to offer an amendment that will give the Secretary greater latitude in working with the operators to achieve these standards rather than closing the mines, which is not going to be of any use whatever to the coal miners.

If they are working in a dusty situation they will have two choices, either to lose their job because the mine is closed, or to work with the Secretary of the Interior and the operator to reduce the dust concentration so that they can work in a healthful atmosphere. I think that latter objective is what we should seek.

On the interim safety standards, the most plagueing question before our subcommittee and the full committee was the question of the limination of the nongassy classification. Suffice it to say that after an awful lot of effort on the part of all of those who were concerned we have come up in the bill that is before the House with a provision that will soften the impact of this. It takes into consideration the fact that you cannot overnight acquire all of the expensive permissible equipment necessary to equip all of the mines in the United States, some 4,500 mines. Even if the manufacturers of this equipment began tomorrow to produce at the fastest rate possible all of the permissible equipment that would be required, it would take years, and the Bureau of Mines has told us this, it would take 4 or 5 or 6 years within which to acquire all of the permissible equipment necessary to equip all of these mines.

So, taking this practical consideration into consideration, we worked out an extended period of time, taking into consideration the safety of the miners. We have immediately eliminated any open flame equipment. We eliminated the use of nonpermissible small hand drills and other of the small and easily acquired permissible equipment. We eliminated the use of this nonpermissible equipment from being used at the coal mine face, and we have taken into consideration the safety of the miners and the practicalities of the situation, and hope that this agreement will be maintained in the bill.

Another very important part of the consideration of our committee, and it was the result, really, of the efforts of our subcommittee, it was not recommended either by the administration or by others interested, is the provision for pneumoconiosis research. It provides for periodic chest X-rays of the miners.

The bill of the other body requires an X-ray every year. Medical evidence is that this would be not only useless but I think we might be killing our miners with radiation rather than pneumoconiosis. I think the most practical approach is the one in our bill which requires every 5 years a full chest X-ray of all of the miners. And under the agreement that has been reached recently the cost of these X-rays will be borne by the mine operators, and not by the miners or not by the general public.

In conclusion, let me say that I feel that on the whole this bill not only is necessary because of the inattention in the past to the day-by-day safety consideration of the coal miners. But in addition we will be going into the whole area of health research and control of

the atmosphere in the mines that is very necessary, and which we should have done years ago. Instead of that, we have let other countries get way ahead of us in this field, and I think it is a disgrace that we did not do this many years before.

I intend to support this bill. I did when it was reported from our full committee. I hope some of the amendments that I have discussed and others that I will discuss in more detail under the 5-minute rule will be adopted to make this a better bill.

I want all of you to know that that is my sole intention—to see that we get the best possible workable bill out of the House, and one that can be sustained in conference with the other body.

Mr. PERKINS. Mr. Chairman, I yield to the distinguished chairman of the subcommittee, the gentleman from Pennsylvania (Mr. DENT), such time as he may consume.

Mr. DENT. Mr. Chairman, before I say too much I would like to thank those who served with me in some of the longest hours of work that I have put in in my 37 years as a legislator.

Mr. Chairman, this legislation while it has been considered before, having held some hearings on it last year and the year before, and having passed a bill in 1966 including the title I mines for the first time under Federal regulations, the impetus for action at this time came about during the early hours of the morning of November 20 last year when an explosion rocked the Consolidation Coal Co.'s No. 9 mine at Farmington, W. Va., when 78 men lost their lives. The first body was removed just last Thursday.

Those of us who feel responsible for legislating a law—the best law we can—are very much aware of the atmosphere that we had to operate in. We knew the minute this mine exploded that it would give rise to demagogues and those who prior to this time had done little or nothing or said anything concerning mine safety and that they would soon be frontrunning as great leaders for a mine safety law.

Those of us who have records of some 30-odd years of working in the area of mine safety have tried to do the job that had to be done, namely, to pass legislation that would be economically sound to the country and the industry and the communities in which the mines are situated and, yet, would give the greatest measure of safety of life and limb and safety of lungs to the miners of this country of ours.

While the Farmington disaster was a great disaster and the shock, I know, created a great deal of feeling in this area, we know that 78 miners lost their lives and we also know that over 170 miners have lost their lives from that day to this in other accidents that have not been so well publicized as the catastrophies that happen in a disaster-type accident.

The largest mine disaster that I knew about personally was in my own community of Mammoth, Pa., when 210 miners lost their lives in one explosion. But these 210 are just a small number in that community who died in comparison to those I can recall over the years from roof falls, haulage accidents, and the normal accidents that go into the production of any particular product, and especially so in the mines.

There has been talks about the safety features of this act. I believe at this moment, that with some departmental amendments that will be asked for tomorrow, that we have written the best type of safety promoting legislation that has been written anywhere in the world.

Your general subcommittee on labor, accompanied by members of the United Mine Workers and accompanied by members of the industry and Department officials from the Department of Health, Education, and Welfare, and the Department officials from the Department of the Interior and its Bureau of Mines, visited Great Britain for 5 days. These members went down into the coal mines, 3,200 feet deep in Wales, and they visited coal mines in this country from 28- to 7-inch coal—from Cadillac type mines that have all of the safety features available today, to mines that are still running with the oldtime timbering and shooting from the solid into coal.

We have in this country some 4,000 mines and we are producing coal today to the tune of 600-odd million tons a year with 135,000 miners where not too long ago we had about 600,000 miners producing less than 400 million tons of coal.

While I am on that subject, let me state the basic argument for the pneumoconiosis payment provision contained in the bill. First, I should say that I know of only one State that has adequately tried to meet the problems arising as a result of the pneumoconiosis disease scourge. Our State of Pennsylvania passed a bill which made pneumoconiosis an occupational disease back in the days when I was a State senator. I had the privilege of introducing that legislation.

Scattered all over the United States are 300,000 miners who no longer work in the mines. Some of them are in Western States which have no coal or coal problems. Yet those men are crippled with a lung disease, and there is no place to which they can go to claim any kind of compensation. The coal-mining States have neglected to pass legislation that would provide them with compensation. So these men, and in many cases now, their widows, are living on nothing but direct relief. Every other kind of injury is compensable.

One of the reasons the States could not get around to passing legislation on the subject was that until this decade the experts had never been able to isolate pneumoconiosis so that they could, with absolute certainty, say that the disease stems from coal mining.

Many of us in our communities thought that black lung was a form of cancer. It has been known by various names throughout my lifetime. It has been known as night disease, black damp in the lungs, black lung, silicosis, anthracosis, and all kinds of other names. Finally, it was discovered to be a disease peculiar to coal mining, and was nothing more or less than a deposit of actual coal dust within the lungs.

This disease proceeds in four stages. There is a Stage 1, a Stage 2, and a Stage 3 of simple pneumoconiosis. However, none of those stages are related to each other nor are those three stages usually progressive. It is only when the victim reaches the fourth stage, known as progressive massive fibrosis or complicated pneumoconiosis, that he has a fatal, uncurable and irreversible disease. At that time he is destined to die from the disease. In some cases the men live a longer time. In some cases they live a shorter time, depending, I guess, on their constitution and how badly involved their lungs are.

So now we know the conditions in this area. We have studied the British figures and the history of mining in Britain, where they have had a history of 30 years of pneumoconiosis research. And, contrary to what I believe is the understanding of my good friend from Illinois, the Secretary of the Interior has had the absolute right, authority, and mandate since 1941 to do what he could in promoting inspections and investigations into occupational diseases and injuries in the mining industry. This was reemphasized in 1966, and the Federal Coal Mining Safety Act carries in it such language as this, and this is the original language:

> For the purpose of obtaining information relating to health and safety conditions in such mines and the various causes of accidents involving bodily injury or the causes of occupational diseases originating in such mines.

That language has been in the law since 1941, when the first mine inspection law was passed. However, when we passed that inspection law we were not able to give the mine inspectors any authority to enforce any of the rules.

Mr. CARTER. Mr. Chairman, will the distinguished gentleman yield?

Mr. DENT. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, I thank the distinguished gentleman for yielding.

Certainly I agree that we do have thousands of people who suffer from pneumoconiosis who are living throughout our country. Further, I do think they should be compensated. As I go through the mining areas I find it not too difficult to recognize people who have this condition. It can be seen in their poor breathing, in their gasping efforts.

Certainly these people have been unfortunate because when they were working in the mines, they were not covered by workmen's compensation. Neither have the unions taken them on. They were not members of a union at that time.

I feel, as the distinguished gentleman from Pennsylvania does, that we must do something to help these people who are not helped at this time by our Government or any other agency.

Mr. DENT. Mr. Chairman, I thank the gentleman from Kentucky for his contribution.

Mr. Chairman, this is a one-shot effort. This is not a continuing compensation arrangement to establish Federal-based compensation for this or any other industry. We are only taking on those who are now afflicted with pneumoconiosis in the fourth stage—complicated

pneumoconiosis. In the first three stages, or simple pneumoconiosis, those afflicted are debilitated and are often disabled, but not with the same devastating frequency as are those with complicated pneumoconiosis.

However, what are we doing in this law? We are doing something that has never even been thought of before. We are giving the new miner, who applies for a job, a medical examination. We require an examination of his lungs by the best-known method that has been found to be such by the British, and that is by X-ray examination and whatever other supplemental tests may be required. Then if the new miner is acceptable, he goes into the mine, and within a year he is given another examination to see if during that year there has been any change in his lung structure. Then he goes from that time to the next period. The British have said it should be every 5 years—and I have every reason to believe them, especially after I have been to the laboratory where they have 30,000 specimens of miners' lungs from autopsies. I am convinced they made every human effort to find out what they could about the lungs of a human being, especially those of a coal miner.

Based on their experience, we require that every 5 years the miner shall have an examination, because they found that changes generally take place in 5-year periods.

We cannot force an old miner against his wishes to undergo an X-ray examination. However, we can so force the new miner.

If a miner who is presently working in the mines refuses to take an examination to determine whether he has pneumoconiosis, then a year from the date he was offered the opportunity to take that examination, and he has not done so, he is not eligible for the compensation payments provided by the bill.

Those already out of the mines have a period of 3 years within which to make their claims, because they may as exminers be in the State of California or Colorado or some other State, so they have 3 years. The widow has 1 year after the death of her husband or 3 years after the date of enactment of this act, whichever is the later date.

However, this is only one shot. I want to say this today and I want to have it placed in the record indelibly. I sincerely believe if the criteria of this act are followed, if the Bureau of Mines and the Secretary of Health, Education, and Welfare do their duty as prescribed in this act, there will never be a new case of pneumoconiosis in the coal mines of America, because prevention is the answer and examination is the answer, and we provide for both.

Remember, we have established in this particular act that if a miner is found to have substantial pneumoconiosis, he must be offered an opportunity to work in an area of the mine that has relatively little dust. When that miner may be moved from what might be a mine face job at higher pay and he is moved into a lower pay but dust-free area, he must be paid the higher rate. Certainly, this is a burden on the industry, but black lung is a scourge to the people who have it.

Do Members know why we cannot get miners to agree to examination? It is just a simple matter of their not wanting their neighbors and family or anyone else to know—when he already knows he has pneumoconiosis in a progressive stage.

In some of the coal mining communities they think it is a cancer, so he does not want his family to know he has it, so many of them will refuse to have the examination. We cannot force them to.

But we have said to them, "If you want relief, you can get it under this act."

I pray that whatever we do in this Congress we will not destroy this section of the bill.

There are three sections of this bill that have more value to the coal miners and to the mining industry than all the rest of the language put together. One is on the lung disease compensation; another is the section dealing with the mine dust standard; and another is the section dealing with the safety standards.

Warning is what we need in the coal mine. Given an opportunity to get out, the miner knows how to get out. Given an opportunity to know there is imminent danger, that miner knows how to get out, and he will get out.

We have set in motion necessary legislation, even additions in this law, to make it possible for the miner to get out.

There is one feature of this act that I am especially proud of. I am proud of the committee for taking it. I want to say to the gentleman from Illinois, not once did he question this particular feature of the act, never contained in any legislation before, yet it was highly controversial at the time because of the cost.

I am talking about a piece of machinery developed by the Bureau of Mines that is known as an automatic methane monitor. This particular piece of machinery is continuously working, always constantly on guard. After there is an accumulation of methane gas to a trigger point below the explosion point of that gas, this monitor flashes lights as a warning to the miner that there is excess gas in the mine. It also deenergizes the equipment in order that no spark can come from the equipment that may ignite the gas.

We have tried to write law that will be at least as safe as legislation can make coal mining, which is the most hazardous industry in our country.

Insofar as this old piece of machinery is concerned, we believe we now have outmoded it. It is cumbersome. It is not accurate. It does not always function. But it has been something of an early warning system.

We now have in our possession another piece of equipment. I had it here a while ago, but, as is said, "There is many a slip twixt the cup and the lip." Somebody turned the battery on over the weekend, and I will have to go out and get another battery. But I will show the Members this great piece of equipment, developed, I understand, since we started talking about methane monitors and all the equipment working in the coal mines.

The cost of this old equipment is between $1,800 and $2,000, or in that area, and we can understand the tremendous cost to these 4,000 mines being put under this new status in coal mining, that will be compelled under this law to put this kind of equipment in. We can imagine the cost to a mine producing a very small tonnage of coal.

We have been lucky enough to find in our research something that will take the place of this, where the cost is not exorbitant.

We have also increased the flow of air from 6,000 to 9,000 cubic feet. We have gone further than that, and for the first time intend to have a requirement of 100 feet per minute of velocity, of wind and clean air across the miner operating machinery, and 3,000 cubic feet of air at the working face.

In examinations already made by our own Bureau of Mines of recent date, and in my State of Pennsylvania of recent date, we are not disturbed about reaching the 3 milligram level of mine dust in the mines of this country within a reasonable time, and we are hopeful we can do so within less than the time prescribed in the bill.

I have before me a list of some 28 mines that were examined. These mines have made little or no effort in this area because the law is not yet in being. Here we have a continuous miner producing as low as 2.4 milligrams of dust at its face. We are requiring 4.5 milligrams after the first 6 months and 3 milligrams after the next 6 months, and also from then on lower levels to be set by the Secretary of Health, Education, and Welfare, who under this bill does have the authority to do what it has been said he did not have. He has the authority to send inspectors into the mines with authority to act. He may set the standard lower as the technology and equipment and methods of operation in the mines warrant his setting it.

Mr. Chairman, the British told us that when mine dust reaches a level of 2.2 milligrams per cubic meter of air, there is virtually a zero probability of a miner with 35 years of exposure to that level contracting stage 2 or above of pneumoconiosis. We are hoping that this is right and we are praying that it is right.

Once we can lower the methane gas danger in the mine by having an early warning system and circuitbreakers and deenergizers on all working equipment and make all the mines in the country come under the law of a gassy mine just by the presumption that they are a gassy mine—if we can do all these things, then we are reducing the dangers when it comes to deaths caused by explosions and fire in mines. By changing the law on roof bolting—and I want to show you a picture of this, because some people wonder what roof bolting is—we can help to cure this situation also. There are now innovations that have come into this rather recently. Roof bolting is the latest, up until recently, method of holding the roof up above the workers' heads. In the old days there was nothing but cross timbers sitting on posts.

Now they send a pattern, a copy of their diagram of that working area with a description of the kind of overburden

that will be above the coal, and they then set a pattern for how many bolts there will have to be and the spacing and at what intervals it will have to be and how deep the bolt will go into the overburden, and all of this is subject to approval by the Secretary. There is a flanged nut at the end of a large bolt with a 8 by 10 or a 2 by 12 piece of hardwood, and the bolt is put through it after the hole is drilled, and they tighten the nut underneath. That acts as a hanging strap to hold up the roof. They have developed a new crossbar type which will be bolted into the side next to the roof, and with a turnbuckle arrangement it will pull the roof this way. So you have the stress both ways to keep the mine roof up. If they can lift the mine roof, they will not only cut down the deaths by all of these causes that occur in the mines now, but they will make coal mining a little safer and more respectable for the fellow who values his life.

Mr. Chairman, it is my humble opinion that coal mining today is on the verge of an explosion of activity. It is still the cheapest source of fuel in the United States per B.t.u. or, for that matter, anywhere else in the world. It is without a doubt the whole energy impulse of our entire industrial complex. We are going to mine 600 million tons and we can even reach 700 million tons in the near future. I have been told by reliable sources that there is going to be a need for about 15,000 new coal miners within the next 2 years.

And, a third generation of immigrant coal miners is not going into the mines any more. What you have to do is pass this kind of legislation, or better if you can conceive of better legislation, in order to give these men a reasonable hope that they can live from the beginning of the shift to the end of the shift and that their life will not be plagued with the lung disease that sends them to an early grave or a miserable life in their elderly years.

So, I say to you insofar as the legislation itself is concerned I was grieved to learn where some said that there were giant loopholes in the bill. Well, the loopholes we are talking about are figments of the imagination. I would put it kindly that way.

I read one particular item quite a bit and oh—well, as first I was a little hot, being a fellow that has a little temper I get a little hot—but when I considered all of the ramifications as to why the statements were made and who was interested in the statements and realized that we had this bill up for consideration during a very difficult time when there is a fight on between the mineworkers as to who is going to be the president of that great international union and because in those campaigns a lot of things are generated and there is great latitude of expression. In other words, we do not always mean what we say and we do not always say what we mean in our campaign.

However, I am sorry to say I defy anyone to find in this legislation now pending before you a loophole that in any way endangers the life or hurts the miner, and if it can be made better within the conditions under which we are working, I do not know how but I will support the effort.

It has been said that we gave 4 years for the acquisition of the necessary so-called permissible equipment. This committee held the hearings. Every witness who appeared before us, representing either the mines or the manufacturers of the permissible equipment stated that they would have to have 7 to 12 years during which to provide the equipment.

Well, let us look at it now upon a realistic basis. There are about 500 mines in the country today which are using permissible equipment and the manufacturers of this particular type of equipment are tooled to produce for that many mines. In some instances with reference to certain types of equipment, due to the expansion of the coal industry, it will take anywhere from 6 months to a year and a half or better. We will have many mines for these manufacturers to produce equipment. It is just commonsense that it is going to take time to acquire the equipment. What do we do in order to safeguard the miners? We say that no replacement of the present nonpermissible equipment can be made, unless it is made with permissible equipment. And, we state that the small equipment which is in use every day shall be permissible because it is available and can be bought now.

So, Mr. Chairman, we have covered the nongassy mines and put them into the so-called permissible equipment state of operation to make sure that no more accidents of ignition or explosion will be caused by the use of nonpermissible equipment in those mines.

We believe we have proceeded correctly. We have given 4 years on an industry basis. But the Secretary knows that every 6 months he has to report to the mines and to this committee on the progress of making all equipment in these mines permissible.

I honestly believe that the nonpermissible equipment manufacturers will swing over and make permissible equipment and that thereby we can probably have equipment for all the mines in the country in a period of less than 4 years. But I do not believe in asking you to vote for legislation that I cannot honestly say to you is feasible. We have allowed some time because until now this type of mine was not even under the act insofar as permissible equipment is concerned.

In 1966 when I had the title I bill up, I was defeated in trying to classify all mines as nongassy and thereby require all mines to use permissible equipment.

I said at that time that the issue would be back within 5 years, and that you would have to have permissible equipment or you would not be able to hire any coal miners, and that is exactly what has happened in this country of ours. They are not able to hire coal miners. Why, even some of the Members—and I will not mention who they are—whom I have invited to go with me into a coal mine, they will not even go to the tipple, let alone go into the entranceway, because mining is dangerous. You are walking into an unknown quantity.

Let me tell you this about mining: When I was a boy I never saw my father until Sunday morning. When he went to work in the morning it was before I got up, and when he got back in the evening it was after I had gone to bed. It was not an easy life. It was a hard life, and if they could produce a ton and a half of coal in a day in those days they were doing a good job.

Today it has come to the point where one machine working on a 24-hour shift has produced something like 4,000 tons of coal in that 24-hour shift.

So machinery has come into the mines and that is what has produced the dust. Because in the old days when they would shoot the coal in the mines, the lump coal would come out in large sizes and it was not broken up into small pieces. and therefore did not liberate the same quantity of methane gas. Methane gas comes from mining coal. Dust comes from mining coal. Methane gas blows up the coal mines, kills the miners. Dust also kills miners though in a more subtle way. So with all of our technology we have failed to take into consideration the health of the miners for too many years, and in many instances the safety of the miners. Now we have come face to face and square on the problem—what do we do about it? We pass legislation that, as I said, is not economically unsound for the community or the operator, but it is the best kind of legislation that we have been able to conceive of—and I am here to buy any amendment that will better it so as to protect the lives of our miners and to improve their working conditions.

Mr. Chairman, I want to thank my subcommittee for their patience and for the many hours that they have put in, both those on the minority side and on the majority side. I also want to thank the chairman of our full committee for his tolerance and understanding, and in allowing me to have as much time as we had, and to put in as much effort as we put in our effort without any criticism on his part.

He would say to me, "When can you have it? What is your target date?" And I would tell him, and then if we could not make it I would go back and tell the chairman, and he always understood that we were trying to write the kind of legislation that would help the miners. And he has always been for that.

For the information of the minority who asked the question, I would refer them to page 19 of the committee report, and they will see the number of mines meeting the criteria levels based on occupation of the miners, and they will be surprised at the number of occupations within the mines today where the level of dust is less than that which we have set forth in the act. I believe we can live with it.

I have some doubts as to whether we are doing the right thing in eliminating the board. I do not know that it is best to go for your authority to one man, and then have to go to the courts. Let me cite you one example of what happened when we went to the courts before we had the Review Board.

On January 19, 1953, the judge of the district court of the State of Iowa in and for Monroe County handed down a

temporary injunction forbidding two Federal employees from going into the Lavilla Coal Co. mine, and restraining that miner from operating or enforcing their closure order. They later appealed, and asked that the jurisdiction be taken—or, rather, they asked that the case be taken before a Federal court. The U.S. district court sustained the motion to dismiss and dissolve the restraining order, and the injunction. That was done on March 30, 1953, some 2½ months after the injunction order was handed down by the local court.

On that day, March 30, when the Federal court dissolved the injunction and ordered the coal operator to allow these men to enforce the rule—that mine blew up and five men were killed. I do not know how you are going to get around it, but so far as I am concerned, I have never been wedded to the Board in this bill. Virtually the same Board has been in existence since 1953. So I have no pride of authorship in it. I do say though, do not force these miners, either the operators or the coal miners, to have to go directly to the court and petition the Federal court with its backlog of cases on a closure order.

When imminent danger is involved, you cannot wait for time scheduling of the case before a judge. At least in a review proceeding of some kind, I do not care how you write it and if you do not like the characters in it, then get rid of them—but let us not jump into this thing without giving it some careful consideration.

I also ask you to study carefully the proposal to take out of the hands of the Secretary of Health, Education, and Welfare the writing of criteria and the promulgating of rules for the dust standards or health measures in the mines.

The Secretary of the Interior has had that responsibility for so many years. He has never used it. I found that once we started to get the Health Department into it, we have here the only information on dust standards and lung disease anywhere in our country only of recent date because the Health Department went into Appalachia and made a study not too long ago and has now been working on dust standards.

In all these years the Department of the Interior has had millions of dollars under the Saylor-Dent mine research bill to spend on research and specifically spell out research for health standards. They spent most oi that money developing how to make oil out of coal. Pretty soon oil will be running out and we will be making oil out of coal.

The CHAIRMAN. Will the gentleman from Pennsylvania (Mr. DENT) yield so that the Committee may rise and the House receive a message from the President?

Mr. DENT. Yes, Mr. Chairman.

Accordingly the Committee rose; and the Speaker resumed the chair.

The SPEAKER. The Chair will receive a message from the President of the United States.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

The SPEAKER. The Committee will resume its sitting.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. DENT. Mr. Chairman, the only dust contract that was given to my knowledge by the Department of the Interior was given within the last 2 weeks and it was given to a firm in California to study mine dust standards. I do not know how we are going to get the dust out there; pipe it out or what we are going to do.

But I think the Department of Health has in fact the expertise and they will be disassociated with the economics of coal mining. The Bureau cannot be disassociated from the economics of coal mining.

The whole duty of HEW will be nothing but consideration of the health of the miner and trying to lower the dust levels in an effort to protect their health. Their jurisdiction is the dust levels in the mines, the examinations, and keeping of records.

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

Mr. DENT. I am happy to yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, I wish to commend the very distinguished gentleman in the well for a brilliant statement. He referred to page 2 of the report where it says:

> The death of 119 miners in an explosion at West Frankfort, Illinois, late in December 1951, aroused public concern against and led to the enactment of Public Law 552, 82d Congress, in 1952.

West Frankfort, Ill., happens to be my hometown. I drove an ambulance hauling people out of that mine, and anyone who has not really experienced a mine disaster does not know just how deadly methane gas and coal dust can be. So I want to subscribe from personal experience, having seen 119 miners lose their lives in one accident, to what the gentleman has said. He is implicitly correct in his statement of the dangers inherent in coal mining. I hope this legislation can be passed by this House without a dissenting vote, because the most we do here will not be enough to protect the lives and welfare of the miners, particularly those suffering from black lung.

I want to commend my distinguished friend, the gentleman from Pennsylvania (Mr. DENT), the gentleman from Kentucky (Mr. PERKINS), and the gentleman from Illinois, and others, for their very fine work in bringing out this piece of legislation. Representing a coal-mining district, I can assure you it is badly needed and long overdue.

Mr. DENT. Mr. Chairman, with your permission, I would like to demonstrate the difference between what has been developed up to now and what I think is probably the greatest little piece of equipment yet devised, which will save more lives than any other instrument ever developed. I showed you what we are now using in the mines. That is this two-box job on top of the coal-cutting machine shown in the picture I hold in my hands. It weighs hundreds of pounds. As I said before, it is nothing but a flashing light. It is worked in conjunction with the lamp that is sitting on top. That has a light in it, and as methane gas concentrates in a place, the flame gets longer, and an experienced fire boss or even a foreman or a worker at the face knows what it means. Most of the miners can tell when that flame starts and when it goes past the curved lines, there is a danger and they have to get out of the mine. That is a visual signal. One must see it. You have to be looking. You have to be on constant watch.

Now I hold in my hand a device that may be described as an early warning system. This, I believe, will be responsible for saving many lives.

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

Mr. DENT. I yield to the gentleman from Illinois.

Mr. ERLENBORN. May I inquire whether the gentleman intends to activate that instrument?

Mr. DENT. Yes, only for a few seconds.

Mr. ERLENBORN. I would only caution the gentleman that maybe he ought to warn the Members in the Chamber and those in the gallery and, more importantly, the guards, that he intends to do so, so they do not think we have an air raid.

Mr. DENT. I will explain the principle of this device.

This is methane gas out of a coal mine. The law that you have before you sets the activating requirement point at 1.0 volume per centum. The instrument goes down as low as 0.005 volume per centum. Yet, with that low a concentration—the explosion point is 5 volume per centum—with that low a concentration of methane gas, there is an audible signal. That is all there is to it. You have a flashing light in this instance which shows a visible recognition of danger. On the other hand, you have this small siren, and on every one of these machines—this case is made for the foreman, so it is soft—but on these machines there is a three-legged fixture or connection which ties into the control boxes on the machines, and the machine is deenergized the minute the little bit of concentrated gas hits it. It can also be rigged up, and it is rigged up so that it breaks the circuit of power coming into the mine.

This older device costs about $2,000, and this, so far as I understand it, costs about $300. I think that between this device, the dust standards, the new added velocity of air required, and the volume of air across the working face, the new Department amendments which we will offer tomorrow on electrical equipment, and so forth, will, in my humble opinion, give this country the safest coal-mining law in existence anywhere in the world.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from California.

Mr. BURTON of California. Mr. Chairman, I commend the gentleman in the well, the very distinguished chairman of our subcommittee, the gentleman from Pennsylvania (Mr. DENT). He has been working in this field for more than 20 years, and he brings to the House more expertise in this area, I think we

all will admit, than is normally our good fortune to have in a bill manager. The gentleman from Pennsylvania has been subjected to all of the difficulties that any chairman is subjected to, and then some, in his effort to see that the subcommittee and the full committee and the House pass the best possible bill to improve the health and safety of those who work in the Nation's coal mines.

I think when the history of this legislation is written, it will be very clear in the eyes of any objective observer that its passage was due to the superb and superior legislative skill of the gentleman from Pennsylvania (Mr. DENT) and his determination to see to it that all parties have an opportunity to be heard effectively in the development of the bill and, perhaps most important of all, rather than accept the notion advanced by some, that this is as a result of the lamentable disaster in Farmington, and that Congress should embark on a course of punishment in terms of the operators, instead, the gentleman from Pennsylvania continued to insist that our exclusive yardstick should be the health and safety of those who work in the Nation's mines.

Because of this exclusive yardstick, the legislation is brought to the floor. As on some occasions, the legislation, to be charitable, has been misunderstood, but to be a little more precise, it has been misrepresented.

But I salute the gentleman from Pennsylvania for his unique role. It so seldom happens that we had the right man managing the right bill to implement an idea whose time has come. If the gentleman from Pennsylvania does nothing else throughout the balance of his distinguished political career, this act will be a magnificent monument to that career, and literally hundreds of thousands of those who work in the mines and their families will owe an undying debt of gratitude to that marvelous and gentle and compassionate and concerned colleague of ours, the gentleman from Pennsylvania, JOHN DENT.

Mr. DENT. Mr. Chairman, I wish the gentleman had not said all that. I would like to say that whatever credit lies in this comes to all of us who have worked on it. I want particularly to pay the strongest possible compliment to the gentleman from California, who comes from an area where there are no mines, and no black lung disease developing. From the first day this legislation appeared before our subcommittee the gentleman from California made it his strong suit, and while he gave attention to other things as they came before us, he never lost sight of one thing in this bill that was his and his alone.

For any of us to take any credit other than supporting it along the way would not be fair and would not be honest. PHIL BURTON is the father of the pneumoconiosis payment feature in this bill, following the great leadership and understanding of the gentleman from New Jersey (Mr. DANIELS), who held the hearings on it.

I will say that there were many moments when I was ready to give it up because of the opposition from all sources against including this feature in the bill. Many a time I was ready to "chuck it" in order to get the safety features and the dust standard I wanted so badly. PHIL, with a very gentle bellow that would nearly tear my head off, would say, "All deals are off. There will be no mining bill at all unless we give these widows some relief and these miners some help."

So, PHIL, I say to you before this House, you and you alone are responsible for keeping this provision in this bill to this moment.

Mr. PERKINS. Mr. Chairman, will the distinguished gentleman yield to me?

Mr. DENT. I yield to the chairman of the committee.

Mr. PERKINS. I doubt that any Member of the House of Representatives is more affected by reason of this mine safety bill than I am in the district I am privileged to represent. The mining of coal and the employment of miners in my district will expand. With the passage of this bill I believe they will enter a much safer occupational field.

In the 81st and 82d Congresses I dedicated myself, just like the gentleman from Pennsylvania did this year, to the passage of a mine safety bill. But never in my career has any Member demonstrated such ability and such knowledge on a subject matter so complex as mine safety. The gentleman from Pennsylvania has contributed much to the safety of the coal miners.

I recognized earlier in the year, and discussed it with the gentleman from Pennsylvania and the gentleman from New Jersey, that unless we took the pneumoconiosis compensation provisions of the bill I introduced in February, H.R. 6780 to the mine safety bill I had fears that we would be solving the problems of miners for the future and would be ignoring the plight of those now afflicted with "black lung" disease. The gentleman from Pennsylvania, the gentleman from New Jersey and the gentleman from California worked this out.

We all owe to this distinguished chairman of this subcommittee a great debt of gratitude. I believe the whole country will be proud of the legislation of which the gentleman from Pennsylvania is the chief sponsor. I believe we also should commend the UMW and its leadership for its insistence that legislative effort concentrate on assuring maximum safety and health standards.

Mr. DENT. The gentleman from Kentucky is too modest. The House ought to know that he was the cosponsor of the 1952 law which gave authority to the coal inspectors for the first time in history. So his work in the vineyard of mine safety has not been of late; it has been for a long time.

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. I rise in full support and enthusiastic support of this legislation.

As chairman of the Select Subcommittee on Labor, I cannot let this occasion go by without paying tribute to the gentleman from Kentucky, the distinguished chairman of the Committee on Education and Labor, for the role he played in developing this legislation. I know he must have "kept on top of" the gentleman, and he "kept on top of" me, to get out the pneumoconiosis provisions with reference to the payment of benefits to miners who suffer from black lung or to the widows and dependent children of miners who died from that disease.

With all due respect to all of the Members of this House who come from coal mining States, I do not think there is any Member in this body who is as knowledgeable and who possesses the understanding of the problems that exist in the coal mines as the gentleman in the well, the chairman of the general Subcommittee on Labor.

I know from my conversations with you over the years, having served on this subcommittee for the past 11 years with you, that you worked in the mines as a young man and subsequently you owned a mine as a young man, and that during your term of public life in the State of Pennsylvania as a minority leader in the State senate I am sure you have dealt time and time again with the problems of mining legislation. Today you gave a really wonderful exhibition of your knowledge of this subject. So I wish to salute you for your full knowledge and understanding of it. I am sure if any other Member of this body undertook to handle this legislation, with all of the problems and intricacies involved in legislation of this type, they would have an awfully difficult job in trying to get this legislation through the House. However, I am quite sure under your leadership and that of our able chairman, I can predict now that this legislation will pass and it will do so by an overwhelming majority.

I would also like to take this opportunity, Mr. Chairman, to pay tribute to the gentleman from California to whom the gentleman from Pennsylvania referred, PHIL BURTON. Likewise he came into my office and I had to shut the doors because he almost blew the girls out into the corridor with his insistence on the pneumoconiosis benefits contained in this bill. Of course, sometimes his language and voice were very loud. I cannot say what else they were, but with all due respect to him, I will say that if it were not for his persistence, his tenacity, and his courage, perhaps, we would not have the benefit of these provisions in this bill.

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

Mr. DENT. I yield to the gentleman from West Virginia.

Mr. SLACK. Mr. Chairman, I just wish to compliment the gentleman from Pennsylvania (Mr. DENT) for a most detailed and comprehensive statement regarding this very complex subject matter. I certainly support this legislation.

As Representative from a district ranking among the leaders in coal tonnage production I have watched with great interest the efforts of the committee to draw together a sensible, balanced proposal which can be enacted into law for the greater protection of our coal miners. After listening to the detailed and comprehensive statement of Chairman DENT, I must compliment him and the members of the subcommittee on a pro-

posal which I was pleased to have the opportunity to cosponsor. They have separated fact from fantasy and by sheer diligence have arrived at a satisfactory middle ground. The coal miners of this country will have a great deal for which to be grateful to all of them, and as a native of the No. 1 mining State with many friends throughout the coalfields, I want to be among the first to express gratitude and appreciation for the masterful way in which they have discharged a most serious responsibility.

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

Mr. DENT. I am glad to yield to the gentleman from Pennsylvania.

Mr. GAYDOS. Mr. Chairman, I thank the gentleman for yielding to me.

I wish to add my compliments to those of the other gentlemen for his having a first-hand personal knowledge and for having the dedication which he has to miners and their problems. I am very proud that the gentleman in the well represents the congressional district next to the one that I represent. It was my personal pleasure and a very informative and educational one to serve with him on the subcommittee. I am personally proud to associate myself with his remarks.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. DENT. I am happy to yield to the gentleman.

Mr. HECHLER of West Virginia. Mr. Chairman, I would like to compliment the gentleman in the well for the really outstanding job he and his subcommittee and the other members of the full committee have done in clarifying the provisions of this bill. On behalf of thousands of coal miners from the State of West Virginia, which is the largest coal-producing State in the Union, I would like to express our deep and heartfelt thanks particularly for the provision that has been written into this bill for benefits for miners and their widows from pneumoconiosis disability. I think the gentleman in the well should be complimented for his determination, as well as the gentleman from New Jersey (Mr. DANIELS) and the gentleman from California (Mr. BURTON) as well for having done Herculean work in bringing this provision out and insisting that it remain in the bill. It is a monument which I know will long stand to the hard work which they put in on the bill.

I would like to ask the gentleman this question: Does he recall earlier in the year when there were forces at work trying to get us to separate the health and safety provisions of this bill?

Mr. DENT. Oh, yes. Many of them, from different angles and sometimes hard-to-understand areas, who were also opposing pneumoconiosis benefit payments in this legislation.

Mr. HECHLER of West Virginia. Yet the gentleman persisted and the committee, as well as the chairman of the full committee, the gentleman from Kentucky (Mr. PERKINS), and others persisted. I commend them for their courage.

Mr. DENT. Mr. Chairman, it is with a great sense of both personal satisfaction and relief that I speak in favor of H.R. 13950. I am satisfied because I know this bill is one we can all take pride in supporting, and relieved because the arduous task of getting it to this point is completed.

Mr. Chairman, this bill has nearly 100 cosponsors and I am privileged to be prime sponsor as well as chairman of the subcommittee that gave it birth. The bill is better than good. And I am confident that when we act favorably on it, the bill will be refined and improved to an even greater extent.

I say all of this with a feeling of gratitude to my colleagues on my committee, for I am well aware of the positive contributions and tireless efforts made by so many who, like myself, are committed to making our Nation's coal mines safer places to work.

There have been interferences with our work, and I find it somewhat remarkable that we were able to bring this quality of legislation before the House today. One interference has been the struggle underway for the presidency of the United Mine Workers of America; a contest into which this bill has become inextricably and unfortunately injected. Another has been a misunderstanding of the bill by some who have been misled by inaccurate statements about the subject matter and misrepresentations and exaggerations about the provisions of the bill.

The fact is, however, that this bill has emerged untouched by it all. Many of us have agonized over it to insure it would. It is time that these individuals, who have remained behind the public spotlight so as to work more effectively, were recognized for the credit they so richly deserve.

First among them is the gentleman from California (Mr. BURTON). One does not think of San Francisco as a great coal-producing section of the country, and it is not. But is represented by a man with a great compassion for people, particularly those whose voices are not always heard with ringing clarity. The gentleman has labored over this bill with a deep and responsible concern for them.

This feeling on his part led to the existence of section 112(b) of the bill—the subsection dealing with payments to miners who suffer from and the widows of miners who died with complicated pneumoconiosis, a disease which is terminal and irreversible. The gentleman from California developed this subsection and in doing so met every objection to the proposal from many of those who initially opposed it. His tenacity with reason is why the subsection is now the benefactor of widespread support. It is also the reason why these afflicted individuals will now be afforded a measure of relief and dignity.

There are now some who embrace this subsection as though it were their own creation. But history should have the benefit of a clear statement of facts at the time the facts are known. And the simple fact is that PHIL BURTON, more than any other single individual, deserves the thanks of us all for this provision of the bill. He is entitled to this because this provision will help people; people for whom life has taken on an added and heavy burden.

Particular recognition and appreciation is also especially due the gentleman from New Jersey (Mr. DANIELS). The gentleman is chairman of the Select Subcommittee on Labor, the subcommittee which has jurisdiction over legislation dealing with payments to injured workers. Section 112(b) of the bill was first engendered in legislation in the gentleman's subcommittee, and he held several days of hearings on the various proposals relating to payments for miners suffering from an occupationally caused disease. The gentleman was determined to meet the urgent need of these miners and, in the case of deceased miners, their widows. I am confident that, under his leadership and guidance, section 112(b) of this bill would have become a public law apart from this bill had he not allowed it to become such an integral part. But there was no selfishness on his part and no false pride to be derived from retaining the legislation as his personal domain. The gentleman's only concern was getting relief to afflicted people at the earliest possible moment. I salute him for that quality which I have always known was so much a part of his character. I also thank him for his invaluable assistance in the formation of this legislation. He certainly deserves a special "thank you and well done" from us all.

If there is one person whom I can never praise too highly, it is the distinguished chairman of the Committee on on Education and Labor, the gentleman from Kentucky (Mr. PERKINS). Our chairman was most gracious in permitting the "exchange of legislative provisions," if you will, between subcommittees. Of course, we all know this conciliation is based on his deep concern and desire to do the very best for our coal miners. When the subcommittee bill was considered in full committee executive sessions, our chairman could not have been more accommodating nor cooperative. Indeed, his leadership in guiding the bill through committee was nothing less than vital.

Also, I wish to acknowledge the excellent work and fine cooperation of the ranking minority member of my subcommittee, the gentleman from Illinois (Mr. ERLENBORN). On many points the gentleman expressed what he felt were valid and sincere objections. But, never was he unreasonable. And as a result we were able to produce a good, bipartisan subcommittee bill.

Special thanks are also due to three other minority members of my subcommittee; the gentleman from California (Mr. BELL), the gentleman from Michigan (Mr. ESCH), and the gentleman from Idaho (Mr. HANSEN). Their attendance at the hearings and executive meetings and their contributions to the discussions were particularly noteworthy.

In singling out those I have just mentioned, I do not, in any way, intend to disparage the roles of the other committee members. If we had not had the additional comments and worthy suggestions of those members, I dare say we may not have had as good a bill as the one we present here today.

There is one other tribute I must extend, Mr. Chairman, and that is to my colleague and neighbor back home, who has been so helpful to me and the committee on this legislation. I refer to my good friend and the tireless worker for the coal miners—the gentleman from

Pennsylvania (Mr. SAYLOR). The gentleman and I have worked side by side for many years to improve the working conditions in the most hazardous industry in our Nation. And I know the gentleman fully concurs with me when I say that coal mining can be made a safer occupation.

Mr. Chairman, I am sure it is well known how some of us here have been pressing for more effective mine safety laws for so long. But it is ironic and lamentable that a major coal mine disaster must occur before public indignation is aroused and the Congress is prodded into enacting better safety laws. Regrettably, that is the case with respect to the bill before us today.

The public cry for better mine safety laws was again heard on November 20, 1968, a few hours after the announcement that an explosion had rocked Consolidation Coal Co.'s No. 9 mine near Farmington, W. Va. When the mine was sealed several days later, it became the tomb for 78 miners working that tragic midnight shift who could not escape and for whom no rescue operation could succeed. Since Farmington, over 170 additional miners have lost their lives in much less publicized—yet equally outrageous—accidents that continue to make coal mining the most hazardous occupation in the United States.

Some recognition of the dangers inherent in coal mining came at the Federal level as long ago as 1865, when a bill to create a Federal Mining Bureau was introduced in the Congress. Little more was done, however, until a series of serious coal mine disasters after the turn of the century aroused public demand for Federal action. Consequently, the Bureau of Mines was created within the Department of the Interior on July 1, 1910, and was charged with making "diligent investigation of the methods of mining, especially in relation to the safety of miners, and the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the treatment of ores and other mineral substances, the use of explosives and electricity, the prevention of accidents, and other inquiries and technologic investigations pertinent to said industries."

A glaring but deliberate omission in the new Bureau's spectrum of responsibility was the lack of authority to conduct mine inspections. In fact, the act specifically denied "any right or authority in connection with the inspection or supervision of mines in any State" by any Bureau employee.

This significant inadequacy was recognized by the Congress and Public Law 49, 77th Congress, was enacted in 1941. Federal inspectors were given authority to enter and inspect for health and safety hazards all anthracite, bituminous coal, and lignite mines in the United States.

Despite this new authority to make "annual or necessary inspections and investigations," however, the Bureau lacked authority to establish standards for coal mines or to enforce compliance with the standards and recommendations of the Secretary of the Interior.

The death of 119 miners in an explosion at West Frankfort, Ill., late in December 1951, aroused public concern again and led to the enactment of Public Law 552, 82d Congress, in 1952.

This act, which refined further the machinery for approaching mine safety, left much to be desired. President Truman said as much in signing the bill when he commented:

> This measure is a significant step in the direction of preventing the appalling toll of death and injury to miners in underground mines.
>
> Nevertheless, the legislation falls short of the recommendations I submitted to the Congress to meet the urgent problems in this field.

There were many deficiencies in the 1952 law and legislative attempts to correct them were made during the ensuing years. The prime objective was the elimination of the exemption enjoyed by small mines—those employing 14 or fewer persons underground.

Continuing mine disasters inspired the establishment of a task force to investigate mine safety and make recommendations. The report of the task force was submitted in August 1963.

Public Law 89-376—1966—was a response to yet another mine disaster and incorporated some of the recommendations of the task force. The most significant change made by the 1966 law was the deletion of the exemption of small mines from the act.

Even after the 1966 amendments, however, the larger number of causes of fatalities and accidents remain beyond the reach of the Federal statute. This broader, non-Federal area of coal mine safety was left by the Congress in 1952 to be embraced by State laws and the Federal Mine Safety Code. By doing so, the Congress intended to attack fatalities by major disaster. The remaining 90 percent of accident occurrences resulting in death or injury were left covered only by State law and the safety code.

The death of 222 miners in 1967, 311 in 1968, the Farmington disaster, and the death of over 170 miners in nondisaster type accidents since Farmington now surrounds the consideration of this legislation.

Mr. Chairman, my subcommittee—the General Subcommittee on Labor—has never expended more time or energy in the formulation of any other legislation proposed. The subcommittee held 10 days of public hearings on coal mine health and safety proposals. Included in the hearing record are the views of representatives of operators of large coal mines; operators of small coal mines; the mine workers' union; individual mine workers; interested parties; and administration personnel. The hearings are further enhanced by testimony on coal workers' pneumoconiosis presented by several medical researchers, all of whom are internationally recognized experts in their field. In addition to the presentations of public witnesses, statements and supplementary materials were submitted to the subcommittee and inserted in the record.

Two investigatory trips were made by the subcommittee to observe coal mining operations and the atmosphere in mines; and to learn what the British Government—the leading nation in pneumoconiosis research—had concluded from its studies of the relationship between pneumoconosis and exposure to excessive coal dust and its recommendations on controlling dust, protecting miners from dust exposure, and the treatment of miners who have contracted the disease.

On February 27, the subcommittee toured two coal mines—a deep shaft mine and a smaller drift mine—in western Pennsylvania. The tours consisted of surface and underground observations of mining opeartions and discussions with company officials and workers. Members indicated the tours resulted in their better understanding of the unique conditions that make coal mine health and safety requirements different from those of any other industry.

The subcommittee devoted 4 days—May 12 through 15—in Great Britain engaged in consultations with officials of the National Coal Board and medical research staffs. The members attended several seminars at the National Coal Board where they were apprised of the medical problems involved in pneumoconiosis research and treatment; details of the Board's studies; medical and scientific control, including dust standards and evaluations; and engineering problems of dust control methods. During field trips to several pneumoconiosis research laboratories, further information was elicited relative to dust control procedures, medical evaluations, and procedures for medical and engineering control. A visit was also made to an English colliery.

After the subcommittee hearings were officialy closed and the hearing record printed, representatives of certain small coal mine operators requested an additional hearing to assure understanding of their viewpoint of certain sections of the subcommittee proposal. To accommodate them, the full Committee on Education and Labor was convened on September 9, to receive the additional testimony.

The subcommittee held 8 days of executive sessions to consider a subcommittee print which was a composite of the major proposals, with amendments based on recommendations from the hearings and investigatory trips.

On August 6, the subcommittee voted to amend H.R. 1047—a coal mine health and safety bill introduced by the subcommittee chairman—by substituting the approved language of the subcommittee print, and to report the bill to the full committee.

The committee met 3 days in open session and on September 18, by a 29-to-3 vote, ordered H.R. 1047, as amended, reported to the House as a clean bill. On September 24, the committee met, pro forma, and voted 30 to 4 to report the clean bill, H.R. 13950, to the House.

Mr. Chairman, in September 1968, President Johnson proposed a strong new Federal Coal Mine Health and Safety Act. In March, President Nixon submitted a proposal which was similar to that of his predecessor. In doing so, President Nixon said:

Coal is our most abundant fuel resource. Right now, it supplies nearly a fourth of our total energy demand and every forecast, whether by Government or the private sector, indicates that coal must continue to play a significant role if this country's future energy requirements are to be satisfied.

At the same time, it is clear that our society can no longer tolerate the exorbitant cost in human life and human misery that is exacted in the mining of this essential fuel. Unless we find ways to eliminate that intolerable cost, we must inevitably limit our access to a resource that has an almost inexhaustible potential for industrial, economic, and social good.

The adequacy of a major industry's work force is at stake here. If we cannot today assure coal miners a safe and healthful working environment and educate them in the practices that will keep it safe and healthful, our mines tomorrow will be unable to attract the workers they need, and the industry will sicken for want of qualified manpower.

Already, as you know, real difficulties are being encountered in recruiting young men as coal miners. Let this trend continue and our future energy supplies, along with all the benefits that are implicit in them, will be jeopardized.

As a people we have always placed human values at the summit of our esteem. We pride ourselves on our resourcefulness and our efficiency. Yet, the way that we mine coal today is not humanitarian, resourceful, or efficient. It is inexcusably wasteful of our most precious asset—the human being.

Following Secretary Hickel, John F. O'Leary, Director of the Bureau of Mines, testified. In discussing the fatality rate in coal mines, he said:

The workers in the coal mining industry and their families have too long endured the constant threat and often sudden reality of disaster, disease, and death. This great industry has strengthened our Nation with raw material of power. But it has also frequently saddened our Nation with news of crippled men, grieving widows, and fatherless children.

Death in the mines can be as sudden as an explosion or a collapse of a roof and ribs, or it comes insidiously from pneumoconiosis or black lung disease. When a miner leaves his home for work, he and his family must live with the unspoken but always present fear that before the working day is over, he may be crushed or burned to death or suffocated. This acceptance of the possibility of death in the mines has become almost as much a part of the job as the tools and the tunnels.

The time has come to replace this fatalism with hope by substituting action for words. Catastrophes in the coal mines are not inevitable. They can be prevented, and they must be prevented.

Secretary of the Interior Walter J. Hickel testified in support of the administration proposal before the general Subcommittee on Labor on March 4. At that time, the Secretary said:

The need for this legislation is unmistakable—there has been no improvement in the overall fatality rate since 1947. On the other hand, since passage of the Federal Coal Mine Safety Act with its antidisaster provisions in 1952, the fatality rate from major disasters has been cut by about 50 percent. This should provide some idea of the potential inherent in enforceable laws.

Clearly, if we are to have any impact on the day-to-day accidents that cause most of our coal mine injuries and deaths, we need a law that gives broader enforcement powers to the inspector and thereby provides stronger incentives for management and labor to think safety at all times. We must reduce injuries and eliminate the accidents that kill miners by the ones, twos, or threes as well as prevent major disasters.

To us, it seems that the cold, statistical, day-to-day record of death and disease among our coal miners is reason enough for positive and immediate action, and in the proposal I have just outlined our convictions have been clearly voiced.

There is more at stake here than the lives and health of 144,000 coal miners, though they surely merit our most strenuous efforts on their behalf. The problems that we are wrestling with have an impact that extends beyond any coal mine. If we fail, those problems can weaken the physical and moral fiber of our whole society.

Whereas that rate did drop following the enactment of the 1941 law—from an average of 1.5 per million man-hours between 1932 and 1941, to an average of 1.2 million man-hours between 1942 and 1951—the downward trend in the rate stopped in 1947 and there has been virtually no detectable improvement since then.

When discussing the code, which is not enforceable by the Bureau, Director O'Leary said:

In this context it is significant to note that while we are able to achieve virtually 100-percent compliance with the mandatory provisions of the Federal Coal Mine Safety Act, compliance during the inspections with the nonenforceable code provisions leaves much to be desired. Although such compliance ranges as high as 90 percent in some of the captive mines of the steel companies, the average is about 65 percent for large coal mines. At the small coal-producing operations, compliance with code provisions was as high as 33 percent in one State, but was as low as 7 percent in another.

For these reasons we are convinced that conditions in our coal mines cannot be significantly improved without new and stronger health and safety legislation. The Bureau needs broader authority, and it needs it now, in order to bring coal mine injury and fatality rates into line with those of other major industries, and to assure that our coal miners do not escape accidental injuries only to fall victim to an insidious occupational disease. * * *

Mr. Chairman, I fully subscribe to the foregoing positions and I believe H.R. 13950 is a testament to that.

For too long the Congress has countenanced the passage of piecemeal measures which have failed to provide the Bureau with the enforcement power it needs. Too many injuries and too many lives have filled the gap left by inadequate laws. A strong law is necessary to protect the men who extract one of our Nation's most vital resources. Our coal miners deserve the safest, healthiest work environment our technology will enable us to provide.

Mr. Chairman, I would now like to discuss the major provisions of the bill. I feel I should first emphasize that this bill has a twofold, inseparable purpose—to protect the health and safety of coal miners.

TITLE I—GENERAL

ESTABLISHMENT OF MANDATORY HEALTH AND SAFETY STANDARDS

Section 101 establishes the procedures for the promulgation of mandatory health and safety standards by the Secretary of the Interior—hereinafter referred to as the "Secretary." The Secretary promulgates all mandatory standards, but is responsible for developing and revising only mandatory safety standards. The Secretary of Health, Education, and Welfare is responsible for developing and revising mandatory health standards. All proposed standards are required to be published in the Federal Register and are subject to review by the Federal Coal Mine Health and Safety Board of Review—established in section 106—prior to promulgation by the Secretary. No standard promulgated by the Secretary shall reduce the protection afforded miners below that afforded by the interim mandatory health and safety standards contained in title II and title III, respectively. These interim standards apply to underground coal mines. Standards for surface coal mines shall be proposed by the Secretary not later than 12 months after the date of enactment of this act.

The committee was easily persuaded to vest authority for the promulgation of mandatory standards in the executive branch. Any law establishing health and safety requirements for an industry as complex and as subject to constant technological change as coal mining, certainly demands flexibility. Too often, standards are enacted only to become almost immediately inadequate in the face of changing conditions.

The committee has, however, provided detailed interim health and safety requirements which are delineated in titles II and III, respectively. It has also stated clearly the health and safety goals to be achieved.

The committee originally considered placing the responsibility for developing revising, and promulgating both mandatory health and safety standards within the Department of the Interior, but ultimately decided the Department of Health, Education, and Welfare should develop and revise all health standards. It was felt the latter could bring more expertise to bear on the problems of miners health and the goals related thereto. Although the Secretary of the Interior is responsible for promulgating all mandatory standards, in the case of mandatory health standards he acts only to give official status to those developed and revised by the Secretary of Health, Education, and Welfare.

In the case of all proposed standards, however, interested persons have the right of filing objections and requesting a public hearing on such objections.

INSPECTIONS AND INVESTIGATIONS

Section 103 authorizes and requires representatives of the Secretary to make frequent inspections and investigations in coal mines each year for information retrieval and enforcement purposes. Each underground mine shall be inspected at least four times a year. The Secretary of Health, Education, and Welfare is also authorized entry to coal mines to enable him to carry out his functions and responsibilities under the act.

Section 103 also empowers the Secretary or his authorized representative with authority, in the event of an accident, to take whatever action he deems appropriate to protect the life of any person and to be consulted regarding any plan to recover any person in the mine.

This section further provides opportunity for a miner to request the Secre-

tary to conduct a special investigation to determine if an imminent danger or violation of a standard exists in a mine, and for the representative of miners at a mine to accompany an authorized representative of the Secretary—at no loss in pay—on any inspection of the mine.

During any inspection of a mine by the Secretary or his authorized representative, no advance notice of such inspection shall be given to the operator or the representative of miners at the mine.

When affording the representative of miners at a mine the opportunity to accompany him on an inspection of the mine, the authorized representative of the Secretary shall first notify a member of the mine's safety committee working during the shift such inspection is to be made in the case of a mine which has such a committee.

FINDINGS, NOTICES, AND ORDERS

Section 104 establishes improved procedural mechanisms for finding dangerous conditions or violations of standards in a mine, and for the issuance of notices and orders relative to such.

Subsection (a) deals with the finding of a condition of imminent danger by an authorized representative of the Secretary during an inspection. When this occurs, the representative will determine the area where the danger exists and immediately issue an order requiring the mine operator to withdraw all persons, except those necessary to take corrective action, from the affected area until the danger is abated.

Subsection (b) deals with the finding of a violation of a mandatory health or safety standard during an inspection. When this occurs, the representative will immediately issue a notice fixing a reasonable time for the abatement of the violation. If the violation is not abated at the end of that period, and if the representative finds that the period should not be extended, he shall issue an order requiring the operator to withdraw all persons, except those necessary to take corrective action, from the area affected by the violation until the violation has been abated.

Subsection (c) deals with the unwarrantable failure of an operator to comply with a mandatory health or safety standard. When a representative finds a violation of a standard and further finds that the violation is caused by an unwarrantable failure on the part of the operator in complying with the particular standard, he includes such additional finding in the notice issued under subsection (b). Within 90 days of the time the notice is issued, the mine is reinspected to determine if the violation continues to exist. If it does, and the operator has again unwarrantably failed to comply with the standard, the withdrawal procedures described in subsection (b) will be followed. If such withdrawal order has been once issued, it will continue to be issued upon the finding of similar violations during subsequent inspections. Once an inspection is made which discloses no such similar violation, the continuous closure provisions of subsection (c) no longer apply and the initial procedures are again applicable.

Subsection (h) deals with the finding, upon inspection, of conditions in a mine which have not yet resulted in imminent danger but which cannot be effectively abated through the use of existing technology and which may result in imminent danger. When this occurs, the representative will determine the area in which the conditions exist, and issue a notice to the operator with copies to the Secretary and the miners. The Secretary shall thereupon cause such further investigation to be made as he deems appropriate and provide an opportunity for a hearing. The Secretary will then make findings of fact and require that either the notice issued be canceled, or an order be issued causing all persons, except those necessary to take corrective action, to be withdrawn from and prohibited from entering the affected area until he determines—after a hearing—that the conditions responsible for the order have been abated.

Subsection (i) deals with the finding of a violation of a health standard by atmospheric samples taken as required by section 202(a). When such sample discloses a violation, the Secretary or his authorized representative shall find a reasonable time within which to take corrective action and shall immediately issue a notice fixing a reasonable time for the abatement of the violation. If at the expiration of the period of time originally fixed or subsequently extended the violation has not been abated, and if it is found that the period of time for compliance should not be further extended, a withdrawal order shall be issued and continue in effect until the violation has been abated. If it is found that the period of time for compliance should be further extended, another notice of violation must be issued.

REVIEW BY THE SECRETARY

An operator or miner affected by an order issued under section 104 may apply to the Secretary for review of the order within 30 days of its receipt. The Secretary will then make whatever investigation he deems appropriate as well as provide an opportunity for a hearing. He will make findings of fact and issue a written decision vacating, affirming, modifying, or terminating the order complained of. Pending completion of his investigation, the Secretary may, upon application and after a hearing, grant temporary relief from an order.

FEDERAL COAL MINE HEALTH AND SAFETY BOARD OF REVIEW

Section 106 establishes the Board. Current members of the existing Federal Coal Mine Safety Board of Review would be members of the new Board until the expiration of their terms. New and additional members will be appointed by the President, by and with the advice and consent of the Senate.

For the purpose of reviewing orders and penalties, the Board is composed of five regular members. One member shall be representative of the viewpoint of the operators of small mines; one of the operators of large mines; one of the workers in small mines; and one of the workers in large mines. The Chairman shall be drawn from the public generally and shall not have had any interest in or association with the coal industry for 5 years prior to his appointment.

For the purpose of carrying out the review of proposed mandatory health and safety standards, and for carrying out the provisions of section 401—research—and 412—special report—the Board is composed of eight members. In addition to the five regular members, there will be one member with a public health background, and two others who have a background in coal-mining technology. The additional members shall not have had any interest in or association with the coal-mining industry for 1 year prior to their appointment.

REVIEW BY THE BOARD

An operator may apply to the Board for review of an order issued under section 104 or for review of a decision made by the Secretary pursuant to section 105. Such application must be made within 30 days of receipt of the order or decision. If an appeal to the Board is made from the Secretary's review, the evidence is considered to establish a prima facie case against the operator although either side may produce additional evidence. When an appeal is made directly from an order issued under section 104, the Board is not bound by any previous findings of fact and the burden of proof is on the Secretary. After a hearing, the Board shall make findings of fact and issue a written decision affirming, vacating, modifying, or terminating the order or decision complained of. Pending completion of the hearing, the Board may, upon application, grant temporary relief from an order or decision.

Mr. Chairman, the Board has been the subject of much controversy. Its critics charge that it represents a giant "loophole" through which operators will escape enforcement of the act. It is essential in debating the merits of the Board, however, to understand exactly its powers. They may be simply stated as follows:

First, review of withdrawal orders;

Second, review of penalties;

Third, review of proposed mandatory health and safety standards;

Fourth, establish research objectives; and

Fifth, conduct special study into possible Federal-State cooperative arrangement.

Only in the first and second case does the Board have any authority. In the third case, fourth, and fifth, the Board's capacity is purely advisory and procedural.

Although the existing Federal Coal Mine Safety Board of Review has no authority to review penalties—no penalty provisions exist in the present law—it does have authority to review violations on appeal. The record of the Board in the conduct of this responsibilty is interesting.

Since 1952, when the existing Board was created, until the present, there have been 22 litigated cases. The Board fully upheld the Bureau of Mines in 10, upheld in part in one, reversed in five, and six cases were settled upon agreement of the parties after a hearing. Of the cases fully litigated and decided therefore, the

Bureau was upheld in whole or in part in 69 percent, and reversed in 31 percent of the cases. Five of these cases were appealed to the U.S. courts of appeals—three by operators and two by the Bureau—and the Board's decisions were affirmed in four cases, and in one case the appeal by the Bureau was dismissed as untimely filed. All decisions of the Board were unanimous, except in Princess Elkhorn, 1955, in which a worker representative dissented, and in St. Mary's Sewer Pipe, 1958, in which an operator representative dissented; both majority decisions were affirmed unanimously by the courts of appeals.

There were, of course, a number of other cases involving disputes which were filed formally or informally, and which were resolved without a hearing. There were also a large number of State plan cases which were decided upon stipulation and without dispute of the parties.

Mr. Chairman, when the subcommittee conducted hearings on coal mine health and safety proposals, the administration, the Mine Workers Union, and the operators' organization testified in favor of a board of review substantially identical to the Board established by this bill. The subcommittee found considerable merit in the Board, and maintained it in the bill reported to the full committee.

We recognized the advantages of a panel composed with equal representation of an industry's management and labor force, as well as a public member. Such a panel could be a very useful instrument in participating in the enforcement of uniform standards and requirements applicable to the industry. This procedure has worked very effectively and efficiently in other industries, particularly in the electrical contractor industry.

But this procedure is only valid when all parties to the tripartite agreement are willing to participate. Until only recently, all parties to the Board were willing to do so.

In a telegram to Senator HARRISON A. WILLIAMS, JR., chairman of the Subcommittee on Labor, dated October 1, Mr. W. A. Boyle, president of the United Mine Workers of America, said labor's "support of the Federal Coal Mine Safety Board of Review was predicated upon the position the Board would be retained in its present form." The Board established by this bill is substantially like the existing Board.

In a letter of October 9 to all Members, however, Mr. Boyle said the United Mine Workers of America "are entirely opposed to provisions vesting any board of review with the right to overrule the decisions of the Secretary of the Interior."

The significance of this is not the change of position in 8 days, but the fact that one very essential party to the tripartite Board is no longer willing to participate and, indeed, now opposes the arrangement. In my mind, that renders the Board invalid as a useful functionary in the administration of this bill.

JUDICIAL REVIEW

Any decision issued by the Board upon review of an order or decision by the Secretary shall be subject to judicial review by the U.S. court of appeals for the circuit in which the affected coal mine is located. The court shall hear the appeal on the record made before the Board. The findings of the Board, if supported by substantial evidence on the record considered as a whole, shall be conclusive and the court may affirm, vacate, or modify any decision or may remand the proceedings to the Board for further action as it directs. The court may also grant such temporary relief as may be appropriate pending final determination of the appeal. The judgment of the court shall be subject only to review by the Supreme Court of the United States.

INJUNCTIONS

The Secretary may request the Attorney General to institute a civil action for relief against an operator who impedes the execution of the act or refuses to comply with its provisions and requirements.

PENALTIES

The operator of a mine in which a violation occurs of a mandatory health or safety standard or who violates any provision of the act shall be assessed a civil penalty by the Secretary of not more than $10,000 for each violation. Whoever knowingly violates or fails or refuses to comply with an imminent danger withdrawal order or with any final decision on any other order shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 6 months, or by both. The penalty for a repeat conviction is a fine of not more than $20,000 and/or imprisonment for not more than 1 year. The same provisions apply to directors, officers, or agents of corporate operators who authorize, order, or carry out the violation. In addition, whoever knowingly makes any false statements or representations relative to this act shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 6 months, or by both.

Any penalty assessed under this section is, upon request, subject to review by the Board. The Secretary may initiate the collection of any penalty by civil action in the appropriate district court of the United States.

The committee expended considerable time and energy in discussing the role of an agent of a corporate operator and the extent to which he should be penalized and punished for his violations of the act. At one point, it was agreed to hold the corporate operator responsible for any fines levied against an agent. It was ultimately decided to let the agent stand on his own and be personally responsible for any penalties or punishment meted out to him.

The committee recognizes, however, the awkward situation of the agent with respect to the act and his supervisor, the corporate operator, and his position somewhere between the two. The committee chose to qualify the agent as one who could be penalized and punished for violations, because it did not want to break the chain of responsibility for such violations after penetrating the corporate shield. The committee does not, however, intend that the agent should bear the brunt of corporate violations. It is presumed that the agent is often acting with some higher authority when he chooses to violate a mandatory health or safety standard or any other provision of the act, or worse, when he knowingly violates or fails or refuses to comply with an imminent danger withdrawal order or any final decision on any other order.

ENTITLEMENT OF MINERS

Section 112(a) provides for limited pay guarantees to miners idled by a closure order issued under section 104. All miners working during the shift when the order is issued who are idled by the order are entitled to full compensation by the operator at their regular rates of pay for the balance of the shift. If the order is not terminated prior to the next working shift, all miners idled by the order on that shift are entitled to such compensation for 4 hours of the shift. Whenever an operator violates or fails or refuses to comply with a withdrawal order issued under section 104, all miners who would be idled by the order are entitled to such compensation, in addition to pay received for work performed after the order is issued, for the period beginning when the order is issued and ending when it is complied with, vacated, or terminated.

Subsection (b) provides payments to miners totally disabled from complicated pneumoconiosis and to the widows of miners who suffered from complicated pneumoconiosis at the time of death. The disease must have arisen out of or in the course of the individual's employment in a coal mine. If he was so employed for 10 years or more, there is a rebuttable presumption that the disease so arose; if he was not, the individual must demonstrate that his disease so arose.

Payments are based upon the minimum monthly payment to which a Federal employee in grade GS–2, who is totally disabled, is entitled at the time of payment under provisions of Federal law relating to Federal employees—section 8112, title 5, United States Code. In the case of total disability, the disabled individual is entitled to payment at a rate equal to 50 percent of such minimum monthly amount. The widow of a miner entitled to payment would be eligible to receive the same amount. This represents approximately $136 per month. The payment would be increased to allow for up to three dependents. The first dependent would increase the basic payment by 50 percent; the second dependent by 75 percent; and the third dependent by 100 percent. The maximum monthly payment, therefore, to which an eligible individual is entitled under this subsection is equal to the minimum monthly payment such Federal employee is entitled to.

Payments made under this subsection shall be reduced by any amount the individual receives under the workmen's compensation, unemployment compensation, or disability insurance laws of his State, and the amount by which the payment would be reduced on account of excess earnings under section 203 (b) through (l) of the Social Security Act if the amount paid were a benefit payable under section 202 of that act.

The Secretary of Labor will enter into agreements with the Governors of the States under which the State will receive and adjudicate claims under this subsection from its residents and under which the payments will be made. Each Governor will implement the agreement in any manner he determines will best effectuate the provisions of this subsection. If the Secretary of Labor is unable to enter into an agreement with a Governor or if a Governor requests him to do so, the Secretary may make payments directly. When the Secretary of Labor has an agreement with a State, he will make a grant to the State for the purpose of making the individual payments.

Payments under this subsection are for retroactive claims only, and not for prospective claims. No claim will be considered unless it is filed, first, within 1 year after the date an employed miner received the results of his first chest roentgenogram as provided under section 203, or, if he did not receive such a chest roentgenogram, the date he was first afforded an opportunity to do so under that section, or, second, in the case of any other claimant, within 3 years from the date of enactment of this act, or, in the case of a claimant who is a widow, within 1 year after the death of her husband or within 3 years from the date of enactment of this act, whichever is the later.

No payments shall be made under this subsection to the residents of any State which, after the date of enactment of this act, reduces the benefits payable to persons eligible to receive payments under this subsection, under its State laws which are applicable to its general work force with regard to workmen's compensation, unemployment compensation, or disability insurance.

This program of payments—maintained in the bill by a committee vote of 25 to 9—is not a workmen's compensation plan. It is not intended to be so and it contains none of the characteristic features which mark any workmen's compensation plan. Moreover, it is clearly not intended to establish a Federal prerogative or precedent in the area of payments for the death, injury, or illness of workers.

Rather, it is a limited response in the form of emergency assistance to the miners who suffer from, and the widows of those who have died with, complicated pneumoconiosis.

Complicated pneumoconiosis is a serious disease of the lungs caused by the excessive inhalation of coal dust. The patient incurs progressive massive fibrosis as a complex reaction to dust and other factors, which may include tuberculosis and other infections. The disease in this form usually produces marked pulmonary impairment and considerable respiratory disability.

Such respiratory disability severely limits the physical capabilities of the individual, can induce death by cardiac failure, and may contribute to other causes of death. Once the disease is contracted, it is progressive and irreversible.

One of the compelling reasons the committee found it necessary to include this program in the bill was the failure of the States to assume compensation responsibilities for the miners covered by this program. State laws are generally remiss in providing compensation for individuals who suffer from an occupational disease as it is, and only one State—Pennsylvania—provides retroactive benefits to individuals disabled by pneumoconiosis.

Also, it is understandable that States which are not coal producing have no wish to assume responsibility for residents who may have contracted the ailment mining coal in another State. The substantial reduction in the number of miners actually employed in mines following World War II caused a dispersal of men throughout the country—many into States which have few, if any, mines. These men took with them an irreversible disease, but because of their present location are denied benefits.

The committee also recognizes the possible inequities inherent in requiring employers to assume the cost of compensating individuals for occupational diseases contracted in years past.

Many miners have worked in more than one coal mine and for more than one employer. Who can determine precisely when that miner contracted pneumoconiosis and for whom he was working?

The resolution of this dilemma, consistent with the desperate financial need of individuals eligible to receive payments under this bill, was the inevitable inclusion of section 112(b), and the requirement that the payments be made from general revenues.

Hopefully, the health standards prescribed in title II will eliminate conditions in mines which cause the disease. Also, it is expected that the States will assume responsibility in their respective compensation plans for miners who contract the disease in the future.

The miners for whom this program is intended became victims of pneumoconiosis many years ago. They were mining coal for national consumption, and for an industry under intense Federal pressure to keep the cost of the fuel low. The entire Nation benefited from the use of coal and its low cost. The entire Nation, then, has an obligation to the miners who became the unfortunate recipients of an insidious disease in the process, and to their widows and minor children.

REPORTS

All accidents are required to be investigated by the operator, and records of such accidents and investigations required to be kept by the operator. The operator is also required to establish and maintain such records and make such reports as the Secretary may reasonably require.

TITLE II—INTERIM MANDATORY HEALTH STANDARDS

COVERAGE

The interim health standards contained in this title are mandatory and applicable to all underground coal mines until superseded by standards promulgated by the Secretary pursuant to section 101.

DUST STANDARD AND RESPIRATORS

Section 202(a) requires each operator to take accurate samples of the amount of respirable dust in the mine atmosphere to which the miners in the active workings of the mine are exposed. The samples are transmitted to the Secretary and analyzed and recorded by him.

Subsection (b) establishes the dust standard. Effective on the operative date of this title, each operator shall maintain the average concentration of respirable dust in the mine atmophere to which each miner in the active workings of the mine is exposed at or below 4.5 milligrams per cubic meter of air. Effective 6 months after the operative date of this title, the limit on the level of dust concentration is 3 milligrams of respirable dust per cubic meter of air. Beyond that, the Secretary of Health, Education, and Welfare shall reduce the limit as he determines such reductions become technologically attainable.

An extension of time within which to comply with the prescribed limits is available to an operator who demonstrates to the satisfaction of the Secretary that he is undertaking maximum efforts to reduce the level of dust concentration but is unable to do so because it is not technologically feasible for him to do so. In such cases, the Secretary may grant an extension of no more than 90 days with regard to the 4.5 milligram limit, and no more than 6 months with regard to the 3 milligram limit.

Respirators or other approved breathing devices must be made available to all persons exposed to dust concentrations in excess of the applicable limit.

When reference in this report is made to dust readings which yield results in terms of milligrams per cubic meter of air—mg/m^3—such determinations are measured with an MRE instrument. As used in this title, the term "MRE instrument" means the gravimetric dust sampler with four channel horizontal elutriator development by the Mining Research Establishment of the National Coal Board, London, England. When using the MRE instrument to measure the dust, such measurement would be taken over several production, as distinguished from cleanup, shifts in order to assure a valid statistical sample. Measurements may also, however, be made with any other instrument approved by the Secretary and the Secretary of Health, Education, and Welfare.

The personal atomic sampler is one such device, and existing and future technology will undoubtedly produce more. In these eventualities, determinations of the dust level in a mine will be in terms of another yield. It is intended—and the bill states—that a yield other than one in terms of mg/m^3 be mathematically equivalent to the latter, and interpreted as such, for the purpose of enforcing the dust standard.

The bill expressly prohibits the use of personal respirators as a substitute for environmental control of the active workings of a mine. Respirators to date have been of such a nature as to be extremely uncomfortable to the workers and impracticable for the type of operations he must generally perform. It is for this reason, as well as the knowledge that some States have placed restrictions on the use of such respirators, that the committee chose to preclude their use.

The bill permits the use of personal respirators, however, in specified instances.

JUSTIFICATION FOR DUST STANDARDS

On March 26, Charles C. Johnson, Jr., Administrator, Consumer Protection and Environmental Health Service, Public Health Service, U.S. Department of Health, Education, and Welfare, testified before the subcommittee and presented the following remarks of the Surgeon General:

Pneumoconiosis is a pathological condition of the lung induced by inhalation of small particles.

There are many types of pneumoconiosis caused by specific kinds of dusty materials, as, for example, silica and cotton fibers. Coal miners' pneumoconiosis is a chronic chest disease, caused by the accumulation of fine coal dust particles in the human lung. In its advanced forms, it leads to severe disability and premature death.

Coal miners' pneumoconiosis was recognized, in Great Britain as early as 1943, as a disease entity separate from silicosis. It was not generally recognized as such in the United States until the 1950's. Prevalence studies by the Pennsylvania Department of Health (1959–61) and by the Public Health Service (1963–65) confirmed the existence of the disease entity documented its prevalence among coal miners and showed that it is a widespread problem.

Coal miners' pneumoconiosis is a distinct clinical entity, resulting from inhalation of coal dust. Physicians diagnose it on the basis of X-ray evidence of nodules in the lungs of a patient with a history of long exposure to coal dust. However, it should be pointed out that data from postmortem examinations indicate a higher prevalence of the disease than can be diagnosed from X-ray examinations.

Physicians classify coal miners' pneumoconiosis as simple or complicated, depending on the degree of evidence in the X-ray picture. In the simple form, pinpoint, micronodular or nodular lesions distributed throughout the lungs show up in the X-ray picture.

The physician decides the radiological category of simple pneumoconiosis on the basis of the extent of the opacities. There are no specific symptoms, and pulmonary function tests seldom enable the physician to say whether or not the patient has the disease. It is generally accepted by physicians that simple pneumoconiosis seldom produced significant ventilatory impairment, but, the pinpoint type may reduce the diffusing capacity, the ability to transfer oxygen into the blood.

Complicated pneumoconiosis is a more serious disease. The patient incurs progressive massive fibrosis as a complex reaction to dust and other factors, which may include tuberculosis and other infections. The disease in this form usually produced marked pulmonary impairment and considerable respiratory disability.

Such respiratory disability severely limits the physical capabilities of the individual, can induce death by cardiac failure, and may contribute to other causes of death.

Medical researchers in both Britain and the United States have repeatedly shown that coal miners suffer from more respiratory impairment and respiratory disability than does the general population. These respiratory problems are frequently accentuated by chronic bronchitis and emphysema, the causative factors of which remain to be clarified.

There is no specific therapy for pneumoconiosis in either its simple or complicated form. Adequate environmental dust controls, use of respirators, or removing the miners from the dusty environment as soon as they show minimal effects appear to be, under present technology, the only helpful preventive procedures.

For over 30 years, the Public Health Service has undertaken cooperative studies with the Bureau of Mines on coal miners health problems. Not until 1963, however, did the Department first receive funds for the specific support of operations in this area. Our first major project was a prevalence study of pneumoconiosis in soft coal miners in Appalachia and other coal mining areas.

This study established pneumoconiosis among soft coal workers in the United States as an occupational respiratory disease of serious and previously unrecognized magnitude. Our research showed that 1 in 10 men in the mines and 1 in 5 of the former miners in Appalachia showed X-ray evidence of this chronic respiratory disease. Data from post-mortem examinations would indicate an even higher prevalence of this disease.

For work periods less than 15 years underground, the occurrence of pneumoconiosis among miners appeared to be spotty and showed no particular trend. For work periods greater than 15 years underground, there was a linear increase in the prevalence of the disease with years spent underground.

* * * * *

The United States is the only major coal-producing nation in the world which does not have an official Government standard for coal mine dust. Since Great Britain began requiring dust control efforts in the coal mines—which resulted in reduced concentration levels—there has been a substantial reduction there in the prevalence of coal miners' pneumoconiosis.

Thus, the incidence of new cases in miners has decreased from 8.1 new cases per 1,000 miners in 1955 to 1.9 new cases per 1,000 miners in 1967; the age specific prevalence of simple coal miners' pnuemoconiosis has also decreased as has the overall prevalence, from 12.5 percent in 1959–62 as compared with 10.9 in 1964–67.

An official respirable dust standards for coal mines could, in our opinion, if properly enforced, make a significant reduction in new cases of pneumoconiosis and decrease the rate of progression of old cases. Last year, we concluded that sufficient data were available to recommend the adoption of an interim coal dust exposure standard for miners, pending further refinement of technical knowledge. After careful analysis of the British and Pennsylvania experiences, and after consultation with many authorities, we concluded that:

An interim standard should represent no more than a reasonable degree of risk to our miners, given our present technology, and be one that would significantly reduce the rate at which new cases of pneumoconiosis would develop in the future and old cases would progress.

On the basis of those conclusions, last December, the Secretary of Health, Education, and Welfare recommended to the Department of the Interior a Federal standard which could be used to lower respirable dust levels in coal mines. This standard called for a respirable dust level not to exceed 3.0 milligrams per cubic meter, as measured by the Mining Research Establishment horizontal elutriator instrument.

We recommended this standard in the conviction that it could, if adopted, and properly enforced throughout the coal-mining industry, make a significant reduction in coal miners' pneumoconiosis. This standard, if adopted and enforced, would place the United States along with other major coal-producing nations which have set health standards for dust exposures in the coal mining industry.

Approximately 100,000 active and retired coal miners are presently afflicted with pneumoconiosis, and about half that number are disabled from the ailment. It is apparent from all sources of information that the prevalence of pneumoconiosis among coal miners in the United States can certainly be reduced through effective dust control and other measures. Other nations have concluded this beyond any doubt.

When the subcommittee visited Great Britain, it did so in the expectation that it would observe the procedure and application of what had been hailed as the most effective dust control program of any nation. This was partially true, but the subcommittee took greater confidence in the information it derived from the visit with respect to the medical aspects of the problem. The subcommittee was also impressed with the significant reductions in the prevalence of pneumoconiosis since the inception of the control measures in Great Britain.

It was surprising to learn, however, that the British have achieved this relative success without the benefit of a mandatory program and without the benefit of established dust standards which reflect even their own notion of what the level should be from the standpoint of miners' health.

The British program does not, for instance, entail the withdrawal of men from a mine when the standard is exceeded. In actual practice, only about 80 percent of all British active working faces conform to the standard at any given time.

Also, the British have recently issued new standards which suggest an average exposure of 5.7 mg/m^3—if measured with an MRE instrument—to the face worker. This amount of exposure, incidentally, has little relevance to the health data the British themselves have accumulated.

The British advances against pneumoconiosis by the control of coal dust, then, have been made under a program somewhat deficient in comparison to that established in this bill. Obviously, the experience in the United States should prove to be considerably better. This is especially true since the mining methods used in this country do not generate the same amount of dust as those in Great Britain. Other controls of pneumoconiosis also exist, and they will be referred to in the next section, "Medical Examinations."

The British utilize several techniques for controlling dust in the mine atmosphere, all of which are applicable to U.S. mines. Among them are water infusion, machine design, dust collection, cutting speed, and ventilation techniques.

The British have also amassed an enormous amount of impressive medical data relative to the problem, which also is applicable to conditions in the United States. The British have concluded, from statistical analysis, that the probability of a miner contracting pneumoconiosis—ILO category 1 or greater—after 35 years of exposure to a mean total respirable dust concentration of 3 mg/m^3, is about 5 percent. The probability of a miner contracting pneumoconiosis—ILO category 2 or greater—after the same period of exposure in the same mine

environment is about 2 percent. In a dust environment below about 2.2 mg/m³, there is virtually no probability of a miner contracting pneumoconiosis—ILO category 2 or greater, even after 35 years of exposure to such concentration. It is significant that simple pneumoconiosis below ILO category 2 is not disabling.

The committee bill, then, establishes a dust limit of 3 mg/m³ 1 year after enactment of this act, but provides a procedure whereby the Secretary of Health, Education, and Welfare shall thereafter reduce such limit as reductions become technologically feasible. The ideal mine environment is a dust-free environment, but the committee recognizes the present inconceivability of this attainment, given the state of existing technology. The committee expects the Secretary of Health, Education, and Welfare, however, to prescribe the limit of at least 2.2 mg/m³ as soon as he deems it attainable, and to prescribe limits below that level in a final attempt to eliminate even simple pneumoconiosis — ILO category 1—through dust control.

The state of existing technology can achieve a reduction in the concentration of dust in U.S. mines to at least 3 mg/m³ after 1 year. The greatest possible stimulus to this achievement is the establishment of that level as a required standards, with concomitant enforcement procedures. This bill prescribes both.

The committee obviously believes a realistic standard of 4.5 mg/m³ after 6 months, and a standard of 3 mg/m³ after 1 year, is realistic. There is no disagreement with the 4.5 mg/m³ standard, and the initial criticism of the 3 mg/m³ standard has been noticeably diffused.

During 1968 and early 1969, the Bureau of Mines determined respirable dust concentrations in 29 selected large mines. In this investigation, a total of 280 sections were sampled. The criteria for selecting mines were, first, the mine must employ more than 20 men underground, and, second, the mine should have sufficient coal reserves to last at least 10 years. As a result, it cannot be presumed that the data are representative of the entire industry. Care, however, was taken to select mines with typical mining methods and machines, in a wide range of coal seams and in a number of different States.

The following table gives the results for the 29 large mines sampled. The data are presented by the type of occupation underground, the number of mines for each occupation, the number of samples taken for each occupation, and the number of mines for each occupation that averaged the 3, 4.5, and the 5.5 mg/m³, and higher level standards:

NUMBER OF MINES MEETING CRITERIA LEVELS BASED ON OCCUPATIONS

Occupation	Number of mines	Number of samples	Less than 3	3.1 to 4.5	4.6 to 5.5	+5.5
Cont. miner operator	21	178	2	2	4	13
Cont. miner helper	19	131	4	3	2	10
Cutting machine operator	15	98	1	6	2	6
Cutting machine helper	8	37	1	3	----	4
Coal drill operator	9	59	3	----	1	5
Loading machine operator	18	98	2	1	2	13
Loading machine helper	6	31	----	3	----	3
Roof bolter operator	25	296	6	9	6	4
Shuttle car operator	27	463	17	7	3	----
Beltman	7	32	2	3	1	1
Boomboy	6	20	5	----	----	1
Timberman	12	49	7	1	----	4
Shotfirer	12	83	5	2	2	3
Supplyman	8	24	5	1	1	1
Mechanic	19	142	17	2	----	----
Section foreman	28	236	19	4	2	3
Total			96	47	26	71
Total	29	1,976	[1] 40	[1] 19	[1] 11	[1] 30

[1] In percent.

Based on these data, 40 percent of the mines for these 16 occupations had an average full-shift exposure of less than 3 mg/m³, 19 percent were between 3.1 and 4.5 mg/m³, 11 percent were between 4.6 and 5.5 mg/m³, and 30 percent were greater than 5.5 mg/m³.

The significance of these results is that 40 percent of the mines for the specified occupations had an average full-shift exposure of less than 3 mg/m³.

This has already been accomplished without any concentrated attempt to reduce the dust levels in the mines, and without the requirement of complying with a Federal law establishing standards for permissible concentrations of respirable dust in the mine atmosphere.

MEDICAL EXAMINATION

Section 203 requires that each miner have an opportunity to have taken, at least once every 5 years, a chest roentgenogram to be paid for by the Board. Each worker who begins work in a coal mine for the first time shall be given such a chest roentgenogram at the commencement of his employment and again 3 years later. If the second such chest roentgenogram shows evidence of the development of pneumoconiosis, the worker shall be given an additional chest roentgenogram 2 years later. The Secretary of Health, Education, and Welfare is responsible for reading, classifying, and recording all readings for each miner, and may prescribe such other supplemental tests as he deems necessary.

Any miner who, in the judgment of the Secretary of Health, Education, and Welfare, shows substantial evidence of the development of pneumoconiosis, shall, at the option of the miner, be assigned by the operator to work in a relatively dust-free area of the mine, or in any other area provided he wears respiratory equipment. Any miner so assigned shall not receive less than his regular rate of pay.

The committee considers this section of the bill equal in importance to the dust control section for decreasing the incidence and development of pneumoconiosis. Three facets of medical service are prescribed:

Examination of new entrants: The required chest roentgenograms (X-rays) for new entrants should be supplemented by whatever other tests the Secretary of Health, Education, and Welfare deems necessary. Early detection can stop the employment of the small proportion of new entrants with pulmonary damage.

Periodic chest X-rays: The 5-year chest X-ray requirement for each miner conforms to the best medical evidence on pneumoconiosis. Because the ailment progresses at a relatively slow pace, an X-ray every 5 years is more than adequate. The Secretary of Health, Education, and Welfare may also require other tests to supplement X-rays.

The committee intends that large film be used in taking X-rays. It also expects the Secretary of Health, Education, and Welfare to advise the miner of conditions other than pneumoconiosis which may appear in an analysis of the miner's X-ray.

Supervision of pneumoconiosis cases: The development of simple pneumoconiosis may be impeded if the afflicted individual is removed from a dusty to a relatively dust-free atmosphere or if he is equipped with approved respiratory equipment. The bill provides for this type of supervision, subject to the choice of the individual miner.

TITLE III—INTERIM MANDATORY SAFETY STANDARDS FOR UNDERGROUND COAL MINES

COVERAGE

The interim safety standards contained in this title are mandatory and applicable to all underground coal mines until superseded by standards promulgated by the Secretary pursuant to section 101.

SAFETY STANDARDS

Sections 302 through 317 establish detailed requirements to provide for safer working conditions in underground coal mines. These include requirements with regard to roof support, ventilation, combustible materials and rock dusting, electrical equipment, trailing cables, grounding, underground high-voltage distribution, underground low- and medium-voltage alternating current circuits, trolley and trolley feeder wires, fire protection, maps, blasting and explosives, hoisting and mantrips, emergency shelters, communications, escapeways, and other miscellaneous matters.

The standards in this title are largely the result of recommendations by the Bureau of Mines. In the case of every standard, however, the committee challenged the Bureau to defend its recommendation. In the case of many, the committee adopted a standard other than one recommended by the Bureau. In those instances, the committee relied upon expert opinion from technicians outside the Bureau.

A number of the mandatory safety standards in this title are written in broad general language, such as those relating to the transportation of men and materials, fire protection, permissibility, and welding. The committee considered it unnecessary, at this time, to write into the bill detailed requirements in these cases, since present provisions of the Bureau's code, interpretations, regulations, and instructions which cover these matters in very great detail will still be preserved under this act so long as they do not conflict or are not inconsistent with the provisions of this act. The committee, however, expects that the Bureau of Mines will carefully review all of these and quickly improve and revise them, and publish them as mandatory standards in order to insure adequate safety to the miners. This comment is of particular importance in the case of the code which has not been revised since 1953. Further, if a particular item in the code or any of these other publications is of significance from a safety standpoint it should be published as a standard.

Several of the standards deserve elaboration in this summary, and some require clarification as to legislative intent.

ROOF CONTROL

Section 302 includes some very detailed provisions relative to the control of the roof and ribs in the active workings of the mine, including the face areas where 70 percent of roof fall fatalities occurred in 1967 and 1968. One of the most important of these provisions is the requirement that a roof control plan be adopted by the operator and kept up to date. This plan should form the basis for systematic upgrading of all roof control practices in this industry. The death and injury rate from roof falls is shocking. The industry and the Bureau of Mines have been remiss in attempting to solve this problem. The Committee expects that an effort will be mounted by both on an accelerated basis using the services and expertise of other Federal agencies and other organizations to overcome it.

PILLARED AND ABANDONED AREAS

The most hazardous condition that can exist in a coal mine, and lead to disaster-type accidents, is the accumulation of methane gas in explosive amounts. Methane can be ignited with relatively little energy and there are, even under the best mining conditions, numerous potential ignition sources always present.

There is a general awareness by coal mining personnel of the existence of this hazard. Men working in the face areas where coal is being mined and where fresh methane can be emitted in large volumes due to the disturbance of the coal bed, are required to take numerous safety precautions to insure that methane is not present in explosive amounts. All equipment in by the last open crosscut must be of a permissible type, and frequent examinations, both preshift and onshift, are made to determine methane concentrations. The present bill requires examinations for methane onshift at least once each coal producing shift, at the start of each coal producing shift before electrical equipment is energized, at least every 20 minutes during a shift when electrically operated equipment is energized, before intentional roof falls are made, before explosives are fired, and before welding is done. When, on examination, methane concentrations exceed 1 volume per centum, changes must be made in the ventilation to reduce the methane content. When the methane concentration exceeds 1.5 volume per centum, the electricity must be shut off in the section affected, and men withdrawn from the section until the methane content is reduced.

Methane, however, also accumulates in areas from which pillars have been removed and in other abandoned areas of a mine. These areas are often inaccessible because the roof has been deliberately allowed to fall or caving has otherwise occurred. In these cases, it is not usually possible to determine methane concentrations without great physical risk, and in many instances, the areas are completely inaccessible. In addition, during the time pillars are being removed and the roof permitted to fall in a planned sequence, ventilation of the area can best be accomplished with present technology by ventilating the area in a systematic manner.

These pillared and abandoned areas that are no longer being mined are not tested as frequently as working places, nor can they be given the same attention a working place receives. Consequently, these areas represent a great potential source of explosions, which can lead to widespread underground destruction with attendant loss of life.

Sections 303 (p), (q), and (r) are all directed toward solving this difficult problem. It is the intent of these three sections to require that the areas of mines described above be made as safe as present technology will permit so that the possibility of disasters from this source can be reduced or eliminated. There is general agreement among mining and safety engineers that bleeder systems are difficult to maintain in satisfactory condition over long periods of time and they do not eliminate explosive concentrations of gas in the gob because of bypassing of air when the gob area extends over long distances. Sections 303 (p), (q), and (r) require that when bleeder entries or systems or equivalent means are permitted instead of sealing, they shall be effective. This means that, where no superior method of ventilation is available, one of these may be approved by an authorized representative of the Secretary. When bleeder entries or systems are approved, they shall be used only under conditions where they can be adequately maintained, over short distances. Bleeder air shall not contain more than 2 volume per centum of explosive gases when sampled at a point immediately before entering another split of air.

Seals or bulkheads shall be used to isolate in an explosion-proof manner all abandoned areas in existing mines. In addition, wherever possible, new areas of existing mines will be "sectionalized" with explosive-proof sealing when abandoned, that is, isolated from active sections. In new mines, opened after the operative date of the act, it is intended that the mining system be such as to permit isolation by explosion-proof bulkheads of each section of a mine as it is abandoned.

ROCK DUSTING

Section 304(c) requires that all underground areas of a coal mine be rock dusted to within 40 feet of all face areas. It also requires all crosscuts less than 40 feet from such faces to be rock dusted. Where rock dusting is required, it must be applied and maintained in accordance with subsection (d) of this section. There are three exceptions, however, to this general rock dusting requirement.

The first provides that such rock dusting is not necessary in those underground areas of a mine that are, in fact, too wet or too high in incombustible content to propagate an explosion. Artificial wetting of such underground areas of mines is not acceptable in lieu of rock dusting, except as such wetting is done on the floors of active roadways used by mobile equipment, between the working face and the section loading points. Rock dusting would still be required for the top and sides of such roadways.

Water, when properly applied and maintained, can be effective in preventing the initiation of coal dust explosions and propagation of ignitions and explosions caused by gas or other means. In order to be effective, however, the coal dust along the floor of the mine must be properly wetted and maintained wet. All too often, the coal dust dries up unless there is constant attention given to insuring that it is, in fact, "too wet." It is incumbent upon the operator to insure such attention, and upon the authorized representative of the Secretary to satisfy himself that, when water is relied on as an inert by the operator, it results in the same degree of safety that would be obtained if rock dusting were required.

The second exception is that such rock dusting is not required in areas determined by an authorized representative of the Secretary to be unsafe to enter or inaccessible.

The third relates to cases where an authorized representative of the Secretary permits an exception to this general requirement. In granting this exception for some areas of the mine, such as in the case of back entries, the authorized representative of the Secretary should, among other factors, take into consideration the conditions of the mine, the adequacy, based on past performance, of the rock dusting program at the mine, relevant research findings, and, most importantly, the potential hazards to the miners that could result when an exception is granted. The miner's safety must, in all of these exceptions, be considered to be of foremost concern to the operator and the authorized representative of the Secretary.

ELECTRICAL EQUIPMENT

Section 305 establishes the requirements for electrical equipment. Effective 1 year after the operative date of this title, only permissible junction or distribution boxes shall be used for making multiple power connections inby the last open crosscut or in any other place

where dangerous quantities of explosive gases may be present or may enter the air current. Also effective 1 year after the operative date of this title is the requirement that all electric face equipment used in a mine be permissible and be maintained in a permissible condition, except that the Secretary may permit the continued use of nonpermissible or open-type electric face equipment in use on the date of enactment of this act for such period—not in excess of 1 year—as he deems necessary to obtain permissible equipment. This provision does not apply to any mine which is not classified as gassy.

In the case of a mine which is not classified as gassy, all hand held electric drills, blowers and exhaust fans, electric pumps, and other such low-horsepower electric face equipment as the Secretary may designate, shall be permissible and be maintained in a permissible condition 1 year after the operative date of this title. All other electric face equipment used in such mines shall be permissible and be maintained in a permissible condition 4 years after the operative date of this title, except that the Secretary may, upon petition, waive this requirement on an individual mine basis for a period not in excess of 2 additional years if, after investigation, he determines that such waiver is warranted. The Secretary may also, upon petition, waive these requirements on an individual mine basis if he determines that the permissible equipment for which the waiver is sought is not available. Effective 1 year after the operative date of this title, however, all replacement equipment and equipment for which a major overhaul is necessary in such mines, shall be installed as permissible and be maintained in a permissible condition. The Secretary also has the authority to require, on any nonpermissible equipment in use in such mines during these waiver periods, the use of methane monitors which will automatically deenergize electrical circuits providing power to electric face equipment when the concentration of explosive gas in the mine may permit a condition in which an ignition or explosion may occur.

Before proceeding with a further discussion of this section, it is important to first understand the issue which underlies it; namely, the gassy, nongassy issue. The following is excerpted from a memorandum used as background information by the committee when discussing the issue:

I. HISTORY OF GASSY CLASSIFICATION

Methane gas, because of its explosive characteristics, presents one of the most serious hazards during coal mining. Methane occurs most often in the coal itself, but may occur in strata below or above the coal seam. When the strata adjacent to the coal ore is disturbed by the mining operations, the methane migrates into the mine atmosphere.

Explosive mixtures are formed when the methane concentrations range from 5 to 15 percent. The energy required for ignition is minute. For example, frictional sparks considerably less intense than those produced by an ordinary cigarette lighter cause ignition. The ignited mixture produces flame and pressure. The resulting disturbance to the atmosphere, even from a poorly mixed body of gas, will dispense coal dust from mine surfaces and, if insufficient rock dust is present, a serious coal dust explosion will occur. The records of the Bureau of Mines show that most mine disasters are caused by ignition of a localized body of gas.

The Bureau first recognized the distinction between gassy and non-gassy mines in 1926. The Mine Safety Board of the Bureau at that time stated:

"The U.S. Bureau of Mines believes that *all mines are potentially gassy;* but for purposes of administration in respect to prevention of explosions and fires the Bureau recommends the following classification."

The Bureau then classified mines into three types: (1) *Nongassy*—when all samples of mine air contains less than 0.05 percent methane; (2) *slightly gassy*—a classification that could be determined in four different ways depending upon the ventilation and the amount of methane found (one of the four ways included a methane content more than 0.25 percent in a split of the ventilating current); and (3) *gassy*—a classification applied to all other mines.

In 1941, the Mine Safety Board decided the use of the three classifications was unsatisfactory. The new decision provided only two classes—gassy and nongassy mines. The gassy classification was applied to "any coal mine where methane or any other combustible gas can be detected in amounts as much as 0.25 percent or more, frequent systematic searches * * *."

The Mine Safety Board also noted that:

"In the 30 years of investigating mine accidents by the Bureau of Mines, it is noteworthy that many serious gas explosions have occurred in mines in which methane had not been reported prior to the disaster."

Under the present Federal Coal Mine Safety Act, mines are classified by the Bureau either as gassy or nongassy. A coal mine is considered gassy if:

1. A state mining bureau classified the mine as gassy.

2. A gas ignition or gas explosion occurred in the mine.

3. A sample taken in a prescribed way shows 0.25 percent methane or more when analyzed.

Once a mine is classified as gassy, it is never reclassified as nongassy.

II. ALL MINES ARE POTENTIALLY GASSY

A. Some 210 active mines now classified as gassy were once classified as nongassy.

Number of years operated nongassy:	*Number of mines*
0 to 5 years	131
6 to 10 years	35
11 to 15 years	18
Over 15 years	26
Total	210

B. Sixty years of experience has shown that a large number of gas explosion disasters have occurred in nongassy mines. In fact, nongassy mines may actually be more dangerous than gassy mines because of the false sense of security the classification gives.

C. The following is an analysis of selected mines which were once classified as nongassy and are now classified as gassy, and the reason for the classification change:

Date of gassy classification	State	Size of mine	Type of opening	Reason for gassy classification	Air analysis (methane) 2 previous inspections	
					Quantity	Quantity
Sept. 16, 1964	Pennsylvania	Large	Drift	1.05	0.21	0.09
May 3, 1966	do	Small	Slope	.83	.00	.00
May 20, 1966	do	Large	Drift	1.34	.08	.00
Sept. 9, 1966	do	do	do	.40	.00	.00
Sept. 26, 1967	do	Small	Slope	.66	.00	.00
May 21, 1964	Ohio	Large	Drift	1.76	.00	.00
Dec. 22, 1966	do	Small	Shaft	.50	.05	.07
June 8, 1964	West Virginia	do	Drift	.26	.06	.05
Aug. 31, 1964	do	do	do	.29	.20	.06
June 14, 1966	do	Large	Shaft	1.46	.00	.00
Dec. 8, 1966	do	Small	Drift	.43	.22	.08
July 1, 1966	Alabama	do	do	.37	.10	.16
July 31, 1967	Tennessee	do	do	.56	.14	.05
July 15, 1968	do	do	do	.51	.07	.05
Apr. 21, 1965	Kentucky	Large	do	1.72	.07	.00
Feb. 16, 1966	do	Small	do	.44	.00	.00
Aug. 15, 1968	do	do	do	(1)	.15	.00
July 17, 1965	do	Large	Slope	.47	.14	.05
July 4, 1966	do	Small	Shaft	.53	.00	.00
July 6, 1966	do	do	do	.39	.00	.03
May 1, 1967	Virginia	do	Drift	.44	.00	.07
May 25, 1967	do	do	do	.56	.00	.03
Aug. 31, 1967	do	do	do	1.49	.00	.15
Oct. 11, 1967	do	Large	do	2.09	.09	.05
Do	do	do	do	1.26	.10	.00
Nov. 9, 1967	do	Small	do	.47	.00	.00
Jan. 22, 1968	do	do	do	.53	.00	.00
Mar. 19, 1968	do	Large	do	.75	.00	.00
May 15, 1968	do	Small	do	.25	.00	.00
June 18, 1968	do	do	do	.47	.00	.00
Sept. 11, 1968	do	do	do	.26	.00	.00
Do	do	do	do	.51	.03	.03
Aug. 18, 1967	Illinois	Large	do	.45	.05	.07
Nov. 8, 1968	do	do	Shaft	.28	.08	.09

[1] Ignition.

This represents only a partial listing of mines recently classified as gassy and the reason they were so classified. It is obvious, however, that a high methane content may be found in any size or type of mine, whether it be large or small, or whether it be shaft, slope, or drift. It is also obvious that methane may be liberated in dangerous quantities in any mine at any given time. Many mines whose atmosphere had a methane content of 0.00 percent in previous readings were classified as gassy because that content exceeded the 0.25 percent limit.

III. INADEQUACY OF THE PRESENT CRITERIA FOR CLASSIFYING MINES

The three methods of classifying mines gassy are wholly inadequate.

The State method is unsatisfactory because definitions of the gassy classification vary from State-to-State, as do methods used by the States to classify a mine.

Classifying a mine as gassy after an explosion has occurred is a classic example of "locking the barn door after the horse has been stolen." While such an action helps to prevent future explosions, it does not do much for those who have been killed or injured.

The third requires that air samples be taken and, under the present law, the sample must be taken at a point not less than 12 inches from the roof, rib, or face, and must show less than 0.25 percent methane. If a sample were to be taken closer to the coal

face than 12 inches, the atmosphere could contain high percentages of methane without affecting classification. In addition, the amount of ventilation of air passing the sampling point is not specified. Obviously, the quantity of air passing the point will have a direct effect on the methane content of the sample. In practice, this air quantity may vary considerably. If a mine which has adequate ventilation and is not classified as gassy were to be sealed for several days, it might yield an air sample with a methane content greatly in excess of the 0.25 percent specified in the law.

In some mines where gas generally occurs in small quantities, the mining operation may unexpectedly tap relatively large pockets of methane gas. Experience has shown that such occurrences have caused serious disasters. Unless a sample were taken at a particular moment when the methane was released, the mine would continue to be classified as nongassy. A sample taken properly and at the right time when methane was released from the pocket would show high percentages of gas. One wonders whether all mines would be classified as gassy were it not for the physical impossibility of having a Federal inspector present in all areas of every mine constantly measuring for methane. It is unfortunate that coincidence apparently has a greater role in determining which mines are to be classified as gassy than does reality.

In his testimony before the subcommittee, Secretary Hickel called for an elimination of the present distinction between gassy and nongassy mines. He said:

"There is another provision of the bill which I want to call to your attention—the elimination of the nongassy classification for certain mines. The experts in the Bureau of Mines have for more than 30 years urged the elimination of this classification because in their opinion all mines are potentially gassy. On numerous occasions there have been gas explosions in so-called nongassy mines killing and injuring workers."

The Director of the Bureau of Mines expressed concern over the distinction: "* * * we are convinced that the accident records of so-called nongassy mines, and the numbers of such mines in which explosive concentrations of methane are found even after years of operation in the nongassy category, strongly support the provision in the administration's bill that all coal mines be classed as gassy."

The committee bill eliminates the artificial distinction between gassy and so-called nongassy mines, and classifies all mines as gassy by requiring permissible electric equipment in all underground mines 1 year after the operative date of this title. In the case of mines not classified as gassy, however, waivers to part of this requirement are permitted for specified periods of time.

In the case of such mines, low-horsepower electric face equipment such as hand held electric drills, blowers and exhaust fans, and electric pumps, are required to be permissible and maintained in a permissible condition 1 year after operative date of this title. The same requirement is made of all replacement equipment acquired for use in such mines, and equipment for which a major overhaul is necessary.

The remaining electric face equipment not specifically required to be permissible 1 year after the operative date of this title, which is used in such mines, must be permissible and maintained in a permissible condition 4 years after the operative date of the title, except that the Secretary may, upon petition, waive this requirement on a mine-by-mine basis for an additional period not in excess of 2 years if, after investigation, he determines such waiver is warranted. The committee intends that the Secretary use his discretion in determining if such waivers are warranted for mines, requesting them, but expects his first consideration to be the availability of permissible replacement equipment.

The Secretary also has the authority to grant, upon petition, an additional waiver on a mine-by-mine basis if he determines the permissible equipment for which the additional waiver is sought is not available to the petitioning mine. The committee intends here that the Secretary administer this authority with extreme care and adhere literally to the language of the bill which spells out precisely the only reason for granting such additional waiver. The committee does not in any way intend for this additional waiver to represent an "open end" to the requirement for permissible electric face equipment.

The Department of the Interior has indicated a period of 5 years will be required for the mine equipment manufacturing industry to produce permissible replacement equipment in sufficient quntities for all underground mines. If the Department alters its present policy of requiring all inspections of permissible equipment to be made in Pittsburgh, and permits field inspections, the period necessary to produce sufficient equipment will be reduced.

The committee believes the time allowances in the bill therefore, to be exceedingly generous, and expects the most judicious consideration by the Secretary of additional waiver requests. Further, the committee expects the Secretary to begin surveying the availability of permissible replacement equipment immediately following enactment of this act and to continue such surveys—making the results of such surveys known to those mines using equipment which is not permissible—on a regular basis (at least every six months) until the electric face equipment in all underground mines is permissible.

During the term use of any electric face equipment which is not required to be permissible, pursuant to section 305(b), the Secretary may by regulation require the use of methane monitors on such equipment, which monitors will automatically deenergize electrical circuits providing power to electric face equipment when the concentration of explosive gas in the active working permits, in the opinion of the Secretary, a condition in which an ignition or explosion may occur. When the Secretary believes conditions in these mines are such that an ignition or explosion may occur, the committee expects him to require the use of methane monitors which act to deenergize the equipment when the explosive gas content in the mine atmosphere reaches a level to be determined by him. The committee believes the explosive gas content of 0.25 volume per centum to be a level the Secretary might very well choose, as that level is currently used as a level of distinction between gassy and nongassy mines.

It should be noted here that a considerable segment of the committee did not feel the additional time period granted for nongassy mines to obtain permissible electric face equipment was justified. It was felt that the arguments made by representatives of such mines to retain the present distinction were wholly inadequate. When it became obvious the committee was not inclined to retain the present distinction, the representatives of the nongassy mines then sought time beyond that prescribed in the bill reported by the subcommittee within which to obtain permissible equipment. The bill permits such additional time, and such time was granted in the interest of the total bill.

The committee does not believe that this concession was made at the cost of sacrificing the safety of miners in nongassy mines. Since 1953, there have been 55 ignitions or explosions in nongassy coal mines. Some 28 miners were killed and 62 injured because of them. Twelve of the 28 deaths were caused by the use of equipment which was not permissible. All of that equipment was of low horsepower, such as that required to be permissible in all mines—regardless of their gassy status—1 year after the operative date of this title.

None of the equipment causing the ignitions or explosions was of the type for which the waiver periods are permitted. Although this is somewhat mollifying, the committee recognizes that the ignitions and explosions could have conceivably and eventually been caused by the larger electric face equipment (for which the waiver periods are permitted), had not the smaller equipment first ignited the source of explosive gas.

EMERGENCY SHELTERS

Section 305 permits the Secretary or his authorized representative to require the erection of mine rescue chambers to which miners could go in the event of an emergency.

The committee is cognizant of a study being conducted by the National Academy of Engineering, pursuant to a contract with the Department of the Interior, to determine improved means of survival after mine accidents. The committee expects the Secretary to promptly institute requirements for rescue chambers in mines if the study concludes such rescue chambers are indeed an effective method of insuring survival after a mine accident.

INSPECTOR PRESENT IN SELECTED MINES

Section 317(j) requires the Secretary to insure that his authorized representative is present daily to make inspections at a mine the Secretary determines liberates "excessive quantities of explosive gases."

Despite opposition to this provision by the Secretary, the committee found the following statement by W. A. Boyle, president of the United Mine Workers of America, a most compelling reason for its inclusion in the bill:

Certainly if this Government can spend money on game wardens far in excess of Federal coal mine inspectors, commonly known as "rabbit shepherds," protecting the lives of rabbits, deer, antelope, elk; certainly we can have a Federal mine inspector in each one of these mines who will make these inspections when necessary every day that the mine operates, and that Federal inspector should be required to be there.

The committee appreciates the Secretary's concern about the cost of detailing inspectors to such mines on a regular basis, but believes the advantages of such surveillance far exceed any suggested disadvantages.

In administering this provision, the committee expects the Secretary to rotate inspectors among the mines he believes liberate "excessive quantity of explosive gases," and not station the same inspector at the same mine for an extended period of time.

TITLE IV—ADMINISTRATION

RESEARCH

Section 401 requires the Board to establish objectives for the conduct of appropriate studies, research, experiments, and demonstrations. Activities to meet the objectives in the area of coal mine health will be carried out by the Secretary of Health, Education, and Welfare. Those in the area of coal mine safety will be carried out by the Secretary of the Interior. No research may be carried out unless the results of it are available to the general public.

Funds for the research shall be distributed to the Secretaries from moneys the Board shall receive from operators, appropriations, and the States. Each operator is required to contribute an amount equal to 2 cents for each ton of coal he produces. The Board may reduce this amount when it determines it has sufficient funds from other sources with which to carry out its activities.

In addition, the Federal Government will contribute an amount equal to 2 cents for each ton of coal produced by operators. States may also contribute and the Federal Government will match such contributions up to an amount equal to 1 cent per ton of coal produced in the respective State.

Prior to distributing any funds derived under this section, the Board must first assure the payment of the chest roentgenograms and other tests provided for under section 203(a).

The committee believes the Board should consider, as the first priority item in establishing objectives for the conduct of studies, research, experiments, and demonstrations, the establishment of a respiratory disease center. The medical information gathered in Great Britain is comprehensive and impressive, and was derived largely because a central repository for the collection and interpretation of relevant data was established.

Before the Farmington tragedy of last year, the record of the Department of the Interior and the Bureau of Mines since 1952 with respect to health and safety in this industry left a great deal to be desired. Many of the weaknesses in the 1952 act were well known years ago, yet little has been done to seek appropriate changes in the law. Similarly, the 1953 code, which is a part of labor-management contracts in this industry, and violations of which are often cited by inspectors, has not been revised despite known changes in technology and mining practices. Considering the injury and fatality rate of this industry, the committee was shocked to learn that in the past several years the annual budget for the Bureau of Mine's health and safety functions, including the coal and metals industries, has been about $10 million, while the Bureau's total annual budget is about $80 million.

Since Farmington, the record of the Bureau of Mines has shown marked improvement. But more still needs to be done if the coal miners of this Nation are going to receive the protection they deserve and, indeed, demand.

The legislation recommended by the committee abandons the old, worn-out and ineffective provisions of the present law and provides a new and comprehensive approach to the problem of coal mine health and safety. To be effective, however, the Secretary of the Interior and the Bureau of Mines must be provided with the needed personnel who are vigorous and well-trained in this field, and funds to carry out this program.

The committee recognizes that the many interim health and safety standards and extensive new requirements of this legislation can become mockery if enforcement of this law is lax. Strict enforcement which the committee in its oversight responsibility will insist upon, is impossible without frequent inspections—both regular and spot inspections.

The lack of trained inspecting personnel requires that special programs be developed to assure that the law can be properly enforced. New facilities will be required along with funds to operate them, in order to train the needed Federal inspectors and, when appropriate, possibly State inspectors too.

For the first time, inspections for violation of health standards in order to insure that the samples taken by the operator are truely representative of the mine atmosphere will be required. The thousands of samples sent to the Bureau by the operators and the samples which are collected by the Bureau must be analyzed and recorded and a procedure developed which will alert the laboratory to conditions that exceed the standards in the bill. New personnel will be needed to perform both the sampling and analytical work and new facilities will be needed to carry out these new responsibilities.

In addition, the committee considers research vital to improved health and safety conditions in coal mines. The health and safety hazards afflicted upon the miners of this industry are directly related to the fast developing production technology for which this industry is known. In many areas, the industry has improved its methods for producing coal by leaps and bounds. But this same drive and energy has not shown itself in health and safety research and development efforts in this industry. Rather, many, including the Bureau of Mines, have followed the fatalistic attitude so prevalent in the industry that coal mining is a "hazardous" occupation and these hazards cannot really be overcome. The committee is not willing to adopt this attitude. Neither will the American public or the miners themselves accept this unreal situation. We know that 311 miners were killed in this industry last year. Over 170 have been killed so far this year. Over 100,000 miners are afflicted with pneumoconiosis. Many are disabled from it. Certainly, a nation with know-how in so many other technology complex areas can improve this situation with a little more effort.

The committee is aware that the British expenditure for coal mine health and safety alone, exceeds $20 million annually. This has enabled the British to adduce relevant conclusions from their research effort; especially in the area of health. Surely, the United States effort should be no less intense. Some of the research programs needed in the Bureau are: First, new instrumentation for measuring respirable dust concentrations; second, dust suppression technology which may range from redesign of cutting bits on cutting machines to water infusion of the coal seam in advance of mining; third, methane drainage methods which will reduce the dangers from methane—one of the greatest hazards in mining coal; fourth, new methods for strata control that will prevent roof fall accidents that account for more than 50 percent of fatalities each year; and fifth, development of a system approach to the mining problem that will increase safety and reduce health hazards. Many other research opportunities exist.

The committee also is aware that the industry has not always contributed its fair share to improving health and safety. In 16 years, the industry has invested about $195 million on commercial research, while Government has spent over $165 million for production research and development. Secretary Hickel estimates that less than $15 million was spent on health and safety research in the past 16 years. It is time that the industry—the beneficiary of all this research—make an even greater effort toward further research and development.

The industry must develop and intensify its own health and safety research and development program and spend greater amounts than have heretofore been spent. Even now, after these many months of public discussion there is little overt evidence of industry expenditures on controlling dust, for example. Yet, within a few months they will be required to meet a dust standard of 4.5 mg/m^3 and soon thereafter 3 mg/m^3.

The committee is also concerned that, while there have been improvements since Farmington by the Bureau and the Department in the administration of this program, much needs to be done. Greater efforts by the officials of the Department must be made to assure that the objectives of this legislation will be fulfilled. The present uncertainties regarding personnel should be resolved quickly. For once this legislation is finally enacted into law this year, the leadership of the Bureau will need to devote full time to carrying out the provisions of this legislation. The improvements of the past few months must be doubled and carried over under this new legislation which will require personnel familiar with its background and the intent of the Congress.

The committee also believes the Secretary should review the administration of the Holmes safety award program. Too many mines to which such safety awards have been made have had a relatively poor accident record and a history of violations of the existing law. Moreover, the full time of several inspectors has been taken in administering this program when that time could be better spent in making actual mine inspections. This is especially true in view of the greater demands placed upon the inspectorate by this bill.

ASSISTANCE TO STATES

The Secretary is authorized to make grants to any State in which coal mining takes place to conduct research, first, and planning studies and to carry out plans designed to improve workmen's compensation and occupational disease laws and programs, as they relate to compensation for pneumoconiosis and injuries in coal mine employment; and second, to assist the States in planning and implementing other programs for the advancement of health and safety in coal mines.

For this purpose there is authorized to be appropriated for the fiscal year ending June 30, 1970, and each of the succeeding fiscal years, the sum of $1 million.

EQUIPMENT

Under section 404, the Secretary is authorized to make loans to operators of coal mines to enable them to procure or convert equipment needed by them to comply with the provisions of this act. The loans shall not have maturities beyond 20 years and shall bear interest at

a rate adequate to cover, first, the cost of the funds to the Treasury; second, the cost of administering the loans; and third, probable losses. The Secretary shall use the services of the Small Business Administration to the greatest extent possible in carrying out this section.

INSPECTORS; QUALIFICATION; TRAINING

Section 405 establishes qualifications for inspectors and requires the Secretary to provide for the adequate training and continuing education of such personnel.

The committee fully expects the Secretary to undertake a comprehensive and exhaustive program of recruiting, training, and continually educating persons employed as his authorized representatives or in other capacities. The Secretary should also initiate programs for the training and retraining of inspectors by appropriate educational institutions and operators.

SPECIAL REPORT

The Board shall make a study to determine the best manner to coordinate Federal and State activities in the field of coal mine health and safety and report to the Congress as soon as practicable on the results of its study.

In conducting this study, the committee expects the Board to review existing Federal-State cooperative agreements. The committee bill does not contain a provision—like that in existing law—for a continuation of a State plan arrangement. The existing law is totally inadequate in that respect and all related proposals considered by the committee were unacceptable. A testament to the inadequacy of the present law in this respect is the fact that only one major coal-producing State—the Commonwealth of Virginia—is a participant to it. The Board would be wise to first review that agreement to determine the relevance and adequacy of proposing a similar agreement on a national scale.

OPERATIVE DATE AND REPEAL

The provisions of titles I and III of this act become operative 90 days after enactment. The provisions of title II become operative 6 months after enactment. The provisions of the Federal Coal Mine Safety Act are repealed on the operative date of titles I and III of this act.

Mr. Chairman, I referred in my opening remarks to the explosion which, during the early hours of November 20, 1968, killed 78 miners in Consolidation Coal Co's No. 9 mine near Farmington, W. Va. Well, the early hours of Thursday, October 23, brought back the harsh reality of that disaster and underscored the urgent need for this legislation. It was then when the first of the 78 bodies were found by the recovery team at the mine.

I will not be macabre and expand on that news. But this bill is desperately needed to help prevent future Farmington's, as well as the daily toll of human sacrifice to the mines. The miners need the bill for their own and their families' protection. The industry needs the bill to clean its own house and to attract new miners to an industry in which young and potential mine workers have no confidence. And the public needs the bill, if only to be spared the horror that comes in hearing news broadcasts announcing yet another disaster.

Mr. Chairman, I hope we will act quickly and favorably on H.R. 13950.

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

Mr. DENT. I shall be happy to yield to my distinguished colleague, the gentleman from Pennsylvania (Mr. FLOOD).

The CHAIRMAN. The gentleman from Pennsylvania has consumed 1 hour.

Mr. PERKINS. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. FLOOD. I may say, Mr. Chairman, that I never thought I would live to see the day when this bill wou'd be before this House. I am the only spokesman left in the House of Representatives who represents a hard coal district. But I want you soft coal miners to know that we have collie dogs in the anthracite section of the State of Pennsylvania, which it is my honor to represent, with hind legs farther apart than most of your soft coal mines.

Mr. Chairman, when I came here we had 30,000 men working in the anthracite district. Now we have 3,000. However, we have 23,000 suffering from anthracosilicosis. Some have talked about pneumoconiosis and black lung. We have known about that miner hazard for a long time. Both sides of my family have worked and died in the mines from anthracosilicosis and members of my wife's family on both sides have worked under these conditions for a hundred years.

If one were to review the history of workmen's compensation for occupational diseases in this country, one would find that these laws, for the most part, have been inadequate and so inflexible that they have not been able to deal with new disease problems. Many of our early occupational disease compensation laws recognized only a specified list of diseases which were largely based on English law. Originally, this list, in most laws, omitted the diseases caused by the inhalation of dust, such as silica. In the early 1930's the now famous Gauley Bridge incident in West Virginia focused the attention of a shocked Nation in the inadequacies of its compensation law. Gauley Bridge was a power tunnel being driven through highly siliceous rock and, in the absence of dust control procedures, many workers quickly developed silicosis and many others died due to lungs overburdened with silica dust. Because silicosis was not a compensable disease, the only recourse these workers had for recovery was under common law—a most inadequate and unsatisfactory procedure.

The incident led to the calling of the National Conference on Silicosis by the Secretary of Labor in 1937. Out of the conference came certain recommendations to the States on procedures for compensating for silicosis. These laws were built around social concepts which existed at that time and I am fearful, in our modern concepts, that these laws tended to overprotect the employer and penalize the worker. For example, the worker had to prove exposure to hazardous concentrations of silica dust, even though medical testimony left little doubt that the worker was afflicted with classical silicosis. To be eligible for compensation, he must have had complete disability. Thus, men were encouraged to continue working in a dusty trade until they were completely disabled. Other difficulties included unreasonable statutes of limitations, the "last employer responsibility" concept, and inadequate medical procedures. The States were slow to adopt the concept of compensation for silicosis. Only within the last decade has one of our major mining States recognized silicosis as a compensable disease.

Thus, when coal pneumoconiosis, or black lung, became a major health problem several years ago, our State compensation laws were totally unprepared to deal with this disease because State laws were, for the most part, limited to providing compensation for silicosis which did not fit either the legal or medical definition of coal workers' pneumoconiosis. Thus, many coal miners were denied or found ineligible for compensation even though there was little doubt that the disease was an occupational one.

Mr. Chairman, in our present-day situation we have reached another "Gauley Bridge" in terms of recognizing the inadequacies of our compensation laws for dust diseases. Other coal mining countries, especially those in western Europe have reexamined their compensation concepts for the dust diseases, especially coal workers' pneumoconiosis, and have applied modern knowledge and techniques in their evaluation and in establishing legal and medical procedures. Maybe it would not be out of order for the Secretary of Labor to call another conference similar to the 1937 one to reexamine our compensation practices for dust diseases. For example, there is no uniform criteria for the diagnosis of coal workers' pneumoconiosis; there is no standard method for assessing disability and few, if any, of the States encourage prevention over compensation. In other words, our present compensation procedures are based on knowledge which was developed almost 50 years ago.

In recent years, several States, notably Alabama, Virginia, Pennsylvania, and more recently West Virginia, have modified their laws to include coal workers' pneumoconiosis. However, in doing so they, for the most part, have modified antequated laws and procedures and have failed to take advantage of applying new concepts of compensation, medical evaluation and prevention.

Various studies by the Public Health Service provide some insight as to the incidence of pneumoconiosis among coal workers. Medical examination of active and inactive coal miners in the Appalachian area, which includes anthracite coal region, revealed that 6.5 percent of the active miners had evidence of simple pneumoconiosis and 3 percent had evidence of complicated pneumoconiosis. Whereas, of the inactive miners, the percentages were 9.2 percent and 9.4 percent respectively. The estimates of the total number of new coal pneumoconiosis cases range from a low of 30,000 to more than 100,000. In the State of Pennsylvania alone, there have been 25,000 cases of pneumoconiosis compensated since January 1966 under terms of a new law which permitted payment of $75 per month to those men with pneumoconiosis but who had been ruled ineligible for compensa-

tion under existing workmen's compensation laws.

Statistical studies indicate that the death rate for bituminous coal miners is about twice that of the general working male population and same is true in anthracite coal fields. Death rates attributed to respiratory diseases, however, were five times that of the general male population. I am sure that other data and studies are available to further substantiate the magnitude of this problem.

Coal pneumoconiosis is a relatively new disease on the American scene. Although anthracosilicosis was known in the anthracite industry, it had been generally assumed up until the early part of this decade that bituminous coal did not cause a disabling pneumoconiosis. However, the introduction of mechanical mining equipment, which caused an increase in the dust concentrations in underground mines, has been responsible for the development of pneumoconiosis by thousands of workers. Even prior to 1950, the disease had been recognized in certain European countries, so we were not without forewarning that a similar situation could occur in the United States. Agreeing on compensation procedures for this disease is not going to be a simple matter. For instance, the early stages of the disease, recognizable by X-ray, result in little if any pulmonary disability. However, the continued exposure of men to even low levels of coal mine dust will doubtlessly cause the disease to progress to its complicated form which is disabling and results in a shortened life expectancy. Although there are no therapeutic measures available at this time, there are palliative measures which can be provided the individual which at least would alleviate the period of disability.

Mr. Chairman, H.R. 10259 does attempt to deal with the basic problems involved in the compensation of coal workers' pneumoconiosis. It does, however, recognize financial responsibility on the part of the Federal Government to those individuals disabled as a result of pneumoconiosis and anthracosilicosis which was contracted in the coal mining industry and who are not entitled to compensation under existing workmen's compensation laws. This bill, or any other bill of a similar nature, should be viewed as a bridge between the present chaotic situation and the time when the States can readjust their compensation laws to reflect modern-day practices and place the compensation laws in accordance with our present concepts of social responsibility. This bill does not attempt to take away from the States their responsibility for administration of compensation laws and place it in the hands of the Federal Government; on the contrary it maintains administration of aid at the State level by providing full measure of financial support to the States.

Mr. Chairman, one of the great injustices today under the compensation laws of the States is the inability of the States to give aid to miners suffering from "black lung" and "miners' asthma" who are not receiving compensation either because their claims for benefits have been denied, or because their claims have expired. This bill would apply benefits and coverage retroactively, and thus help thousands of coal miners disabled by black lung and miners' asthma who have never been eligible to receive benefits or who have been given partial aid for a limited time only. This bill would be of tremendous aid to the States which cannot pay retroactive benefits because such payments would be prohibited under their constitution as an impairment of contracts. My State of Pennsylvania is an exception in that payments are being made out of general revenue, and is, therefore, not in violation of the Commonwealth's constitution but we are straining out tax revenues to do so.

First, the oft-declared purpose of this bill is to encourage the States to improve their workman's compensation laws; and to provide necessary immediate financial relief to the employees disabled in the mining industry until the States workmen's compensation laws provide adequate coverage and benefits.

Second, to establish minimum standards of coverage and benefits and provide Federal funding for these benefits is a commendable and necessary step in the immediate implementation of the intent of Congress.

Third, Federal grants to reimburse, in part, progressive States with comprehensive workmen's compensation laws will indeed "encourage the States to improve their workmen's compensation laws."

Fourth, however, H.R. 13950, in its present form—section 112, subparagraph (B)—will penalize the States already providing benefits by reducing the Federal payments to individuals by an amount equal to the amount currently being paid by the State. This provision will act as a deterrent instead of an encouragement for States to improve their workmen's compensation laws.

Fifth, the taxpayers in the States with a comprehensive workmen's compensation law in effect or to come will be burdened with a double taxation; providing revenue for the State benefits and also providing the revenue for the Federal benefits, while the beneficiaries of these benefits receive the same amount as beneficiaries in States with no coverage on the State level.

Sixth, Pennsylvania, the State with the most comprehensive compensation laws and the largest number of claimants will be affected the most by this provision.

Seventh, in the anthracite region, the efforts of all the State legislators, mine workers union, and the Pensioned Miners Protest Committee will be completely undermined and the current benefits—$75 per month—and any increase they are successful in obtaining from the State will be deducted from the benefits provided by H.R. 13950.

Eighth, the effect of this bill on the future enactment of workmen's compensation laws or improvements thereof, is rather obvious; States failing to enact or improve such laws can offer industries a healthier financial climate to operate in, they will not directly or indirectly burden their taxpayers with a State-supported law and at the same time, coverage for the employees will be provided by the Federal Government.

Mr. Chairman, I have been at the mouth of a mine after it had been flooded or after an explosion and have seen death and grief and disaster. So, I knew JOHN DENT when he was in the Senate in Pennsylavnia. He led the fight then. For 25 years, when I first came here, I have been trying to get something like this but was not able to do it.

So I come here today as an old friend and old neighbor representing the hard coal miners. I never worked in the mines myself. I worked outside, but I lived over them and I know of them. I thank God for this House of Representatives and for the efforts of this committee and especially those of the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Thank you very kindly.

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

Mr. Chairman, I take this additional time to also pay my compliments to the gentleman from Pennsylvania although I thought I would be able to do that on my own time.

Mr. Chairman, the gentleman from Pennsylvania has, of course, broad and deep knowledge of coal mining legislation, going back many years. Through the course of the consideration of this bill, he has been most helpful to me while I learned something about coal mining legislation. He has been persistent in getting legislation that is workable and legislation that will really help toward protecting the health and safety of coal miners.

I want also to express my compliments to the gentleman from California who has likewise been realistic in his approach to this legislation. There have been those who have made suggestions as to the provisions in this bill which sounded good and which had the appearance of helping the safety and health of the miners. But these two gentlemen have consistently insisted that this legislation not have simply the appearance of adding to the health of the miners, but that this bill have provisions of substance to it. I commend both of them for the work they have done, as well as the chairman of the full committee, the gentleman from Kentucky (Mr. PERKINS), who was most helpful in the very difficult section of this bill relating to the compliance with the permissible equipment and in helping us reach the agreement that we did in a compromise, recognizing the fact that many small mines would be closed had the provisions of the original bills that were introduced been enacted. A compromise was reached as I have mentioned before, a realistic compromise, and one which will help us over the trying period of going from the nongaseous classification to a situation where nongassy situations no longer exist and all mines will have to have permissive equipment.

I further compliment the gentlemen upon the job they have done. I disagree with them upon a few points, but I hope to remedy that situation during the amendment process.

Mr. Chairman, I yield 5 minutes to the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. Mr. Chairman, the bill before us, H.R. 13950, is undoubtedly the most important and

far-reaching coal mine health and safety bill ever to come before the Congress. It is the product of the diligent efforts over a long period of time by many people—members of the General Labor Subcommittee and the full Committee on Education and Labor, many of our other colleagues, representatives of the coal miners, the coal mine industry, various State governments, agencies of the Federal Government, and even experts from the British coal mining industry, whose experience and advice have been so helpful in the development of this legislation.

I would like to pay particular tribute to two of my colleagues for their outstanding leadership and painstaking effort that have resulted in the substantial agreement on the main features of the bill before us today. A great deal of the credit for the giant step forward that this bill represents goes to the gentleman from Pennsylvania (Mr. DENT) chairman of the General Labor Subcommittee, and to the gentleman from Illinois (Mr. ERLENBORN) the ranking minority member. Both have demonstrated great skill and patience in an effective and good faith effort to compare and search out areas of agreement on provisions of this bill that have been the subject of sharp but honest difference of opinion.

This is a tough bill, but I do not believe that it is too tough. While I expect to support some amendments that will improve the bill and make it more workable, I believe that the rather rigid standards it proposes to establish are both reasonable and attainable.

This bill is, at least in part, a response to the disaster at Farmington, W. Va., nearly a year ago. The tragedy that took the lives of 78 miners serves as a grim reminder that our efforts to make the Nation's coal mines safer and more healthful places to work must be a continuing one. The threat and all too often the sudden reality of disaster, death, and disease have confronted our coal miners and their families for too long.

Our coal mine industry has added a great economic strength to our Nation, but it has all too frequently been the source of great sadness with news of crippled men, grieving widows, and fatherless children.

Death in the coal mines can come very suddenly as a result of an explosion or collapse of a roof. Death or broken health can also come more slowly but surely as the result of pneumoconiosis. The coal miner must live and work under a constant uncertainty, not knowing when he leaves for work in the morning that he will return home before the end of the day.

In his message to Congress earlier this year, President Nixon said:

> The time has come to replace this fatalism with hope by substituting action for words. Catastrophes in the coal mines are not inevitable. They can be prevented and they must be prevented.

The bill before us properly acknowledges that the most valuable resource in the Nation's coal mining industry is the coal miner. The bill is properly concerned first and foremost with the health and safety of the miner. It responds to a clearly demonstrated need to provide more effective means for improving the working conditions in the Nation's coal mines in order to prevent death and injury and in order to effectively control the conditions that cause occupational diseases in the mines.

The bill before us corrects some obvious deficiencies in the present law. It established procedures for the promulgation of mandatory health and safety standards and makes provision for interim health standards.

Among the most significant achievements of the bill is the establishment of dust standards. Very fine coal dust produced during mining operations has always been a major health hazard for those working in the mines. This country has never established by law the permissible limits of dust concentrations. This bill will give the United States an official standard for the first time.

Effective with the enactment of this bill into law each operator will be required to maintain the average concentration of respirable dust in the mine atmosphere to which each miner in the active workings of the mine is exposed at or below 4.5 milligrams per cubic meter of air. Effective 6 months after the operative date of this title, the limit on the level of dust concentration will be 3.0 milligrams of respirable dust per cubic meter of air. That limit shall be further reduced when such reductions are determined to be technologically attainable.

Already there is encouraging evidence that the pendency of this legislation has provided a stimulus for effective research in the area of dust control that strengthens our belief in the validity of the assumption made in this bill that ultimately a standard below 3.0 milligrams per cubic meter is realistic and attainable. The passage of this bill will provide a powerful stimulus for further research and development resulting in greater improvements in health and safety conditions in our coal mines.

Mr. Chairman, passage of this bill will go far to protect the health and prolong the lives of the Nation's coal miners. It may very well be one of the most constructive and far-reaching pieces of legislation to emerge from the 91st Congress.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Idaho. I yield to the gentleman.

Mr. HECHLER of West Virginia. Mr. Chairman, I commend the gentleman from Idaho for his presentation and particularly for his separate views. The very last page of the committee report contains the support of the gentleman from Idaho and the gentleman from California (Mr. BELL) for the compensation feature. I do hope and trust that he may bring many of his colleagues on that side of the aisle to the support of this feature of the bill which I think is one of the better parts of the bill. On behalf of thousands of West Virginia coal miners, I thank the gentleman from Idaho for his support.

Mr. HANSEN of Idaho. I thank the gentleman for his kind remarks.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Idaho. I yield to the gentleman from California.

Mr. BURTON of California. Mr. Chairman, our distinguished colleague, the gentleman from Idaho (Mr. HANSEN), already impressed every member of the Committee on Education and Labor on both sides of the aisle for his appetite for doing his political homework and his concern that any action that the committee takes be based on fact and not on fancy and his determination in this particular area to see that we emerge with a strong and responsible bill protecting the health and safety of the coal miners of this country.

Mr. HANSEN of Idaho. I thank the gentleman for his kind remarks.

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

Mr. HANSEN of Idaho. I yield to the gentleman.

Mr. DENT. I just happened to be looking at a picture here which shows a group of Members of Congress down in a coal mine. The gentleman now in the well is one of the Members of Congress in this picture. In every instance he has never asked any questions when the committee was going to go down into mines or was going to make a visit to some hospital or something. He was always out front as a volunteer and, in fact, he was one of the few volunteers to go into the Welsh mine 3,200 feet deep with an 85° temperature. If sometime you get the gentleman in the mood when he feels like talking about it, he will tell you how they dress in the British mines.

Mr. HANSEN of Idaho. I thank the gentleman for his kind remarks.

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

Mr. HANSEN of Idaho. I am delighted to yield to the distinguished chairman of the Committee on Education and Labor.

Mr. PERKINS. Mr. Chairman, I wish to take this opportunity to pay tribute to the distinguished gentleman from Idaho for his great service to the Committee on Education and Labor. We do not have a member who is more attentive and stays more on the job. He has made a great contribution not only in the area of mine safety but in the area of education legislation. I am delighted to have the opportunity to pay tribute to such an outstanding legislator.

Mr. HANSEN of Idaho. I thank the gentleman for those kind remarks.

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

Mr. HANSEN of Idaho. I am happy to yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, mines in Kentucky have been, up until this year, generally classified as nongassy.

The large operators, because of their wealth, can afford the cost of all permissible equipment. However, the small operators, who employ smaller groups of men, would have great difficulty in buying permissible equipment.

Purchase of such equipment seems unnecessary in nongassy mines, since there have been only 52 ignitions in the past 16 years in all the nongassy mines in our

country, and 43 of these have been the result of smoking, lighting matches, or by use of an open-flame lamp.

Only nine of these ignitions, over this 16-year period, could have been prevented by the use of permissible machinery. The methane monitor the distinguished gentleman speaks of would be extremely helpful. It would eliminate much expensive equipment.

An added burden placed upon the small operators is the low level of dust concentration promulgated by the present bill. We have based much of our legislation upon that of England, where it has been generally understood there has been more research on methods of controlling dust in mines, and also more work has been done on the cause of pneumoconiosis, progressive massive fibrosis, or black lung disease.

Let me state here that I support the present bill, but feel that many small operators will be unable to reach the low dust concentrations required by law.

A few weeks ago, at my own expense, I visited England and interviewed Dr. John Rogan, chief medical officer of the national coal board. At that time, England had a different standard for determining the concentration of dust, based upon the number of particles of dust in the air per cubic meter.

Dr. Rogan stated that it was impossible to keep dust concentration at a certain level at all times, because of many factors: one, the concentration of dust would naturally be much higher after a blast; and two, at the cutting edge on the coal face.

He explained that the level—concentration in milligrams per cubic meter—would vary and that a certain level should be selected as a guideline.

In the past few weeks I have received, as have many of you, information from the Ministry of Power in England to the effect that a standard has been accepted which is set at 8 milligrams per cubic meter. As the capabilities of operators improve, then the level is to be diminished.

I have talked with operators throughout Kentucky and it is their feeling that they cannot reach the 4.5 millimeter concentration at this time. For this reason, today I am offering an amendment which would fix the level for the first 12 months at 6 millimeters per cubic meter, which is 2 millimeters below the present English standard; and commencing with the second year, would fix it at 4.5 millimeters per cubic meter; and after that time would be lowered as the Secretary of the Interior would determine it feasible and possible.

In my conversation with Dr. Rogan, pneumoconiosis was discussed at length, including the study of X-rays of various stages of this disease. In the discussion, Dr. Rogan stated that factors other than ingestion of coal dust caused the later stages of this disease. He stated that in the first three stages of pneumoconiosis miners were not outwardly affected, but that in the stages which included consolidation, passive massive fibrosis, the miners became totally and permanently disabled.

Mr. Chairman, there are many hundreds of thousands of miners who suffer from pneumoconiosis and who have not been compensated. For the disabled miners, I feel that the Federal Government should compensate them. These men are not eligible for pensions from their union, neither are they eligible for workmen's compensation.

At the appropriate time, I shall offer the amendment which would fix the permissible level at 6 milligrams per cubic meter for the first year, 4.5 milligrams for the second year, and thereafter at the discretion of the Secretary of the Interior.

I shall offer a second amendment, since we are all interested in safety and in the protection of the miners throughout our area, that any coal mine which has experienced two or more ignitions or explosions due to methane should be ordered by a representative of the Secretary to close and cease mining operations in such mine within 60 days following such order.

A mine which is once gassy almost always remains so, even if permissible equipment is used. The cutting edge of a continuous miner often strikes inclusion bodies and causes showers of sparks, which can easily set off further explosions and cause more severe disasters.

If we really believe in mine safety, we must concentrate on the mines in which explosions occur, and these occur in gassy mines.

Mr. ERLENBORN. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Chairman, first let me say that the Members of the House are deeply indebted to the House Committee on Education and Labor for presenting this bill to us for consideration today. There are a number of individuals who I think deserve special mention. They are the chairman of the full committee, the gentleman from Kentucky (Mr. PERKINS), the gentleman from Pennsylvania (Mr. DENT), the gentleman from California (Mr. BURTON), and the gentleman from New Jersey (Mr. DANIELS). On our side of the aisle there are four men that I think also deserve special mention. There are our good friends and the ranking member of the subcommittee, the gentleman from Illinois (Mr. ERLENBORN), the gentleman from Idaho (Mr. HANSEN), the gentleman from California (Mr. BELL), and the gentleman from Wisconsin (Mr. STEIGER).

I want to pay particular credit to Mr. ERLENBORN, Mr. BURTON, and Mr. DANIELS, because none of them have coal mines in their districts. They could have taken the easy way out. They could have said that this is a matter which does not immediately concern their congressional districts and turned the matter over to someone else. But these three men in particular dedicated days, weeks, and months to ironing out one of the most difficult pieces of legislation that has been presented to this Congress in this or any other recent session.

The reason it is difficult is that there are large coal mines and small coal mines. There are big operators and little operators. There is a labor union that does not agree among itself as to what should be in this bill. There are those that manufacture mining equipment that have honest differences as to what kind of equipment should be in the bill.

Last, but not least, downtown we have the U.S. Bureau of Mines that sometimes cannot agree with anybody in the industry or anybody who manufactures equipment or with the Members of Congress.

Out of all of this disagreement this committee has presented a bill which can be described as a strong bill. It is a strong bill because it does not satisfy the coal miners in every respect. It is a strong bill because it does not satisfy the operators in every respect. And it is a strong bill because it does not satisfy the Bureau of Mines in every respect. When you have the three groups that are interested in the bill unable to agree on parts of the legislation, then I say it must be a pretty good bill. And the important thing about their disagreement is that no two of the groups disagree on the same provision.

I went back and looked up the RECORD of a speech I made on the floor of this House in 1952. I followed the gentleman from Kentucky (Mr. PERKINS) when we had before us a bill at that time to give to the Federal mine inspectors the right to close down mines.

I might just have cut out that speech and brought it in here, because what we said then we might well say today, because we have not changed our tune.

The most important thing we have to face is to provide a bill which is workable, which will give safety protection to the men, and which will cover them as far as their health is concerned.

For those who do not live in coal-mining areas or who do not come from areas where there have been coal mines, it might be startling to realize that 20 years ago there were about 250,00 to 300,000 men mining coal. Today the number is down to about 150,000 persons mining coal. More coal is being produced today per man than ever before—with less miners it is true, but now few people want to go into the mines.

It is hard to believe, and I never thought I would see the day when in the daily newspapers in my area ran the following ads:

WANTED MINE WORKERS

Certified or apprentices (All U.M.W.A. Benefits).

Assistant Mine Foreman (First Grade Assistant Foreman Certificate) Salaried supervisory benefit program (Pension—Insurance—Hospitalization, Etc.).

Steady employment, 2 New Mines in Armstrong Co.

Call: Area Code 412–465–5621, and Ask for R. H. Darr, or write R & P Coal Co., P.O. Box 279, Indiana, Pa. 15701.

This company needs 1,000 miners today and cannot get them. I am hoping as a result of this legislation that men might be induced once more to look to mining as a profession they can follow.

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

Mr. SAYLOR. I am happy to yield to the chairman of the committee.

Mr. PERKINS. Mr. Chairman, I feel I would be derelict if I failed to mention the great job that the distinguished gentleman from Pennsylvania (Mr.

SAYLOR) has done in behalf of mine safety all through the years.

I well recall the great speech the Congressman from Pennsylvania (Mr. SAYLOR) made in behalf of the 1952 act, requesting that the Federal Government have the right to police mines and to close them down when danger existed. That was in 1952.

But he did not stop there. It was necessary to get appropriations for the Bureau of Mines inspectors, in order to give meaning to the legislation. No Member in this body made a greater contribution than that made by the gentleman from Pennsylvania (Mr. SAYLOR) in appealing to the Appropriations Committee and to the membership of this House to increase appropriations for the Bureau of Mines.

The gentleman from Pennsylvania has been untiring in behalf of mine safety, and he has made a great contribution insofar as improving working conditions in the mines. It might observe that the gentleman from Pennsylvania does not confine his interest in natural resources to coal alone but he also is concerned about the whole area of conservation in this country, and for this we all owe the gentleman from Pennsylvania a great debt of gratitude.

Mr. SAYLOR. Mr. Chairman, I thank the gentleman from Kentucky.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from California.

Mr. BURTON of California. Mr. Chairman, first I thank the gentleman from Pennsylvania for his kind observations about me.

One of the very little-known facts about the temporary, one-shot black lung pay provision is that this provision ripened as a result of a conversation held between the gentleman from Pennsylvania and me.

It was the gentleman from Pennsylvania who advanced one of the essential concepts of the bill, in order to avoid what was the justifiable concern expressed in the very early days of this black lung payment idea, that we might be running the risk of federalizing in some way the workman's compensation program.

As the gentleman from Pennsylvania and I know full well, it was the concept advanced by the gentleman from Pennsylvania, embodied in this bill, that avoids that which all of us at least at this stage are delighted we have avoided; that is, that we would be creating any unnecessary or unhealthy precedent.

In that particular I want to now spread on the public record that of which the gentleman from Pennsylvania is so clearly aware as part of the background of this measure.

I would think the gentleman from Pennsylvania, in addition to that, deserves great credit along with others I shall mention during the course of my statement, for bringing virtually all the men representing the coal areas into very full and vigorous support of this amendment.

Mr. SAYLOR. I thank my colleague.

Let me digress for just a moment, for those who do not come from the coal mine areas. I put this in the RECORD now because I have lived with miners all my life. I am old enough to remember when, as a little boy, the men who were in the mines had what was described then as miners' cough.

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

Mr. ERLENBORN. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. SAYLOR. It was thought to be consumption. Nobody liked to use that word, because it was a dirty word. They did not know it was curable. They did not realize that it was not tuberculosis.

Then, when they found out it was not tuberculosis, those living in the mining communities gave it a new name—they called it miners' asthma. Unless one lived in one of those towns and could actually see the men come out of the mine and try to walk home, see them sit down on the curb or sit down in the mud along the way home, fighting to get their own breath, one cannot really understand.

Then people realized it was not asthma, because they found some things that would help asthma which did not help these miners.

Then they called it silicosis.

Then they discovered that silicosis was not the same as what the miners seemed to have. Yes, there were men in other industries who seemed to have something called silicosis because they did some work with rock dust in the mine.

Then they got a new name, a high-class name. The doctors got into it then and the medical profession gave it the name of anthracosilicosis.

Now they have come up with a name I cannot even spell, and they now call it pneumoconiosis.

Whether we call it the original name of miners' cough or pneumoconiosis, it is the same dreadful disease that strikes some of the men who work in the mines.

The worst part of it all is that the medical profession cannot tell us why it strikes some people and does not strike others. We have had cases where father and son worked in a mine, together in the same room, and one would get it and the other would not. We have had cases where whole families would get it and cases where neighbors did not.

These several hundred thousand people no longer in the mines are now spread out all over the country. They are in the 50 States of the Union.

What this bill does is to give these people who have had this mining experience and suffering from the disease, a one-shot operation to be taken care of. I am delighted with the fact that a few of the States, such as Pennsylvania, that have tried to take care of men with the disease, are also taken care of in this bill. Their contribution has been recognized.

I want to say that this is a strong bill. People have said they wanted to get a strong bill, and this is a strong bill. I hope that we can stand with the committee on it. There are going to be a few amendments offered. These amendments will deal with whether or not the Department of Health, Education, and Welfare should handle this matter or whether or not it should be a separate mine board composed of doctors. That is the one point of difference.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ERLENBORN. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. SAYLOR. Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, the gentleman in the well and myself started working together on this type of legislation a number of years ago. When I first came to Washington in 1958 we were cosponsors of that legislation which set up the Mine Research Bureau. During the time in 1965 when we were working on the title I mines it was his strong support that gave us the kind of a bill which we received on final passage. It was his strong support now in collaboration with the chairman of the full committee, the gentleman from Kentucky (Mr. PERKINS) and the gentleman from New Jersey (Mr. DANIELS) who was holding the hearings, and the gentleman from California (Mr. BURTON) who was doing all of the leg work on the pneumoconiosis, that we were able to retain pneumoconiosis in the bill as it was originally written. This is because the gentleman (Mr. SAYLOR) understood then and understands now that this need be only a one-shot proposition. The reason for this is that we believe if they live up to the law as we hope to write it, there will be no more disease in the mines.

Mr. ERLENBORN. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS. Mr. Chairman, where the Federal Coal Mine and Safety Act of 1969 covers the field of safety everyone is in complete agreement. But, in this bill we enter a new region which involves Federal workmen's compensation. This program will add billions to the Federal budget at the time we are trying to achieve a balanced budget so as to halt the inflation facing the country.

In this bill we are taking over a function of Government that has been reserved in the past for the States. Workmen's compensation is not a Federal function. Conditions differ in every section of the country. In one section, folks are concerned with the coal miners, in another section problems relate to cotton mill workers; and in another area it is automobile factories.

On the average, maximum weekly compensation by the States for temporary total disability is 68 percent of average take-home pay after allowing for Federal income and social security taxes, and most States have unlimited medicare benefits to go with this. States are moving forward to meet the workers' compensation needs. We are all concerned with pneumoconiosis, but the inadequacies of workers' compensation for workers concerned with coal dust is just as applicable to workers employed in other industries and trades. Why should we concern ourselves in this bill with coal when many factory jobs are very high risk. What about Federal workmen's compensation for building construction? It is very dangerous, and

let us also get into materials. For example, beryllium is a highly toxic metal which has been used in the manufacture of fluorescent light bulbs until chronic beryllium poisoning was recognized as a workers' health hazard.

Asbestos is widely used. There are 3½ million workers who are exposed to it in their jobs. Asbestosis is recognized as a serious respiratory ailment and a cause of lung cancer, and half of the men who had worked in the trade had X-ray evidence of asbestosis. We are all aware of the sensitivity of uranium and yet we do nothing for uranium workers. What of the many people who are exposed to silica dust in their handling of rocks, dust, sands, and clay? My wife says beauty shop operators have a lung problem with hair spray. We all know of paint fumes and especially spray paint.

For many years inhaling cotton dust by textile workers was overlooked, but now we know that byssinosis—the lung disease—is affecting the health of hundreds of thousands of cotton textile workers. This is not only a factor in the cotton mills but out in the cotton fields where we have open air cotton gins the lint is even more severe.

Lung dangers come in many forms from talc, diatomite, carborundum, sugarcane fiber, moldy silage, and also in many natural and fabricated materials. But, in this bill we are dealing solely with coal dust pneumoconiosis and providing only the coal miners with Federal disability compensation.

And, even in the coal mining industry itself, this bill is discriminatory as it provides for workers disabled by coal dust but does nothing for disability in the coal mines from any other cause. A coal miner who is totally disabled because of the loss of his arms or his legs gets nothing, but a man who has the coal dust problem is fully covered.

This is not only a situation of inequity between miners, but complete inequity between coal miners and every other industrial worker in the Nation.

It is necessary that we delete this unfair section 112 from this Coal Mine Health and Safety Act.

Mr. ERLENBORN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. BURTON).

Mr. BURTON of California. Mr. Chairman, in earlier discussion I mentioned what I believe to be a very accurate description of the role of our very distinguished subcommittee chairman (Mr. DENT). I also make note of Mr. SAYLOR'S contribution to the resolution of the one-time payment issue. I would also like to commend the most distinguished chairman of our committee which had jurisdiction over the payment issue, Mr. DOM DANIELS of New Jersey. Because of his initiative, foresight, and determination we were able to move that matter along rapidly and he was able to get his committee to approve of it. I think the RECORD should also note this: Because of the persistence of the gentleman from Illinois (Mr. ERLENBORN) we were able to refine many of the sections of the bill so that they addressed themselves to the stated problem rather than accepting the statement of the problem and then proceeding to solve the problem in a blunderbuss and in many instances unduly expensive manner. I think it is in the finest tradition of legislative debate and give and take that the gentleman from Illinois forced the majority in all instances to justify, with the facts on the RECORD not only the statement of the problem but also the proposed solution advanced. In addition to the number of improvements directly offered by the gentleman from Illinois, there were a number of administrative subcommittee recommendations that were strengthened as a result of this give and take.

I think also the RECORD should reflect, if I may, Mr. Chairman, the prodigious efforts which were made by the gentleman from California (Mr. BELL) with reference to the development of the full committee resolution of the rather difficult so-called gassy-nongassy issue. I think the RECORD should also show, while we are at this late stage of the debate, that Mr. John F. O'Leary, the Director of the Bureau of the Mines; Mr. Harry Perry, Research Adviser, Assistant Secretary of Mineral Resources; and Cecil "Lucky" Lester, Herschel Potter, and Harry Weaver, all Federal coal mine inspectors, played a very important role in developing not only the thrust and tone of this legislation but some of the more difficult technical aspects of the bill.

And, last but not least, there have been three or four or five or six men who worked for us during the course of the preparation of this legislation. I make specific reference to Mr. Bob Vagely, the tireless, energetic, and superb staff counsel to Chairman DENT. Bob has given this legislation more staff attention than I have ever witnessed given a single bill, and certainly more than we would expect from this most conscientious committee counsel. His schedule with it has been daily, without regard to evening or weekend. His purpose was always single-minded and in the interest of the miner. He, too, was a focal point for intense pressures from all directions, and he withstood them to the credit of us all. Add it all up, and you have a brilliant effort.

From my personal standpoint, I make reference to a young man who has been of so much assistance to all of us and particularly to me, Mr. Gary Sellers. Gary came to us at a time when there was a paucity of expertise in this complex field and gave unselfishly of himself so that coal miners might work under conditions of relative safety. That humanitarian concern was his only one, and he should take great pride in his contribution. I have certainly benefited from it, but those he sought to help will be the most grateful benefactors in the years to come. His consummate dedication to the task, and concomitant skill and energy, is genuinely appreciated.

Also, I would like to acknowledge the efforts of Dan Krivit, who works for Chairman DANIELS, and Dave Finnegan who has been so enormously helpful during the course of this legislation since he left the Department of the Interior where he also worked on the legislation; as well as Don Baker and Jack Reed and Austin Sullivan who work for our distinguished chairman of the full committee.

Mr. Chairman, these are the men who truly devoted their efforts to the formulation of this legislation, along with Mike Bernstein who carefully looked out for the interests of the minority. They all deserve the approval and the plaudits of all of us who were ultimately faced with the responsibility of making policy judgments.

But, Mr. Chairman, perhaps a point about the chairman of our full committee, the gentleman from Kentucky (Mr. PERKINS). CARL is an old war horse in the finest meaning of the term.

He kept very close rein on our two friends, DANIELS and DENT, who always seem to work in tandem and whenever any of us on our side got a little out of line he was there to remind us to keep our eye on the ball. I think, as I stated earlier, when the history of this legislation is written, the fundamental difference that permeates the legislation before this House—and this can be distinguished from some of the ideas advanced by others—is that we rejected the concept that sound health and safety legislation to protect coal mine workers inevitably also had to be punitive legislation as it affected the industry.

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

Mr. ERLENBORN. Mr. Chairman, I yield the gentleman 1 additional minute.

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

Mr. BURTON of California. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, although the distinguished gentleman from California (Mr. BURTON) has no coal in his congressional district, the interest he has taken in this legislation will mean much to the health and safety of coal miners and their families throughout America. The gentleman from California (Mr. BURTON) has worked day and night—and I say "day and night" because he has called me at midnight, and other Members on both sides of the aisle to clarify and resolve the issues in this complex and technical legislative field. I certainly want to compliment the gentleman for his untiring efforts in seeing to it that this legislation goes through the Congress—that we pass a strong mine safety bill, one that is meaningful in terms of the health and safety of our miners.

Mr. BURTON of California. I thank the chairman of our committee.

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

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Jersey (Mr. DANIELS).

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

Mr. DANIELS of New Jersey. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise to support this bill and commend the distinguished chairman of our subcommittee (Mr. DENT) for the extremely competent job

he has done in preparing this measure, and for so successfully guiding it through our full committee, with the aid and assistance of our distinguished chairman (Mr. PERKINS).

We are all aware of the genesis of this legislation. The horrifying tragedy at Farmington last winter shocked the conscience of the Nation and lifted public concern about coal mine safety from almost two decades of lethargic inaction.

Your committee has, I feel, responded well to this outcry. For over 9 months we have heard testimony and collated the enormous amount of data available on safety practices. In addition, we observed the procedures used in the mines of Great Britain—procedures which were of great assistance to us in the preparation of our own bill.

The results of this effort are before you. It is a good, tough bill. My distinguished chairman (Mr. DENT) will offer some technical amendments tomorrow which will further strengthen the safety standards laid out in the bill. These amendments should be supported. Basically, however, the bill in its present form accomplished well its purposes. Whenever doubt arose in our discussions, it was resolved, as it should be, on the side of safety for our miners.

I strongly recommend, therefore, that the House adopt the measure, and consequently give a resounding endorsement to the concept of maximum safety in our country's mines.

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

Mr. DANIELS of New Jersey. I yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Chairman, I deeply appreciate my distinguished colleague, the gentleman from New Jersey (Mr. DANIELS), yielding me this time.

Mr. Chairman, as a cosponsor of H.R. 13950, I, of course, am pleased to add my voice in support of passage of the Federal Coal Mine Health and Safety Act of 1969.

I note in a recent issue of the United Mine Workers Journal that in the first 8 months of 1969 no less than 141 coal miners have been killed in mine accidents. This is what has happened in the mines while we have been considering this bill. This was no new disaster. This happens day by day, in twos and threes. One hundred and forty-one men, most of them family heads, are dead.

One cannot legislate overnight. I have followed closely the work of the House Committee on Education and Labor in preparing H.R. 13950. In particular I have been impressed with the devotion to writing a strong, sound bill shown by the General Subcommittee on Labor, under the chairmanship of Representative JOHN H. DENT. Mr. DENT not only comes from a coal-mining State, but has been himself engaged in coal mining. He understands the problems of this industry, an industry with many unique conditions, which make its problems with respect to safety and health unlike those of any other industry. Mr. DENT has made an outstanding contribution in his work of drafting H.R. 13950.

The subcommittee not only has held extensive hearings, 10 days in all, but has also visited coal mines in the United States. It has gone to England to consult with officials of the National Coal Board there and with their medical research staffs. This was done especially to seek information on the problem of the "black lung" disease, coal miners' pneumoconiosis. While in England, the subcommittee also visited a British coal mine.

Subsequently the subcommittee spent 8 days in open and executive session writing the bill now before us. When it was referred to the full committee, hearings were held an additional day by Chairman PERKINS to permit the consideration of issues which had arisen subsequent to the completion of action by the subcommittee.

Thus when taking up, as we do here, the result of these deliberations we have no reason to think that we can easily write on the floor of this House improvements in the work of the committee. The subject matter of H.R. 13950 is outside the experience of most Members of the Congress. Few of us have ever been in a coal mine. He must rely on the expertise developed by the members of the committee.

It is they who have consulted with authorities on mine health and mine safety, here and abroad. They have listened to the views of and questioned representatives of operators of large coal mines, operators of small coal mines, mine union officials, individual coal mines, interested members of the public and, administration officials, including the Departments of Interior; Labor; and Health, Education, and Welfare. They have talked with mining engineers and doctors. They have talked with State officials concerned with coal mine safety. They heard from the very lips of the coal miners telling what it is like to go through a mine accident and survive.

We need have no doubts of the soundness of the proposal before us. I believe, Mr. Chairman, it is time to vote this bill, up or down—and there is little question but that it will be passed by this body overwhelmingly, as was the Senate bill by the Senate.

It is time—and past time. Only last month, in a mine owned by the Consolidation Coal Co., a fire swept through one section. There were at the time over 100 miners at work in the mine. Fortunately none were trapped in the area of the mine where the fire erupted. This mine was the Loveridge mine of the Consolidation Co. It is located in the same area as the Farmington No. 9 of this company where 78 men died last fall. Indeed, it is separated from No. 9 by only a 160-foot barrier of coal.

Let it not be said that while we talked here another disaster took place like the Farmington disaster. We have had at least this one close call. But let us not forget the real mine safety problem. While it is the major disasters which catch the attention of the American public and lead to demand for, and support of, congressional action, the real problem is to prevent the small accidents, where one, two, or three men are injured or killed. Ninety percent of the injuries and deaths in coal mines are in these small accidents, not in the major disasters. It was these small accidents which killed 141 men in 8 months; there have been, fortunately, no major mine disasters since Farmington, last fall.

This legislation will not end all coal mine accidents. We cannot make the work of coal mining other than dirty, arduous, and dark. But at least we should try to make it as safe and as healthful as it can be made. It will never be pleasant work. It probably can never be made wholly safe or healthful. But it need not continue to be work where all too many workers have a choice only between dying young from diseased lungs, or dying even younger from a rock fall, a fire, or an explosion.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in support of H.R. 13950, a bill to provide for the health and safety of persons working in the coal mining industry of the United States

At the outset, I again must hail the valiant efforts of my colleague, the gentleman from Pennsylvania (Mr. DENT) the chairman of the General Subcommittee on Labor, for his magnificent work on behalf of the coal miners of America and praise equally the leadership of our distinguished chairman, the gentleman from Kentucky (Mr. PERKINS). Also, I wish to compliment all the members of my Select Subcommittee on Labor, and in particular the gentleman from California (Mr. BURTON) for his invaluable contributions in developing this legislation.

Although the Federal coal mine health and safety bill is primarily directed toward prevention and control, it also provides for grants to the States to pay benefits to miners totally disabled from complicated pneumoconiosis and to the widows of miners who suffered from complicated pneumoconiosis at the time of death.

Although the passage of H.R. 13950 is of overwhelming importance, I particularly want to address my remarks to section 112(b), "entitlement to miners." The crucial section is needed to save thousands of miners and their widows and children from a life of despair, illness, and poverty.

While the number of people involved in coal mining has fallen from 650,000 in the late forties to a current figure of about 150,000, in the last 20 years approximately 1 million miners have been exposed to hazards of coal dust. As a result, some experts estimate that in this country there are now about 100,000 cases of miners' pneumoconiosis.

According to the public health service, 20 percent of all inactive, and 10 percent of all active miners show X-ray evidence of the disease; and of these, 9 percent of the inactive—18,000—and 3 percent of the active—4,320—miners have progressive massive fibrosis—the complicated form of the disease that causes severe disability and ultimately death.

At the turn of the century, the British became suspicious of the effects of inhalation of coal dust and began a rather thorough investigation of the problem. Thus, coal workers' pneumoconiosis was recognized in Great Britain as early as 1943. Unfortunately, the medical profession in the United States has been extremely reluctant to accept the British findings, and consequently, coal workers' pneumoconiosis, until the last couple of years, was not widely accepted as a disease entity in this country.

The impact of the reluctance of the American scientists and doctors to accept the validity of the findings of their British counterparts had several unfortunate consequences.

First, it precluded attempts by private enterprise to control coal dust in the mines in order to prevent the effects of this insidious disease.

Second, it caused States to neglect the problem when it was in its inception and the cost of prevention could still be economically borne by State governments or private enterprise.

Third, it operated to prevent disabled coal miners from obtaining workmen's compensation, proper medical care, and other remedial action.

Thus, many thousands of miners have died before their claims were processed, or the expiration of the statute of limitations has prevented miners from proving their claims in time to receive benefits.

Today, it is economically impossible for most States to provide funds for retroactive claims and unconstitutional to make private employers pick up these claims. It is also understandable that States which are not coal producing have no wish to assume responsibility for residents who may have contracted the ailment mining coal in another State.

The substantial reduction in the number of miners actually employed in mines following World War II caused a dispersal of men throughout the country—many into States which have few, if any, mines. These men took with them an irreversible disease, but because of their present location they are denied benefits.

So we find ourselves with this problem. How do we get the States to pass laws to aid these victims when these victims contracted the disease of "black lung" years ago while working in a coal mine in another State?

The answer is clear—States are either unable to act or are not sufficiently motivated to act. But, we in Congress must concern ourselves with the unmet needs of the disabled miner and his family when his State, his employer, and his union have not met their responsibilities.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. DANIELS) has expired.

Mr. PERKINS. Mr. Chairman, we have several Members who are requesting time, but let me yield another minute to the distinguished gentleman from New Jersey (Mr. DANIELS), who has done so much to put this compensation feature together and which would not have been put together but for the gentleman from New Jersey.

Mr. DANIELS of New Jersey. I thank my chairman.

Mr. Chairman, for us to fail to provide for the future health, safety, and protection of coal miners and at the same time deny aid to the worker who has already given up precious years of life in this, our Nation's most hazardous occupation, would be both callous and unforgivable on our part.

Section 112(b) directs payment of compensation to an individual rendered totally disabled from complicated pneumoconiosis and to the widows of miners who suffered from complicated pneumoconiosis at the time of death. The disease must have arisen out of or in the course of the individual's employment in a coal mine. Work in a coal mine for 10 years establishes a rebuttable presumption—less than 10 years in a coal mine does not foreclose recovery, but without the benefit of a presumption.

Payments are based upon 50 percent of the minimum monthly payment to which a Federal employee, grade GS–2, is entitled who is totally disabled at the time of payment. This amount is approximately $136 monthly. In case of death, a widow would receive the same amount.

Payments would be increased as follows:

Fifty percent for one dependent, or approximately $204 per month.

Seventy-five percent for two dependents, or approximately $238 per month.

One hundred percent for three or more dependents, or approximately $272 per month.

Payment under this provision is reduced by any amount the payee receives under workmen's compensation, unemployment compensation, disability laws of a State, and excess earnings under section 203 (b) through (L) of the Social Security Act.

No claim shall be considered unless it is filed:

First. One year after the date an employed miner received the results of his X-ray provided under section 203 of the Federal Coal Mine Health and Safety Act, or if he did not receive such X-ray, 1 year from the date he received such opportunity to do so under section 203.

Second. In case of other claimants, 3 years from the date of enactment.

Third. In the case of a widow, 1 year after death or 3 years after date of enactment, whichever is the later.

No payment shall be made to residents of a State which after the date of enactment of this act reduces its State workmen's compensation or disability insurance laws to persons eligible to receive payment under this act.

We have made every effort to relieve the concern that we are trampling on the States' right to administer this particular payment—on page 40 of H.R. 13950, starting on line 21, you will note the following language:

> Such Governor shall implement the agreement in such manner as he shall determine to best effectuate the provisions of this subsection.

The Select Subcommittee on Labor, of which I am chairman, held 7 days of hearings on legislation to provide benefits for persons who have contracted pneumoconiosis. As a result, on August 5, our subcommittee reported a bill to provide benefit payments to coal miners suffering from complicated pneumoconiosis. This program of payments was maintained in the bill by the Committee on Education and Labor by a vote of 25 to 9.

On September 30, the Senate also recognized the need for a similar provision and enacted as part of their coal mine health and safety bill an amendment modeled after section 112(b). This provision passed the Senate 91 to 0.

Section 112(b) is clearly not intended to establish a Federal prerogative or precedent in the area of payments for the death, injury, or illness of workers. However, coal miners' pneumoconiosis is one of our Nation's most critical occupational health problems. I am sure none of us would want to excuse inaction here by pointing to the necessity of action elsewhere. We must make progress where we can, and whenever we can.

The CHAIRMAN. The time of the gentleman from New Jersey has again expired.

Mr. PERKINS. Mr. Chairman, how much time do we have?

The CHAIRMAN. The gentleman has 2 minutes remaining.

Mr. PERKINS. Mr. Chairman, I yield to the distinguished gentleman from Illinois (Mr. PUCINSKI) 1.5 minutes.

Mr. PUCINSKI. Mr. Chairman, I rise in support of this legislation.

I would like to point out this is the most significant coal mine safety bill ever written by Congress. I regret that times does not permit us to go deeper into this subject.

I congratulate my colleague, the gentleman from Pennsylvania (Mr. DENT), for the tremendous job he has done. He has fought back every special interest group and every selfish interest group in this country which tried to water down this bill. They are working overtime right now still trying to stop this bill from bringing meaningful safety standards to the coal mining industry.

I say to you that when you have 90,000 deaths in the coal mines of America since the beginning of this century and 170 deaths occurring in the coal mines since the disaster in Farmington alone, as good as this bill is, it still does not go far enough.

The 135,000 coal miners who produce 600 million tons of coal a year in this country demonstrate that they are the most productive workers in America.

I do not think we can go too far in raising safety standards to give these men the kind of protection that they are entitled to. That is the least the Congress can do for men who risk their lives every day so that the wheels of American industry can keep turning.

I shall view with grave concern any amendments that are offered on either side tomorrow as we go into the amending stage of this bill because I tell you the committee has done a good job. It is a good and sound piece of legislation. The fact that there are those who would have Congress respond to their own narrow, special interests is of no interest to me. I shall do everything possible to retain the high standards of safety written into this bill by the committee.

As a member of the subcommittee which wrote the legislation, I can tell you every means possible was used to thwart our efforts. I am proud that the committee rejected these efforts and wrote a strong bill. I have one concern and that is to have a good safe-mining bill before this Congress, and tomorrow I shall resist amendments if they are going to weaken this bill. As a member of the subcommittee, I know how hard this committee labored to get us a good bill, and I intend to have a good safety bill come out of this House tomorrow when the smoke clears.

Mr. PERKINS. Mr. Chairman, I yield to the gentleman from New Jersey (Mr. MINISH).

Mr. MINISH. Mr. Chairman, I rise in support of this legislation.

During the last 100 years, approximately 120,000 fatalities have occurred in coal mines. The figure, of course, does not include the hundreds of thousands of additional miners who met early death due to black lung and other coal mining related diseases. I believe I am able to speak with some expertise on this important subject. I grew up in the coal mining region of northeastern Pennsylvania. Many of my relatives worked in the mines. My father died of black lung disease at the age of 36.

Passage of the Federal Coal Mine Health and Safety Act of 1969 will result in better protection against injury and death for the Nation's 130,000 coal miners. However, while the bill is an obvious improvement over present law in many respects, it still falls far short of providing for the maximum health and safety of miners.

On the plus side, the measure before us today includes both comprehensive safety standards for mine facilities, equipment, and operations, and improved procedural mechanism to detect and redress health and safety violations in the mines. It authorizes the Secretaries of Interior and Health, Education, and Welfare to inspect and investigate mines without prior notice to mine operators and to assign full-time inspectors to excessively gassy mines. Injunctive powers are granted to insure compliance with safety regulations, and penalties ranging from $10,000 for a first violation to $20,000 and/or 1 year in prison for repeated convictions are established.

The legislation would provide Federal compensation for victims of pneumoconiosis or black lung disease. Miners suffering from severe stages of incurable black lung could be compensated up to $272 a month. In order to prevent the occurrence of this dreaded disease, the concentration of dust in mines would not be permitted to exceed 4.5 milligrams of respirable dust per cubic meter of air 6 months after enactment. One year after enactment the maximum allowable dust level would be reduced to 3 milligrams. The Secretary of Health, Education, and Welfare then assumes authority to further lower this standard.

Additionally, all miners will be given the opportunity to be X-rayed periodically for signs of black lung. Miners showing traces of the disease will be allowed to shift to less dusty sections of the mine at no loss in pay. A levy of 2 cents per ton of coal produced is imposed on mine operators to support research into mine health and safety.

While the coal dust level provided in the bill is generally fair and will assure much safer mining conditions, the method of computing the dust level leaves much to be desired and should be revised. Dust levels should be measured over each work shift, rather than derived from the average level over a number of shifts as proposed in the bill now before us. Moreover, a definite timetable should be established for reducing the allowable dust standard to a lower, safer figure.

I hope the House will act also to eliminate the other glaring loopholes contained in the mine safety bill as reported. I refer specifically to provisions which would encourage delays in buying safe equipment for certain mines and increase the powers of the industry-dominated board of review to review health and safety standards for mines.

Exemptions written into this bill at the last moment would permit operators of so-called nongassy mines, numbering about 3,000 across the United States, to put off the installation of vital spark-free electrical equipment for up to 6 years and even, at the discretion of the Secretary of the Interior, forever.

There is no need for a board, traditionally controlled by special interests, to review the carefully drawn conclusions of public officials charged with insuring the health and safety of miners. Under the pending legislation, this board of review would be empowered both to overrule a closing order by a qualified Bureau of Mines inspector and to annul penalties imposed on violators of safety regulations. For the purposes of review, in fact, the board is not "bound by an previous findings of fact" by the Secretary of the Interior or by a Federal mine inspector.

Lastly, I believe we should adopt a provision similar to that section of the Senate passed bill which protects miners who report safety violations from discharge or discrimination.

Mr. Chairman, unless these loopholes are closed, we will not have done our best to protect the health and safety of thousands of coal miners. We cannot, and must not, allow certain mine operators to place a higher value on profit than on human life.

Mr. PERKINS. Mr. Chairman, I yield to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, coal mining is a barbarous business. Yet one of the most heartening developments of the past year is that the people of every State in the Union have become aroused about the conditions under which coal miners work and try to live.

The conscience of the Nation has been stirred. From State after State comes the determined cry: Stop this slaughter in the coal mines.

You do not have to be a longtime expert to understand the human aspects of coal mining. It is right in front of your eyes. Charles Dickens wrote about Coketown in his classic novel "Hard Times" and painted the picture very accurately. Conditions a century ago were well described by Emile Zola in "Germinal," one passage of which goes like this:

"Have you been working long at the mine?" He flung open both arms.

"Long? I should think so. I was not eight when I went down and I am now fifty-eight. They tell me to rest, but I'm not going to; I'm not such a fool. I can get on for two years longer, to my sixtieth, so as to get the pension."

A spasm of coughing interrupted him again.

"I never used to cough; now I can't get rid of it. And the queer thing is that I spit, that I spit."

The rasping was again heard in his throat, followed by the black expectoration.

"Is it blood?"

He slowly wiped his mouth with the back of his hand.

"No, it's coal. I've got enough in my carcass to warm me till I die. And it's five years since I put a foot down below. I stored it up, it seems, without knowing it."

"And is your company rich?"

"Ah, yes . . . an output of 5,000 tons a day. Ah, yes, there's money there."

In the century which has elapsed since Emile Zola wrote the words I have quoted, very little has changed in the coal mines except the modernized machinery. Coal miners live and die in a system which can only be characterized as feudal. Profits and dividends in the coal industry, according to Moody's, more than doubled from $56 million in 1959 to $130 million in 1965—and they are still going up, as the major oil companies are eagerly purchasing coal properties. Against this background of rising profits, what is happening to the men who work in the mines? Listen to these grim statistics:

One and one-half million men injured in coal mines since the early 1930's.

Seven times as many coal miners are killed and injured as the average industrial occupation.

Between the ages of 60 and 64, eight times as many coal miners and retired miners die as compared to the average in any other occupation.

One hundred and twenty-five thousand coal miners wheezing, breathless, disabled by pneumoconiosis.

More than twice as many coal miners killed since Farmington—182, to be exact—as compared to the 78 who are still buried in their gassy grave at Farmington.

Since the Farmington disaster, 5,465 coal miners injured.

The last major revision of our coal mine safety law was in 1952, and since that law was passed over 6,000 coal miners have been killed and more than a quarter of a million injured.

Here is a headline on Columbus Day in the Huntington, West Virginia newspaper: "More Miners Were Killed, But Less Coal Was Mined."

The Associated Press dispatch starts:

More miners were killed during the first six months of this year than in 1968, yet fewer tons of coal were mined, the West Virginia State Mines Department said.

The shock of the Farmington disaster, which occurred almost a year ago, on November 20, 1968, awakened the Nation to demand action to protect the men who work in the most hazardous job in the United States. I think it is accurate to state that we would not be debating this bill today, nor would some of the provisions of the bill be so strong, had it not been for the explosion which killed 78 men at Farmington. But the important point about the effect of Farmington is that very little has changed since November 20, 1968, in the stark picture of death, injury, and disease in the coal mines. In a flurry of activity following the Farmington disaster, the able Director of the Bureau of Mines, John F. O'Leary, cracked down on safety violations, ordered that many mines be closed until their unsafe practices were corrected, made it easier for miners to call attention to safety violations by notifying him directly, and issued stern

orders against mine inspectors tipping off the coal operators before making their spot inspections. All these measures should be marked down as pluses for the protection of the coal miner. One can only speculate about how many more deaths and injuries would have occurred in the coal mines had John F. O'Leary and the Bureau of Mines not put into effect these aggressive new measures.

But still there have been over twice as many killed since Farmington, as died in that disaster. And over 5,000 coal miners have been injured since Farmington—5,465 to be exact. Every day that passes sees more and more men crippled either by accident or by the breathing of coal dust. In West Virginia, which is the largest coal-producing State in the Union, where we mine over one-quarter of the Nation's total tonnage of coal, one out of every 300 men who went into the mines lost his life and one out of 10 suffered a lost-time injury in the mines. Did you hear that figure? One out of 10 injured; we have a little more than 40,000 coal miners in West Virginia, and over 4,000 of them were injured during 1 year, not to mention the thousands suffering from the crippling effects of black coal dust encrusting their lungs.

I appeal to you, Mr. Chairman, to make this bill we vote on tomorrow a tough bill, a bill which is effective, and a bill which does not cut corners in protecting the health and safety of the coal miners. There are enough people worrying about the economic health of the coal industry; you can see them running around Capitol Hill. They have been here doing some very effective lobbying every time this Congress has considered coal-mine legislation. The coal operators are shedding tears that this bill might force the closing down of mines. They threaten power blackouts. They say stockpiles are running low. A letter from the National Coal Association to all Members states:

> The Congress should make clear that the Government need not close a mine in which the operator is doing his utmost to meet the dust standards but is unable to do so for lack of technology.

Mr. Chairman, we have heard this cry, this threat, this form of insensitive and implacable opposition for a long, long time. When are we going to start placing the priority where it belongs—on the value of a human life? When are we going to declare that the threat of closing down a mine is not nearly as serious as the threat of closing down a man?

Yes, there will be compromises offered during the course of this debate. There will be many amendments designed to weaken and water down the otherwise strong provisions of this bill. I find this prospect very depressing. I know that legislation involves the fine art of compromise. I know that in an effort to gain support for this bill it is felt necessary to indulge in the good, old-fashioned parliamentary game of give and take. But we are dealing with men's lives here today. We are dealing with the most hazardous occupation in this Nation. We are dealing with an industry whose social attiudes are medieval, and whose union leadership has failed to stand up and fight for the protection of the rank and file. The coal industry has fought every step of the way against measures to protect health and safety, and I am sorry to say that the union leadership has been insensitive to the needs of the men. There is no profit incentive in health and safety, and there is plenty of profit incentive in high production, high wages, high coal dust levels which produce a high rate of industrial murder.

How can we talk of compromise in this situation? Can you compromise a man's life, can you afford to compromise his limbs, can you afford to compromise his lungs? Death is a very certain phenomenon. You cannot compromise it. When you get coal dust in your lungs, you cannot reverse the process and flush it out like you can a man's stomach. Once a coal miner contracts this disease, the effects are progressive.

So I appeal to you, Mr. Chairman, in this first chance in 17 years to make a comprehensive revision in the coal mine health and safety law, let us not compromise with a man's life, or his limbs or his lungs. This slaughter in the coal mines must stop.

There follows the text of amendments which I feel would strengthen the bill. I also contemplate further amendments in the areas of dust standards, firmer inspection guidelines in extrahazardous mines, and a clarification of judicial procedures and remedies.

AMENDMENTS TO H.R. 13950 OFFERED BY MR. HECHLER OF WEST VIRGINIA

(Section 3)

AMENDMENT NO. 1—THE BOARD

On page 4, line 24, after the semi-colon insert "and".

On page 5, line 4, change the semi-colon to a period and strike "and".

On page 5, strike lines 5 and 6.

(Section 101)

On page 6, line 4, strike "the Board, other".

On page 8, line 3, strike "by the Board".

On page 8, line 7, change the comma to a period and strike out all thereafter through the period on line 9.

On page 8, line 10, strike all through page 9, line 6, and substitute the following:

"(f) Promptly after any such notice is published in the Federal Register by the Secretary under subsection (e) of this section, the Secretary shall issue notice of, and hold a public hearing for, the purpose of receiving relevant evidence. Within sixty days after completion of the hearings, the Secretary shall make findings of fact which shall be public. In the case of mandatory safety standards, the Secretary may promulgate such standards with such modifications as he deems appropriate. In the case of mandatory health standards, the Secretary shall transmit his findings to the Secretary of Health, Education, and Welfare who may, upon consideration of the Secretary's findings of fact, direct the Secretary to promulgate the mandatory health standards with such modifications as the Secretary of Health, Education, and Welfare deems appropriate and the Secretary shall thereafter promulgate the mandatory health standards."

(Section 105)

On page 20, line 1, strike after the period through page 21, line 14, and substitute the following:

"The applicant shall send a copy of such application to the representative of miners in the affected mine, or the operator, as appropriate. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate and shall promptly hold a public hearing for the purpose of receiving relevant evidence relating to the issuance and continuance of such order. The operator and the representative of the miners shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

"(b) Upon completion of the hearing, the Secretary shall make findings of fact, and he shall issue a written decision vacating, affirming, modifying, or terminating the order complained of, or the modification or termination of such order, and incorporate his findings therein.

"(c) In view of the urgent need for prompt decision of matters submitted to the Secretary under this section, all actions which the Secretary takes under this section shall be taken as promptly as practicable, consistent with the adequate consideration of the issues involved.

"(d) Pending completion of the proceedings required by this section, the applicant may file with the Secretary a written request that the Secretary grant temporary relief from any order issued under section 104 of this Act, except section 104(a) of this Act, or from any modification or termination of any order issued under section 104(g) of this Act, together with a detailed statement giving reasons for granting such relief. The Secretary may grant such relief, under such conditions as he may prescribe, if—

"(1) a hearing has been held in which all parties were given an opportunity to be heard;

"(2) the applicant shows that there is substantial likelihood that the findings of the Secretary will be favorable to the applicant; and

"(3) such relief will not adversely affect the health and safety of miners in the affected coal mine."

(Section 106)

On page 21, line 15, strike all through page 30, line 19.

(Section 108)

On page 30, line 21, strike all through page 31, line 20, and substitute the following:

"SEC. 108. (a) Any decision issued by the Secretary under section 105 of this Act shall be subject to judicial review by the United States court of appeals for the circuit in which the affected mine is located, or the United States Court of Appeals for the District of Columbia Circuit, upon the filing in such court within thirty days from the date of such decision of a petition by the operator or a representative of the miners in any such mine aggrieved by the decision praying that the decision be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the other party and to the Secretary and thereupon the Secretary shall certify and file in such court the record upon which the decision complained of was issued, as provided in section 2112 of title 28, United States Code.

"(b) The Court shall hear such petition on the record made before the Secretary. The findings of the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any such decision or may remand the proceedings to the Secretary for such further action as it may direct.

"(c) Pending review of any decision issued by the Secretary under section 105 of this Act, except a decision pertaining to an order issued under section 104(a) of this Act, the court upon request, may, under such conditions as it may prescribe, grant such temporary relief as it deems appropriate pending final determination of the proceeding if—

"(1) all parties to the proceeding have been notified and given an opportunity to be heard on a request for temporary relief;

"(2) the person requesting such relief shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceedings; and

"(3) such relief will not affect the health and safety of miners in the coal mine."

On page 32, line 2, strike "Board's" and insert "Secretary's."

On page 32, line 4, strike "Sec. 109" and insert "Sec. 107".

On pge 34, line 2, strike "Sec. 110" and insert "Sec. 108".

On page 35, line 9, strike "Sec. 111" and insert "Sec. 109".

On page 37, line 22, strike "Sec. 112" and insert "Sec. 110".

On page 43, line 11, strike "Sec. 113" and insert "Sec. 111".

(Section 111)

Page 36, line 3, strike out "Board" and insert "Secretary".

(Section 201)

Page 44, line 25, strike out "sections 105, 107, and 108 of".

On page 48, lines 10 and 14, strike "the Board" and insert "the Secretary of Health, Education and Welfare".

On page 49, line 9, strike the comma after "Secretary" and strike "the Board".

(Section 301)

On page 51, lines 22 and 23, strike "sections 105, 107, and 108 of".

(Section 401)

On page 106, line 5, strike all through line 17, and substitute the following:

"SEC. 401. (a) The Secretary and the Secretary of Health, Education and Welfare, as appropriate, shall conduct such studies, research, experiments, and demonstrations as may be appropriate."

On page 108, line 1, strike all after "(b)" through the period on line 5.

On page 108, line 13, strike all after the period through the period on line 15.

On page 108, line 24, strike "the Board" and insert "the Secretary".

On page 109, lines 1, 7, 11, 16, 20 and 22, strike "Board" and insert "Secretary".

On page 109, lines 1, 4, and 5 strike "it" and insert "the Secretary".

On page 109, lines 7, 18, and 20, strike "it" and insert "the Secretary".

On page 109, lines 7, 18, and 20, strike "it" and insert "the Secretary and the Secretary of Health, Education and Welfare".

(Section 407)

On page 115, line 2, strike the period and insert a comma and the following "except as otherwise provided in section 105 of this Act".

(Section 412)

On page 117, lines 8 and 15, strike "Board" and insert "Secretary".

AMENDMENT NO. 2—DISCHARGE OF MINERS

(Section 104)

On page 19, between lines 18 and 19, insert:

"(j) (1) No person shall discharge or in any other way discriminate against or cause to be discharged or discriminated against any miner or any authorized representative of miners by reason of the fact that such miner or representative (A) has notified the Secretary or his authorized representative of any alleged violation or danger pusuant to section 103(g) of this title, (B) has filed, instituted, or caused to be instituted any proceeding under this Act, or (C) has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

"(2) Any miner or a representative of miners who believes that he has been discharged or otherwise discriminated against by any person in violation of paragraph (1) of this subsection may, within thirty days after such violation occurs, apply to the Secretary for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party, to enable the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

"Upon receiving the report of such investigation, the Secretary shall make findings of fact. If he finds that such violation did occur, he shall issue an order requiring the persons committing such violation to take such affirmative action to abate the violation as the Secretary deems appropriate, including, but not limited to, the rehiring or reinstatement of the miner or representative of miners to his former position with back pay. If he finds that there was no such violation, he shall issue an order denying the application. Such order shall incorporate the Secretary's findings therein. Any decision issued by the Secretary under this paragraph shall be subject to judicial review in accordance with the provisions of section 106 of this Act. Violations by any person of paragraph (1) of this subsection shall be subject to the judicial review and civil penalties provisions of this title.

"(3) Whenever an order is issued under this subsection, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation."

AMENDMENT NO. 3—CRIMINAL SANCTIONS ON CLOSING ORDERS

(Section 111)

On page 36, line 16, strike "(a)".

AMENDMENT NO. 4—SINGLE SHIFT MEASUREMENTS

(Section 202)

On page 46, lines 6 and 22, and on page 47, line 14, strike "over several shifts".

AMENDMENT NO. 5—MOVING MINER TO LOWER DUST AREA

(Section 203)

On page 49, line 16, strike all through the period on page 50, line 9, and substitute the following: "shows evidence of the development of pneumoconiosis shall be assigned by the operator for such period or periods as may be necessary to prevent further development of such disease, to work, at the option of the miner, in any working section or other area of the mine, where the average concentration of respirable dust in the mine atmosphere to which the miner is exposed during each shift is at or below 1.0 milligrams of dust per cubic meter of air."

AMENDMENT NO. 6—MINE NOISE

(Section 203)

On page 50, between lines 11 and 12, insert:

"(c) Beginning six months after the operative date of this title, and at intervals of at least every six months thereafter, the operator of each mine shall conduct tests by a qualified person of the noise level at the mine in a manner prescribed by the Secretary and certify the results to the Secretary. If the Secretary determines, based on such tests or any conducted by his authorized representative, that the standards on noise prescribed under the Walsh-Healey Public Contracts Act, as amended, or such improved standards as the Secretary may prescribe, are exceeded, such operator shall immediately undertake to install protective devices or other means of protection to reduce the noise level in the affected area of the mine, except that the operator shall not require the use of any protective device or system which the Secretary or his authorized representative finds will be hazardous or cause a hazard to the miners in such mine."

AMENDMENT NO. 7—PERMISSIBLE EQUIPMENT

(Section 305)

On page 72, line 11, strike all through page 74, line 17, and substitute the following:

"ELECTRICAL EQUIPMENT

"SEC. 305. (a) Effective one year after the operative date of this title—

"(1) all junction or distribution boxes used for making multiple power connections in the active workings of a coal mine shall be permissible;

"(2) all handheld electric drills, blower and exhaust fans, electric pumps, and other such low horsepower electric face equipment as the Secretary may designate within two months after the operative date of this title, which are taken into, or used in, the working section of any coal mine shall be permissible; and

"(3) all electric face equipment which is taken into, or used in, the working section of any coal mine classified as gassy under any provision of law prior to the operative date of this title shall be permissible.

"(b) (1) Effective one year after the operative date of this title, all electric face equipment not referred to, or designated under, subsection (a) (2) of this section which is taken into, or used in, the working section of any coal mine, except a coal mine subject to the requirements of subsection (a) (3) of this section or paragraph (2) of this subsection, shall be permissible.

"(2) Effective two years after the operative date of this title, all electric face equipment not referred to, or designated under, subsection (a) (2) of this section which is taken into, or used in, the working section of any coal mine, except a coal mine subject to the requirements of subsection (a) (3) of this section, which is operated entirely in coal seams located above the watertable with one or more openings made prior to the date of enactment of this Act, and with a total production of coal that does not exceed fifty thousand tons annually, based on the mine's production records for three calendar years prior to such date, shall be permissible.

"(3) In the case of any coal mine subject to the requirements of paragraph (1) of this subsection, if the operator of such mine is unable to comply with such requirements on such effective date, he may file an application for a permit for noncompliance with the Secretary ninety days prior to such date. If the Secretary determines that such application satisfies the requirements of paragraph (6) of this subsection, he shall issue to such operator a permit for noncompliance. Such permit shall entitle the permittee to an extension of time to comply with such requirements of not to exceed twelve months, as determined by the Secretary, from such effective date.

"(4) In the case of a coal mine subject to the requirements of paragraph (2) of this subsection, if the operator of such mine is unable to comply with such requirements on such date, he may file an application for a permit for noncompliance with the Secretary ninety days prior to such date. If the Secretary determines, after notice to all interested persons and an opportunity for a hearing, that such application satisfies the requirements of paragraph (6) of this subsection, and that such operator, despite his diligent efforts will be unable to comply with such requirements, the Secretary may issue to such operator a permit for noncompliance. Such permit shall entitle the permittee to an additional extension of time to comply with such requirement of not to exceed twelve months, as determined by the Secre-

tary, from the date such compliance is required.

"(5)(A) Any operator of a coal mine issued a permit under paragraphs (3) and (4) of this subsection who, ninety days prior to the termination of such permit, determines that he will be unable to comply with the requirements of said paragraphs upon the expiration of such permit may file with the Secretary an application for renewal thereof. Upon receipt of such application, the Secretary, if he determines, after notice to all interested persons and an opportunity for a hearing that such application satisfies the requirements of paragraph (6) of this subsection and that such operator, despite his diligent efforts, will be unable to comply with such requirements, may renew the permit for a period not exceeding twelve months. Any hearing held pursuant to this paragraph shall be of record and the Secretary shall make findings of fact and shall issue a written decision incorporating his findings therein.

"(B) Any permit issued pursuant to this subsection shall entitle the permittee to use nonpermissible electric face equipment, as specified in the permit, during the term of such permit. Permits issued under this subsection to operators who must comply with the requirements of paragraph (1) of this subsection shall, in the aggregate, not extend the period of noncompliance more than thirty-six months after the date of enactment of this Act. Permits issued under this subsection to operators who must comply with the requirements of paragraph (2) of this subsection shall, in the aggregate, not extend the period of noncompliance more than forty-eight months after the date of enactment of this Act.

"(6) Any application for a permit of noncompliance filed under this subsection shall contain a statement by the operator—

"(A) that he is unable to comply with paragraphs (1) or (2) of this subsection, as appropriate, within the time prescribed;

"(B) listing the nonpermissible electric face equipment by type and manufacturer being used by such operator in connection with mining operations in such mine on the operative date of this title and on the date of the application for which a noncompliance permit is requested and stating whether such equipment had ever been rated as permissible;

"(C) setting forth the actions taken from and after the operative date of this title to comply with such paragraphs, together with a plan setting forth a schedule of compliance with the appropriate paragraphs for the equipment referred to in such paragraphs and being used by the operator in connection with mining operations in such mine with respect to which such permit is required and the means and measures to be employed to achieve compliance; and

"(D) include such other information as the Secretary may require.

"(7) One year after the operative date of this title all replacement equipment acquired for use in any mine referred to in this subsection shall be permissible and shall be maintained in a permissible condition, and in the event of any major overhaul of any item of equipment in use one year after the operative date of this title such equipment shall be put in, and thereafter maintained in, a permissible condition, if, in the opinion of the Secretary, such equipment or necessary replacement parts are available.

"(8) The operator of each coal mine shall maintain in permissible condition all electric free equipment, required by this subsection and subsection (a) of this section to be permissible.

"(9) Each operator of a coal mine shall, within two months after the operative date of this title, file with the Secretary a statement listing all electric face equipment by type and manufacturer being used by such operator in connection with mining operations in the working section of such mine as of the date of such filing, and stating whether such equipment is permissible and maintained in permissible condition or nonpermissible on such date of filing, and, if nonpermissible, whether such nonpermissible equipment has ever been rated as permissible, and such other information as the Secretary may require.

"(10) The Secretary shall promptly conduct a survey as to the total availability of new or rebuilt permissible electric face equipment and replacement parts for such equipment and, within six months after the operative date of this title, publish the results of such survey.

"(11) No permit for noncompliance shall be issued under this subsection for any nonpermissible electric face equipment, unless such equipment was being used by an operator in connection with the mining operations in a coal mine on the operative date of this title.

"(12) As used in this title, the term 'permissible electric face equipment' means all electrically operated equipment taken into or used in the working section of any coal mine the electrical parts of which, including, but not limited to, associated electrical equipment, components, and accessories, are designed, constructed, and installed, in accordance with the Secretary's specification, to assure that such machines will not cause a mine explosion or mine fire, and the other features of which are designed and constructed, in accordance with the Secretary's specifications, to prevent, to the greatest extent possible, other accidents in the use of such equipment. The regulations of the Secretary in effect on the operative date of this title relating to the requirements for investigation, testing, approval, certification, and acceptance of such equipment as permissible shall continue in effect until modified or superseded by the Secretary, except that the Secretary shall promptly provide procedures, including, where feasible, field testing, approval, certification, and acceptance by an authorized representative of the Secretary, to facilitate compliance by an operator with the permissibility requirements of this subsection within the periods prescribed.

"(13) Any operator or representative of miners aggrieved by a final decision of the Secretary under this subsection may file a petition for review of such decision in accordance with the provisions of this Act.

"(c) A copy of any permit granted under this section shall be mailed immediately to a duly designated"

AMENDMENT NO. 8—AUTOPSIES OF MINERS

(Section 401)

On page 107, after line 23, insert:

"In furtherance of research on the incidence and prevalence of pneumoconiosis, if the death of any active miner occurs in any coal mine, or if the death of any active or inactive miner occurs in any other place, the Secretary of Health, Education, and Welfare is authorized to provide for an autopsy to be performed on such miner, with the consent of his surviving widow or, if he has no such widow, with the consent of his next of kin. The results of such autopsy shall be submitted to the Secretary of Health, Education, and Welfare and, with the consent of such survivor, to the miner's physician or other interested person. Such autopsy shall be paid for by the Secretary of Health, Education, and Welfare."

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

The CHAIRMAN. All time having expired, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Coal Mine Health and Safety Act of 1969".

Mr. PERKINS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. STEED, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 13950) to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes, had come to no resolution thereon.

CERTAIN TECHNICAL AMENDMENTS AND MODIFICATIONS PROPOSED BY THE BUREAU OF MINES TO H.R. 13950

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that certain technical amendments and modifications as proposed by the Bureau of Mines to the Federal Coal Mine Health and Safety Act of 1969 be printed in the RECORD. It is a new section for title III, as proposed to be amended.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. PUCINSKI. Mr. Speaker, reserving the right to object, and I do so only to clarify the record for a point of information, the request would in no way preclude full discussion on these amendments tomorrow, nor would it preclude a separation of these amendments when they come up for voting.

Mr. PERKINS. Mr. Speaker, the only purpose of putting the modifications to title III in the RECORD is so Members may have access to those modifications tomorrow when they receive the CONGRESSIONAL RECORD.

Mr. PUCINSKI. Mr. Speaker, I thank the gentleman from Kentucky.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON S. 1857, NATIONAL SCIENCE FOUNDATION ACT AMENDMENTS OF 1969

Mr. MILLER of California submitted the following conference report and statement on the bill (S. 1857) to authorize appropriations for activities of the National Science Foundation pursuant to Public Law 81–507, as amended:

CONFERENCE REPORT (H. REPT. No. 91–600)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1857) to authorize appropriations for activities of the National Science Foundation pursuant to Public Law 81–507, as amended, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1970, to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958, out of any money in the Treasury not otherwise appropriated, $477,605,000.

"SEC. 2. Appropriations made pursuant to authority provided in section 1 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

"SEC. 3. Section 14 of the National Science Foundation Act of 1950, as amended by Public Law 90-407 (82 Stat. 360), is amended by adding at the end thereof the following new subsection:

"'(i) Notwithstanding any other provision of law, the authorization of any appropriation to the Foundation shall expire (unless an earlier expiration is specifically provided) at the close of the second fiscal year following the fiscal year for which the authorization was enacted, to the extent that such appropriation has not theretofore actually been made.'

"SEC. 4. Appropriations made pursuant to this Act may be used, but not to exceed $2,500, for official reception and representation expenses upon the approval or authority of the Director, and his determination shall be final and conclusive upon the accounting officers of the Government.

"SEC. 5. In addition to such sums as are authorized by section 1 hereof, not to exceed $3,000,000 is authorized to be appropriated for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

"SEC. 6. Notwithstanding any provision of the National Science Foundation Act of 1950, or any other provision of law, the Director of the National Science Foundation shall keep the Committee on Science and Astronautics of the House of Representatives and the Committee on Labor and Public Welfare of the Senate fully and currently informed with respect to all of the activities of the National Science Foundation.

"SEC. 7. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c). If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

"(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

"(c) The programs referred to in subsections (a) and (b) are as follows:

"(1) the programs authorized by the National Science Foundation Act of 1950; and

"(2) the programs authorized under title IX of the National Defense Education Act of 1958 relating to establishing the Science Information Service.

"(d)(1) Nothing in this Act, or any Act amended by this Act, shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

"(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

"(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

"SEC. 8. This Act may be cited as the 'National Science Foundation Authorization Act, 1970.'"

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same.

GEORGE P. MILLER,
EMILIO Q. DADDARIO,
JOHN W. DAVIS,
GEORGE E. BROWN, JR.
JAMES G. FULTON,
LARRY WINN, JR.,
CHARLES A. MOSHER,
Managers on the Part of the House.

EDWARD KENNEDY,
CLAIBORNE PELL,
TOM EAGLETON,
GAYLORD NELSON,
WINSTON L. PROUTY,
PETER H. DOMINICK,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The Managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S-1857) to authorize appropriations for activities of the National Science Foundation and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The amendment of the House struck out all after the enacting clause in the Senate bill and substituted new language. The committee of conference agreed to accept the House amendment with certain amendments proposed by the Managers on the part of the Senate.

The differences are explained as follows:

For fiscal year 1970 the National Science Foundation requested authorization in the amount of $487,000,000. (This figure is exclusive of the $10,000,000 Sea Grant program which is authorized independently and of $3,000,000 to be made available in excess foreign currencies.)

The Senate increased this request to $487,150,000.

The total appropriations authorized by the House amendment were $474,305,000. This represented a decrease from the Senate bill of $12,845,000. As a result of the conference, the total amount of appropriations to be authorized was adjusted to $477,605,000. To this sum, the Managers on the part of the House agreed.

FUNDING ACTION

The differences reflected by this total from that carried in the bill as passed by the House are as follows:

(1) A sum of $2,000,000 to permit the construction of an Oceanographic Research Vessel was restored, as originally requested by the National Science Foundation. This item had been deferred by the House on the basis of long-range scheduling and pending completion of further study. Evidence adduced by the Senate convinced the conferees that conditions do not now warrant delay of the ship construction.

(2) A sum of $300,000 to permit the acquisition of a small research aircraft by the National Center for Atmospheric Research at Boulder, Colorado, was restored as originally requested by the National Science Foundation. This plane is to replace a similar aircraft lost in an accident over Lake Superior in 1968. House conferees concurred that it would be more economical to purchase the aircraft than to continue to lease and equip a privately owned one.

(3) A sum of $1,000,000, part of a $3,000,000 block of unobligated appropriations carryover from fiscal year 1969 which the House had deleted, was restored by the conference. House conferees concurred in the view that authorization of this amount would provide the National Science Foundation with at least minimal leeway in program planning for fiscal year 1970, particularly in view of the requests being made on the Foundation by other Government agencies for research assistance.

Total restoration of funds in the bill thus amount to $3,300,000.

ARECIBO IONOSPHERIC OBSERVATORY

The bill as passed by the House eliminated again on the basis of deferral, $3,300,000 for the resurfacing of the Arecibo Radio Telescope. The reason for the deferral was largely a matter of priorities. The House felt that, since the telescope could operate usefully using the present surface, these funds were needed to a greater extent elsewhere. The reason for the deferral did not indicate any disagreement on the part of the House over the desirability of resurfacing.

This matter was the subject of considerable discussion by the committee of conference. The conferees agreed to make it clear that while they accepted the House position, they were strongly in support of the continued activity of the Arecibo facility as planned and of its upgrading. It was emphasized that the proposals of the Foundation in regard to the Arecibo facility should be considered sympathetically in the future.

EXPIRATION OF UNFUNDED AUTHORIZATION

The bill as passed by the House carried a proviso that all outstanding unfunded authorization accruing to the National Science Foundation should henceforth expire at the close of the first fiscal year after the fiscal year for which the authorization was enacted. The Senate bill had originally provided that such authorization should expire at the close of the third fiscal year following the year of authorization.

The conference agreed to require that such authorization expire at the close of the second fiscal year following the year of authorization.

"STUDENT UNREST" PROVISION

The bill as passed by the Senate contained no provision relating to restraints to be applied to persons attending or employed by institutions receiving funds thereunder who violate the law or the regulations of the institution.

The House amended the bill to include such a provision. In essence, that provision stated that no funds under the Act could be

paid by the institution to such persons if they

(a) willfully refused to obey a lawful regulation or order of such institution and such refusal was of a serious nature and contributed to the disruption of the administration of such institution; or

(b) had been convicted in any Federal, State, or local court of competent jurisdiction of inciting, promoting, or carrying on a riot, or convicted of any group activity resulting in material damage to property, or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

The committee of conference chose to substitute a similar provision, but one which is already law in connection with five major Federal programs of higher education. The committee of conference has thus included in the bill, with appropriate technical changes, the eligibility-for-student-assistance clause of the Higher Education Amendments of 1968. (P.L. 90–575. Sec. 504)

The intended effect of the two versions is the same. The major difference is that the provision adopted by the conference, when evoked, is effective against violators for two years. The effective life of the provision in the bill as passed the House might be interpreted in one of several ways, from a single year to an indefinite period.

The over-riding factor, however, is that the provision approved by the conferees has already been studied and approved by the Congress in regard to other similar situations.

GEORGE P. MILLER,
EMILIO Q. DADDARIO,
JOHN W. DAVIS,
GEORGE E. BROWN, Jr.
JAMES G. FULTON,
LARRY WINN, Jr.
CHARLES A. MOSHER,
Managers on the Part of the House.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE REPORT ON H.R. 14465, EXPANSION AND IMPROVEMENT OF NATION'S AIRPORT AND AIRWAYS SYSTEM

Mr. PERKINS. Mr. Speaker, I ask unanimous consent, on behalf of the gentleman from West Virginia (Mr. STAGGERS) that the Committee on Interstate and Foreign Commerce may have until midnight tonight, October 27, to file a report on the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airways system for the imposition of airport and airway user charges, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

THE 10TH ANNUAL REPORT ON WEATHER MODIFICATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–186)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed with illustrations:

To the Congress of the United States:

In recent months many American communities were ravaged by storms that were among the most violent and destructive in our history. Although our civilization has been able to perform the incredible feat of placing a man upon the moon and returning him to earth, we have only a very incomplete understanding of the forces which shape our weather and almost no power to control or change them. That is why this Tenth Annual Report on Weather Modification, as submitted by the National Science Foundation for Fiscal Year 1968, is of special interest.

This report tells of the important progress that is taking place in the field of weather modification—on projects ranging from augmenting precipitation and dissipating fog to simulating the life cycle of hurricanes. Such advances may someday permit us to manipulate our weather in ways which protect us from natural disasters and substantially improve the quality of our environment.

I congratulate those Americans who, in cooperation with scientists of other nations, are doing so much to achieve these goals.

RICHARD NIXON.

THE WHITE HOUSE, *October 27, 1969.*

ROGERS SAYS "GRAS LIST" SHOULD BE INSPECTED, ELIMINATED

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, for many years now, the American public has visited the marketplace and selected foods without thought of possible danger. The enactment of the Federal Food, Drug, and Cosmetic Act in 1938 and the activity of the Federal Government in the area of food inspection gave the American public a feeling of complete security from harmful and dangerous foods.

Mr. Speaker, the turn of events over the past 2 weeks indicate that the confidence the public has placed in the Food and Drug Administration may have been shaken.

First there was cyclamate, a sweetener which is believed to represent a possible cancer cause. Then came monosodium glutamate. Brain damage in animals fed MSG has caused concern for that portion of the public which uses products with MSG, including baby food.

The one thing which both these items have in common is that they both are additives and have been placed on a list called generally recognized as safe. The novel thing about this list is that none of the more than 600 items on it have been subjected to FDA laboratory testing. They are in the marketplace, but FDA has not run any tests on them nor has testing been required by industry.

It it my feeling that any additives which are used in food products should first be tested. And there should be no type of list which is generally recognized as safe. Either the additive is safe or it is not and the FDA has the responsibility for deciding this.

I think the GRAS list may be compared to an unloaded gun. Both are generally recognized as safe until someone is killed.

Last week I wrote HEW Secretary Finch and asked that he immediately order testing on all items on the GRAS list. If FDA personnel is not adequate to this task, then he should press the National Academy of Sciences into the crash program.

When the testing is completed and the additives are approved, then the list of items generally recognized as safe should be abolished. All additives from then on should be thoroughly tested.

The FDA is supposed to be the Government's consumer protector, but the cyclamate and monosodium glutamate cases indicate that the credibility of this agency has been severely compromised.

THE AMERICAN SECURITY COUNCIL IDENTIFIES MORATORIUM REDS

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous mattter.)

Mr. WAGGONNER. Mr. Speaker, to supplement the mounting evidence that the recent moratorium was a handmade product of domestic and foreign Communists and their agents and dupes, and there were dupes, the American Security Council has just issued a documentation entitled "Mobilization for Surrender," which should be made required reading for all who, ill advisedly, supported the moratorium or who might want to reconsider participating in the next one.

It is one thing to be guilty of misplaced emotions; it is quite another to be guilty of participation in something conceived to support the Communists in general and the Vietcong in particular.

The report prepared by the American Security Council follows:

MOBILIZATION FOR SURRENDER

As protests against the war in Vietnam rise across the country, Americans should become aware of the origins of these protests.

During the late Spring of 1969, a group of approximately 30 radical leaders of anti-war organizations issued a Call to a National Anti-War Conference to be held in Cleveland, Ohio, July 4–5, 1969. The Call was initiated for the most part by individuals associated with the National Mobilization Committee to End the War in Vietnam (MOBE), an organization which has functioned as a coalition for numerous anti-war groups operating throughout the country. Included among those persons who endorsed the Conference Call were such MOBE leaders as David Dellinger, Robert Greenblatt, Donald Kalish, Sidney Lens, Sidney Peck and Maxwell Primack.

Functioning as the lineal descendant of A. J. Muste's November 8 Mobilization Committee for Peace in Vietnam, MOBE has a three-year history involving violence and civil disobedience. MOBE sponsored the October 21–22, 1967 demonstrations in Washington, D.C., during which time repeated attempts were made to close down the Pentagon. It also jointly planned and executed the disruption of the 1968 Democratic Party National Convention held in Chicago, and sponsored the demonstrations in the Nation's Capital on January 18–20, 1969 in protest over the inauguration of President Nixon.

In a determined effort to revive and strengthen agitational protest activities against U.S. military involvement in Viet-

nam, MOBE-oriented initiators of the Cleveland Conference believed that a more extensive formation of MOBE was required in order to establish an effective anti-war program. According to the published Call, the purpose of the Conference was to "broaden and unify the anti-war forces in this country and to plan co-ordinated national anti-war actions for the fall." The Conference was hosted by a MOBE-affiliated organization called the Cleveland Area Peace Action Council (CAPAC), a coordinating body of several dozen anti-war groups in Cleveland, in cooperation with the University Circle Teach-In Committee at Case Western Reserve University. The meetings were held during the entire two-day period at the University's Strosacker Auditorium. Publicity for the Conference was arranged by several organizations including the Student Mobilization Committee to End the War in Vietnam, a group dominated by the Trotskyist Socialist Workers Party.

The Conference was attended by approximately 900 persons, many of whom were delegates from anti-war groups comprising individuals identified in sworn testimony as Communists, well-known Communist sympathizers, and radical pacifists in their leadership. Among the more notorious organizations represented at the Conference, in addition to MOBE and CAPAC, were the Communist Party, U.S.A., W.E.B. DuBois Clubs of America, National Lawyers Guild, Chicago Peace Council, Southern California Peace Action Council, Veterans for Peace in Vietnam, Socialist Workers Party, Young Socialist Alliance, Student Mobilization Committee To End the War in Vietnam, Youth Against War and Fascism, Fifth Avenue Vietnam Peace Parade Committee, Women's Strike for Peace, and the Students for a Democratic Society. There were also in attendance persons representing so-called "GI underground newspapers" which are devoted to disseminating anti-war propaganda and to discrediting the U.S. Armed Forces.

A Steering Committee of about 20 to 30 members formed the ruling clique at the Conference. In effect, the Steering Committee was a self-appointed group composed mostly of Communists and radical pacifists with pro-Communist leanings who have participated in MOBE action projects in varying degrees. Members of the Steering Committee with Communist backgrounds included the following: Arnold Johnson, Public Relations Director and legislative representative of the Communist Party, U.S.A. (CPUSA); Irving Sarnoff, who has served as a member of the District Council, Southern California CPUSA; Sidney M. Peck, a former State Committeeman, Wisconsin CPUSA; Dorothy Hayes of the Chicago Branch, Women's International League For Peace and Freedom, who has been identified in sworn testimony in 1965 as a Communist Party member; Sidney Lens (Sidney Okun), leader of the now defunct Revolutionary Workers League; and Fred Halstead, 1968 presidential candidate of the Socialist Workers Party. Moreover, Steering Committee member David Dellinger, MOBE Chairman, declared in a May 1963 speech: "I am a communist, but I am not the Soviet-type communist."

The first day of activity was mainly devoted to speeches by MOBE officials and representatives of various groups. Among those who participated in the deliberations on July 4, 1969, were Jerry Gordon, Chairman, Cleveland Area Peace Action Council; Sidney Peck, MOBE Co-Chairman; Irving Sarnoff, Dellinger, LeRoy Wolins, leader of the Chicago branch, Veterans for Peace in Vietnam; Stewart Meacham, Peace Secretary, American Friends Service Committee; Mark W. Rudd, National Secretary, Students for a Democratic Society (SDS); Bill Ayers, SDS Educations Secretary; Arnold Johnson, of the CPUSA; Jack Spiegel, once a Communist Party candidate for Congress in Illinois; David Hawk, Co-Coordinator, Vietnam Moratorium Committee; Douglas Dowd, New University Conference; and several persons representing Trotskyist organizations. In addition to Peck, Sarnoff and Johnson, Wolins and Spiegel have been identified as members of the Communist Party.

There were a number of other individuals attending the Conference, in addition to those previously identified, who have been closely linked with activities of the Communist Party, U.S.A. or its front apparatuses. Some of these persons were Phil Bart, newly appointed Chairman, Ohio CPUSA; Jay Schaffner, W.E.B. DuBois Clubs of America; Charles Wilson of Chicago; Ishmael Flory, Afro-American Heritage Association; Gene Tournour, National Secretary, W.E.B. DuBois Clubs of America; and Sylvia Kushner, leader of the Chicago Peace Council.

The Conference was well represented by a number of functionaries of the Socialist Workers Party (SWP) and its youth arm, Young Socialist Alliance (YSA). It is noteworthy that the Conference itself was marked by periods of dissension. At the outset of the Conference, it became apparent that the majority of those in attendance were affiliated with numerous anti-war groups operating under the domination of the Trotskyist SWP or YSA.

There were two principal issues at the Conference which were vigorously debated with respect to the nature of Fall anti-war demonstrations. First, the SWP essentially held that a Fall anti-war action should comprise only a massive, legal as well as peaceful march on Washington, with the sole demand of immediate withdrawal of the U.S. Armed Forces from Vietnam. This proposal brought about a split in the Steering Committee; however, it was defeated. David Dellinger and Douglas Dowd presented the majority proposal which called for the Steering Committee's support of a "Washington action" project together with the endorsement of the scheduled "Chicago action" originally planned by SDS for September 27, 1969. Interestingly, the SDS project extended the "Washington action" demand beyond troop withdrawals and advocated civil disobedience as a necessary part of the demonstrations.

Secondly, the other main source of disagreement which occurred at the Conference involved a proposal by SDS National Secretary Mark Rudd to plan the Fall anti-war actions to center around the Marxist-Leninist theme of an "anti-imperialist struggle." The SDS proposal was disapproved by the majority of the delegates who took the position that the Fall demonstrations should concern only the issue of the Vietnam War.

During part of the second and final day of the Conference the delegates and observers attended workshop sessions which were devoted to the following topics in connection with proposed demonstration tactics: "November Washington Action," "September Chicago Action," "September Washington Action," "August 17 Summer White House Action," "October 15th Vietnam Moratorium," "GI's and Vets," and "Third World."

The plenary session reconvened during the afternoon of July 5, 1969 at which time the Steering Committee introduced a "majority-minority" resolution for approval. The Communist-oriented Guardian of July 12, 1969 stated that the resolution was "vague" and gave "support" to "all factions and covered up all political differences. The resolution said next to nothing about the Chicago demonstration except that negotiations would be held. The unity resolution was accepted with little discussion." The Conference resolution agreed to endorse or assist in organizing a series of anti-Vietnam war action projects commencing during the month of August and terminating with the November 15, 1969 demonstration in Washington, D.C.

The Conference resolution specifically adopted the following actions:

(1) Support a mass march on President Nixon's Summer White House at San Clemente, California on August 17, 1969.

(2) Endorse an enlarged "reading of the war dead" demonstration in Washington, D.C. in early September 1969.

(3) Support plans of the Vietnam Moratorium Committee for a "moratorium on campuses" on October 15, 1969.

(4) Support the September 27, 1969 demonstration in Chicago sponsored by SDS in opposition to the Vietnam War and to protest the trial of "The Conspiracy" scheduled to commence on that day.

(5) Support a "broad mass legal" demonstration around the White House in Washington, D.C. on November 15, 1969 which will include a march and rally in other areas of the city. An associated demonstration will be planned for the same date on the West Coast.

The Conference agreed to form a bicameral organization to effectively launch the Chicago and Washington actions. Two Co-Chairmen and two project directors were designated to be responsible for the Chicago demonstration slated for September 27, 1969. They were: Sidney Lens and Douglas Dowd, Co-Chairmen; and Renard (Rennie) C. Davis and Sylvia Kushner, Project Directors. With respect to the Washington action scheduled for November 15, 1969, the Conference selected Sidney Peck and Stewart Meacham to administer that project; Fay Knopp and Abe Bloom were to be Project Directors. In an effort to develop both the Chicago and Washington actions in a related manner, David Dellinger was selected by the Cleveland Conference to be a liaison coordinator between both proposed demonstrations.

The Conference claimed that it selected a "new, broadly-based" National Steering Committee of approximately 30 individuals to "implement the program of action." Prior to adjourning, the Steering Committee adopted a new name for the organization which was to be responsible for planning and directing the Fall demonstrations. It was designated the New Mobilization Committee to End the War in Vietnam. However, in actuality, the MOBE-oriented Steering Committee composed of key MOBE officials, simply decided to drop the name National Mobilization Committee and substitute a new but similar title. Therefore, the New MOBE succeeded the "old" National MOBE with the leadership of the latter remaining virtually intact. The New MOBE has characterized itself as a "new anti-war coalition" which will "carry forward the work of the old National Mobilization Committee" to "affect the inclusion of a wider social base among GI's, high school students, labor, clergy and third world communities." It simply added overt support from the Communist Party and Socialist Workers Party to create a "united front" approach.

Since the staging of the National Anti-War Conference in Cleveland in July 1969, New MOE has increased the size of its Steering Committee. It has also instituted a number of organizational changes in planning for the Fall demonstrations. One such change brought about the withdrawal of New MOBE support for the SDS-sponsored Chicago action which was re-scheduled from September 27 to October 11, 1969. New MOBE re-scheduled its Chicago action to October 25, 1969. The reason for this change was the fact that New MOBE leadership felt apprehension over the SDS project which they deemed foolhardy and destined for a collision course with the Chicago Police Department. In effect, New MOBE viewed that its participation in such an "adventurous" project of outright confrontation would be detrimental to both New MOBE and the entire anti-war movement at this time.

An evaluation of the Conference by the Socialist Workers Party provided a revealing insight into the effectiveness of the Conference from a Communist viewpoint. The SWP

declared: "The attendance at the conference, the serious political debate, the program mapped out and the spirited note on which the sessions ended offer every promise that the anti-war movement is on the road to one of the biggest things this country has ever seen."

The distinguished Senators and Congressmen, TV commentators, newsmen, columnists, professors and others who have described the Vietnam Moratorium as "responsible dissent" have, in fact, lent Moratorium whatever "responsibility" it has. In most cases, they have acted from the laudable desire for peace but without first checking the facts. They have failed to ask the key question, "What kind of peace?"

North Vietnam's Prime Minister, Pham Van Dong, has no illusions. He knew precisely what he was saying when he addressed his letter in support of the Moratorium to his "Dear American Friends."

THE EXPORT CONTROL BILL

(Mr. WIDNALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, on Thursday, October 16, by vote of 272 to 7, the House reported out H.R. 4293, with amendments, a bill to provide for continuation of authority to regulate exports. On Wednesday, October 22, the Senate Chamber reported out S. 2696, cited as the "Export Expansion and Regulation Act of 1949" which differed substantially from the House action. Both bills must now go to conference for resolution.

The existing Export Control Act of 1949 expired June 30 and due to congressional inaction we have been forced to resort to two 60-day resolutions. The current resolution expires Friday, October 31, just a few days away.

Mr. Speaker, this important piece of legislation has been moving through Congress at a snail's pace and the time has come for us to take immediate action. We are being characterized as a "do-nothing Congress" and this is one area where the label fits. We should take fast remedial action. Let us get this piece of legislation into conference now; let us avoid long and unnecessary discussions and disputes, and get on with the business at hand.

Both the House and Senate versions of the export control bill recognize, the House clearly, and the Senate vaguely, the need in the interest of national security and foreign policy to regulate exports. H.R. 4293 is a good bill—straightforward and easily understood. It goes a long way toward meeting the two main points of concern contained in the Senate bill—consideration of the availability of products from countries other than the United States and the removal of the requirement to deny a license application where the shipment in question contributes to the economic as opposed to strategic potential of Communist countries. H.R. 4293 is a bill the administration supports and it passed the House by an overwhelming vote.

The Senate bill, however, is neither clear nor easily understood. In fact, during the course of debate on this bill, there has arisen substantial confusion as to the bill's intent among the business community, the press, and even among the bill's proponents. Some Senate advocates during floor debate implied that the Senate bill would reduce controls over some 1,100 items leaving under control a small list of 200 products. This statement was widely reported in the press. However, Senator MUSKIE himself, the bill's cosponsor, had to correct this misconception. He admitted that the Senate bill decontrolled nothing. In fact, it is difficult to identify even the origin of the figures cited, for commodity definitions appearing on the Department of Commerce's commodity control list vary significantly and are not susceptible to simple characterization. Many are extremely broad and cover a variety of items; others are quite specific. We should not be deluded during our deliberation by accepting any estimate or statement as to the number of items under control, the number of items over which we might not have effective control because such are also available from foreign sources, and most importantly, what number of products which may or may not be described as strategic. Too many products fall in the "gray area" of having dual potential—depending on how or when they are used.

During the testimony, the administration has pointed out repeatedly the need in administering export controls for flexibility and careful analysis on a case-by-case basis. The current legislation provides such flexibility. The administration recognizes changing circumstances. For example, the Secretary of Commerce has already announced significant steps to simplify export documentation.

Mr. Speaker, it is H.R. 4293 that should be considered and approved immediately by the conference committee. Let us get on with this job.

VIETNAM MORATORIUM DAY

(Mr. HAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAGAN. Mr. Speaker, there have been a lot of speeches on the Vietnam moratorium day and as I have listened and read an uneasy feeling has been growing in me and I am convinced that this nationwide demonstration has done more to help the North Vietnamese and less to bring about peace than even the originators may have thought possible. When a letter such as the one written by the Premier of North Vietnam to the American people can be called by him "their fall offensive," we are surely doing something that is very pleasing to the enemy and it is not costing him a man or a gun. What will the cost be to us, to the United States?

I would be one of the first to defend our right to freedom of speech and the freedom to dissent. They are the privileges of a free country and should not be abused. With those privileges go responsibility—responsibility to our country, our leaders, and to our fighting men. Everyone has a responsibility to our men serving overseas. Any indication on our part that will aid the enemy should and must be avoided. One of my colleagues has said that we should be careful that we do not fall into a trap because of this recent so-called moratorium. Our responsibility is to our fighting men and the need to back them up while the war continues, not to give comfort to the enemy through a misunderstood peace demonstration or a denunciation of our leaders.

Walk down the streets of America today, and who will tell you he does not want peace? Who will say they do not want our troops to come home? These same people will be unwilling to compromise our men and our policies for "peace at any price." They trust and believe that our duly elected leaders will at all times have uppermost in their thinking and planning the desire of the American people for an end to the war, an early and honorable end. An end that will not leave one more country in the hands of the Communists, an end that will give people who wish the freedom to govern themselves, the opportunity to do so. That is what it is all about. We have a responsibility, those participating in moratorium days have a responsibility and it is not to the enemy. We must assume that this enemy is not stupid and if we let this vocal element mislead the enemy without standing up and being counted then we, too, share in the irresponsibility of these demonstrations.

The letter written by the Premier of North Vietnam to the American public was almost gleeful. It shows clearly how this is playing into their hands and will no doubt help delay peace talks in Paris and will encourage the North Vietnamese to wait for more demonstrations and more concessions brought on by the pressure of these groups.

Recently, a House resolution was introduced by the leaders from both sides of the aisle relating to demonstrations for peace. I supported this resolution calling upon all Americans to disassociate themselves from any efforts of the North Vietnam Premier to use these demonstrations to undercut the United States. The right of dissent must not and should not be considered assent to the enemy's cause.

I sincerely hope that every American will carefully weigh this entire situation before participating in similar demonstrations scheduled for the future.

AMERICA'S YELLOW BELLY

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, in the last few weeks many voices have been heard about American posture in Vietnam. Some of our "bug-out" colleagues are helping to create an international image somewhat strange to patriotic basic American philosophy. The London, England, Daily Telegraph of October 15, 1969, had an editorial that should create some real second thoughts for these vocal, inexperienced foreign policy "experts."

The editorial follows:

AMERICA'S YELLOW BELLY

How is America going to behave today? It threatens to provide a spectacle to turn the stomach—a great nation in a delirium of treason and shame. Let us hope this turns

out not to be the case. The omens are not good. It is the first day of the so-called "moratorium" nationwide anti-Vietnam war campaign. Thousands, perhaps millions of Americans of all kinds and all ages have been induced by rising anti-war hysteria to demonstrate for an abdication from responsibility. Other countries, in particular those of Western Europe, cannot simply sit by and regard this phenomenon with cold objectivity. America is top of the pile in material resources. What she does with her moral resources is therefore a matter of literally vital concern to the rest of us.

All this madness is naturally being watched in Hanoi with undisguised glee—no doubt with some stupefaction too. The North Vietnamese minister of culture, who also holds the post of chairman of the Vietnamese Committee of Solidarity with the American People (how often does this committee meet?), has addressed words of gratitude and encouragement to the "dear friends" of the Vietnamese in America.

President Nixon has summed up the situation correctly in his letter to a student. It would be, he wrote, "an act of gross irresponsibility" on his part to abandon his policy because of public demonstration. It is precisely this irresponsibility which today's "Get out now" demonstrators will be pleading for. The Americans set their hand to Vietnam and things have not worked out for them. That is no reason to make matters a hundred times worse by scuttling like a beaten rabble.

INACCURATE SONIC-BOOM TALK

(Mr. PELLY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PELLY. Mr. Speaker, there is considerable discussion, and often emotional, concerning the effect of a sonic boom from an airplane passing overhead in excess of the speed of sound. The noise emitted, or the boom, is inevitable when an aircraft is flying supersonically, but the noise that is being heard regarding that boom often is erroneous.

The actual experience most people say they have experienced with the boom, Mr. Speaker, is from an accidental, low-level military sonic boom. The supersonic transport that is planned by the United States will fly at altitudes of 70,000 feet, thus dissipating the boom, according to engineers. In addition, present plans call for banning the SST overland should there be complaints.

The SST, by present reckoning, would be used over water, and it is important to remember that our earth is mostly covered by our oceans.

In my judgment, the supersonic transport is the only ongoing technological achievement we are working on in the field of air transport, and if we are going to continue our leadership in the field of air transportation, we had better get going. Without the supersonic transport, American dominance in this field will come to an end.

The Seattle Times on October 20, presented an editorial on the matter of the sonic boom, and I insert it at this point in the RECORD:

INACCURATE SONIC-BOOM TALK

Critics of the supersonic transport who enaged in scare talk about sonic booms would be well advised to lower their own noise level until they get their facts straight.

This conclusion is inescapable if one considers the central facts about the SST sonic boom as reviewed in Seattle last week by John H. Shaffer, head of the Federal Aviation Administration.

The plain truth is that the American people are never going to be subjected to the SST's sonic boom, Shaffer made clear. The SST will fly in and out of land-locked airports all over the country at subsonic—not supersonic—speeds.

When the giant craft approaches faster-than-sound speeds, it will be over the ocean and flying at a height that dissipates the boom effect as far as the surface of the earth is concerned.

"People who are talking about the boom never will be subjected to it," Shaffer said.

And yet the government expects at least 500 of the Boeing-built planes to be sold by 1990, enabling the Treasury to recover its investment in the SST, providing jobs for tens of thousands of skilled workers in all parts of the country, and retaining for the United States its present position as world leader in commercial aviation.

Shaffer pointed out that commercial aircraft are "the one product with which we successfully compete with other countries, regardless of the cost of labor."

Now that President Nixon's request for continued SST financing is before Congress, informed members of that body ought to make certain that the essential facts about this project—so vital to this nation's international balance of payments—are not obscured by irresponsible talk about a sonic boom to which the public will not, in fact, be exposed.

SDS WORKERS GROUPS TO CUBA CIRCUMVENT U.S. ECONOMIC SANCTIONS

(Mr. ADAIR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAIR. Mr. Speaker, it has come to my attention that plans are going forward by the Students for a Democratic Society to send two groups of 150 "workers" each to aid the Cuban Government harvest its 1970 sugar crop. Since June of this year radical organizers of the "youth brigade" have been conducting a national campaign to enlist young persons to this cause. It concerns me greatly that recent Supreme Court decisions prevent the application and enforcement of area travel restrictions to these radicals. By allowing this movement to go forward, we are permitting the economic sanctions we have imposed on the Communist government of Cuba to be circumvented and are also giving Castro more economic freedom to pursue and instigate guerrilla wars throughout Latin America.

It is instructive to read the resolution printed in the SDS publication, New Left Notes, in June 1969, which sets forth the reasons for this project:

(1) To give political, moral, and material support to Cuba for the critical sugar harvest in 1970;

(2) To educate people about the international revolution against imperialism; and

(3) To gain a practical understanding of creative application of communist principles on a day to day basis.

SDS organizers claim to be receiving 20 applications per day to harvest sugar for Cuba.

When our embargo on trade with Cuba and the blacklisting of all ships visiting Cuban ports is just beginning to achieve the desired result of placing such a burden on the Cuban economy that it is incapable of exporting Communist revolutions elsewhere in Latin America, it seems most self-defeating to permit Americans to lend assistance in the harvesting of the 1970 sugar crop, which is considered critical both for the economy of the country and for the survival of Castro's regime. Castro himself has described the goal of 10 million tons of sugar to be produced in 1970—4,500,000 tons were produced in 1969—as "a test of the honor and merit of the revolution." If this goal is realized, Castro will be able to supply all the needed sugar for barter with the Soviet Union and then sell substantial amounts on the world market for good foreign exchange with which Cuba can purchase goods from Western Europe and Japan.

If this planned trip of initially 300 young radicals and possibly a great many more later in the year goes forward, it will be the largest group of Americans to visit Cuba since Castro took over in 1959. This, in my opinion, is sufficient justification for the introduction and passage of legislation which for the first time gives the Secretary of State authority to impose and enforce area travel restrictions. Recent Supreme Court and court of appeals decisions, including *Lynd* v. *Rusk*, 389 F2d 940, and *United States* v. *Laub*, 385 US 475 (1967), prohibit the enforcement of these area restrictions and also the imposition of sanctions for their violation. Essentially, these cases have held that it would be a violation of due process to enforce these restrictions as there is at present no statutory authorization for their imposition or enforcement. Thus, Mr. Speaker, I will soon introduce legislation providing such authorization in the hope that such expeditions as the one I have just described can be avoided in the future.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Speaker, I appreciate the gentleman from Indiana (Mr. ADAIR) yielding to me.

Mr. Speaker, it is good the gentleman has brought this to the attention of the House today, because looking as we do to what is proposed on November 15, this Congress and this Nation need to know what some of us know about this movement, which has used good Americans as dupes, and is directed from Hanoi.

There is one good thing about these groups going to Cuba, and that is for the first time in their lives if they do help in the Cuban sugar harvest, most of them will be doing the first work in their lives, because they have not contributed anything to this economy.

The gentleman from Indiana is eminently correct. They should not be allowed to go, but if they do they should not be allowed to return.

PRESIDENT'S NEW MARITIME PROPOSALS

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, the New York Times over the weekend made a typically impetuous editorial comment on the President's new maritime proposals. In their usual manner of viewing only the immediate effects of events, they failed to see the long-range results that would be brought about by the President's well-formulated plan for restructuring the maritime industry.

The Times—quick to find fault—points out that the President failed to apply the "same hardheaded principles" underlying most of his proposals to his plan for subsidy of 300 new vessels. They argue that the President's decision was based on "politics alone" and that he failed to consider the fact that "by applying new technology, American shipbuilders ought to be able to compete, without a massive Government crutch, in the wide-open market for new container ships and giant tankers."

Without purporting to be able to read the President's thoughts, it is rather clear to me that Mr. Nixon had just this idea of eventual world competitive ability through American technology in mind. His entire proposals speak of a challenge to the shipbuilding industry to become competitive and stop relying on the "Government crutch."

Every aspect of the program including the underwriting of the 300 new ships is carefully designed to help the maritime shipbuilding industry back into a posture of world competition.

The problem he faced, in this area, however, was that the lack of any substantial long-range Government commitment in the past caused the shipbuilding industry to fall behind in the application of new technological developments. He, therefore, devised a plan that would give the industry the long-range Government backing needed to develop and apply new technological ideas and start the industry on the road away from dependence on Government subsidy.

The fact is, that in every capital-intensive industry the Government has found it necessary to help in the development of new technological skills. The railroads were greatly aided by direct and indirect subsidies in the early years of the industry. Even today, the Department of Transportation is actively engaged in the development of the "Metroliner' as the answer to some of our transportation problems. The airlines are receiving a big boost from the Government in the development of the SST. To apply the New York Times standards to all industries equally, the Government should stop underwriting development of new rapid rail transit and of supersonic air transports. In fact, maybe the Government should get out of the business of granting any subsidies. And maybe we should start by cutting out the second-class mail subsidy granted to the New York Times. What is fair for one is fair for all.

Mr. Speaker, I guess it just depends on whose ox is being gored.

DRUG ABUSE EDUCATION ACT

(Mr. GUDE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. GUDE. Mr. Speaker, Art Linkletter's visit to the White House last week to discuss the tragic death of his daughter has added a dramatic urgency to deal with the problem of drug abuse that we all know surrounds us.

If a private citizen can come forward so selflessly, at a time of such personal grief, to add emphasis to our fight against drug abuse, then it behooves us, as public servants, to act in equal good faith.

I therefore urge, no; I implore my colleagues to consider and swiftly pass the Drug Abuse Education Act, when it comes before the House tomorrow. This act will provide comprehensive support for the establishment of effective drug abuse educational programs in our schools. Our youngsters and our schools have become a principal focal point of this problem, and it is there that we should concentrate our efforts in prevention. The few dollars we spend for the prevention of drug abuse is nothing compared to the thousands of dollars needed to rehabilitate someone who is hooked, and no amount of money can buy back the life of one Diane Linkletter.

LINKLETTER TELLS OF DAUGHTER'S SUICIDE: DRUG DEATH DRAMA UNFOLDS AT WHITE HOUSE

(By Garnett D. Horner)

Art Linkletter recited the personal tragedy of his daughter's suicide to a White House conference today in an effort to alert parents that their children will be tempted to take drugs.

President Nixon, administration officials concerned with the dangerous drug problem and congressional leaders of both parties listened in rapt silence as Linkletter told how LSD had taken the life of his daughter Diane.

At the end of the nearly 2-hour meeting, there was general agreement among the senators and congressmen that the administration's proposals for a new law to tighten up efforts to wipe out traffic in dangerous drugs and to provide flexible penalties for marijuana users and first offenders in particular would be spurred to passage.

Linkletter, a television personality and old friend of Nixon, told the group that "two weeks ago my beautiful 20-year-old daughter leaped to her death from her apartment while in a depressed, suicidal frame of mind, in a panic believing she was losing her mind from recurring bad trips as a result of LSD experiments some six months before."

Linkletter said he decided that "this tragic death would not be hushed up" and that he would "speak out to shock the nation—that this wasn't happening to some other people's children in some poor part of town—that this could happen to a well-educated, intelligent girl" of a traditionally Christian and "straight" family.

He emphasized that Diane was not a hippie, not a drug addict, but "had everything to live for and no problems not normal growing up problems."

Linkletter said one of the dangers of LSD is that it "works in the bloodstream like a tiger—you never know when it is going to hit."

He said his daughter had told him months ago that she had experimented with LSD and found "bum trips" frightened her. She thought use of LSD was ridiculous and that she was not going to do it again.

But, even though she took no more LSD "those trips kept recurring," and led her to think she was losing her mind, Linkletter said.

During the last 10 days, he said he has received "an alarming number" of letters from parents who say they know this is happening in their families and asked him what they should do.

"I was horrified," Linkletter told the group in the White House Cabinet Room, "to find out that I don't know what to tell them."

He said the trouble is that children are reacting to the "drug society." He said they see people on television "popping things into their mouths whether they want to get thin or fat or happy or go to sleep or wake up or erase tensions or take away headaches, or whatever.

He said children in the fourth, fifth and sixth grades should be taught that "you no more put something into your mouth or bloodstream than you walk in front of an automobile or set fire to your dress."

PROPOSED LAW ENDORSED

Endorsing the proposed legislation, particularly the provision for flexible penalties for marijuana users, Linkletter said it is as bad to make the use of marijuana a felony, as present law does, as it would be to have no law at all.

He also endorsed in particular provisions for stricter government inspections and control from manufacturers through distributors of depressant and stimulant drugs, saying most of the illicit supply is diverted from legitimate trade channels.

Sen. Jacob Javits, R.–N.Y., raised a question of why marijuana should not be legalized if medical research shows it is no more harmful than alcohol.

Linkletter said that the country probably would not accept such action and that while marijuana is not physically addictive, at least in some cases it is psychologically addictive and "makes things seem what they are not."

"REALLY DON'T KNOW"

Health, Education and Welfare Secretary Robert H. Finch also said that at present "we really don't know" whether marijuana is addictive or has other physically harmful affects.

Nixon said there are "some real dangers" in the use of marijuana, one being that it may lead an individual to other drugs.

And Sen. Harold E. Hughes, D-Iowa, interjected that he thought all those present know "I am a recovered alcoholic." He suggested that it would be helpful "to at least tell the truth about (effects of) alcohol."

Linkletter said he thought Hughes' suggestion would "answer the charge of the kids that we are hypocritical."

SEES PLUGS IN RECORDS

Turning to what he called the media, Linkletter said that "almost everytime a 'top 40' record is played on radio, it is an ad for marijuana."

He said the lyrics to rock 'n' roll songs have symbols and words that kids understand and which "campaign for the thrills of trips."

Nixon interjected to ask Linkletter if he thinks television is doing an adequate job and went on to suggest that the networks show exciting programs to get the message across.

Though he doesn't think that is being done now, Linkletter said "it is being planned" and that he is personally involved.

PLEDGES TO ACT

Senate Democratic Leader Mike Mansfield, thanking Linkletter for "in effect opening up a new world to me," told the President that if the senate committee clears the proposed legislation," "we will act expeditiously and we will get it passed."

House Speaker John McCormack said "We will do the same thing." and members of committees handling the legislation promised prompt action.

Nixon said, "We're going to keep entirely above partisanship."

PANAMA CANAL ZONE RESOLUTION

The SPEAKER. Under a previous order of the House, the gentleman from Missouri (Mr. HALL) is recognized for 60 minutes.

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

Mr. HALL. Mr. Speaker, it is certainly a pleasure to join with the distinguished gentlewoman from Missouri, the distinguished gentleman from Pennsylvania and the distinguished gentleman from Ohio in introducing into this House a resolution that would arm the President with the sentiment of the House of Representatives—and that of the American people—in any future negotiations with the Republic of Panama Government over the status of our Canal Zone. It is essential that this be done so that a reoccurrence of the abortive proposed 1967 "treaty" does not come back to haunt us. As many may remember this proposed 1967 treaty contained provisions that ceded additional rights of the Canal Zone to Panama, gave Panama joint administration, increased our annual payments to Panama, raised tolls, and forced the United States to share its defense and police powers with Panama.

When the text of this treaty was published there was a hue and cry throughout the United States opposing its provisions. I am sure that Theodore Roosevelt turned over many times in his grave. As we celebrate his birthday today, I am hopeful this resolution will quiet the eternal rest that is so highly deserved by the man whose foresight and energy produced the canal. In 1967 about 150 Members of Congress introduced or cosponsored resolutions expressing the sense of the House that it was the desire of the American people that the United States maintain its sovereignty and jurisdiction over the Canal Zone. The same language exists in the resolution we are introducing today. Public indignation ran so high that the 1967 draft treaty was never sent to the other body for ratification. It even failed consideration in Panama's parliamentary body.

Mr. Speaker, it is now over 2 years later. Much has transpired. A military junta is now ruling Panama. A new administration has taken over the reins here in Washington. We have a new Ambassador to Panama. On the other hand, much has remained the same, Castro is still preaching and exporting revolution and communism in Latin America. American property is still being expropriated "south of the border."

Many people both here and abroad call for the surrender of American bases and rights throughout the world. The Panamanian Government is aware of this and is now willing to make another attempt to negotiate a new treaty. They know that they have nothing to lose, and everything to gain. They no doubt feel that if they obtain concessions from us as they did in the negotiations for the 1967 treaty, they can obtain them again in any new round of negotiations. I am confident that this House resolution we are introducing today, will have a dissuasive effect.

I am also confident that the citizenry of this country know and comprehend the strategic importance of the Canal Zone. As a member of the House Committee on Armed Services I was particularly concerned about the possible effect of the 1967 treaty on both the subjects of national security and hemispheric defense. The importance of the Canal Zone as a bastion on our "southern flank" cannot be overrated. This importance has heightened since 1967, because now the loss and give-away of Okinawa seems eminent. Without our control of the Canal Zone the possibility of a potentially hostile regime in Panama denying access of the transferring of our naval forces from ocean to ocean ever grow. The loss of this access would destroy a link in our defense chain and could produce a disaster.

Mr. Speaker, intertwined with the aspect of national security, is the equally important area of hemisphere defense. The Canal Zone under our control and jurisdiction serves as an outpost, thwarting the perverted ambitions of Castro, Moscow, and Peking. Our presence serves as a constant reminder of our determination to stop subversion in Latin America. I ask, would the presence of Panamanian control of the canal serve a like purpose? I think the answer is obvious.

Beside military considerations, the commercial considerations must also be examined. A Communist or hostile government of any "ism," could completely close the canal to all U.S. shipping. Over 65 percent of all U.S. shipping passing through the canal annually, either originates or terminates in U.S. ports. The added shipping costs, as well as the curtailment of shipping would be astronomical in the event this facility was denied our use.

Besides paying the price for increased shipping costs the U.S. taxpayers could possibly be forced to surrender this aggregate investment of over $5 billion which would constitute the biggest single "give-away" in recorded history. I cannot envision our hard-working taxpayers wishing to write off this huge public asset without some reasonable and tangible compensation in return.

Finally, Mr. Speaker, I am delighted and gratified that so many of my colleagues have cosponsored our resolution today. They represent all sections of this great country and the entire political spectrum. This in turn represents the grassroots, for as we well know no other branch of Government is as representative as the House.

I am equally gratified that my distinguished colleague from Missouri has announced that the Subcommittee on the Panama Canal of the House Committee on Merchant Marine and Fisheries, of which she is chairman, will soon begin hearings on this most important and vital subject. I sincerely hope that the House Committee on Foreign Affairs will follow suit, and hold hearings on our resolution. It is imperative that this body make known the desires, feelings, and opinions of the people so that any future negotiations will reflect these desires, feelings, and opinions. We cannot, as the distinguished gentleman from Pennsylvania (Mr. FLOOD), once said, "afford to see Panama another Cuba and the Panama Canal another Suez."

Mr. Speaker, I am delighted to yield to the gentlewoman from Missouri (Mrs. SULLIVAN), my colleague.

(Mrs. SULLIVAN asked and was given permission to revise and extend her remarks and include extraneous matter.)

Mrs. SULLIVAN. Mr. Speaker, once again the House must assume a leadership role in the protection of American rights to, and in, the Canal Zone and the Panama Canal.

Although the House has no prerogatives under the Constitution in the ratification of treaties, we do have vital responsibilities in connection with the implementation of any treaty which surrenders U.S. rights to territory or property. We have exercised those responsibilities—with responsibility—in numerous historic situations resulting from negotiation and ratification of treaties in which we had no voice until the time came to enact the necessary legislation to implement those treaties.

Before we blunder into, or stumble into, or fall into, or deliberately create a new crisis with the Republic of Panama over the ownership and operation of the Panama Canal and the administration of the Canal Zone, the House must now demonstrate to a new administration what we repeatedly made clear to the previous one, and that is that this body is adamantly opposed to giving away the Panama Canal to the Republic of Panama, or surrendering our rights in the Canal Zone.

An opportunity to express this view—which I know is the overwhelming sentiment of the House of Representatives—is being provided today through the introduction by me and other Members of a House resolution as follows:

H. RES. 592

Whereas it is the policy of the House of Representatives and the desire of the people of the United States that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; and

Whereas under the Hay-Pauncefote Treaty of 1901 between Great Britain and the United States, the United States adopted the principles of the Convention of Constantinople of 1888 as the rules for the operation, regulation, and management of said canal; and

Whereas by the terms of the Hay-Bunau-Varilla Treaty of 1903, between the Republic of Panama and the United States, under the authority of the perpetuity of use, occupation, control construction, maintenance, operation, sanitation and protection for said canal was granted to the United States; and

Whereas the United States has paid the Republic of Panama almost $50,000,000 in the form of a gratuity; and

Whereas the United States has made an aggregate investment in said canal in an amount of over $5,000,000,000; and

Whereas said investment or any part thereof could never be recovered in the event of Panamanian seizure or United States abandonment; and

Whereas under Article IV, Section 3, Clause 2 of the United States Constitution, the power to dispose of territory or other property of the United States is specifically vested in the Congress; and

Whereas 70 per centum of the Canal Zone traffic either originates or terminates in United States ports; and

Whereas said canal is of vital strategic im-

portance and imperative to the hemispheric defense and to the security of the United States; and

Whereas, during the preceding administration, the United States conducted negotiations with the Republic of Panama which resulted in a proposed treaty under the terms of which the United States would shortly relinquish its control over the Canal; and

Whereas there is reason to believe that the present dictatorship in control of the Government of Panama seeks to renew negotiations with the United States looking toward a similar treaty; and

Whereas the present study being conducted by the Atlantic-Pacific Interoceanic Canal Study Commission may result in a decision to utilize the present canal as a part of a new sea level canal; and

Whereas any action looking toward an agreement with the Government of Panama which would affect the interest of the United States in the Canal would be premature prior to the submission of the report of the Commission in any event;

Resolved by the House of Representatives, that it is the sense of the House of Representatives that the Government of the United States maintain and protect its sovereign rights and jurisdiction over said canal and that the United States Government in no way forfeit, cede, negotiate, or transfer any of these sovereign rights or jurisdiction to any other sovereign nation or to any international organization.

Similar resolutions were introduced in the last Congress, with the support and cosponsorship of about 150 Members of the House of Representatives. Hearings were conducted by the Subcommittee on Inter-American Affairs of the House Committee on Foreign Affairs, during which the prevailing sentiment of House Members was clearly established in favor of such a declaration.

However, the legislation was not acted on for the simple reason that, officially, no treaty or proposed treaty actually existed. All we had before us was an unofficial draft as printed in a newspaper of a treaty said to have been worked out by negotiators from the United States and the Republic of Panama. Neither country officially acknowledged that the draft was authentic. Officials of the Republic of Panama said they were not satisfied with this draft and wanted to make changes. Our country took no steps to arrange for additional meetings of the negotiators. Hence the Committee on Foreign Affairs decided that, until it had formal knowledge of the existence of a treaty draft, it would be premature to pass legislation condemning its purported terms.

Nevertheless, behind all of the State Department's diplomatic doubletalk about the terms of the proposed treaty, or even its existence, I think all of us recognized the fact that our negotiators had entered into commitments which could have been destructive to national policy objectives, and that a blunder of great magnitude had been committed.

Let us make sure we do not repeat that blunder. Extremist elements in the Republic of Panama have insisted for years—for generations—that the United States is a criminal exploiter of a poor and small and weak neighbor and an imperialist power grinding the poor people of Panama into abject servitude to the Yankee octopus. The truly unfortunate concessions offered—or said to have been offered—by our negotiators seemed to bear out these charges. By agreeing to give up our ownership of the canal and our administration of the Canal Zone, our negotiators were placed in the position, I maintain, of acknowledging we never should have taken over the Canal Zone in the first place, or built the canal, or retained it all these years. If a treaty were to be agreed upon carrying out these ideas, and the Senate should ratify it, I am convinced the House would be confronted with a most serious constitutional issue, and the possible—or probable—refusal of the House to pass the necessary legislation providing for a giveaway of the Canal Zone and of the canal would create the most far-reaching problems in our international relations.

Why should we go out of our way as a nation looking for, or inviting, a crisis of this nature? Yet the expressed willingness of the Department of State to engage in new discussions with the military junta now in control of Panama with a possible view toward negotiating a new treaty holds out to the Panamanians a tantalizing prize which I do not think is going to be awarded in our lifetimes, at least, if ever.

Mr. Speaker, as chairman of the Subcommittee on the Panama Canal of the House Committee on Merchant Marine and Fisheries, I have gone through this issue—and various crises related to it—on numerous occasions. One of my first assignments as subcommittee chairman was to guide through to passage in 1957 a bill implementing the treaty of 1956—one which gave away to Panama about $24 million worth of real estate owned by, and used by, the Panama Canal Company in the Republic of Panama, outside the Canal Zone. That treaty also upped the annual contribution to Panama for use of the Canal Zone from $450,000 a year to $1,950,000 a year. These actions were supposed to "ease tensions" and mollify nationalist aspirations in Panama for dreamed-of riches from the canal.

The results are well known: all the 1956 treaty did was whet the appetite of Panama for more. The real estate we turned over in 1957 was vandalized and virtually destroyed while the powers-that-be in that country argued and disagreed over which family or firm, or family firm, would obtain the best parcels. Your heart would ache, Mr. Speaker, from seeing what happened to well-built, well-maintained, pleasant apartment buildings turned over in 1957, only to rot and decay and become uninhabitable.

The seeds sown in the 1956 treaty led to armed attacks upon our people in the Canal Zone only a few years later.

These attacks were based on the determination of extremist groups in the Republic to seize the Canal Zone, and the canal. To meet this situation, President Johnson invited discussions with Panama on the development of a new treaty with no restrictions on the issues to be negotiated. The result was the draft which, in effect, ceded back the Canal Zone area and gave the canal away.

Mr. Speaker, I am not in the habit of writing to the President every time I object to some administration policy or every time I have some idea which I think might merit some consideration. Usually, I call such ideas to the attention of the Cabinet Secretary or other official having the responsibility for policymaking in a particular field.

When I do write to the President, it is only in those situations which involve some special problem only he can solve and with which I might have some special familiarity. Under those circumstances, when I write to a President, it is for his information and any help or guidance I could provide—not for the purpose of announcing to the press what I think the President should do. Hence, I did not make public a letter I wrote to him on September 24 on this issue.

However, in view of the discussions here this afternoon, and the deep concern of those of us who are introducing legislation dealing with the subject of a possible new treaty with Panama, I include herewith, a copy of my letter to the President outlining my sincere fears about the mischievous results which could flow from a reopening of negotiations at this time for a new treaty with Panama, and a reply from the White House.

The letters are as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 24, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As Chairman of the Subcommittee on the Panama Canal of the House Committee on Merchant Marine and Fisheries, I have been deeply disturbed by press reports originating with unnamed "State Department officials" inviting the military Junta now ruling Panama to begin negotiations for new treaties dealing with the same subject matter as the unfortunate proposals worked out by special teams of negotiators from the two countries in 1967. My purpose in writing to you is to urge the utmost caution and restraint in raising once again false hopes among Panamanian nationalists that we are about to surrender the Canal Zone and the Canal.

More than one hundred Members of Congress joined me several years ago in introducing resolutions strongly opposing the 1967 treaty drafts made public in the Republic of Panama. The issue is an explosive one and the consequences of its further discussion at this time could be serious indeed to the continued efficient operations of the Canal, and to our international relations in the entire hemisphere.

The apparent conflicts of position within the State Department were dramatized by the publication of two news articles earlier this month. On September 2, a report appeared in the *New York Times* attributing to "unnamed State Department officials" a statement that the United States cannot engage in long-term commitments on militarily and politically sensitive issues with the "military-type provisional" government which has assumed power in Panama. Two days later a UPI dispatch from Washington stated that the Department of State had announced on September 3 that the United States will accept any initiative of Panama to reopen "stalled conversations on the proposed treaties". Five days later, the Junta government of Panama responded to this implied invitation by announcing the appointment of negotiators to work on new treaty drafts.

In view of the near disastrous nature of the negotiations of 1967, insofar as American interests were concerned, I sincerely hope that you will impose and maintain firm control over activities within the Department of State directed toward the reopening of negotiations. The Provisional Government of Panama has made no claims whatsoever of being a constitutional government. It holds only by military force. It

has publicly promised that elections would be held next year to create a constitutional government. Unless that promise is an empty one, any treaties negotiated with the Junta would be in danger of repudiation by a constitutionally elected National Assembly.

Furthermore, the whole concept of the 1967 approach is now questionable. The possibility of construction of a sea-level canal to replace the existing canal becomes increasingly remote. So does the possibility that Panama will grant permanent United States bases in that country.

May I respectfully remind you that the 1967 treaty drafts were negotiated on the assumption that the construction of a sea-level canal was necessary, practical, and urgent and that we would need Panama's acquiescence and assistance in constructing it. Events since 1967 throw these assumptions into great doubt.

In the meantime, we have blundered into lending a semblance of respectability to—in effect, official American concurrence with—extremist Panamanian claims that our presence in the Canal Zone is imperialistic and morally indefensible. In introducing resolutions strongly opposing the 1967 draft treaty proposals, more than one hundred Members of Congress refused to accept for this country any such taint on the legitimacy of our role in the Canal Zone. I hope you concur with us in that conviction and will exercise firm leadership in preventing mischievous actions within the Department of State which would tend to jeopardize our moral and legal rights in the continued operation of one of the greatest instruments of world trade, which we have operated in strict conformance with international law and in the highest traditions of international cooperation.

Respectfully,

(Mrs. John B.) LEONOR K. SULLIVAN,
Member of Congress, Third District, Missouri.

THE WHITE HOUSE,
Washington, D.C., Sept. 30, 1969.

HON. LEONOR K. SULLIVAN,
House of Representatives,
Washington, D.C.

DEAR MRS. SULLIVAN: Thank you for letter to the President bringing to his attention your interest and concern over any negotiations pertaining to proposals for new treaties with the Republic of Panama.

I know the President will be especially interested in having this thoughtful analysis, writing as you do as Chairman of the Subcommittee on the Panama Canal of the House Committee on Merchant Marine and Fisheries. You may be assured your letter will be given careful consideration.

With cordial regard,

Sincerely,

WILLIAM E. TIMMONS,
Deputy Assistant to the President.

Mr. HALL. Mr. Speaker, I certainly thank the gentlewoman from Missouri (Mrs. SULLIVAN), who has served as chairman of the subcommittee of the distinguished Committee on Merchant Marine and Fisheries, and who has made it a personal goal and followed through in making personal trips to the Canal Zone and the Republic of Panama through the years before arriving at her position, which she defended so well in the unpublished hearings of the Committee on Foreign Affairs to which this resolution was referred 2 years ago. There was sufficient and good reason for not publishing these hearings, perhaps, but her position has been well known, and she has been a stalwart in maintaining this area through which we have a corridor. Despite various treaties, there has never been established a corridor of land which we controlled with the same soveriegnty that we do the zone in Panama. I cannot conceive our hard-working taxpayers wishing to write off this huge public asset without some reasonable and tangible compensation in return.

Finally, Mr. Speaker, I am delighted and gratified that so many of our colleagues have cosponsored this or a similar resolution today that represents all sections of this great country and the entire political spectrum. This, in turn, represents the grassroots to which as we well know no other branch of Government is as responsive as the House of Representatives.

I am equally gratified that my distinguished college, the gentlewoman from Missouri (Mrs. SULLIVAN), has announced that the Subcommittee on the Panama Canal of the House Committee on Merchant Marine and Fisheries of which she is chairman will soon begin hearings on this most important and vital subject.

I sincerely hope that the House Committee on Foreign Affairs will follow suit and hold hearings on our resolution.

I think this is particularly important because as our colleague from Tennessee pointed out in 1967 so effectively, the Constitution requires both Houses of the Congress act if territory is to be ceded or revert to another country where we have sovereign and fee simple control. It is, therefore, most imperative that this body make known the desires and the feelings and opinions of the people so that any future negotiations will reflect these desires, feelings, and opinions. We cannot, as the distinguished gentleman from Pennsylvania, Mr. DANIEL FLOOD, so ably once said, "afford to see Panama another Cuba and the Panama Canal another Suez."

Mr. FLOOD. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am delighted to yield to my colleague, the gentleman from Pennsylvania.

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

Mr. FLOOD. Mr. Speaker, I am very grateful to my distinguished colleague, the gentleman from Missouri (Mr. HALL).

As the doctor has suggested, I am not unknown in this House and in Panama on this subject. I have the unique distinction by Act of the Congress of Panama unanimously declaring me several years ago persona non grata to visit that beautiful and lovely country.

Mr. Speaker, when the Eisenhower administration was first considering this matter and the House was about to adjourn sine die, I indicated that it was my judgment that within a certain number of days after sine die adjournment, the administration would act, vis-a-vis, the treaty of negotiation and, of course, that happened.

In the Johnson administration we were confronted with very much the same thing. It was at that time, as my colleague from Missouri has indicated, that at this very spot I suggested that if and when the great Committee on Foreign Relations in the other body would hold a hearing, I would advise the chairman that there would meet here in the Chamber of the House 200 Members who would march four abreast to the other Chamber and request that one by one we be heard in opposition to ratification of a proposed treaty if and when, God forbid, that it came.

I may add, Mr. Speaker, that I have introduced a bill calling for an amendment to the Constitution which will give to the House—Dr. HALL and Mrs. SULLIVAN—give to the House by constitutional amendment the same prerogative which is reserved to the Senate in the ratification of treaties which become the law of the land.

I just cannot conceive that the historic reason for that provision of the Constitution exists any longer. It does not. And, I cannot conceive in this day of our Lord 1969 from now on that other body of the Congress constitutionally can impose upon this Nation what is a law without equal action by the other body.

I would just say this, Mr. Speaker, as a person acquainted with the subject—and as you know I serve upon the great Committee on Appropriations for the Department of Defense, and so became involved deeply in the last 20 years with Western Hemisphere defense.

This involves the canal. The canal is our jugular vein for Western Hemispheric defense. We found that out at the end of V–E Day when we had divisions moving to the Pacific. We found out how important was the canal.

But one of the greatest inspirations of my life was hearing from former President Teddy Roosevelt while he was a guest in our home in Wilkes-Barre, Pa.—how long ago that is is none of your business, it was some time ago—and I heard Teddy Roosevelt explain to my father and my grandfather the problem that he faced in the acquisition of the Canal Zone and the construction of the Panama Canal. He viewed this extension of the U.S. territory in 1903 and the launching of the canal in 1904 as the most important contribution of his administration, comparable in its consequences with the Louisiana Purchase of 1803.

Mr. Speaker, I am so happy today to have as my ally the distinguished gentlewoman from Missouri (Mrs. SULLIVAN), and the distinguished gentleman from Missouri (Mr. HALL) in this great cause for our country.

Mr. Speaker, it is, indeed, historically fitting that a significant number of Members of this body have introduced today, October 27, the birthday of Theodore Roosevelt, a resolution to protect this important legacy that he passed on to future generations. I can think of no better tribute to that great American than for this body of the Congress, which reflects the will of the people of the United States, to adopt the resolution.

To assist in its consideration, I wish to invite attention to the following facts that are basic to understanding the present Canal Zone sovereignty situation:

First, that the Canal Zone and Panama Canal are constitutionally acquired territory and property of the United States;

Second, that the validity of the U.S. title has been upheld in a long series of court decisions;

Third, that the net total investment of the U.S. taxpayers—1904–68—in the canal enterprise and its defense is more than $5 billion;

Fourth, that, under article IV, section 3, clause 2, of the U.S. Constitution, only the Congress is vested with the power to dispose of territory and other property of the United States;

Fifth, that the Congress has not authorized the disposal of the Canal Zone territory and canal;

Sixth, that, in formulating the proposed 1967 treaties, our negotiators disregarded the above-mentioned important constitutional limitation as regards the disposal of U.S. territory and property.

Seventh, that, if the President with the approval of two-thirds of the Senate can cede U.S. sovereignty and ownership over the Canal Zone territory, it could do likewise for Texas, California, and Alaska;

Eighth, that the cause for much of the trouble at Panama is the failure on the part of high officials of our Government since Secretary of State Hughes, to make unequivocal statements of our just rights at Panama;

Ninth, that the current situation requires the House of Representatives to assume leadership in clarifying and making definite what are the rights, power, and authority of the United States over the Canal Zone and canal;

Tenth, that the history of Panama, both before and after the U.S. occupation of the Canal Zone in 1904 shows conclusively that it is a land of endemic revolution and endless political instability; and

Eleventh, that, in addition to our treaty obligations for the efficient operation of the Panama Canal, experience during both its construction and subsequent operations has repeatedly confirmed that full sovereign control over the Canal Zone territory is indispensable for the continued efficient operation of the vital interoceanic link.

In addition, Mr. Speaker, I would quote a recent article by Harold Lord Varney, president of the Committee on Pan American Policy of New York. In connection with Mr. Varney's remarks about the newly appointed U.S. Ambassador to Panama, Robert M. Sayre, I wrote the President on July 29, 1969, protesting Mr. Sayre's appointment and published it in an extension of my remarks in the CONGRESSIONAL RECORD of September 9, 1969.

The indicated article by Mr. Varney follows:

[From American Opinion, November 1969]

PANAMA, S.O.S.—MR. NIXON IS SINKING IN THE CANAL

Anybody who still entertains the hope that the Nixon Administration is going to scrap President Johnson's pending treaty with Panama to give away our Canal Zone is due for a sad awakening. The last possibility of forthright action on the matter was dashed when the Associated Press announced recently that President Nixon is going to appoint Robert M. Sayre as his Ambassador to Panama. This surprising appointment is a slap in the face to those Americans, both Republicans and Democrats, who have done their best since 1964 to preserve U.S. sovereignty over the Panama Canal. It includes many who gave Mr. Nixon important support in 1968.

Throughout his career, Robert M. Sayre has been a member of the State Department ring which has counselled appeasement and retreat in our foreign policy for the Hemisphere. He cut his eyeteeth in the Department as executive secretary to the Adolf A. Berle "task force" of 1961, which drew President Kennedy into the phony Alliance for Progress that has already cost the American people more than $5 billion.

Under President Johnson, Sayre was a member of the staff of the Anderson-Irwin group which in 1967 negotiated the infamous Canal Zone treaty now pending. Sayre was, in fact, one of those who drafted the treaty. Peripherally, it is significant that President Nixon has singled out another member of this group, John I. Irwin, for appointment as has personal envoy to Peru, where Irwin distinguished himself by suspending the Hickenlooper Amendment which would have ended U.S. aid to that Communist Government when it confiscated property belonging to American citizens. This, despite the fact that enforcement of the Hickenlooper moratorium was, by law, obligatory.

The Panama Ambassadorship is particularly important since, under the disturbed political conditions there over the last decade, the American Ambassador has assumed an ex-officio authority little short of that of a pro-consul. Sayre's predecessor, Charles W. Adair, manipulated the election to the Presidency of Arnulfo Arias in the riotous campaign of 1968. He ensured victory for Arias by persuading the strongly pro-American General Bolivar Villarino, a life-long opponent of Arnulfo Arias and Commandant of the National Guard, to declare Arias the winner after the election was contested. Ambassador Adair's ineptitude was demonstrated when the National Guard, turning against Villarino, forced Arias from office after only eleven days and established a military dictatorship. Yet, despite this serious failure in Panama, President Nixon has elevated Charles Adair to be U.S. Ambassador to Uruguay, another hot spot under the Communist gun.

In an effort to win national popularity, General Omar Torrijos, head of Panama's ruling junta, is now trying earnestly to revive the treaty negotiations with Washington, in abeyance since 1967. Recently Torrijos announced that he was thinking in terms of prolonging the suspension; if he plays his cards skillfully, he can refuse even to consider a Canal treaty until after a new national election in Panama.

Unfortuntely, President Nixon is so surrounded by Leftists that he may prefer to wobble. Certainly, his personal position on the Panama treaties has been an ambivalent one. On January 16, 1964, immediately after the Communist riots, he declared in Philadelphia that the United States "must stand firm on the right of the U.S. to control the Canal Zone." He added that "if the U.S. retreats one inch in this respect, we will have raised serious doubts about our bases throughout the world." But in 1966, when the Committee on Pan American Policy urged him to reiterate this statement as an aid to the forces fighting President Johnson's efforts to give away the Cana. Zone, he remained silent. Mr. Nixon maintained this silence throughout the campaign of 1968; and the Republican Party platform, drafted by his supporters, conspicuously omitted any indictment of the Johnson Administration on this extremely important issue.

Fortunately, not all the news from Panama is bad. Dictator Torrijos has just won a shattering victory over Panama's Communists at the National University. For years, Communist control of the student organizations at the University provided the base for the Communist movement in Panama. Torrijos's two Liberal Party predecessors, Roberto F. Chiari and Marco A. Robles, did not make a serious attempt to root out Communist there because their policy was to use the Communist students as shock troops in the frequent anti-gringo street demonstrations which they encouraged to force American surrender on the matter of U.S. sovereignty over the Canal Zone.

General Torrijos has demonstrated how easily a Government which means business, and is willing to disregard the yelps of the Left, can wipe out the Communist apparatus. His first step was to appoint Edwin Fabrega as Administrator of the University, with full Government support. Señor Fabrega found that the Communist cadre on campus was made up almost entirely of "professional students," many of them middle-aged, who had enrolled for courses in order to enjoy the sanctuary for Communist agitation provided by the University. It was these "professionals" who had recruited sizable student followings and won control of student organizations.

Since they had paid little attention to their courses, the professional students proved vulnerable to expulsion for low marks. Previous University chancellors had been afraid to invoke academic discipline, but Administrator Fabrega ruled that all those who had not maintained an average of "C" in the three previous semesters were to be expelled. The ruling caught the "professionals" flat-footed. Of the eight thousand students at the University, two thousand were expelled. Fabrega also dropped forty professors who had flagrantly encouraged the Communists. He instituted a further rule that only honor students could represent the student body. Señor Fabrega struck at the Communist jugular, and as a result the voice of Communism has been hushed to a whisper among students and University organizations in Panama. The scouring of the University has removed the core of organized Communism in the Republic. And, the success of General Torrijos could well supply a guideline for anti-Communists who have faced violence and terrorism among students this past year in Mexico City, Rio, Cordoba, Montevideo, and elsewhere.

Mr. DORN. Mr. Speaker, will the gentleman yield?

Mr. HALL. Mr. Speaker, I will be delighted to yield to the gentleman from South Carolina after just one remark.

Mr. Speaker, I certainly appreciate the comments of my colleague, the gentleman from Pennsylvania (Mr. FLOOD). The gentleman has long been preeminent in his perception of the problem and his implementation of the remedy. I hope that I will be like other stouthearted people, and one of those in the front ranks of those four abreast who go to that body that does advise and consent. Like the gentleman from Pennsylvania (Mr. FLOOD) and the gentlewoman from Missouri (Mrs. SULLIVAN), who have taken such interest in this subject and who have expressed such considered judgment on it, I have long been interested in the Panama Canal. As a boy one of the first books that I recall my family acquiring was "The Panama Canal Zone." We still have that book in our library.

Our town was likewise favored with a visit by the former President Theodore Roosevelt. But in addition to all of that

in later years, as one of the Assistant Surgeon General of the Army, I came to know Dr. Cummings personally, and of course read and reread the history of the contractor Goethals, and the experiments of Walter Reed, and those things which made sure, in spite of malaria, blackwater fever, yellowjack, dengue, and many others, the construction of this monolithic engineering feat that was accomplished. I have read in great detail in preparing testimony before the Committee on Foreign Affairs 2 years ago on the background and the history of the Panama Canal. All of us know as a fact, had we not interceded and had we not made possible that which other great sovereign nations failed in matters of construction, that there would indeed have been reversion of this area perhaps to another sovereign territory juxtaposed and contiguous to the Republic of Panama.

This threat still remains but we will leave that to the Department of State and to the distinguished Committee on Foreign Affairs.

I do hope that we can be heard and the lending of credence and background and the long years of support by those and others who join us today, strengthen the resolution, the intent of Congress, and the will of the people.

I certainly thank the distinguished gentlewoman from Missouri (Mrs. SULLIVAN) and the gentleman from Pennsylvania for their contribution.

Mr. DORN. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am delighted to yield to the distinguished gentleman from South Carolina (Mr. DORN).

Mr. DORN. Mr. Speaker, I want to commend the distinguished and able gentleman from Missouri and my distinguished colleague, the gentleman from Pennsylvania (Mr. FLOOD) and the gentlewoman from Missouri (Mrs. SULLIVAN) for this enlightening discussion here today, not only enlightening but I think pointing out to this House and to the people of this country the danger, which seems to be constant, although I had hoped that it would go away, the danger of this vital link in the Western World, as the gentleman so ably put it, the jugular vein, the Panama Canal of falling perhaps into alien hands.

I commend the gentleman today for calling this to the attention of the House and warning that this threat is still there.

I might point out that ships, that is, transportation by water, going from the Southeastern United States to the western ports of South America originating from Charleston and Savannah to go through the Panama Canal and then to the western coast of South America travel a shorter distance than ships going from San Francisco to the western coast of South America.

This is a great link and it would hinder the development of the southeastern part of our country and certainly be a threat and a great threat to the defense of the western world should it fall into enemy hands.

So I commend the gentleman and want to associate myself with him and with the gentleman from Pennsylvania (Mr. FLOOD) here today in your warning to this Nation and to the American people about this.

I might remind the Members of the House as the gentleman from Pennsylvania (Mr. FLOOD) so ably did here several years ago that there was a full-scale attack here several years ago on the Panama Canal by mobs and it was only through the coolheadedness of the major general, the commander in the Canal Zone, that prevented perhaps the blowing up of the canal and the destruction of this vital link between the Pacific and the Atlantic.

I wish again to commend the gentleman.

Mr. HALL. I thank the distinguished gentleman. I certainly agree with him and with the gentleman from Pennsylvania that this is not only a jugular vein of our commerce, our defense, and of our hemisphere; but it is indeed the carotid artery, and why we need to have it reamed out occasionally from the obstructing of those who would give a good thing away, owned in complete fee and sovereignty by us as this is, as well as many of the other giveaways of today, is beyond my comprehension.

I think we must realize that capability and gold are, like the words of the poet:

Not gold, but only men can make a nation
great and free.
Men who for truth and honor's sake stand
fast for all to see
Brave men, who work while others sleep
They build a nation's pillar deep and lift her
to the sky.

So again, Mr. Speaker, I commend this resolution to all Members of the House, Indeed, I commend it to the other body.

Mr. Speaker, I ask unanimous consent that a copy of the resolution may appear following the remarks made here today in the body of the RECORD.

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

There was no objection.

The resolution referred to is as follows:

H. RES. 593

Whereas it is the policy of the House of Representatives and the desire of the people of the United States that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; and

Whereas under the Hay-Pauncefote Treaty of 1901 between Great Britain and the United States, the United States adopted the principles of the Convention of Constantinople of 1888 as the rules for the operation, regulation, and management of said canal; and

Whereas by the terms of the Hay-Bunau-Varilla Treaty of 1903, between the Republic of Panama and the United States, under the authority of the perpetuity of use, occupation, control construction, maintenance, operation, sanitation and protection for said canal was granted to the United States; and

Whereas the United States has paid the Republic of Panama almost $50,000,000 in the form of a gratuity; and

Whereas the United States has made an aggregate investment in said canal in an amount of over $5,000,000,000; and

Whereas said investment or any part thereof could never be recovered in the event of Panamanian seizure or United States abandonment; and

Whereas under Article IV, Section 3, Clause 2 of the United States Constitution, the power to dispose of territory or other property of the United States is specifically vested in the Congress; and

Whereas 70 per centum of the Canal Zone traffic either originates or terminates in United States ports; and

Whereas said canal is of vital strategic importance and imperative to the hemispheric defense and to the security of the United States; and

Whereas, during the preceding administration, the United States conducted negotiations with the Republic of Panama which resulted in a proposed treaty under the terms of which the United States would shortly relinquish its control over the Canal; and

Whereas there is reason to believe that the present dictatorship in control of the Government of Panama seeks to renew negotiations with the United States looking toward a similar treaty; and

Whereas the present study being conducted by the Atlantic-Pacific Interoceanic Canal Study Commission may result in a decision to utilize the present canal as a part of a new sea level canal; and

Whereas any action looking toward an agreement with the Government of Panama which would affect the interest of the United States in the Canal would be premature prior to the submission of the report of the Commission in any event;

Resolved by the House tof Representatives, that it is the sense of the House of Representatives that the Government of the United States maintain and protect its sovereign rights and jurisdiction over said canal and that the United States Government in no way forfeit, cede, negotiate, or transfer any of these sovereign rights or jurisdictions to any other sovereign nation or to any international organization.

Mr. RARICK. Mr. Speaker, the Panama Canal is one of the great works of man—an enduring monument to American ingenuity and initiative—vital not only for interoceanic commerce, but also for hemispheric defense. Thousands of vessels of all nations transit the canal each year. Its services during World Wars I and II, the Korean war, the Cuban missile crisis, and the Vietnam war reflect the vision of our statesmen, who formulated U.S. Isthmian Canal policy and brought about the acquisition of the Canal Zone and construction of the canal.

Of all who contributed toward the success of this great engineering project, no one is deserving of greater recognition than President Theodore Roosevelt. It was his statesmanship that effected perpetual U.S. sovereignty over the Canal Zone Territory and ownership of the canal. It was he who made the critical decision for the high level lake and locks at Panama against strong opposition. It was his determination which propelled the project on to success.

Today, the House has before it a measure that will perpetuate and retain what Theodore Roosevelt felt was the greatest accomplishment of his administration. The introduction today of these resolutions, setting forth the views of this body, and their adoption is in the best interests of our Nation and the highest tribute that we can pay to the great American who had the vision and vigor to start the Panama Canal.

THE PANAMA CANAL

Mr. RANDALL. Mr. Speaker, I regret that it was not possible to be on the floor during the special order participated in by two of my fellow Missourians, the gentlelady from St. Louis (Mrs. SULLIVAN) and the gentleman from Springfield, Dr. HALL, on the subject of the Panama Canal.

Because of my required absence away from the Hill during this special order, I was denied the privilege to hear what was said concerning the retention of one of our most valuable possessions, the Panama Canal, and the zone of land which surrounds it. Although I was denied the pleasure of hearing my fellow Missourians and the gentleman from Pennsylvania (Mr. FLOOD) as well as those who participated, it is an honor to associate myself with their remarks and to compliment each of them upon taking the time to emphasize this vital issue. Accordingly some of the things I say may be repetitious, but if I am not grossly in error our colleagues need to hear repeated many times the great concern some of us may have that, if we are not vigilant, the United States may lose its sovereignty and jurisdiction over the Canal Zone.

In the 90th Congress I joined with other Members in House Concurrent Resolution 390 introduced in June 1967. The resolution introduced today, and its former counterpart, resolved that it is the sense of the House of Representatives that the Government of the United States maintain its sovereign rights and jurisdiction over the Panama Canal. It is also resolved that the United States in no way forfeit, concede, negotiate, or transfer any of those sovereign rights or jurisdiction to any other sovereign or international organization.

Now, Mr. Speaker, there may be those who would wonder why a Member of Congress from the very heart of America would take such an interest in the Panama Canal. The gentlelady from St. Louis is, of course, a member of the Committee on Merchant Marine and Fisheries. Because it is my honor to be a member of the House Committee on Armed Services, I realize the strategic importance of this priceless possession. But regardless of the location of my home district or regardless of my membership of any committee of the Congress, the Panama Canal belongs to the United States and because it is ours we should not lose it by any concession or negotiated transfer.

Certainly the canal belongs to us as a matter of right because of the Hay Treaty of 1901 between Great Britain and the United States, and because of the treaty of 1903 between the United States and the Republic of Panama. That last treaty granted to the United States in perpetuity the use, control, operation, and protection of the said canal.

The United States has an investment in the canal of over $5 billion. This is money that was invested when the American dollar was worth many times its present value. It would be difficult, if not impossible, to estimate the replacement cost or the cost to build the canal at today's level of inflation.

Our country has already paid gratuities to the Republic of Panama in the amount of over $50 million. Seventy percent of the traffic through the canal either originates or terminates in U.S. ports.

Most unfortunately, there is no way we could ever recover our investment except by use of the canal. Again, most unfortunately, there was a treaty proposed in 1967 which would give additional rights of the Canal Zone to Panama and give Panama joint administration, increasing our annual payments, raising tolls and forcing us to some degree to share the defense and police powers with the Republic of Panama.

Put in different language, these were all preliminary steps which would, taken one step at a time, force the United States to relinquish its control over the canal.

Mr. Speaker, the Panama Canal belongs to the United States. We paid for it. It is of strategic importance for our hemispheric defense and the security of the United States. It belongs to us as if we had bought and paid for a piece of land in fee simple. We cannot, we must not, become so apathetic and indifferent to the value and importance of this strategic and also economically important piece of real estate that we let a military ruling junta of Panama maneuver us into negotiations or any kind of bargaining that would affect our sovereignty over the Canal Zone.

We should not wait until it is too late. The time for the Members of the Congress to express their concern about the canal is now. It is my hope that enough voices will be raised that the present administration will get the message that Members of the Congress are concerned about our Panama Canal.

GENERAL LEAVE TO EXTEND REMARKS

Mr. HALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to comment on this subject.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

VICTIMS OF NAZI PERSECUTION FAIL TO GET FULL JUSTICE IN THEIR CLAIMS FOR COMPENSATION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 60 minutes.

Mr. PUCINSKI. Mr. Speaker, I wish to call attention today to the plight of former Polish nationals still living in Germany who are entitled to just compensation because they were victims of Nazi terror but are not getting such compensation.

The compensation law passed by the German Republic divides victims into several categories according to whether they were persecuted on political, racial, religious, or nationality grounds. The last category comprises mainly Poles, Czechs and others who were liberated at the end of the war from prisons, concentration camps and forced labor in Germany but could not or would not return to their own countries for fear of Communist persecution; they therefore became stateless, and some of them, after a period of years, adopted American, British, or some other nationality.

German law clearly discriminates against those victims who were persecuted on "national grounds." Unlike those who suffered for their political views or racial origin, the victims of national persecution are not assigned compensation in respect of loss of life in captivity, and they do not enjoy the same rights as others as regards compensation for loss of health, ability to work et cetera. It is impossible to understand on what principle a legislature, motivated by good will, could make such a distinction between different categories of victims. How can it be said that, in the eyes of a democratic Germany, compensation is due a man because he was an ideological opponent of nazism, but denying a victim of nazism the same compensation under the same circumstances because he was a Pole? Why is it that a man persecuted on racial grounds is deemed to deserve compensation for loss of ability to work if his disability exceeds the level of 15 percent, whereas if he was persecuted on national grounds, compensation only begins at 30 percent? Are people different? Were the crimes committed against them of a different order, even though they resulted in death or in the same degree of disability?

There is another important respect in which the German law discriminates against victims of national persecution as opposed to others. In the event of their death, the judicial procedure lapses and their heirs have in principle no right to inherit their claim. Such discrimination is odious in itself and tragic in its effects if one considers that these are people who were grievously injured in health and that the German compensation procedure is still dragging on, despite the fact the 25 years have elapsed after the end of the war.

By the 1st of December 1968, out of 36,383 claims for compensation, German authorities have examined only the substance of 12,074. Another 15,729 were waiting to be dealth with, while the remainder had been rejected out of hand as unfounded. At this rate of progress, we may expect that the bulk of the outstanding claims will be settled in the simplest manner, by the death of the claimants. Is this the intention of the democratic German law, and the reason for the disgraceful delay in handling the compensation claims of victims of nazism?

What is at stake here in financial terms?

According to the unchallenged estimate in the memorandum presented to the German Parliament by the German Catholic Bureau, from which my figures are drawn, if German authorities were to give satisfaction to 18,000 or 20,000 claims, it would involve an annual charge on the German treasury of DM60 million—a charge which, as the Catholic Bureau observes "would not be intolerable for the German state." Indeed, for a country suffering from overvaluation of its currency, it would seem acceptable to spend $15 million a year on the preservation of its good name.

In practice, however, it appears that

out of the 12,074 claims so far examined, only 2,065, or slightly over 15 percent, have been decided favorably. If we take into account the claims rejected out of hand, the proportion of the total number who have received compensation is barely 9 percent.

This being so, I have examined the grounds advanced for some decisions of the German courts rejecting claims for compensation by the victims of persecution on national grounds.

I would like to cite 13 decisions which I believe indicate the scope of unjustice being perpetuated on these tragic victims of Nazi oppression 25 years ago.

I confess that I was shocked when I first read details of grounds for the decisions taken in these cases. More than once, I had to assure myself that I really was reading about decisions of the German Federal authorities in 1966, 1967, and 1968, and not by Nazi courts and institutions in 1943, 1944, and 1945. For the decisions, in effect, constitute an apologia for the basic principles of nazism.

Consider this: a man was publicly hanged for daring to have sexual relations with a German woman. The German court tells us that his punishment was not reprehensible because it was meted out according to law. If he had been a gypsy it might have been a case of racial persecution, but since he was a Pole it was not and compensation to his heirs was denied.

Again, an institution of the democratic German state tells us that it was not persecution to deport boys of 15 and 16, as some of the victims were, to forced labor in mines and ammunition factories. This, it appears, was done simply because the Germans were short of labor to carry on the war, and anyway the imprisonment was not severe—only barbed wire around the labor camp, and only a single armed sentry at the gate.

The German bureau shows especial cynicism in defending Nazi ideas of justice in the matter of collective responsibility. A youth is arrested and held in prison and concentration camps for years, merely because the Gestapo wanted to lay hands on his father—but this is not persecution, only a military measure. Another boy whose father, brothers, and sisters were murdered is kept in concentration camps till the end of the war, and the German bureau tells us that this was required by the security of the German armed forces: if he had been allowed to go free, he might have sought revenge.

During the war, the Nazis closed all secondary schools and universities in Poland. The law in force was that the Polish nation was to become a nation of pariahs. Anyone who dared to teach, or help to teach, arithmetic, geography, or the Polish language in a private house is judged today by the German bureau to have been a criminal and not a person who suffered persecution on national grounds. In this fashion the German authorities have rejected claims of many Poles who, at the age of 14 or 16, spent years in prisons and camps and suffered permanent loss of health.

An especially typical example of this Nazi reasoning is given by the decision of the German compensation bureau which I have quoted and which declared that a Ukrainian woman who was made to do heavier work than the German railway regulations allowed, and whose health broke down in consequence, was not a victim of discrimination, because Ukrainian women were accustomed in their own country to much heavier work than German women.

Mr. Chairman, we cannot remain silent and passive in the face of such decisions by Federal German institutions. We must speak out, not only because the United States has a formal duty to protest this injustice on the basis of the act that the United States acknowledged the sovereignty of the FGR; but also for moral reason because victims of Nazi terror are being grievously wronged and are defenseless against rejection of their claims by German authorities. Over and above these reasons, we must speak because the vital interests of our own country are affected. We cannot be talking about human dignity while we witness this injustice with impunity.

It is time to draw attention to remaining traces of Nazi injustice still lingering in some quarters of the FGR, which are so blatantly manifested in the decisions I have cited. The tendencies they reveal are more alarming even than the perceptible growth in influence of the extreme nationalist party. They represent the source and basis of a movement which may be dangerous to peace in Europe and the whole world.

The German Catholic Bureau has properly called this indefensible practice to the attention of the Bundestag in its recent memo.

It is a favorable sign that treatment of claims for damages in respect to Nazi persecution on national grounds has aroused protests on the part of German Catholic opinion, the German league of victims of nazism and other organs of public life. Last year the Union Internationale de la Résistance et de la Déportation adopted a unanimous resolution, supported by representatives of 17 countries including those of the German associations, which expressed regret that the Cologne compensation bureau and the German courts "had taken decisions on the claims of those persecuted on national grounds, in a manner contrary to the spirit of the law." But the fact remains that all these protests have had no effect and the injustice continues.

It is an open secret that the unyielding attitude of the FGR in this matter is dictated by a few senior officials of the Finance Ministry. It is they who, by their instructions and binding commentaries on the compensation law, have given a discriminatory character to the decisions of the German bureau and courts. That is why no result has been achieved by the interventions of the U.N. High Commissioner for Refugees or by periodical changes in the terms of the law. In the absence of good will, every version of the law in turn is distorted so as to make out that there was no real persecution on grounds of foreign nationality, but only crimes committed by foreign nationals—men, women, and children who broke Nazi laws and were imprisoned, kept in camps, and subjected to forced labor because such measures were required by the interests of the German state, which needed labor for the victorious prosecution of the war, or by the security of the armed forces which were occupying their countries.

Directly or indirectly, it is the Government of the FGR itself which bears political and moral responsibility for the manner in which the obligation to compensate the victims of persecution is discharged. We should not permit a situation in which hostile propaganda, or the nations which were once conquered by Hitler and are now living under Communist terror, are able to accuse the United States of acquiescing by its silence, to conditions I have described, whether from opportunism or any other motive. For, as I said at the outset, our moral respect in the world rests on the fact that we defend the rights of mankind to freedom, dignity, and justice to the utmost of our power and wherever they are violated.

For these reasons, it occurs to me we must urge the Federal German Government:

First. That victims of nazism who were persecuted on national grounds should be equated as regards compensation rights to those persecuted on any other grounds such as race, religion, or political views; and in particular, that their heirs should be entitled to inherit their compensation.

Second. That all compensation claims should be settled at the latest by December 31, 1970, or in the shortest possible time.

Third. That German authorities should be permitted to deny compensation to victims of Nazi prisons and concentration camps and forced labor in Germany, only in cases where it is proved that they had been convicted for taking an active part in armed action against occupation forces.

Fourth. That minors who were deported to Germany for forced labor should automatically be compensated for persecution on national grounds, especially if they suffered loss of health or ability to work as a result of such labor.

Fifth. That claimants should be permitted to invoke the lapse of time as a valid defense to the objection that they have not submitted adequate formal evidence in support of their claim: for instance, in the case of a witness having died or being untraceable, or documents being lost, if it appears from the circumstances of the case that the claimants were, in fact, deprived of freedom, confined in concentration camps, or deported for forced labor.

Sixth. That all claims for compensation which have been rejected by the German authorities and courts on the ground that the victims were not persecuted on national grounds should be retried in accordance with the above principles.

Seventh. That these regulations regarding compensation should not be distorted in their practical application by the administrative authorities, such as

the Ministry of Finance, whose duty it is to supervise the compensation procedure.

There is no doubt that the State Department and the U.S. Embassy in Bonn are fully informed of German practice in regard to compensation for those persecuted on national grounds. Nor can I presume that the State Department has not complied with its duty to intervene in these matters with the Government of the FGR. But it must have done so within the limits of diplomatic discretion, for up to the present, no authoritative declaration on this shameful subject has come from the U.S. Government.

Since diplomatic methods have been fruitless, it is time to invoke public opinion. The need for this has been voiced even by some in Germany who declare that for their part they have exhausted every method of persuading their government to alter its treatment of those persecuted on national grounds.

Unless in the very near future there is a radical change for the better, I shall be obliged to ask that public hearings be arranged before an appropriate committee of the House in order:

First. To investigate thoroughly the state of affairs that I have described today;

Second. To ascertain what steps have been taken by the U.S. administration, and why it has not succeeded in convincing the Federal German Government of the harm done by its present practice as regards compensation for the victims of Nazi persecution on grounds of nationality;

Third. To consider what attitude the House should adopt in order to guarantee to the victims of nazism the rights which were reserved at the time of the recognition of the sovereignty of the FGR.

It is my hope my colleagues would join me in redressing this tragic wrong being perpetrated against former victims of Nazi persecution.

On the occasion of the 30th anniversary of the Nazi invasion of Poland, President Heinemann of the FGR made a speech in which he declared that the bridging of the gulf between Germans and Poles, brought about by that invasion, is a major condition for lasting peace in Europe. We share his view, and heed with much respect the declaration which has come from so high a source. But words cannot replace deeds. If we could expect a sincere and generous settlement of the claims of the Polish victims of cruel Nazi persecution—a matter so trifling in its financial aspect and yet so important from the moral point of view—would this not be the first step, a small but practical one, on the road to German-Polish reconciliation, the need for which was stressed by President Heinemann?

Perhaps Germany's new chancellor Willy Brandt, who has a long and impressive record of concern for his fellow man, will want to interest himself in this tragic miscarriage of justice being perpetrated on these unfortunate victims of the war.

Following are details of the more glaring examples of injustice.

I quote some decisions of the German compensation court in Cologne and of other German courts. Copies of these are in the archives of the State Department.

First. The case of Frank Wilk. Wilk was arrested by the Gestapo in 1943, when he was still under age, together with his sister, who was murdered then and there, and his father and brother, who were murdered later. His claim for compensation for loss of health and ability to work as a result of his detention in a concentration camp has been rejected by the German authorities on the following ground: It was proved that the members of the family offered resistance, and the safety of the German forces thus required that he be isolated. He was, therefore, not persecuted on national grounds.

Second. The case of Barbara Emisarska, arrested in connection with the Warsaw rising. The German authorities rejected her claim for compensation for loss of health and ability to work as a result of her detention in a concentration camp, their grounds being as follows: In the heat of events it was not possible to distinguish those who took an active part in the fighting against the forces of occupation, and those who were merely civilians. This is, therefore, a case of preventive military measures and not of persecution on national grounds. Such measures cannot be equated with the extreme methods adopted at Oradour.

Third. The case of Stefan Bobak. Bobak had sexual relations with a German woman while he was engaged on forced labor in Germany, and was publicly hanged for the crime of "Rassenschande." The son born of this union claimed compensation on the ground of racial persection. His claim was rejected on the ground that the Nazi laws discriminated racially only against Jews and gipsies, so that Bobak was hanged not as an act of racial persecution but only for violation of the law.

Fourth. The case of Jan Wasilewski, arrested in his native village in 1942. The compensation court took the view that his removal to Germany for forced labor was not due to his nationality but to the shortage of laborers, so that there was no question of persecution on national grounds; nor was there any violent element of compulsion, since the camp in which he was confined was enclosed only by a wire fence, with a single sentry at the gate.

Fifth. The case of Janina Lukaszyk, aged 16, who was taken to a concentration camp after the Warsaw rising. The court decided that, in spite of her youth, she might have spread the spirit of rebellion to other Polish cities, and that the motive of her imprisonment was, therefore, security and not national persecution.

Sixth. The case of Krystyn Ostrowski, from whose mansion valuable personal property was removed to Berlin between November 1939 and April 1940. The court ruled that as the anti-Polish "AB" action had not come into effect until the spring of 1940, and the plan to destroy Polish national life in the Lublin area did not come into operation until the winter of 1942–43, the measures in respect of Ostrowski's property were not an instance of national persecution but only of requisition for military purposes.

Seventh. The case of Jan Stolarski. Stolarski was 15 years old when deported to Germany for forced labor. He was arrested in 1943, and held in prison and a concentration camp until he was liberated at the end of the war. He was accused of having incited his countrymen to keep up Polish traditions and to sing Polish songs, as well as voicing anti-Nazi opinions. He suffered permanent damage to body and health as a result of his ordeal in Germany.

The claim has been rejected by the Germans with the following explanation:

> The claimant was not injured . . . as part of the Nazi rule of terror and in contempt of human rights. His deportation for forced labor was not due to his being of non-German race or a national of a foreign state. It was a measure taken to relieve the shortage of labor caused by the war, which affected people of all nationalities.
>
> The claimant's arrest and imprisonment were not the consequence of his nationality but of his attitude and anti-Nazi utterances, which must have seemed to the then authorities an incitement of the Polish laborers. From 1943 onwards, German nationals, too, were severely punished for expressing anti-Nazi opinions.

I will quote some further examples of decisions on claims for compensation. These are referred to in a memorandum drawn up by the German Catholic Bureau, a body officially representing the Catholic Church in the Federal German republic, and submitted to the Federal Parliament. Its title is "Das Problem der National-geschadigten—ein brennendes Anliegen der Friedensarbeit"—The problem of those injured on national grounds: a matter of crucial concern in the work for peace.

Eighth. The wife of a Polish officer, mother of a nine-year-old daughter, was arrested by the Gestapo in 1940. She was detained in Germany for nearly 5 years in a prison and concentration camp, losing 50 percent of her ability to work. The ground for her arrest was the discovery in her house, during a search, of some copies of a periodical designed for the education of children, as the Gestapo had closed all schools in Poland.

The German compensation bureau rejected her claim for damages on the ground that she had been persecuted not on account of her nationality but merely because she had supported an illegal periodical, thus constituting a threat to the German occupation forces in Poland.

Ninth. A 17-year-old youth was arrested in Warsaw in 1942 and sentenced to imprisonment and later to a concentration camp. In May 1945 he was put on board the SS *Cap Arcona*, and was one of the few who survived when the vessel sank.

The reason for his arrest was that his father was an active member of the socialist movement in Poland, and the Gestapo, being unable to lay hands on him, adopted this method of blackmail. During their investigation it came to light that the son was being educated at a clandestine school organized by the socialist-influenced educational society known as Tur.

The German compensation bureau rejected his claim for damages on the ground that he was not persecuted for his nationality but only on account of his father's illegal activity, and that in addition he took part in the forbidden courses arranged by Tur. School activities organized by a political party bore the character of a resistance movement against the forces of occupation.

Tenth. A 16-year-old girl was taken from her parents' home in Lwów in 1942. She was held in prison and in concentration camps and was made to do heavy work in an ammunition factory in Germany, as a result of which her health broke down. At the end of the war she was rescued and taken to Sweden by the Swedish Red Cross.

She was never told the reason for her arrest, but she suspected that her persecution was due to the fact that two elder brothers of hers were resistance fighters and were shot by the Germans.

The German bureau refused compensation for loss of health on the ground that she was not persecuted on national grounds but because she represented a definite danger to the German forces of occupation. There was no doubt that the military or police authorities at the time had taken account of her partisan associations.

Eleventh. A 14-year-old boy was held in the worst concentration camps from 1943 to the end of the war on the ground that he belonged to the Polish scouts' organization.

The German bureau in 1967 rejected his claim for compensation for loss of health on the ground that he was not persecuted for reasons of nationality but for the sole reason that the scouting organization was markedly anti-German in sentiment and that its activity thus represented a definite danger to the German occupying forces.

Twelfth. The Nazi regime in Poland closed all secondary schools and higher academic institutions. Consequently teachers and pupils organized themselves into societies and tuition continued in private homes. In 1944, all the teachers and pupils of an "illegal" school of this type at Malogoszcz were arrested and held in prison and later in concentration camps. One of the pupils recently applied to the German authorities for compensation for loss of health and ability to work.

His claim was rejected on the ground that the persecution took place not on national grounds but by reason of activities which constituted a definite danger to the German occupying forces.

Thirteenth. A Ukrainian woman applied to the German bureau for compensation in respect of her loss of health due to forced labor in Germany, when she had been made to load heavy stones onto railway trucks, to lift rails, and so forth. The bureau rejected her claim on the following ground:

> Although the claimant was as a matter of fact obliged to perform heavier labor than was to be expected under the regulations governing work on the railway, it does not follow that this was a case of discrimination. The railway administration at Cologne has correctly pointed out in its letter of 13 December 1967 that Ukrainian women were in general more suited to railway work because they were much stronger than German women and those of other nationalities, being accustomed in their own country to far harder physical labor.

HOW TO REPLENISH THE LAND AND WATER CONSERVATION FUND: CHARGE FOR FEDERAL LANDFILL PERMITS, DO NOT GIVE THEM AWAY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, on behalf of myself, Mr. DINGELL, Mr. GUDE, Mr. MCCLOSKEY, JR., Mr. MOORHEAD, Mr. MOSS, Mr. SAYLOR, Mr. VANDER JAGT, and Mr. WRIGHT, I introduced H.R. 14526, a bill to amend the Federal Property and Administrative Services Act of 1949 to provide for sale of relinquishments of the navigation servitude.

The people of this country are fed up with the filling in of our shallow waters by real estate speculators, airport and highway builders, and garbagemen.

Most of our commercial fish and shellfish, and most of our sport fish, inhabit these shallow waters during all or part of their life cycle. Many species spawn here, and when the waters are filled, they cannot survive. Likewise, many of our water birds feed and rear their young here. Filling in rivers almost always increases the flood danger, and frequently causes pollution of the remaining waterway. All filling destroys open space, which is essential to our spiritual refreshment in the age or megalopolis. It destroys the view to the water of householders behind the filled area, and inevitably depresses their property values. It diminishes the areas available for boating and swimming and other forms of public recreation. It may alter the entire ecology of the area.

In the 20 years prior to 1967, over 7 percent of the important fish and wildlife estuarine habitat of the United States—568,800 acres—has been lost by filling and dredging. In one State, California, 67 percent of the habitat has been lost. Already 40 percent of San Francisco Bay has been filled in. Many more acres—no one has the total figure—of navigable water which was not important fish and wildlife habitat or not in an estuary have been filled in.

Most filling of shallow waters in no way enhances the quality of man's life on earth. When our food and sport fishes disappear, and flights of waterfowl no longer streak the sky, it is humanity—people—who are impoverished by the loss.

Present Federal law actually encourages filling shallow waters. Because it gives away, for nothing, the right to fill, and because fill is cheap, it is always cheaper to make filled land in shallow water than to buy nearby dry land.

Land submerged by navigable water of the United States is subject to the navigation servitude of the United States.

What happens is someone wants to fill in submerged land and erect on it a high-rise building or an airport runway? Does he buy a relinquishment of this Federal navigation servitude, paying full value?

Far from it. He gets a filler permit, free, gratis, from the Corps of Engineers. If harbor lines have been established by the corps, he may not even need a permit. He just fills away. The value of the navigation servitude, your property and mine, the property of all the people of the United States, becomes his windfall profit.

The monetary values being grabbed from the public are enormous.

Let me give an example, discovered by the Conservation and Natural Resources Subcommittee of the Government Operations Committee in its investigation of the proposed Hunting Creek landfill just across the Potomac River, south of Alexandria, Va. One Francis T. Murtha recently bought 4.84 acres of land fronting on Hunting Creek, for $700,000, somewhat over $144,000 per acre. Then he got the Virginia legislature to pass an act authorizing the sale to him of 18.8734 acres of the submerged land just in front of his land, for "not less than $30,000"—about $1,590 per acre. The $1,590 an acre is perhaps a fair value for the submerged land encumbered by the navigation servitude of the United States. But when it is filled it will clearly be worth just as much per acre as the adjacent fast land, that is $144,000 an acre. The profit, unadjusted for the minimal cost of filling—Hunting Creek is only 3 feet deep—would be $142,410 per acre or a total of $2,700,000 for the whole 18-plus acres proposed to be filled. This amount is, roughly, the value of the navigation servitude, the property of the people of the United States, that would be conferred on Mr. Murtha for free by a Corps of Engineers permit to fill Hunting Creek.

Hunting Creek has not been filled. It is not in the public interest to fill that historic body of water, the nearest place to the Capitol dome where citizens can go to see myriads of waterfowl in season. A permit was issued, through official neglect in the Interior Department, to fill 9½ acres of the creek. This permit is now facing revocation by the Army Corps of Engineers.

The bill I introduce today will stop this land-grabbing at the public expense.

The Federal navigation servitude over areas of water not needed for navigation or any other public purpose, including the preservation of open space, is in fact surplus property of the United States. Like other surplus property, it should be sold, not given away to speculators for the asking. H.R. 14526 will provide for sales of relinquishments of the navigation servitude, for full market value, as determined by appraisal.

Net proceeds of sales of the navigation servitude, like proceeds of other sales of Federal real estate, will be placed in the land and water conservation fund. The purpose of this fund is to buy lands and waters for public recreation and fish and wildlife preservation. Thus, today's bill will, for the first time, provide for replacement in kind of water areas lost to filling and dumping.

Every fiscal year since its establishment until this year, the land and water conservation fund has gone broke. Its revenues were clearly insufficient to do the job it was created for. The last Con-

gress provided that sufficient Outer Continental Shelf oil revenues be placed in the fund, in addition to its other revenues, to make the total annual income $200 million. However, this year the administration has recommended appropriation out of the fund of only $124 million. The administration wants the oil revenues for other purposes. An alternate source of revenue for the land and water conservation fund is urgent. H.R. 14526 will provide needed revenues of hundreds of millions that are now being given away.

H.R. 14526 will therefore serve two purposes. By raising the price of submerged land to full market value, it will remove the present economic incentive to fill in our shallow waters. And it will replenish the land and water conservation fund and provide for eventual replacement in kind of areas lost to filling and dumping.

Giveaways of the Federal navigation servitude will no longer be authorized. State and local public bodies as well as private speculators have raided our shallow waters. The harm they do to fish and wildlife, esthetics, and the general quality of the human environment is just as devastating as the harm done by private greed. Public bodies also must be discouraged from landgrabbing, by a requirement of paying full market value for the submerged areas they preempt for airports, freeways, and dumps.

An exemption in favor of public bodies from paying full value for release of the navigation servitude would simply continue existing geographic discrimination in our grant-in-aid programs. For example, the Federal Airport Act authorizes grants ranging from 50 to 62½ percent for land acquisition. If a city builds an airport by filling a river, without paying the United States for release of the navigation servitude, as it can under existing law, the city is actually receiving a Federal grant greatly in excess of 62½ percent. Such a grant is available only because of the geographic accident that the city is near navigable water, and is denied to all landlocked communities. The requirement in H.R. 14526 for payment of full appraised value by public bodies and private speculators alike is thus necessary to correct injustice, as well as to protect our waters, and augment the conservation fund.

At the turn of the 20th century, as today, we in Congress were allowing the navigation servitude to be given away gratis, piece by piece. The grabbers then were power companies, who lobbied through special acts making perpetual free grants of water power rights in our flowing rivers. President Theodore Roosevelt stopped this scandal with his historic James River Dam veto message. He wrote:

> Through lack of foresight we have formed the habit of granting without compensation extremely valuable rights, amounting to monopolies, on navigable streams and on the public domain . . . A reasonable charge should, of course, be made for valuable rights and privileges which they obtain from the National Government.
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> I will sign no bill granting a privilege of this character which does not contain the substance of these conditions. I consider myself bound, as far as exercise of my executive power will allow, to do for the people, in prevention of monopoly of their resources, what I believe they would do for themselves if they were in a position to act.

Today the raid on the navigation servitude is led by real estate speculators, airport authorities, freeway builders, and garbagemen. What they seek to convert to their selfish and short-sighted use is still the property, of enormous value, of all the people. The people, through their representatives in Congress, must stop this raid in irreplaceable resources of the Nation, just as Theodore Roosevelt stopped the power interests' raid of 60 years ago. H.R. 14526 will do the job.

IS IT TOO LATE TO SAVE AMERICA?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 30 minutes.

Mr. RARICK. Mr. Speaker, a concerned American patriot, whose lifetime of devoted service to his country speaks for itself, recently journeyed from his home in Annapolis, Md., to deliver a significant address to a group of other patriots in Los Angeles, Calif.

Lt. Gen. P. A. del Valle, U.S. Marine Corps, retired, has abundantly earned the right to comment on the problems of the day, and I commend his forthright talk to this House and to all Americans.

Asking, "Is it too late to save America?"—the general concludes that it is not, if we use the brains God gave us, renounce anti-Christian materialism, and return to God.

I include in my remarks an extract from the "U.S. Marine Corps Biographical Dictionary," the citation accompanying General del Valle's Distinguished Service Medal, and the full text of his thought-provoking address:

[From the U.S. Marine Corps Biographical Dictionary]

LT. GEN. PEDRO A. DEL VALLE, RETIRED

Commanding General, 1st Mar. Div. during the attack and occupation of Okinawa, Apr. 1 to July 21, 1945: b. San Juan, Puerto Rico, Aug. 28, 1893. Upon graduation from the U.S. Naval Academy in June 1915, Pedro Del Valle was commissioned a Marine second lieutenant on June 5, 1915. After finishing a course of instruction at the Marine Officers' School, Norfolk, Va., he went on foreign shore duty with the 1st Prov. Mar. Brig. in the Republic of Haiti.

In May 1916, he landed from the USS *Prairie* and participated in the capture of Santo Domingo City and the subsequent campaign in the Republic of Santo Domingo. A tour of sea duty followed as CO, Marine Detachment, USS *Texas*, serving with the British Grand Fleet under Admiral Beatty during the surrender of the German High Seas Fleet.

In Feb. 1919, he was detached to the MB, Quantico, Va. After another tour of sea duty, on this occasion aboard the USS *Wyoming*, he was assigned as Aide-de-Camp to Maj. Gen. J. H. Pendleton and accompanied the general in an inspection tour of the West Indies. In 1924, he went to HQMC, Washington, D.C. While stationed there he was Marine Corps Representative on the Federal Traffic Board.

In 1926, he was ordered to foreign shore duty with the Gendarmerie d' Haiti for three years and upon his return to the States in 1928, attended the Field Officers' Course at the MCS, Quantico, Va. Upon graduation he became an instructor, then served on temporary duty with the U.S. Electoral Mission in Nicaragua. After a tour of sea duty as Squadron Marine Officer on board the USS *Richmond*, during which tour he participated in the operations resulting from the Cuban Revolution in 1933, he was ordered to HQMC.

From Oct. 1935, to June 1937, he was Assistant Naval Attaché, attached to the American Embassy at Rome, Italy, and on duty as an observer with the Italian Forces during the Ethiopian War. He returned to the States to attend the Army War College, Washington, D.C., and, following graduation, was assigned to HQMC where he was Executive Officer, Division of Plans and Policies. He became CO, 11th Marines (Artillery) in Mar. 1941. He was serving in this capacity when the U.S. entered WW II. He remained as the regiment's CO, and led it overseas in 1942, participating in the seizure and defense of Guadalcanal as part of the 1st Mar. Div. (Reinforced) from Aug. 7 to Dec. 9, of that year.

From May to July 1943, he served as Commander of Marine Forces (less aviation), on Guadalcanal, Tulagi, Russell, and Florida Is. He returned to the States to become President of the Marine Corps Equipment Board. He went again to the Pacific in Apr. 1944, this time as CG, 2rd Corps Artillery, 3rd Amphibious Corps, and took part in the Guam operation in July and Aug. of 1944. He became CG, 1st Mar. Div. and was awarded a Distinguished Service Medal for his leadership of that organization on Okinawa from Apr. 1 to July 1945. At war's end, he was ordered back to HQMC to become Inspector General and was assigned duties as the Director of Personnel, Oct. 1, 1946, a post which he held until his retirement. He was transferred to the retired list on Jan. 1, 1948. Having been specially commended for the performance of duty in combat, he was advanced to lieutenant general on the retired list. His retirement climaxed more than 30 years of active service.

CITATION ACCOMPANYING GENERAL DEL VALLE'S DISTINGUISHED SERVICE MEDAL

Del Valle, Pedro A., major general, USMC: "For exceptionally meritorious service to the Government of the United States in a duty of great responsibility as Commanding General of the First Marine Division during the attack and occupation of Okinawa Shima in the Ryukyu Chain, from 1 April to 21 June 1945. A brilliant tactician, Major General Del Valle effected the strategic landing of his units on the western shores of Okinawa on 1 April and immediately initiated a vigorous offensive, slashing through Japanese resistance and cutting across the island to seize, in 72 hours of swift, aggressive action, a segment of enemy held territory extending from the west to the east coast. Turning southward, he advanced his forces toward the formidable system of natural and man-made defenses comprising the ramparts of the hostile stronghold at Shuri to find that heavy mud precluded the use of many supporting weapons and made supply almost impossible except by air. Analyzing the situation with keen military acumen, he organized his attack plans with unerring judgment and laid constant, bitter seige to the enemy until the defending garrison was reduced and the elaborate bastion destroyed. An indomitable leader, he continued to wage a relentless battle, attacking and violently overthrowing a series of heavily fortified, mutually supporting ridge positions to the extreme southern most tip of the island. Undaunted by the deadly accuracy of enemy gunfire, he repeatedly visited the fighting fronts, main-

taining close tactical control of operations and rallying his weary but stout-hearted Marines to heroic effort during critical phases of the long and arduous campaign. By his superb general-ship, outstanding valor and tenacious perseverance in the face of overwhelming opposition, Major General Del Valle contributed essentially to the conquest of this fiercely defended outpost of the Japanese Empire and his decisive conduct throughout the savage hostilities reflects the highest credit upon himself, his gallant command and the United States Naval Service."

IS IT TOO LATE TO SAVE AMERICA?

(Speech of Lt. Gen. P. A. del Valle before Western Front, Los Angeles, Calif.)

Mr. Chairman, Ladies and Gentlemen: You honor me greatly in coming here tonight. And I shall do my poor best to discuss with you this all important question: Is It Too Late To Save America?

I am no oracle. But I dare to venture this as an answer: "Not if this nation turns its back upon the Golden Calf and, asking God's mercy, comes back to Him in humble prayer." For this is the basic reason that we are in such a state of chaotic confusion that it is pertinent to ask that question. God provided us with a brain and if we do not use it, allowing the anti-Christian worshippers of Mammon to lead us into their miserable materialism, then we must accept the blame.

That we have been drifting into this condition for a long time is shown by the words of Abe Lincoln upon this subject: "We have been the recipients of the choicest bounties of Heaven; we have grown in numbers, wealth and power as no other nation has ever grown. But we have forgotten God. We have forgotten the gracious hand that preserved us in peace and multiplied and enriched and strengthened us and we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success, we have become too self sufficient to feel the need of redeeming and preserving grace, too proud to pray to the God that made us."

Ladies and gentlemen, what would old Abe Lincoln say of the mess we are in today?

That our enemies are also the enemies of God is too obvious to admit of doubt. That they have been at it a long time is proven by the words of Alexander Addison depicting the French Revolution and pointing out its authors in a booklet published in Philadelphia in 1801. It has been reprinted and may be obtained from the Christian Book Club of America, P.O. Box 638, Hawthorne, California. I quote: "Lucifer conspired to dethrone God; and drew down on his and his deluded followers' heads everlasting destruction. . . . The pride of the Jews to govern themselves made them reject the Government of God; and discontent with His dispensations made them rebel against His Providence; and these distractions brought on them calamity and ruin."

"The slightest observation will show us that God hath set bounds to human liberty and rendered equality impossible." (This is an obvious reference to the slogan of the French Revolution "Liberty, Equality, Fraternity.")

"The Revolutions now operating in Europe sprung not from the impulse of a day, nor a sudden concurrence of random passions and circumstances. Their foundations were long laid, deep and wide, in an extensive and systematic operation on public opinion." (Here he describes a similar process of brainwashing as is being done on our own public opinion by the controlled news media.)

The author then refers us to Barruel's History of Jacobinism, which describes the objectives of this conspiracy as the destruction of Christianity, monarchical government, and all principles of civil society. They successfully propagated the abolition of the belief in Christ, then abolished Heaven and Hell. Having prostrated the altars they then attacked the Throne.

I will quote one more interesting paragraph: "It will be observed that the principles which led to the destruction of the French Monarchy led equally to the destruction of all government of whatever description . . . But the philosophers had employed the Jacobins as executioners of their vengeance on the Altar and the Throne; and these agents became their masters, silenced or murdered the Philosophers and proceeded in their own way . . . How little do men see, who promote insurrection or revolution, and hope to lead it, that they must soon sink under its force and be among the first victims of the fury which they excite!"

Ladies and gentlemen, if we substitute the word Liberal for the word Philosophers, and focus on the last sentence, you will realize how closely this fits our own situation. Indeed the violent deaths of some of these liberals here of late may well indicate that our Jacobins have already begun to take charge. Let those responsible for letting loose the revolutionaries here, profiting financially and expecting to be the leaders in their One World Government dreamed up in the Protocols by the Elders of Zion, beware lest their shipmates turn on them as the Jacobins did on the "philosophers".

My friend, Mr. Myron Fagan, has tackled the exposition of the so-called Illuminati today. In his pamphlets and records he does a great job. But in the end, the Council On Foreign Relations will be found to be a collection of highly placed suckers. The inner group has no intention of sharing this One World with anyone, certainly no traitorous dupes who would sacrifice God and Country for self and power, are going to share anything except the guillotine. God will not be mocked, and His hand cannot be stayed, except by faith and humility and prayer and works.

It is difficult to pin point who are the members of this inner circle, but Mr. Ned Touchstone of Shreveport, Louisiana, publisher of the patriot paper called "The Councillor" has a photograph alleging to be of their ancestors in the May 24th, 1969 number. It would appear that they are a group of financiers and bankers, and this brings us to the subject of the Federal Reserve Corporation.

My authority is chiefly Congressman Louis T. McFadden of Pennsylvania, now deceased, whose remarks in Congress on the Federal Reserve Corporation in 1934 appear in a booklet entitled "Congressman McFadden on the Federal Reserve Corporation." (Forum Publishing Co., 324 Newberry Street, Boston 15, Mass.) McFadden was for ten years Chairman of the Banking and Currency Committee of the House of Representatives, hence in position to speak with authority upon this subject. For an introduction I will quote the intrepid McFadden as follows: "Mr. Chairman, we have in this country one of the most corrupt institutions the world has ever known. I refer to the Federal Reserve Board and the Federal Reserve Banks, hereinafter called the Fed. The Fed has cheated the Government of the United States and the people of the United States out of enough money to pay the Nation's debt. The depredations and iniquities of the Fed have cost this Country enough money to pay the National debt several times over.

"This evil institution has impoverished and ruined the people of these United States, has bankrupted itself, and has practically bankrupted our Government. It was done through the defects of the law under which it operates, through the maladministration of that law by the Feds and through the corrupt practices of the moneyed vultures who control it.

"Some people think they are United States Government institutions. They are not Government institutions, they are private monopolies which prey upon the people of the United States for the benefit of themselves and their foreign customers; foreign and domestic speculators and swindlers; and rich and predatory money lenders. In that dark crew of financial pirates there are those who would cut a man's throat to get a dollar out of his pocket; there are those who send money into the states to buy votes to control our legislatures; there are those who maintain international propaganda for the purpose of deceiving us into granting of new concessions which will permit them to cover up their past misdeeds and set again in motion their gigantic train of crime."

My friends, after this introduction, if there are still some who doubt that the Fed is a private monopoly, the Fed has admitted as much. The present Chairman of the Board of the Federal Reserve Corporation, Mr. Wm. McChesney Martin, stated before a congressional committee, under oath, that the only control the Congress has over the Fed is that they can repeal the Federal Reserve Act.

You may wonder how and when this Frankenstein's Monster was foisted upon the once sovereign people of these United States. I shall now quote from a great booklet of 76 pages written by my good friend and fellow patriot, Mary Davison, Council for Statehood, P. O. Box 5435, Lighthouse Point, Florida 33064. "In 1909 a group of international bankers, headed by Jacob Schiff, Warburg, Lehman, J. P. Morgan, Drexel Biddle, Nelson Aldrich, Rockefeller, etc. met in secret at Jekyll Island, Ga. Their purpose was to create a Federal Reserve System for the United States and take our money system out of control of Congress and transfer it to a group of private individuals, the International Bankers, and thus enable them to steal the wealth of our nation."

Now, these conspirators knew that, even if they could get Congress to pass a Federal Reserve Act, the then President, Wm. Howard Taft, would veto it. So they waited until 1913, when their man, Woodrow Wilson, got into the White House.

Then, at 4 P.M. on December 24, when all but three Senators had gone home for Christmas, those three called themselves into session, they didn't even bother to call it a quorum. They submitted The Federal Reserve Act and two of the Senators, Carter Glass and Nelson Aldrich, voted yes and the act was "passed", and within an hour on that Christmas Eve, President Wilson signed it into law . . . and ever since then the gang that owns the Fed, as it is now called, many of them foreigners, whose names are unknown, have been looting us of our wealth. The Federal Reserve Act must be repealed before we ever have peace.

Another good friend and fellow patriot, Colonel Arch E. Roberts, Committee To Restore The Constitution, P.O. Box 986, Fort Collins, Colorado 80521, has written a revealing article, which first appeared in Mary Cain's The Woman Constitutionalist, entitled "The Anatomy of a Revolution". His "prelude" takes us back, if you will recall, to the situation during the French Revolution as described by Addison in 1801, and I quote:

"At the turn of the century, an ambitious and morally degenerate group of financiers and industrialists in America fixed upon a long-range plan which would ultimately deliver control of the world's people and resources into their hands.

"The basic objective was to dismantle the Constitution of the United States and erect in its place a world government covenant which the industrial-financial cartel would command.

The F/I cabala, to achieve its objective, adopted an operational procedure of infiltration, subversion and rebellion, aimed at the religious, economic and social disciplines of the existing order. By amassing their wealth

and influence to secretly sponsor nihilistic doctrine, it was thought that they might capture the intellectual leadership of church and college. Domination of pulpit and professional chair, they reasoned, would lead to mastery of the entire spiritual-educational process, the corruption of mass-communication media, and the creation of a fractured, rudderless society which would serve their purposes.

"Achieving political authority was an obvious prerequisite to success. The cartel, therefore, in 1912, forced a major penetration of the United States political structure by the elevation of Woodrow Wilson to the presidency.

"Quick to capitalize on this advantage, the cabala, in the closing days of the 1913 Congress, effected passage of three legislative acts which emasculated the Constitution and established a political base for their operations. These acts were: a. the Sixteenth Amendment to the Constitution; b. the Seventeenth Amendment to the Constitution; and c. The Federal Reserve Act.

"At one blow the cabala thus attained: a.—Unlimited financing via unlimited taxation; b.—Control of Congress by eliminating State supervision of legislation; and c.—Transfer of (the power of) coinage from Congress to their private bank, the Federal Reserve System."

I hope my listeners have noted how much the colonel compresses into small compass, *multum in parvo!* This two-page "Prelude" winds up as follows: "An in-depth study of the roots of rebellion, and an examination of those who perpetrate over throw of the American civilization, will be found in the following pages." And on the back of the booklet appears the price of this priceless gem . . . 20 cents each, 100 copies for $12.00! The author, by the way, is at this time engaged in a debate in New York. He will shortly initiate a campaign here in California in order to persuade the Governor and Legislature to use their constitutional powers to liberate this state from bondage to the United Nations.

Coming back to our discussion of the Fed, I shall quote from the most intrepid and persistent enemy of that evil institution, Wickliffe B. Vennard, Sr. of Houston, Texas, author of several books exposing it: "The Federal Reserve Hoax", "Conquest or Consent", "U.S. Rulers are Undiscoverable", "The Solution to the Federal Reserve Fraud" among others. I quote from the latter book, under the heading: *License to Steal:* "How would you like to step into the Bureau of Engraving, authorize the printing of a $50,000.00 bill, walk out with it, and leave a tab of ⅔ of a cent?"

Fantastic, isn't it? But that is just the beginning. Now you step into the Treasury Department and purchase $50,000.00 interest-bearing U.S. Bond with said bill. This is the manner in which the Treasury finances the budget. In most cases the Fed merely credits Government account, and hands the Government a book of checkbook currency, thereby saving the cost of printing the Federal Reserve Bank note $.0084 per note, regardless of denomination.

Then deposit the Bond with the Comptroller of the Currency, and he will give you $50,000.00 in currency. Remember, you retain ownership of the Bond, and the interest on the bond is payable to you.

Now you hoard the $50,000 currency in your bank vault as reserve for the creation of $1,500,000.00 of check-book currency which you can lend to John Q. Public at 6% interest, under the fractional reserve system.

The bond pays 4% annual interest and matures in 30 years, at which time the Fed will receive a second cash payment of $50,000 from the Treasury.

Now, remember, by law all Federal Reserve notes are obligations of the Federal Government.

We summarize the transaction: Treasury has received $50,000 cash, whereas the Federal Reserve has received and will receive within 30 years:

From the Bureau of Engraving	$50,000
From Treasury when the bond matures	50,000
Interest from the bond	60,000
Interest on loans to John Q. Public (at going interest rates)	3,000,000
Total	3,160,000

And all tax exempt (for a fraction of a penny).

This calculation was made when interest was at 6% and much lower, but, calculating this at 8% interest, the total would be $3,760,000. Fantastic, isn't it? Well, while you slept, Congress ratified this, the greatest fraud in the history of the world, on December 23, two days before Christmas 1913, when many of our loyal Representatives were home for the holidays.

Mr. Clarence Martin puts it this way: "Their program entails the enslavement of one-time free people of the world through the vicious 'usury cycle' of increased borrowing, increased interest, and increased taxation as practiced by them in this our country by the foreign bred and internationally controlled Federal Reserve Corporation, fallaciously called system, whose Class 'A' stockholders steal well over one million dollars from us every hour of every day of every year in 'interest' on 'illegal' Federal Rserve Notes which should have been issued by Congress as United States Notes, Gold or Silver Certificates—interest free".

If the Congress is too far gone, and in the hands of the Cabala, then they will not have the courage to repeal the act of a previous Congress. There is no other recourse but to demand that they take the only other course. The Federal Reserve Act has a clause which permits the Congress to buy back the Federal Reserve Corporation for the present market value, less than half a billion dollars. If they do not have the courage to do this, then we must revert to the Declaration of Independence which tells us in the second paragraph that it is the right and the duty of the people to, and I quote: "It is the right of the people to alter or abolish it." There's yet one possible course of action remaining, short of violence. The States, from whom the powers of the Federal agencies of government are derived, could simply declare by statute, passed by the Legislature and signed by the Governor, that the Federal Reserve Act, being in violation of Article 1, Section 8, Paragraph 5 of the Constitution, is not the law within its boundaries and fix suitable punishment for any who would attempt to enforce it. For the legislature of a state is supreme, except where prohibited by its own or the U.S. Constitution, and there is no power granted any federal agency to review or overrule such lawful statutes. For the U.S. Constitution is a solemn contract made by sovereign states by which these states surrendered only such powers as are written therein, and under contract law, the parties to a contract have the right and duty to police it, and to see that its employees, the federal agencies of government, do not usurp powers remaining with the states.

But alas! here again we run into the same snag in the state governments as with the national government. The power of the Fed's immense wealth reaches out and controls the Conference of Governors and likewise many of the state legislators. But some of us are trying. We worked on Alabama for a number of years unsuccessfully, but managed to get the statute through the legislature on the fourth try, only to have the governor chicken out. We are now engaged in a similar campaign in Georgia. Hope springs eternal in the human breast!

Here are two things which a very wise political advisor to a Member of Congress suggested we might do:

1. The new tax bill is now before the Senate. Demand of your senators that they vote to tax the Federal Reserve Corporation or give you a good reason why not, since it is a private corporation, that takes 15 billions from the borrowing public. Such a tax would relieve the voters of the country of a good percentage of their now unbearable taxes.

And: 2. Since the theory appears to be that it's all right for the government to be in debt, 'because we only owe it to ourselves," insist that your senators insert an amendment to the new tax bill providing for the purchase of the Federal Reserve Corporation by the U.S. Government as provided in the Federal Reserve Act of 1913. Then we literally would owe it to ourselves, thus automatically reducing our annual budget by at least 15 billions. The present market value of the Federal Reserve Corporation is less than half a billion. This would credit the Senators who voted for it with a great reduction in our taxes.

And this brings us to the discussion of what may well be the final step in the conspiracy of the "morally degenerate financiers" to destroy us as a nation and establish their one world government. The control of the cabala over our government is now so complete, that it no longer obeys the Constitution, but the United Nations Charter. Article 25 of the Charter reads as follows: "The members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter."

At this point it will be noted that:

a. The Executive Council is, and always has been, under the authority of a communist officer, by agreement between Alger Hiss and Gromyko at San Francisco. This, in my book, comes under the name of treason. For under the Charter it made it possible for the Russians to know our plans in both Korea and Vietnam beforehand.

b. We have surrendered our sovereign right to make our own domestic and foreign policies, for we agree to carry out the decisions of the Security Council of the U.N. This explains our race-mixing decisions and civil rights laws at home, as well as our behavior in the infamous cases of the USS Liberty, the USS Pueblo, and the Korean shooting down of our un-armed reconnaissance plane, and the no-win wars in Korea and Vietnam. We are "carrying out the decisions of the United Nations."

Our entry into the United Nations was as sneaky as the passage of the Federal Reserve Act. It was foisted upon us as a treaty, so the cabala had only to line up President Truman and the Senate. We are the only nation hooked up with the U.N. by treaty. In the formulation of this Charter, which is in fact a Constitution for World Government dressed up as a document dedicated to "international peace and security", there were some prime security risks, such as Isaiah Bowman, Benjamin Cohen, Leo Pasvolski, and Alger Hiss. No sooner had the deed been written up at San Francisco, then Hiss and Pasvolski flew to Washington to convince the Senate to approve this treaty. With the exception of just two senators, Langer and Shipsted, the only ones who had read the Charter, the Senate ratified the U.N. Charter as a "treaty". The ground had been prepared by a twisted interpretation of the treaty clause in the Constitution in Article VI. "The Constitution, and the laws which shall be made in pursuance thereof; and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land." This article was inserted to keep states from dodging treaty obligations incurred while they were separate sovereign states. But these two facts remain: 1. that

the U.N. is not a sovereign, and treaties can only be made between sovereigns; and, 2. that no authority is granted any agency of government to surrender our sovereignty as was done in accepting the Charter. The Supreme Court of California has ruled the U.N. Charter is the law of the land, superseding the Constitution!

Those wishing to get a good, quick understanding of the United Nations may do so by reading Colonel Roberts' "Invisible Government Behind the United Nations Organization", appearing in a coming number of The American Mercury.

I have a copy of this excellent and short indictment of the United Nations and its protagonists, and principal architects Leo Pasvolsky and Alger Hiss. This is what he says about them: ". . . Mr. Pasvolsky, although born in Russia of communist revolutionary parents, achieved phenomenal success in the U.S. Department of State. He rose to a key position which ultimately led to the transfer of U.S. sovereignty to the U.N.O. Alger Hiss, his assistant and co-author of the first draft of the Charter and later U.N. General Secretary at the San Francisco Conference, was at the same time a member of the Harold Ware communist cell in Washington, D.C., a Soviet agent, and a member of the Council on Foreign Relations."

The final draft of the Charter was approved by Truman 26 June, 1943. On 28 July the Senate, following a reading in the Senate Chamber by Leo Pasvolsky, ratified this extraordinary treaty by a vote of 89 to 2. The 2 were Senators Langer and Shipstead, the only ones who had actually read the Charter.

"In the words of the U.S. Senate", says Colonel Roberts, "The Charter of the United Nations thus became the supreme law of the land, and the Constitution of the United States of America passed into history."

At the end of the article are printed the 10 impeccable sources from which the article was taken. If any of my listeners would like to see my copy, I have it here with me. It is of great importance here and now, because Roberts will soon be in California to convince the government of this great state to lead the nation in the extirpation of this cancer which has deleted our sovereignty.

The significance of this is of transcendent importance and concern to every person who calls himself an American Citizen. The Senate's assumption that the U.N.O. Charter supersedes the Constitution places what we call the Government of the United States in the peculiar position of being a government without law, a government de facto, but not de jure. Since the powers of this government were only those ceded to it by the sovereign states in writing in the U.S. Constitution; and since the U.N. Charter gives this government no powers whatsoever, then, when they embraced the Charter and rejected the Constitution, they voluntarily surrendered the powers they legitimately exercised under the Constitution. They continue to exercise these powers only in usurpation of the sovereign powers they no longer lawfully possess, and in gross violation of their oath of office. Only by means of the controlled news media have they been able to keep the people from knowing the truth you are now hearing.

Our Declaration of Independence has this to say on what the people should do about a government which no longer secures to them their inalienable rights of life, liberty, and pursuit of happiness conferred upon all men by Providence: "That whenever a government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, laying the foundations on such principles and organizing its powers in such form as to them seems most likely to effect their safety and happiness."

This is a clear indication of *what* must be done. Other factors in the problem presented are the "when, where, why and how". I think if we look about us at the shambles of our former orderly country [illegible] the U.S. Constitution, the time, or *when*, is now. The *where*, it would seem has to be in the governments of the sovereign states. The *why* is in order to regain our lost security and happiness. The *how* is a sticky problem. If the State of California should enact appropriate statutes, after formally investigating the U.N. situation, providing for the enforcement of the U.S. Constitution with regard to the United Nations Organization within the bounds of the State of California as per Article IV of the U.S. Constitution, this is where the landslide against United Nations slavery and the restoration of Constitutional Liberty will begin to roll. If no state will do this, then, in historical sequence, we shall go through a period of chaos, terror, and revolution followed by a dictatorship such as exists in Russia, which is simply slavery. The only alternative to that sort of dictatorship would be a Napoleonic one, a military dictatorship.

If the inner circle of the Council on Foreign Relations are indeed the ones seeking to enslave us by means of the United Nations, which is meant by them to be a world government, then, "Why do we stand here idle?" This is the target towards which our wrath as a Christian Nation should instinctively aim our heaviest artillery. The C.F.R. has already been declared subversive by the American Legion. The United Nations, so-called, are not only Godless, but anti-Christian, anti the Caucasian race, and have suppressed the Constitution. We face the Jacobins of the French Revolution, the Sons of Jacob, the destroyers and assassins who slaughter our young men in useless wars and will make slaves of us. Arise, Americans, we can still save America! Let no man or woman here forget that each one of us counts, and that God will hear our cry for help if we ask him. Let us go forth from here determined to spread God's truth and restore God's law. If God be with us, then none can prevail against us.

Thank you kindly.

AMENDMENT TO. H.R. 14001 TO REPEAL THE DRAFT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, I intend to offer an amendment to the draft reform bill, H.R. 14001, when it comes before the House on Wednesday, which will put Congress on record in favor of abolishing and reinstating it, only upon a formal declaration of war.

More than any other single item, the draft has become the symbol of the gap between the generations and the major source of friction in that area. This was demonstrated dramatically in the September Harris poll which reported an overwhelming belief among those under 30 that the draft was wrong.

The draft is not at issue only because of the war in Vietnam, but because of its disruption of so many lives. Most places of business refuse to hire men who have not fulfilled their draft requirement. Vulnerability lasts for 8 years. That is a terrible bite out of a young man's life.

The proposed reform of the military manpower selection system, which would substitute a lottery—and vulnerability for only 1 year—for the current system is a step in the right direction. But still more equitable would be the total abolition of the draft.

Any system which requires some and not others to serve is inherently unfair. President Nixon has himself told the American people that the draft should be repealed. He has recognized that what General Hershey once said, "No draft can be fair," is true. Every reform, however called for, creates new injustices, even as it attempts to erase old ones. H.R. 14001 is understandable, therefore, only as a temporary measure urged by the President until conscription can be ended altogether. While it does attempt a greater equity in that the final selection will be a random one, and in that boys will know early in order to plan their lives, it is clearly inadequate and leaves untouched many of the basic inequities of the system. This is bound to be so simply because the draft means choosing from a large pool a few boys who will be forced to fight, to kill and to die against their wills. The lottery will create new problems for a large number of 17- and 18-year-olds. The Bureau of the Census reveals that the typical high school graduate is now 17, not 18. Especially for young working people not going to college, the President's plan will increase the hardship. Employers are hesitant not to hire this age group, but if they know the call will come for sure in the 19th year, they will simply stop hiring 17- and 18-year-olds at all.

The President has said he recognizes the basic injustice of the whole draft. He called upon the Nation's youth this summer to help him make decisions on the draft. In a press conference he announced creation of youth advisory committees in every State to assist him. But the President did not consult the youth.

In fact, the draft reform proposal to come before us received no public hearing, nor will this bill alone allow us a full public debate on the basic issues of the draft. Since the President favors draft repeal and seeks public and particularly youth opinion on the matter, I would hope he would welcome my amendment. Last week I wrote him concerning the draft.

The amendment gives the President full congressional support for ending the draft. It does not take hasty steps, but urges early action. Its intent will be clear to young people—without the confusing limitations of most of the reform proposals. The amendment calls for the complete abolition of all the draft laws—not just induction, but the entire Selective Service System. It further states that such laws should be reinstated only after a formal declaration of war. This clause is particularly welcome since it states more clearly than in any other measure before the Congress the principle of congressional control of military manpower, and the intent to exercise the Congress' right to induct only in wartime, as indicated in the Constitution.

If H.R. 14001 passes without the amendment, the gap between the generations will be widened. It will indicate that all the President and others have been saying about the draft was misleading. If, on the other hand, we give youth a clear indication of our firm intent to get rid of the draft—which a majority of those under 30 now holds to be an infraction of our democracy—we will have begun the process of bringing

youth squarely back into accepted political activity.

Because I believe we should have a full and open discussion of the draft, I intend to support the move by Congressman BOLLING to bring about an open rule. But should his motion be defeated, and the modified open rule be passed, I still intend to offer my amendment; for I believe it is contextually germane.

The extent of public support for the abolition of the draft is suggested by the following list of some of the individuals and groups which support ending the draft:

Draft repeal is supported by such individuals as:

Former Senator Ernest Gruening; Mrs. Martin Luther King, Jr.; Lewis Mumford; Maj. Gen. LeRoy H. Anderson, retired; Rabbi Arthur J. Lelyveld; Dr. George Wald; Dr. James Dixon; Emil Mazey; Rev. Channing E. Phillips; Dr. Harvey Cox; George A. Wiley; Right Rev. William Davidson; and Rear Adm. Arnold E. True, retired.

Draft repeal is also supported by several dozen labor, church, women's peace, civil rights, and students organizations. Representatives of one national group, whose object is the abolition of the draft, the National Council to Repeal the Draft, come from such organizational backgrounds as:

U.S. National Students Association;

United Presbyterian Church;

U.S. Catholic Conference;

Union of American Hebrew Congregations;

American Friends Service Committee;

United Christian Missionary Society of Christian Church;

B'nai B'rith Hillel Foundation;

Mennonite Central Committee;

American Jewish Congress;

Jewish Peace Fellowship;

Division of Social Responsibility of the Unitarian Universalist Association; and

The Board of Christian Social Concerns of the United Methodist Church.

Groups endorsing draft repeal include:

The executive council of Local 1199 of the Drug and Hospital Union;

Student World Federalists;

Ford Local 600 of the United Automobile Workers;

Americans for Democratic Action;

The House of Bishops of the Episcopal Church; and

The Unitarian Universalist Association.

One example of the widespread support draft repeal has is the collection in 1 day of 7,200 petition signatures in two Cleveland suburban shopping centers.

LANDMARK FIGHT IN THE MAKING: AEC VERSUS THE STATE OF MINNESOTA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 10 minutes.

Mr. SAYLOR. Mr. Speaker, over the years I, along with a determined band of Members, have questioned the "untouchableness" of the Atomic Energy Commission. To date, our voices have been overwhelmed by the AEC's publicity wind generated with public money. At last, the public will begin to see the other side of the question concerning the proliferation of atomic plants when the Joint Committee on Atomic Energy opens hearings tomorrow on the "Minnesota case."

The issue before the committee is straightforward; that is, shall a State be allowed to protect its environment and people through the issuance of regulations which may be more stringent than those of the Federal Government? The impetus for this historic confrontation is the AEC's scheduled construction of a nuclear plant near Monticello Minn.

On Sunday, October 26, Victor Cohn of the Philadelphia Inquirer, examined the issues involved in the AEC-Minnesota fight and his excellent summary of a complex problem is worthy of close scrutiny by all Members.

The article follows:

MINNESOTA VERSUS THE AEC—A "LANDMARK FIGHT"—IS ATOMIC POWER WORTH THE PRICE?

(By Victor Cohn)

MINNEAPOLIS.—Minnesota has looked at the atom and found it partly evil.

On the verge of what seems an evitable age of nuclear power, citizens here—citizens in several states—are staring afresh at this form of energy.

They are rediscovering the fact, known in bomb-testing, that using it has a price. The price is an inevitable addition, "slight" or "great" depending on whom you ask, to the quiet violence that modern man does to air, water, land and himself.

The price has led the state of Minnesota into a grim legal confrontation with the U.S. Atomic Energy Commission. It is a fight—"a landmark fight," say federal and power industry officials—that threatens the growth of atomic power, threatens AEC regulatory authority all over the country and challenges the AEC's very doubleheaded structure as both promoter and protecter in atomic matters.

Minnesota simply wants to be tougher than the AEC in regulating release of radioactive wastes into the air and water. Minnesota Gov. Harold Levander—a rather lackluster middle-road conservative who is far from a crusader in other areas, is deeply committed to this. At a recent national governors conference, he won the unanimous support of fellow governors, Republican and Democratic.

HEARINGS TO START

The issue will be examined by the Joint Senate-House Committee on Atomic Energy at six days of hearings in Washington starting Oct. 28. But it is already being examined by state officials and many citizens in Minnesota, Maryland, Vermont, New York state and the metropolitan New York area, Illinois, Oregon and Colorado.

Since the Nov. 9, 1965, New York power blackout—"Black Tuesday"—a handful of people have successfully delayed or blocked every major power plant proposed for the New York area, complained a recent double-page ad in the New York Times. The ad was inserted by the McGraw-Hill power industry magazine, Electrical World, which complains, with the industry, that power-makers are suddenly caught in America's new awareness that pollution imperils man's survival.

The public AEC chairman Dr. Glenn T. Seaborg points out, is "uptight about the environment." At the same time, the U.S. is growing so fast and using so much electricity—for air conditioning, electronic computing and home hair drying—that generating capacity, more than doubled just since 1950, must double again by 1980 and more than triple by 1990.

At the same time nuclear energy, until recently an expensive experiment, finally seems to be coming into its own. Today only 1 percent of U.S. electricity is nuclear-generated—the AEC says the figure will be 50 percent by the year 2000. Seventy-nine civilian A-power plants are now on order or building.

What one AEC commissioner terms the "anti-nuclear movement" began in this state of lakes and streams when Northern States Power Co.—slogan, "Electricity is penny cheap"—began building a big 560 megawatt atomic plant near Monticello, on the fresh-flowing Mississippi River just north of Minneapolis-St. Paul.

At first all went swimmingly. Then NSP sought a waste disposal permit from the new Minnesota Pollution Control Agency. The MCPA, needled by a set of young University of Minnesota biologists, engaged Dr. Ernest C. Tsivoglou, professor of sanitary engineering at Georgia Tech, as a consultant.

CONTAMINANT RATIO

Tsivoglou, chief of radiological water pollution control, U.S. Public Health Service, 1956–66, acknowledged that nuclear plants in the U.S. commonly discharged only a few percent of the radioactive contaminants that the AEC would permit. NSP, in fact, said it would discharge no more radioactivity than 1 to 4 percent of what the AEC would allow.

Tsivoglou also acknowledged that the AEC has prudently set its standards in accordance with recommendations of both the Federal Radiation Council (FRC) representing several federal agencies and international bodies.

But he argued that knowledge of the effects of low-level radiation is highly imperfect, and future research may turn up new harm.

In effect, therefore, Tsivoglou recommended a set of standards at about 2 percent of the AEC level, and in May the MPCA issued NSP an operating permit specifying such standards.

STATE FUND

NSP said it would meet the new standards almost all the time, but occasionally might have to exceed them. It said it would have to modify its plant and shut it down more frequently to adjust to them, and additional annual operating expense would be a prohibitive $3.5 million a year, making future electricity slightly more than penny cheap in the upper Midwest.

NSP has sued the state of Minnesota in both state and federal courts, charging that its restrictions are unjustified and illegal. Nuclear power plant builders like Westinghouse and GE and even publicly managed utilities like TVA have rallied to NSP's support.

And leaders of the congressional Joint Committee on Atomic Energy—in particular, Rep. Chet Holifield (D., Calif.), chairman, and Rep. Craig Hosmer (R., Ill.), ranking minority member—have sharply and impatiently questioned Minnesota's action.

Hosmer, appearing on the University of Minnesota power conference platform, firmly said Congress has "pre-empted" the field of nuclear regulation for the Federal Government, as one too complicated for state-by-state action. He and others said that where states have exercised radiation controls—as in Colorado uranium mining and in medical X-raying—they have done miserably.

But also, he charged, the Minnesota issue is "a big political football—certainly it is among the Minnesota delegation in Congress."

NOT FOR PUBLIC?

He said any complaints about radiation standards should go to the Federal Radiation Council—"they're not a subject for public

rallies and placard making" and "you can't have 200 million people deciding" them.

In reply, Dr. Barry Commoner of St. Louis—Washington University biologist and environmental crusader—said "informed public opinion" should indeed rule, even to accepting or rejecting a particular plant.

"The public is entitled to this vote," agreed Prof. Harold Green of George Washington University's National Law Center, a former AEC associate general counsel. "Why, in a democracy, should the public not have the full opportunity to decide for itself, rationally or irrationally, what benefits it wants and what price it is willing to pay?"

Conference discussion then centered on that price: power plant radiation's alleged hazards or virtual lack of hazards, with scientists on both sides.

Commoner and Dr. Arthur Tamplin of the University of California's Lawrence Radiation Laboratory at Livermore, emphasized hazards. Commoner saw a possible U.S. increase in thyroid cancer of several hundred cases a year from power plant radiation escaping into the environment. Tamplin said nuclear plants now measure only over-all radioactivity. But particular radionuclides—individual elements or their radiation-produced daughters—may cause greater than average harm.

TRITIUM CITED

He pointed to tritium, a heavy form of hydrogen, chemically inseparable from ordinary hydrogen. Once in human cells, it becomes part of the human heritage—incorporated into the DNA that tells future cells and future children how to grow. He said AEC standards should be lowered; individual radionuclides should be monitored; and almost no plant wastes should be discharged into rivers, but all should be buried in atomic graveyards.

Other possible power plant dangers were discussed: their considerable thermal pollution, of discharges or hot water; possible plant accidents, "a remote danger," it was generally agreed, but a horrendous one. On each point some speakers saw little problem, others peril.

When scientists disagree, concluded lawyer Green, the public and public bodies must decide. But the AEC, he maintained, has "a bifurcated interest," a "conflict of interest" in acting by congressional mandate as both A-power's developer and salesman and its government regulator.

He told how AEC officials, once they decide a plant is safe, becomes its enthusiastic supporters and defenders. "Clearly," said Commoner, "standard-setting belongs in the hands of an agency concerned with all aspects of the environment," such as the Department of Health, Education and Welfare's Consumer Protection and Environmental Health Services.

S. David Freeman, director of energy policy for Dr. Lee Dubridge, President Nixon's science adviser, agreed that this policy issue "deserves thoughtful consideration."

NUCLEAR MAFIA

Again and again at the Minnesota conference, Rep. Hosmer bristled. "It is time," he said, "that people quit painting the AEC as some kind of a nuclear Mafia engaged in a vast conspiracy." Even gentlemanly AEC Commissioner James T. Ramey said Minnesota "is making a mountain out of a molehill."

Yet out of the Minnesota fight there may come some agreements or at least some new directions for nuclear power:

Commoner, Hosmer and Freeman agreed that environmental licensing and monitoring ought to encompass all kinds of power plants, not just A-plants. The AEC can now consider only radiation, not heat effects. Legislation now under consideration would partly remedy this, but still not create an "energy" agency.

Radiation standards in one way or another will probably be toughened. NSP and the state of Minnesota are talking compromise—this would in effect establish the right of a state to talk tough to powermakers.

This high-energy civilization needs to keep looking at other sources of power, not just the atom. Unless more and more power is provided us, we will flick the switch one day soon, but nothing will happen.

MANY TARGETS

The concern of the "new militant" environmentalists has only begun. "I assure you, gentlemen of the atomic power industry, you are not the targets," said Prof. Commoner. "All polluters are." One of the placarding and protesting Minnesota groups—MECCA or Minnesota Environmental Control Citizens Association—says, "We are a fighting group. Our members are willing to go to court, to work in the legislature and protest at hearings."

Gov. Tom McCall of Oregon has announced a nuclear power conference for Dec. 4–5. "I expect there will be a need for additional ones," patiently said Atom Commissioner Ramey. "We are," Commoner thought, "in the midst of a revolution in public attitude toward the moral acceptability of a level of environmental deterioration which has for a long time been accepted without general complaint." If this is true, the future will see more and more placarding about DDT, offshore drilling, gigantic accident-prone oil tankers and even, it may be, pollution-belching cars.

It may even see placards about people. The Minnesota conference's oldest speaker was white-haired M. King Hubbert, U.S. Geological Survey research geophysicist, respected world authority on man's resources. He spoke for developing new, advanced forms of nuclear reactors—breeder reactors—to conserve man's richest atomic fuels. But he pointed out that the nuclear fight, like the pollution fight, depends ultimately on control of man himself; "It is mandatory that we stabilize human population at some level we can live with—and we may even have to drop the population back to some livable level."

ARTHUR BURNS SHOULD BE GIVEN A CHANCE AS FEDERAL RESERVE BOARD CHAIRMAN

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, over the past 10 days I have often been asked my opinion of President Nixon's nomination of Arthur F. Burns as the new Chairman of the Federal Reserve Board.

Arthur Burns is a man of the highest integrity; a dedicated, hard working, and extremely honest public official. From this standpoint, President Nixon has chosen well.

However, I do not feel capable of divining what Mr. Burns may or may not do as Federal Reserve Chairman. It would not serve Mr. Burns or the Nation well to engage in the endless "guessing" game about his possible performance.

All of us should give Mr. Arthur Burns a full chance to prove himself on his merits as Federal Reserve Board Chairman. Down the road, I may well disagree—and disagree strongly—with Mr. Burns, but for the time being I view the appointment with an open mind. I say, "give him his chance."

From my knowledge of Mr. Burns, I think he has a good understanding of the dangers of the concentration of power in the hands of banks and other economic giants. I think he has a good understanding of the need to keep the banking business separated from nonbanking enterprises. I also believe he knows how destructive Federal Reserve monetary policy can be on various sectors of the economy, such as housing.

How he approaches and deals with these problems will be the big test. I may disagree with his methods, but I believe he comes into office with, at least, an understanding of the magnitude of the monetary and banking problems and with knowledge of the tremendous power of the Federal Reserve to do "good or evil" for the people.

Mr. Burns has impeccable credentials as an economist and he has worked in this field his entire life. He cannot be faulted for lack of experience.

This is a contrast to his predecessor, Mr. William McChesney Martin. The son of a banker, Mr. Martin came to Washington from the New York Stock Exchange with a bagful of cliches about monetary policy. He had no experience in the field and the country has suffered as a result.

Mr. Martin will go down as one of Washington's greatest all-time "drum beaters" and "public relations" pitchmen. In this area he has rivaled the best that Barnum and Bailey could produce.

His rolling cliches have brought him some wonderful plaudits and laudatory newspaper columns. But press clippings do not make monetary policy and the sad record of Mr. Martin is now part of the economic history. The historians will look behind the beautiful—if contradictory—Martin cliches and see the hard evidence. The evidence will indict Mr. Martin as a failure; a man whose prime contribution was that he made the word "inflation" a national fetish.

But, I will discuss Mr. Martin's 18-year tenure more fully later this session.

Today, I want to emphaize the need to give the new Federal Reserve Board Chairman a chance to start with a fresh book. He cannot be held responsible for the Martin mess.

In this regard, I think it is deplorable that certain characters in the administration have attempted to undercut Mr. Burns even before he takes office. I refer specifically to the Treasury Department's frenzied attempt to sell a plan to strip the Federal Reserve of all its regulatory power over banks, leaving it only with authority in the monetary field. The plan would give all these powers to the Federal Deposit Insurance Corporation and the Comptroller of the Currency, two agencies well known for their banker-bias.

More importantly, an effort is being made to push this through the back door under the Reorganization Act in an attempt to bypass the Congress to the maximum extent possible.

From information I have received, this plan has no currency outside of certain offices in the Treasury Department and special committees of the American Bankers Association. These promoters have been attempting to sell their plan to the press as an administration idea.

It would seem strange, indeed, for the administration to name Mr. Burns as Federal Reserve Board Chairman and then announce a plan to take away a substantial part of his powers. I hope the administration will clarify this situation and make it clear that the Treasury Department is not running the Government.

Of course, there are many things that need to be coordinated and strengthened in the bank regulatory field and I intend to introduce legislation to accomplish this. But this should be done in an orderly fashion, with full hearings before the Banking and Currency Committees, and not through some hurried attempt just as a new Chairman is being installed at the Federal Reserve.

As this legislation goes forward, the Federal Reserve and its new Chairman should have a full opportunity to present their ideas. Some changes may be needed, but these should not come from some half-baked scheme which has all the earmarks of an intramural power play.

TIMES HAVE CHANGED—NOW TIME TO ESCALATE OR WITHDRAW FROM VIETNAM

(Mr. JOHNSON of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JOHNSON of California. Mr. Speaker, during recent days we have heard much discussion about our past, our present, and our future role in Vietnam. Throughout this debate I have listened attentively—and I might mention that I was among those present and voting against adjournment the night of October 14 for I believe firmly that this Nation can only benefit from full, open debate of the difficult issues which face this Congress.

We were in Vietnam when I first came to Congress 11 years ago and in the years that I have served in this House of Representatives I have sought out a diversity of thought on this issue, both here and throughout the 20 counties which make up the Second Congressional District of California. Constituents whose views I have solicited and to whom I have listened range from the most vigorous and early opponents of our involvement there to the fine young, much decorated helicopter pilot—a son of a very good friend of mine—who voluntarily returned for an extra tour of duty in Vietnam because he is so impressed with the value of what this Nation is trying to do in Vietnam.

What are we doing there?

When we first sent advisers to Vietnam we were seeking to give the Republic of South Vietnam the guidance and assistance to withstand Communist aggression from the North and, most important, to preserve the right of self-determination which we as a Nation value so highly, and have treasured for two centuries for this is one of the basic tenents on which this Nation of ours was founded. It should be remembered that we had assistance from other nations as we fought for our own independence.

The war, as we all know so well, escalated steadily as we countered action with reaction. This Nation plunged deeper and deeper into the quagmire of war on the Asian continent. Eventually we had more than a half million troops fighting in that small, Southeast Asian nation no larger in area than my own State of California. The toll was tremendous—more than 40,000 American lives lost, more than a quarter million American servicemen wounded, more than $100 billion spent.

Throughout this process of escalation, the United States maintained a firm conviction that the people of Southeast Asia, who had turned to us for help in an hour of need as we had turned to other nations two centuries ago, must be allowed the privilege of self-determination. After all, this is a privilege which we in our daily lives accept as a right—the right to determine our own destiny through the orderly process of law rather than through aggression, raw force, and violence.

I cannot and I will not challenge the integrity or the sincerity of those who made the difficult choices which led to each step up the combat escalator, for I am convinced that they were honest, dedicated men who were doing only what they thought best for the security of this Nation and for the cause of freedom throughout the world.

But I can and will say today that the time has come to reverse this process with all possible speed.

Times have changed.

The decisions to escalate must be recalled in the light of the circumstances in which they were made, not in the light of subsequent developments. The initial attacks against North Vietnam came as a response to a direct attack upon American military vessels sailing in international waters.

Escalation came at a time of apparent solidarity in the Communist-bloc nations, at a time when the so-called domino theory appeared to have substantial validity. It could well have been true that other free nations of that critical part of the world would have fallen under the Communist scythe if the Republic of South Vietnam had been abandoned.

Because of our assistance, South Vietnam was not overrun by the aggressors from the north. Red China became embroiled in its own bloody revolution which was put down only after thousands upon thousands of Chinese were slaughtered in the Red Guard purges. Moscow experienced trouble in its own backyard, as is shown by the events in Czechoslovakia and Rumania.

During the long years that the United States has actively engaged in the fighting in Vietnam, other Southeast Asia nations have had an opportunity to strengthen their defenses and today with the two giants of the Communist world—China and Russia—engaged in a bitter dispute over their mutual border, the "domino" threat has diminished.

During these same long years during which the United States carried a substantial burden of the fighting, the Republic of South Vietnam has had an adequate opportunity to take the first steps toward self-determination through the election of its own legislature.

During these same long years of our active military participation, the Republic of South Vietnam has had an adequate opportunity to train a military force capable of defending its own right of self-determination.

The time has come for the Republic of Vietnam to accept the responsibility of its own defense.

Further delay will result only in ever greater reliance by that nation upon the crutch of our military manpower. This, in turn, can only atrophy the will of the South Vietnamese to fight for their own self-determination. It is time for this crutch to be cast aside and for the South Vietnamese to stand upon their own feet.

In fact, it is my belief that this is now long overdue. It was on March 26 of this year that I joined with several Representatives in Congress in the introduction of a congressional resolution declaring that it is the sense of Congress that the United States should begin to reduce its military involvement in Vietnam.

In recent weeks, many proposals have been made as how best to accomplish this goal. In considering all of these, it must be understood fully that under our system of government the conduct of our foreign policy is in the hands of the President and his appointees in the executive branch of Government.

With this fundamental principle in mind, I joined in a later congressional resolution declaring "that the substantial reductions in U.S. ground combat forces in Vietnam already directed are in the national interest and that the President be supported in his expressed determination to withdraw our remaining such forces at the earliest practicable date."

We have made a small start in troop reductions. It is my fervent hope and prayer that this can be "escalated" and the pace of our orderly troop withdrawal speeded so that all of our servicemen, including those who are held prisoners of war, may be brought home.

In the meantime, I would encourage what appears to be the new U.S. military policy of "protective reaction," a standfast policy which replaces the search and destroy strategy of maximum pressure. This new strategy hopefully will lead to a true cease-fire which can halt the bloodshed which has gone on so long.

This prayer is expressed, not for those strident young people who shout "Hell, no, I won't go," for they are the minority, a tiny minority in every way, except possibly for volume of noise. This prayer is said for the vast majority of our young people who have faced up to a dirty job by setting aside their hopes and aspirations for 2 or 3 or 4 years to serve their country.

They do not like war. No one in his right mind likes war. But they have quietly met their obligations to this great Nation of ours, and we can be proud of them.

For some, like 20-year-old David Edward Freesone, of Rough and Ready, Calif., a cease-fire will come too late. A

few hours after receiving word of David's death, his father wrote the following letter to the Grass Valley-Nevada City Union, expressing the anguish and pain which has been repeated more than 40,000 times throughout this Nation of ours during these long, long years:

Only hours ago, I received the shocking news that my son had been killed in action. David, a big strapping boy, a paramedic assigned to the 1st Infantry Division who only the day before he died, wrote "Don't worry Dad, this is a big base, eight or nine miles across where nothing ever happens."

Less than 24 hours later he was dead. Dead because of a system, a condition, or perhaps a military order. Dead because of a commitment made by this government to a foreign power, that we the American people would bolster small defenseless nations against Communist aggression.

Since the early days of Vietnam, particularly where America has been involved, 38,590 fine young Americans have died. Mind you, these aren't the "Flower Kids" or the addicts or the perverts. These aren't the rioters, the looters or the hate mongers, and these aren't the Black Panthers. The number I quote constitute the finest representation of mankind this world has ever known . . . or ever will know. Ironically, 99 per cent of these tragic fatalities evolve around those boys who are too young to have tasted life or true love; too young to have tasted success or to have entered a voting booth, but old enough mind you—to die as only men can die.

We are a sick race of people when we allow this to happen for we are a Democracy where the power is vested in the people. How is it then that we allow our sons to become tools of politicians? Haven't we got the sand to stand up on a united front to be counted? Why can't we say to anyone we choose to accost: "You're not telling us . . . we're telling you!"

I do not believe in anarchy or in rebellion. I despise any way of life contrary to the American dream as envisioned and contained in both the Declaration of Independence and the Bill of Rights. I believe it is the duty of any man to defend his country in the event we are attacked. The significant fact is however, we were never attacked by the Vietnamese. Nor were we attacked by the Koreans. Neither of these two conflicts come under the category of a "declared war".

And yet, the mortality rate spirals higher and higher.

Our beloved son is dead. We shall never see him again . . . nor shall we hear his voice. The day he left Sacramento for Vietnam, February 15, 1969, he stood tall and handsome in his uniform. We shook hands. I wanted to say: "David I love you . . ." but I couldn't. He was my boy but father and son just do not express themselves in this manner. So it was a warm handshake and a smile. "Do take good care of yourself, son." "I'll do that," he grinned.

My wife and I watched the plane until it was out of sight. I didn't look at her—but I knew she was weeping.

But . . . your sons. They're still alive . . . probably still at home with you. I want to say to you—how important—how precious they are. You never know just how short lived happiness can be. I do not imply that everyone who goes to Vietnam will die . . . but he will stand high on the roster of expendables.

I am furious with the cold dispatch of military endeavor. I despise the necessity for artificial limbs and eyes, and I detest most of all . . . the sound of 'taps' ending on a high note, for war is a condition of ignorance, just as profanity is a substitute for intelligence. I dislike intensely the camps that turn good boys into killers; to perform acts against humanity that in times of peace would bring a death sentence in any court in the land.

I must go on—I can't quit, for I must carry out the dream that gave my son—hope and enthusiasm. I must rededicate myself, to attain at least the stature he would expect of me. Additionally I must renew my faith in God, for it has been according to His promise that we are able to bear up under these tragic days.

Again I say, look at your children. Love them . . . guard them . . . protect them, and determine for yourself that they shall not be lifted from a battlefield in a canvas tarp or a plastic bag, and they shall not come home in a steel casket.

God be with you all.

So that this young life was not lost in vain, let us rededicate ourselves as this father has done to carry out the dream of his son and achieve peace, not only in Vietnam, not only in Southeast Asia, but throughout the world so that the family of man can live in harmony.

CONTRIBUTIONS TO CITIZENS' COMMITTEE FOR POSTAL REFORM

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, for the benefit of the Members who may have missed them, I call attention to the remarks by the gentleman from Montana (Mr. OLSEN) starting on page 29321 of the RECORD of October 9.

There the gentleman lists the numerous contributors to an outfit known as Citizens' Committee for Postal Reform, Inc., which was formed for the purpose of drumming up support for conversion of the Post Office Department into a Government-owned corporation.

I will not reprint the long list, but particularly intriguing are the substantial contributions, ranging up to the $6,920 by McGraw-Hill, Inc., and from other big publishers throughout the Nation. It is unnecessary to point out that publishers are the beneficiaries of highly subsidized mail rates.

In commenting on these contributions, the gentleman from Montana properly expressed an interest "in just what type of activities are conducted with these sums."

After checking the third quarterly report filed by the Citizens' Committee for Postal Reform, Inc., with the Clerk of the House pursuant to the Federal Regulation of Lobbying Act, I can now enlighten the gentleman, at least in part. It might also be of some interest to the contributors to know how their money is being spent.

The report shows that "dues and assessments" received through September 30, 1969, total $226,761.24. Spending has totaled $43,944.35, which leaves a nice nest egg of $182,816.89 for the committee to play with.

With this huge amount available to the committee, Members of Congress ought to be put on notice to expect a massive propaganda campaign over the next several weeks in support of a Postal Corporation—a plan already rejected by the House Post Office and Civil Service Committee.

As a longtime member of the Post Office Committee and strong advocate of postal reform, it is my sincere hope that my colleagues will resist this pressure, for a postal corporation simply is not the cure-all it is alleged to be.

On the expenditure side, the citizens committee report shows that "wages, salaries, fees, and commissions" for the third quarter amount to $16,208.43. One of the principal beneficiaries is Claude J. Desautels, who is listed as the committee's executive director. He receives a biweekly salary of $961.54, or $25,000 a year.

Desautels, it should be pointed out, was a top assistant to former Postmaster General Lawrence O'Brien at the White House and the Post Office Department during the Kennedy-Johnson administrations. It is more than coincidence that O'Brien just happens to be the co-chairman of the citizens committee.

Running a close second to Desautels is James J. Marshall, who is listed as the committee's public affairs director. He receives a biweekly salary of $769.23, or $20,000 a year. In all fairness, I should mention that Marshall is a Republican, having been on the staff of the Republican Governors' Association prior to his present employment.

The report shows that the citizens committee has been strong on "travel, food, lodging, and entertainment"—to the tune of $3,060.02 for the third quarter only. There is another category of "all other expenditures," totaling $1,967.24. I have no idea of what "all other expenditures" might entail.

In the breakdown of individual expenditures, particularly interesting are those in behalf of one Jerry Bruno, of De Witt, N.Y. This is the same Gerald J. "Jerry" Bruno who served as the late Senator Robert Kennedy's top advance man and one of eight former Kennedy aides who received almost simultaneous grants from the giant, tax-exempt Ford Foundation following the Senator's death last year.

The Ford grant to Bruno was for a 7-month period, ending March 5, 1969, and totaled $19,450. With this money, Bruno supposedly studied presidential campaign techniques. After this venture, it obviously did not take Bruno long to catch on with the Citizens Committee for Postal Reform and his old friend, Larry O'Brien, but I am not sure how he qualifies as an expert on postal reform.

Be that as it may, Bruno has done all right for himself. For the months of August and September, he is listed as receiving $2,375.53 in consultant fees from the citizens committee, and $842.39 for travel.

At another point in the committee's report, Eastern Airlines is listed as being paid $185.85 for travel for Jerry Bruno. The Mayflower Hotel is shown to have received $83.29 for "J. Bruno," and in the same line the hotel is listed as receiving $317.38 for "L. F. O'Brien" and $119.48 for "dinner."

The committee paid $50 to National Postal Forum III with the notation, "registration fee for J. Bruno." And the Washington Hilton Hotel received $81.44 for "room for Jerry Bruno."

Here are a few of the other interesting expenditures by the citizens committee:

American Airlines, travel for L. F. O'Brien, $69.30.

The Federal City Club, 923 16th Street NW., Washington, D.C., luncheon for Post Office Department officials, $58.79. There is no explanation as to why it was considered necessary to lobby the hierarchy at the Post Office Department in behalf of a plan this same hierarchy is lobbying for, perhaps illegally.

Robert L. Hardesty, 3431 Monte Vista Drive, Austin, Tex., fee for draft of speech, $300. At that price, it must have been a dandy speech, but there is no clue as to who delivered it or where.

Hardesty, let it be noted, served at the Post Office Department and the White House during the last administration.

The former Senator Thruston Morton—cochairman of the citizens committee—reimbursement for travel, $406.59.

James Marshall, reimbursement for travel, $413.25.

The Newporter Inn, Newport, Calif., rooms for Desautels, O'Brien, Morton, $75.01.

O'Brien plane ticket, $147.

United Airlines, deposit, $425.

Last but not least, we find an item of $166.40 for "rental of limousine." Even in status-conscious Washington, is it really necessary for a lobbyist to come equipped with limousine?

All and all, it is a very interesting report and I call attention to it solely for the enlightenment of my colleagues and those who have contributed to the citizens committee. With an unspent nest egg of $182,816.89, I await with interest the committee's fourth quarterly report.

In the meantime, I will continue to work to the best of my ability for the enactment of meaningful and total postal reform legislation. It is an objective which can be achieved—and without the help of a high-powered lobbying group which has raised most of its revenue from giant corporations and big publishing houses.

FRESHMAN ECONOMICS NO. 9—SINKING THE GOOD SHIP PROSPERITY

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, the rate of inflation continues relatively unchecked, interest rates remain stratospherically high, unemployment increases, and our Nation's leaders calmly observe the phenomena. When the market crashed in 1929, no one pretended to know why, at the time it actually transpired. Today no such excuse exists. In this case, Government is actually the major culprit.

All the storm signals are flying practically in our faces. Unemployment has jumped drastically to 4 percent, and I have no doubt that this is just a beginning. Personal income rates are slowing significantly. Most ominous of all, inventories are rising and warehouses filling. When they bulge full, assembly lines will halt, and the fat will truly be in the fire. Last weekend, the Business Council spoke of decreasing consumer demand which will show more fully in times to come.

In the face of such ominous revelations, an increasingly isolated and uncommunicative administration sits tightly, screwing down the lid even harder on the average consumer and working person. Minority unemployment increases, credit supply weakens, and certain segments of industry resemble miniature disaster areas already. The elderly are a tragedy in and of themselves. Yet all we hear are Hoover-type platitudes which resemble wishful thinking more than economic certitude.

Nothing is being done about price hikes by major industries, which continue to come in a regular stream. Worthington Turbines raises prices 10 percent. Titanium Metals Corp. hikes its prices an average of 50 percent. Union Carbide chimes in with raises on polyethylene films. Allied Chemical announces aniline oil hikes. DuPont raises packaging film prices 2 to 5 cents per pound. Beaunit tosses in a 4-percent rise in rayon tire cord, and Olin's aluminum division jumps on the bandwagon with a 3-percent rise in electrical conductor products. Teledyne raises all its tungsten products 31 cents per pound. B. F. Goodrich hikes its prices 2.5 percent on all tires.

Monsanto, Continental Can, Norton Co., and Kaiser Aluminum all decided to be altruistic and raised prices on a variety of products, ranging from plastic dairy containers, polyethylene bottles, and vacuum equipment to panels of aluminum for mobile homes. Good old American competition in the race for the shrinking consumer dollar, pounded meanwhile to a shadow by a Government which allows such hikes while pursuing an anticonsumer policy.

Quarterly machine tool orders have just sunk to their lowest levels of the year, a prime indicator of how business views the coming business year.

Manufacturing capacity use is declining, along with industrial production. Our annual growth rate is slowing to a snail-like 2 percent in real terms. Since the last recession of 1960, the average was 5 percent. The money squeeze on the housing industry is growing tighter, as only 55 percent of Federal Housing Administration regional offices reported an adequate fund supply. Average interest yield on secondary sales of 7½-percent FHA mortgages is up to 8.4 percent. The composite index of stock prices, new orders, industrial materials prices, housing starts, and after-tax profits has been falling since April. Further, this set of signals has warned us of every recession since the end of World War II.

The utilities, both gas and electric, stand ready in the economic wings, armed with a staggering series of requests for rate increases, which this administration is doing nothing to warn against or show disapproval toward. More than three dozen of them in 30 States have filed for hikes, ranging from 5 to 16 percent. If approved, they would add a whopping $400 million to our utility bills. Consolidated Edison alone wants a $117 million hike, which would raise residential rates 14 percent, adding $1.50 monthly to average apartment dweller's $9.85 bill. The Federal Power Commission is already making permissive noises in their direction, inviting them to press the point. All the while, the administration howls about holding the line, damning the average working man and woman for spending. Labor is asking for too much, they whine. But the big boys? Why they are as innocent as so many lambs. And after all, Government cannot stand by and let these helpless corporations be victimized by the bloodthirsty consumer. So all hikes will probably go through, to be followed by others. Ah, well, once you have seen one price hike, you have seen them all.

While new car sales declined 2.43 percent in mid-October. While the major corporations plan new price rises. While tax reform dies aborning. While we thunder down recession road. The time of reckoning will come, and there will not be an excuse in a carload. Where will all the economic powerhouses be then? I wonder. People will listen until they are out of work. Then they will not listen.

SLANT OF THE MIND'S EYE

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, on Saturday evening, October 11, it was my privilege to welcome to Missouri President Robert R. Mallicoat of Sertoma International, who gave the principal address of the evening at Sertoma's Missouri Conference.

The scene was the beautiful Elms Hotel in Excelsior Springs, Mo., which is a short drive from my home city of Independence, Mo. Present were dozens of my constituents from Independence and the Raytown area to share in this welcome for a truly distinguished leader of one of our great national service clubs. Founded in Kansas City in 1912 as the Cooperative Club, today it has grown into one of the most active service clubs of the Nation. The name was changed in 1950 to Sertoma coined from the slogan "Service to Mankind."

Although I am not a member of Sertoma, I was treated as warmly as if I were a member. I came away convinced that this conference was brought together and these clubs held together by the finest kind of common denominators; that is, the desire to be of significant help to someone else. People with such a philosophy generally make pretty good company. My evening was most rewarding because it was spent with members of an organization and their wives that were truly dedicated to the motto, "Service to Mankind."

President Mallicoat spoke without notes. Everyone present listened intently. I was so impressed, or rather inspired is the proper word, that I asked him would he please take the time to dictate his remarks to a secretary in order that more than the limited number who heard him might benefit from the philosophy of his speech.

The subject of International President Mallicoat's speech, "The Slant of the

Mind's Eye," emphasizes that how we look at the world is all in our own mind's eye. Even more important, Mr. Mallicoat brings out the point that how the world looks back at us as individuals depends quite a lot on how we look at the world. He says it is important we be concerned about our point of view because, although a day may have a few gray clouds in the sky, if we see it as a beautiful day and then all that day we will be able to open doors we can step through. Put differently, he says this means a dream grows from man's imagination and a dream is the first stage toward the full realization of our potential.

The reference to Islam's classification of four kinds of man is one that all of us could use to apply to our own lives.

Finally, the intriguing reversal of the letters of Sertoma into AMO TRES was a most fitting climax to his speech.

The address of President Mallicoat which I am delighted to share with my colleagues follows:

THE SLANT OF THE MIND'S EYE

(Speech of President Robert R. Mallicoat, of Sertoma International)

It's a beautiful day; there's a gray cloud in the sky. The grass is a lovely green; I'll have to mow it tomorrow. He's a grand fellow; he has his faults. Her hair-do is exquisite—it must take her forever to put it up.

It's the slant of the mind's eye—our point of view. How does the world look to us? What's the complexion of the things about us? How do we look to the world? It's all in our own mind's eye.

A man and his wife lived by the New England coast and she had been told by her doctor that the climate was too damp and they'd have to move to higher ground. He traveled into the Vermont hills to find a new place to settle. He chanced upon an old gentleman in a pleasant little town. He told the old gentleman what he was about and asked him "what are the people like up here"? "What are they like where you come from, son"? "That's what troubles us most. They're so very friendly; if you ever need help, they're quick to do whatever they can. There's a smile and a warm greeting whenever we meet. We can't bear moving away from these wonderful people". "Well, son," said the old man, "the people up here are pretty much the same."

A little later another fellow stopped to talk with the old gentleman and asked the same question, "What are the people like up here?" And the old gentleman asked the same question, "What are they like down your way, son?" The younger man told him that where he lived the people were just people, not particularly friendly. If you borrowed something from them, they wanted it back almost immediately. They rarely ever smiled and even less often had a good word to say to you. The old gentleman replied, "Well, son, the people up here are about the same."

Why should we be concerned about our point of view? You might say that if all you can see is the gray cloud in the sky, you may never venture out. But if you see it as a beautiful day, the door will open, you will step through, and be a part of all you can behold. Man's dreams grow from man's imagination. And a dream must be the first stage in the full realization of our own potential.

We've made a decision—a decision to be a part of Sertoma. And in so doing to be looked upon as the people in our community who care and who want a part in the shaping of the future. Yes, we consider ourselves as the responsible citizens. With this decision to be involved actively in matters concerning our fellow man, we've accepted an obligation. An obligation to lead. To provide the guidance which will assure a better community tomorrow and the future of our American heritage of responsible freedom and free enterprise. We choose to accept this opportunity of community leadership in an atmosphere made warm by the good friends who share our concerns and our desires.

In the words of Islam, there are four men.

He who knows not and knows not that he knows not is a fool—shun him.

He who knows not and knows that he knows not is a child—teach him.

He who knows and knows not that he knows is asleep—wake him.

He who knows and knows that he knows is a leader—follow him.

I choose to believe that we in Sertoma properly belong in the last. Knowing our own potential is the first step in fully serving this quality of leadership.

Point of view. The world must look its brightest or imagination is stifled and the dream is never born. Without a dream there is nothing for the leader to realize. But, by truly knowing his own potential, the leader can see the vista beyond and chart his course. When a man knows where he is going, there are always many to follow. The path of the true leader is well paved with compassion for those about him.

In the lore of the Orient there's a tale of a good and very successful man of commerce with many years on his shoulders. His only relatives were three stalwart nephews. He would leave his business to one of them, but could not choose among them. He called the young men to him one day and gave them each a coin. He told them to go into the market place and return at sundown with something which would best fill this room, but spend no more than this coin. He who fills it best shall have my business.

They went into the market place and among the tradesmen in search of their purchase. At sundown the three lads returned and were greeted at the door by the old gentleman. He asked the first, "and what have you brought"? With this the first lad brought forth a huge bale of straw which when untied covered most of two walls of the room. The others applauded as the straw was taken away. The second young man brought forth two gabs of thistledown which, when untied, filled half of the room. The others congratulated him as the old gentleman turned to his third nephew and said, "and what have you, my son"?

With his head bowed, he replied "I gave half my coin to a hungry child and most of what remained I gave in alms to the church and asked God to forgive my sins. With the farthing which remained, I bought this candle and this flint."

How do we see the world? And well we might ask how does the world see us?

A task is a job to one man, and an opportunity to another. Our choice is the task of leadership. Let it be our opportunity in service to mankind.

Some years ago, one of our Sertomans in Mexico told me that the letters of Sertoma in their country were sometimes reversed—amo tres, Three loves; amistad, friendship; libertad, freedom; el servicio a la humanidad, and service to mankind.

These are the three ideals of good men everywhere. Let us serve them well.

AMERICAN MERCHANT MARINE ENDORSES PRESIDENT'S FAR-REACHING REVITALIZATION PROGRAM

(Mr. RHODES asked and was given permission to extend his remarks at this point in the RECORD and to include extaneous matter.)

Mr. RHODES. Mr. Speaker, President Nixon's far-reaching program for the revitalization of the American merchant marine has been received with ringing endorsement by a broad spectrum of concerned citizens in the maritime field. I insert here for the information of my colleagues the texts of a telegram sent the President by Mr. Paul Hall, president of the Seafarers International Union of North America; a letter to the President from Mr. James M. Hannan of Michigan, president of the Navy League of the United States; and a statement by Mr. Edwin M. Hood, president of the Shipbuilders Council of America. Speaking for millions of members of national organizations with labor, industry, and national defense interests, these communications have a common theme—that there is not a moment to lose in putting the administration's comprehensive and challenging maritime policy into effect; I would hope this Congress can act upon it with minimum delay.

The telegram, letter, and statement referred to above, follow:

[Text of telegram sent Oct. 23, 1969]

Hon. RICHARD M. NIXON,
White House,
Washington, D.C.:

The Seafarers International Union of North America today has issued the following statement relative to your maritime message to the Congress:

"The maritime program submitted to Congress by President Nixon marks the first time in a third of a century that proposals have been made by the government to overhaul the out-of-date Merchant Marine Act of 1936.

The proposed legislation is a landmark in still another direction: It is the first proposal that has been made that takes into consideration the needs of the entire merchant marine—not only the one-third of this industry which has been the beneficiary of federal assistance since 1936, but also the two-thirds of this industry which has operated independently of government subsidy during this period.

President Nixon's proposals form the most substantial basis to date for a revitalization of the American Merchant Marine. It may be that Congress will feel that some amendments are necessary in order to make this program achieve its maximum effectiveness in terms of our balance of payments, the growth of our shipping and shipbuilding capabilities, the realization of our potential for sealift in time of emergency and the enhancement of our prestige around the world. What is important, however, is the fact that the President has enunciated a policy that, for the first time, should lead to the full development of our merchant marine."

We look forward to working with your Administration in achieving these goals.

PAUL HALL,
President.

NAVY LEAGUE OF THE UNITED STATES,
Washington, D.C., October 23, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: Your proposal to the Congress for the rebuilding of the United States Merchant Marine, reflecting as it does both your vision and the requisite long-term corrective measures, has provided a source of profound encouragement to the entire membership of the Navy League.

I wish to express my sincerest congratulations on your proposed action as one of primary economic and security interest to this nation. At the same time, I pledge my fullest support toward gaining the broadest bipar-

tisan support for the significant measure you propose.

You have, for the first time in American history, provided a comprehensive and long-range program to gain the concerted effort essential to an achievement of national oceanic purpose. I am confident that your challenge will encourage the various segments of the maritime industry to move cooperatively toward the goals which you have set.

In expressing my congratulations, I can assure you that the entire membership of the Navy League is committed to fulfilling our educational mission through continuing support of your "Maritime Program for the Seventies."

I have the honor to remain,

Yours faithfully,

JAMES M. HANNAN.

STATEMENT ISSUED OCTOBER 23, 1969, BY EDWIN M. HOOD, PRESIDENT, SHIPBUILDERS COUNCIL OF AMERICA

The American shipyard industry is gratified and encouraged by the maritime policy and program released today by The White House.

In scope and direction, these recommendations point the way toward restoration of the United States as a first-class maritime power. We are confident that the Congress will endorse President Nixon's maritime message and promptly enact the legislation needed to pursue the realistic objectives he expressed.

At long last, then, the indecision, hesitancy, tokenism and budgetary expediencies at the Federal level—which, over the years, have undermined and depleted America's maritime strength—will be ended. At long last, the highest office in the land has called for a national commitment with attendant priorities and levels of funding to develop the kind of modern merchant marine necessary for national well-being.

The President's program comes not a moment too soon. Precious time has been lost by the failure of previous Administrations to contend with the ever-accelerating obsolescence of the American merchant marine. Nearly five years ago, President Johnson promised to come forward with a plan and program to remedy our maritime deficiencies. He failed to fulfill that promise—and five years of inaction have compounded the fleet modernization problems that confront us today.

That time will have to be made up, and the burden falls on the American shipyards to compensate for the years of neglect by greater and more rapid production of the required ships in the years immediately ahead. I have unswerving confidence that the American shipyards will respond to the production challenges set forth in the Nixon program.

My confidence in the industry is based on past performances. During World War II in the four year period 1942–1945, the American yards turned out nearly 5,000 large merchant ships, 1,500 naval ships plus tens of thousands of service craft. This prolific output established a production record that will probably stand for all time. That was wartime, but it demonstrates what can be done when a national commitment and high priorities are assigned to shipbuilding.

Peacetime production by the yards during the post-war period also refutes the contention that the production of 30 merchant ships per year would overtax our facilities. The yards delivered 31 ships in 1952, 45 in 1953 and 38 in 1954—averaging 38 ships per year for this 3 year period. Between 1958 and 1963, 174 merchant ships were delivered—averaging 29 ships per year for this six year period.

Our shipyards have consistently maintained that if a program developed that exceeded the capabilities of their existing facilities, they would enlarge and expand their plants to meet the demands whatever the numbers might be. The only qualification they have made is that the program be of a size and duration to justify the additional capital expenditures. That view still prevails today.

A BAD SITUATION CONCERNING SMUT AND OTHER PORNOGRAPHIC LITERATURE

(Mr. SCHADEBERG asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHADEBERG. Mr. Speaker, for my 7 years as a Member of this House, I have been trying diligently to get some measure of legislative action to control, and hopefully, to diminish and ultimately eradicate completely, the distribution of smut and other pornographic materials among those who do not ask for it; do not want it in their homes; are offended by having it sent to them without their permission; and are outraged by having it sent to their children who are the innocent victims of this obnoxious trade.

In my first year in Congress, I took a special order to bring to the attention of my colleagues my concern about this matter and included in the RECORD—not the material sent to a 13-year-old lad, but the advertisements of books and magazines available for purchase along with the table of contents of some of them. This young man took the materials he had received to his dad, who in turn contacted me. To be sure the titles were shocking, but they did not consist of four-letter words, the use of which we seem so reluctant to stop.

I was asked to expunge these verbal advertisements from the permanent RECORD since quote, "They are not suitable to be placed in the RECORD." Naturally, I abided by the request, but could not help question why it was unfit for the CONGRESSIONAL RECORD, but not unfit for a 13-year-old boy to receive them.

I took other occasions to stress the necessity to do something about this unrestricted trade in smut—a trade designed to corrupt the soul of America. I introduced several bills, cosponsored others designed to prevent the expansion of this program of corruption for profit, but to no avail.

I felt that the one solution, which admittedly has some legitimate objectionable aspects, was to prevent the sale or distribution of a person's name without his permission. This would help stem the tide of the reckless use of mailing lists. This procedure would make the users of the mailing lists responsible for respecting the wishes of any individual whose name might be used. It would also prohibit, under penalty of fine and/or imprisonment the use of a minor's name without the consent of the parents—or legal guardian. In other words, it would deny the indiscriminate use of another's name by anyone, either for profit or for any other motive. It would require a license of those who are in the business of selling mailing lists, and would set up guidelines to be followed by those who would operate legitimately.

The details, of course, have to be worked out by the appropriate House committee, after the holding of the official hearings. Not being a lawyer, I have had to rely on the advice of House attorneys. The trouble is that while everyone insists that my approach as related to the use of mailing lists is impossible, no one comes up with any constructive alternatives. I get the impression that there is little desire to take realistic action in this area. The time to act is now. We must leave no stone unturned to try to correct the deteriorating moral climate in our society.

Legislation alone will not solve the problem, because this—as all our major problems—is a "people problem," the solution of which will require dedicated and continued effort of every concerned citizen as well as the dedicated concern of every Member of Congress.

I congratulate President Nixon on his determination to take effective measures through his Commission on Obscenity to carry out the wishes of the American people to protect the sanctity of their homes and the integrity of the mails. However, all is not well. There is a great deal of work to be done and I assure this House that I will do my utmost to assist President Nixon in this very important program. A nation which is morally weak is in just as vital danger of tyranny as a nation which is militarily weak and unable to effectively meet threats from without.

Mr. Speaker, in order to assess my colleages of some of the problems concerning us in the strengthening of the moral fiber of this Nation, I submit for serious consideration by my colleagues two articles, one by the Reverend Morton A. Hill, S.J., a member of the Presidential Obscenity Commission, as printed in the October 1969 issue of Morality in Media, Inc. The other is from the Postal Record, a publication of the National Association of Letter Carriers.

The articles follow:

[From Morality in Media, October 1969]

FATHER HILL CRITICIZES OBSCENITY COMMISSION

Rev. Morton A. Hill, S.J., said late this Summer that if the Presidential Commission on Obscenity and Pornography continues in the direction in which its chairman, William B. Lockhart, is leading it, it will wind up merely applying a bandaid to the festering, cancerous sore of obscenity in this country.

Hill criticized the orientation of the Commission's work, saying that it is concentrating the largest proportion of effort and funds on studies of effects which will be undoubtedly incomplete and admittedly inconclusive. He said this is primarily a legal problem, but that studies in the legal area are suffering because of this overemphasis on effects.

Lockhart has long been an advocate of scientific research into the effects of pornography. Hill noted that effects studies are only one of the Commission's mandates from Congress. The others include analysis of laws pertaining to the control of obscenity and pornography, and evaluation and recommendation of definitions—all with the aid of leading constitutional law authorities; the ascertainment of methods employed in the distribution of obscene materials, and

the exploration of the nature and volume of the traffic in such materials; finally, the recommendation of legislative, administrative or other appropriate action to regulate effectively the flow of such traffic, without in any way interfering with constitutional rights.

Hill said that not one leading constitutional law authority had been hired, although the Commission had been operative for eleven months. The Executive Director of the Commission had testified before the House Subcommittee on Appropriations last April that of the $1,249,000 appropriation asked for, $750,000 would go for research. Of the $750,000 allocated for research, $75,000 would be devoted to legal studies. When asked if this 10% would be for hiring lawyers, he said, "No. Some of them will be social scientists who will be hired to work on the national survey kind of research."

Father Hill is a member of the 18-man Commission appointed by President Johnson. Early in June, President Nixon named Cincinnati lawyer Charles H. Keating to succeed Ambassador Kenneth Keating on the Commission. Hill called the appointment "heartening."

The Jesuit priest submitted separate remarks to the President and Congress. They accompany the Commission's interim Progress Report, issued August 12, the day before the Summer recess of the Congress began. Congressman John Ashbrook of Ohio read the remarks into the Congressional Record for August 13. The separate remarks are reprinted here in full:

SEPARATE REMARKS COMMISSIONER MORTON A. HILL, S.J.

"The foregoing report accurately and appropriately states that the Commission on Obscenity and Pornography has no recommendations to make at this time. It also states that it relates the directions in which the Commission is moving.

"The report is not complete, however, because it does not record the vigorous dissent of Commissioner Hill, precisely on the subject of the direction in which the Commission is moving. It is becoming an 'effects' commission, and this is not what Congress intended.

"Public Law 90–100 states, as reported here, 'after a thorough study, which shall include a study of the causal relationship of such materials to antisocial behavior, to recommend advisable, appropriate, effective and constitutional means to deal effectively with such traffic in obscenity and pornography.' Congress did not intend that the study of effects be the principal task of this Commission, and that all recommendations be contingent upon the results of this study. Congress did not mandate us to prove that there must be a 'clear and present danger' of anti-social behavior before we make recommendations. Congress is concerned about the traffic in obscenity and pornography. Effects studies are only one of the tasks of the Commission.

"Even a cursory examination of the foregoing report, and the amount of space devoted to the section on effects, as compared to other areas, indicates that the greatest proportion of the Commission's efforts is being expended on effects studies. The major portion of funds allocated to contract studies will be channeled into effects studies.

"Now, behavioral scientists who have worked in this area concede that causal relationship is extremely difficult, if not impossible to prove.

"If the Commission continues in the direction in which it is going, i.e., expending the major portion of effort and funds on effects studies and making recommendations contingent on these studies, it will come full circle, and the traffic in obscenity will continue to flow. It must be repeated: this is not what Congress intended.

"Legal research is suffering because of the overemphasis on effects studies. For example:

"(1) The foregoing report states that obscenity statutes of the Federal Government and of the fifty (50) states have been assembled and are under review. Congress mandated that analysis of these laws and evaluation and recommendation of definitions be carried out with the aid of 'leading constitutional law authorities.' To my knowledge no 'leading constitutional law authority' has been hired. In fact, the phrase itself was omitted, in the listing of Commission duties, from every draft of the foregoing report, including the final draft which was approved by the Commission on June 5. It was inserted as a 'stylistic change,' after these separate remarks were presented, at or after a subcommittee meeting convened June 23.

"(2) The nagging problem of 'utterly without redeeming social value' should be analyzed and studied. I maintain that this is not a constitutional standard, since it was the opinion of merely three justices and not of the Court majority. Yet, it is being applied in lower courts as a test and being adopted into the language of state statutes. This is open to serious study, for this 'utterly without redeeming social value' so-called 'test' has led to an enormous increase in the traffic in pornography in all media. This question is not being thoroughly studied, and after six weeks of debate was included incidentally in the questionnaire to prosecutors. An oral commentary on the issue, delivered by a staff member at a legal panel meeting after my request for study, was based on the incorrect proposition that 'utterly without redeeming social value' is a constitutional decision of the Court. I repeat, it is simply the opinion of three justices. Thorough analysis of this issue could lead to a re-definition of obscenity. However, the decision was made that redefinition should await 'The outcome of our effects research.'

"(3) Reported 'descriptive' reviews of activities of Post Office and Customs Departments are in actuality editorial-type articles written in law review article style, somewhat critical of both departments, and so of little objective assistance.

"(4) In the area of traffic and distribution, which is a matter for intensive investigation as well as academic research: to my knowledge no investigators have been hired. One lawyer has joined the staff to work in this area.

"(5) Public hearings have not been planned. Hearings would be invaluable, in the ascertainment of methods of distribution as well as in the ascertainment of community standards for legal research.

"In general, I believe the foregoing report could be misleading, for it leaves the public with the impression that programs initiated are geared toward resolving the problem of the traffic in obscenity. A careful reading will show quite clearly that there is no program pointing in the direction of regulating this traffic. Of the three directions for additional effective legislative action pointed to, those dealing with obscene material and the adult community are in the areas of pandering and invasion of privacy. (Item (2) above makes one wonder if we are leaving open the possibility of other types of legislation). In other words, under the present chairmanship, the Commission appears to be moving toward permitting obscenity for adults, and therefore, will not provide constitutional 'means to deal effectively with such traffic in obscenity and pornography.' How can children be prevented from exposure if this situation prevails? With this in mind, I make the following recommendations:

"1. That each commissioner, under the direction of the Chairman, with the aid of staff, undertake a personal content analysis of one area of obscene material, so that the entire Commission will be aware of the rapidly changing situation. The expertise of commissioners has not been adequately utilized in this area, and this could lead to redefinition.

"2. That the Commission cut back on contract research into effect, and allocate—over and above staff and expenses—one-third of its appropriation to legal research, one-third to research and investigation into traffic and distribution and one-third into effects.

"3. That the Commission retain leading constitutional law authorities to guide us as to how we can constitutionally present legislation to Congress which will reverse the mislabeled Supreme Court 'test' of 'utterly without redeeming social value.' Roth is the only case (except for the recent Stanley v. Georgia decision on the invasion of privacy) in which a majority of the Supreme Court agreed. In that case the Court said:

" 'The unconditional phrasing of the First Amendment was not intended to protect every utterance . . . All ideas . . . having even the slightest redeeming social importance have the full protection of the guarantee . . . but implicit in the First Amendment is the rejection of obscenity as utterly without redeeming social importance. This rejection for that reason is mirrored in the universal judgment that obscenity should be restrained, reflected in the international agreement of all 48 states, and in the 20 obscenity laws enacted by the Congress from 1842 to 1956. This is the same judgment expressed by this Court in Chaplinsky v. New Hampshire . . .

" 'There are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem. These include the lewd and obscene . . . such utterances . . . are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality, . . . We hold that obscenity is not within the area of constitutionally protected speech or press . . . The test (is) : whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to the prurient interest.'

"Justice Clark, in dissenting opinion in Fanny Hill, called the 'utterly without redeeming social value' so-called 'test' novel and noted that only three members of the Court held to it. He maintained that it rejects the basic holding of Roth.

"4. That the Commission plan public hearings to assist in ascertaining methods employed in the distribution of obscene materials and exploring the nature and volume of traffic; and, in ascertaining from the American public themselves, what community standards are.

"5. That the Commission work diligently to recommend definitions of obscenity and pornography, as mandated by Congress in creating this Commission; noting particularly, that we are not restricted to the opinions of individual members of the Court, which are mistakenly called tests.

"6. That the Commission work to recommend legislation when the above have been completed—not awaiting the results of effects studies which will be admittedly incomplete, undoubtedly inconclusive, and unnecessary under the Roth decision.

"In the matter of effects, the Court said in Roth:

"It is insisted that the constitutional guarantees are violated because convictions may be had without proof either that obscene material will perceptibly create a clear and present danger of anti-social conduct, or will probably induce its recipients to such conduct. But, in light of our holding that obscenity is not protected speech, the complete answer to this argument is in the holding of this Court in Beauharnais v. Illinois . . . Libelous utterances not being within the area of constitutionally protected speech, it is unnecessary, either for us or for the State courts, to consider the issues be-

hind the phrase 'clear and present danger.' Certainly no one would contend that obscene speech, for example, may be punished only upon a showing of such circumstances.

"7. That the Commission move more practically to fulfill our mandate to 'recommend such legislative, administrative, or other advisable and appropriate action . . . to regulate effectively the flow of such traffic, without in any way interfering with constitutional rights.'

"Failing action on these recommendations, it is difficult to see how the Commission, under its present leadership, can produce the results Congress intended. If the Commission continues in the direction in which it is now moving, it will simply propose laws on pandering, invasion of privacy and sales to minors. Congress does not need a Commission to recommend legislation of this sort. Such limited proposals will not 'regulate effectively the flow of such traffic'."

[From Postal Record]

LET'S CLEAN UP THE MAILS

"Elsewhere in this issue there is reproduced the testimony which your national President delivered before a House Sub-Committee on the subject of pornography in the mails. We are against it. Our national conventions on several occasions notably in 1968, have passed strong resolutions asking relief from the disgusting duty of delivering moral poison to the homes of America, and particularly to the youngsters in those homes.

"The Federal Government has been troubled about this increasing problem for a long while. In October, 1967, the Ninetieth Congress passed a law attacking the problem and creating a Commission to study the entire subject and make recommendations. In January, 1968, President Lyndon B. Johnson appointed seventeen persons to the Commission and the anti-pornography movement was, supposedly in business.

"Last month, after 18 months, the Commission published its first (20-page) "Progress Report." After having read it we can only shake our heads and quote Horace to the effect that 'the mountains have been in labor and have brought forth a ridiculous mouse.'

The 'Progress' Report makes no findings and it makes no recommendations. As a matter of fact the Commissioners (with one notable exception) seems to take pride in this fact. The emphasis of the Report, it seems to us, deals more in the area of the 'effects' of pornography than on the methods of dealing with it. It is somewhat as if a medical journal were to publish articles on how cancer kills the patient instead of zeroing in on the problem of how to kill cancer.

"It announces that 'exploratory and feasibility studies' are under way in such fields as 'the relationship between availability of pornography and sex crimes,' 'the consequences of exposure to erotic materials among college students,' 'potentially erotic stimuli associated with the dating experience of junior college girls and of unwed pregnant high school girls.' We may be overly harsh in our judgment, but we get the impression that the Commission is interested in first finding out whether or not pornography is a bad thing, and then, perhaps, suggesting some means of slowing its growth.

"The notable dissenter from the majority opinion, Rev. Morton A. Hill, S.J.. points out that there is no need for a Commission to make studies such as these. The need is for action, and for positive guidance, not for fruitless exploration. The average American knows that pornography especially in relation to the young is an evil thing and he wants it driven out of the mails.

"We recommend that the Congress disregard the faltering leadership of the Commission and pass a tough anti-pornography law with teeth in it. We also recommend that the Congress pay less attention than it has to the possibility of a reversal by the Supreme Court. The Supreme Court of 1969 will, we think, prove to be far less permissive in this area than was the Court of the earlier 1960's which held, almost literally, that 'everything goes.'

"The American people want to have this flow of filth stopped. The letter carriers of America are sick and tired of having to handle and deliver to the homes of their patrons the degrading material that presently pollutes the mails. We want it stopped, too. And we want it stopped now.

"Postal employees, in their desire for economic and social justice, have been victimized for generations by dilatory Commissions and Committees making studies that last forever and which serve only as an excuse for not taking appropriate and obvious remedial action.

"We recognize a stalling act when we see one, and we feel the 'President's Commission on Obscenity and Pornography' is engaging in a classic example of this technique. Meanwhile, a whole generation of American youth is in danger of being corrupted and perverted by this steady stream of poison.

"We don't need any more studies; we need action. Now."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MANN (at the request of Mr. GIBBONS), for today and October 28, on account of official business.

Mr. PIRNIE (at the request of Mr. GERALD R. FORD), for October 27 through November 7, on account of official business as U.S. delegate to the Interparliamentary Conference.

Mr. MCCLORY (at the request of Mr. GERALD R. FORD), for October 27 through November 7, on account of official business as U.S. delegate to the Interparliamentary Conference.

Mr. BYRNE of Pennsylvania (at the request of Mr. DENT), for Monday, October 27, 1969, on account of illness.

Mr. FOUNTAIN (at the request of Mr. WAGGONNER), for today, October 27, 1969, until 1:45 p.m. on account of official business in Asheville, N.C., before the North Carolina League of Municipalities.

Mr. FALLON (at the request of Mr. GARMATZ), for October 27 and 28, on account of official business.

Mr. KLUCZYNSKI (at the request of Mr. BOGGS), for October 27 and 28, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PUCINSKI, for 60 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. STOKES) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.
Mr. REUSS, for 30 minutes, today.
Mr. RARICK, for 30 minutes, today.
Mr. FARBSTEIN, for 20 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MAHON and to include certain data and extraneous matter.

Mr. MADDEN in two instances and to include extraneous matter.

Mr. EDMONDSON in four instances and to include extraneous matter.

Mr. GRAY in two instances and to include extraneous matter.

Mr. HECHLER of West Virginia to revise and extend his remarks and include extraneous matter in connection with general debate on coal mine safety bill.

(The following Members (at the request of Mr. MILLER of Ohio) and to include extraneous matter:)

Mr. MESKILL.
Mr. RIEGLE.
Mr. ESCH.
Mr. SCHWENGEL.
Mr. ZWACH.
Mr. UTT in two instances.
Mrs. MAY in two instances.
Mr. SCHADEBERG.
Mr. WYMAN in two instances.
Mr. DERWINSKI.
Mrs. HECKLER of Massachusetts.
Mr. GUDE.
Mr. GOLDWATER.
Mr. ASHBROOK.
Mr. KEITH in six instances.
Mr. BROCK.
Mr. STEIGER of Wisconsin.
Mr. BRAY in two instances.
Mr. DUNCAN in three instances.
Mr. SHRIVER.
Mr. TALCOTT.
Mr. BUTTON.
Mr. FINDLEY.

(The following Members (at the request of Mr. STOKES) and to include extraneous matter:)

Mr. CORMAN.
Mr. ROONEY of Pennsylvania.
Mrs. CHISHOLM in two instances.
Mr. EDWARDS of California in two instances.
Mr. ANDERSON of California in two instances.
Mr. ALBERT.
Mr. COHELAN.
Mr. EILBERG.
Mr. ANDREWS of Alabama.
Mr. EVINS of Tennessee.
Mr. GIAIMO.
Mr. HUNGATE in two instances.
Mr. MOORHEAD in two instances.
Mr. JONES of Tennessee in two instances.
Mr. LEGGETT.
Mr. O'HARA.
Mr. GONZALEZ.
Mr. RARICK in three instances.
Mr. STEPHENS.
Mr. FISHER in two instances.
Mr. VANIK in two instances.
Mr. WOLFF.
Mr. BROWN of California in four instances.
Mrs. SULLIVAN in two instances.
Mr. PICKLE in two instances.
Mr. WILLIAM D. FORD in two instances.
Mr. CONYERS in five instances.
Mr. PODELL in six instances.
Mr. JACOBS.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 232. An act to promote the economic development of the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

S. 1455. An act to amend section 8c(2)(A) of the Agricultural Adjustment Act to provide for marketing orders for apples produced in Colorado, Utah, New Mexico, Illinois, and Ohio; to the Committee on Agriculture.

S. 1968. An act to authorize the Secretary of the Interior to permit the removal of the Francis Asbury statue, and for other purposes; to the Committee on House Administration.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committe had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5968. An act to amend the act entitled "An act to provide for the establishment of the Frederick Douglass home as a part of the Park System in the National Capital, and for other purposes," approved September 5, 1962;

H.R. 9857. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, to authorize an increase in license fee, and for other purposes;

H.R. 9946. An act to authorize and direct the Secretary of Agriculture to execute a subordination agreement with respect to certain lands in Lee County, S.C.; and

H.R. 11609. An act to amend the act of September 9, 1963, authorizing the construction of an entrance road at Great Smoky Mountains National Park in the State of North Carolina, and for other purposes.

ADJOURNMENT

Mr. STOKES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Tuesday, October 28, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1280. A letter from the Secretary of the Air Force, transmitting a report of the facts and the justification for the proposed closure of certain military installations in the United States, pursuant to the provisions of section 613 of Public Law 89–568; to the Committee on Armed Services.

1281. A letter from the Director, Central Intelligency Agency, transmitting a draft of proposed legislation to amend the Central Intelligence Agency Retirement Act of 1964 for certain employees, as amended, and for other purposes; to the Committee on Armed Services.

1282. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administrative efficiency of the concentrated employment program under title IB of the Economic Opportunity Act of 1964, Los Angeles, Calif., Department of Labor; to the Committee on Education and Labor.

1283. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administrative efficiency of the concentrated employment program under title IB of the Economic Opportunity Act of 1964, Detroit, Mich., Department of Labor; to the Committee on Education and Labor.

1284. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administrative efficiency of the Neighborhood Youth Corps program under title IB of the Economic Opportunity Act of 1964, Chicago, Ill., Department of Labor; to the Committee on Education and Labor.

1285. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication "Sales of Firm Electric Power for Resale, 1965–67"; to the Committee on Interstate and Foreign Commerce.

1286. A letter from the Secretary of State, transmitting a draft of proposed legislation to amend the Immigration and Nationality Act to facilitate the entry of foreign tourists into the United States, and for other purposes; to the Committee on the Judiciary.

1287. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1288. A letter from the Administrator of Veterans' Affairs, transmitting a report of the personnel claims paid by the Veterans' Administration during the fiscal year ended June 30, 1969; to the Committee on the Judiciary.

1289. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to permit the furnishing of benefits to certain individuals conditionally discharged or released from active military, naval, or air service; to the Committee on Veterans' Affairs.

1290. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to charge Federal agencies fees for the licensing of nuclear power reactors; to the Joint Committee on Atomic Energy.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Submitted Oct. 24, 1969*]

Mr. McMILLAN: Committee on the District of Columbia. H.R. 10335. A bill to revise certain provisions of the criminal laws of the District of Columbia relating to offenses against hotels, motels, and other commercial lodgings, and for other purposes; with amendments (Rept. No. 91–596). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. S. 2056. An act to amend title 11 of the District of Columbia Code to permit unmarried judges of the courts of the District of Columbia who have no dependent children to terminate their payments for survivors annuity and to receive a refund of amounts paid for such annuity (Rept. No. 91–597). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 10336. A bill to revise certain laws relating to the liability of hotels, motels, and similar establishments in the District of Columbia to their guests; with amendments (Rept. No. 91–598). Referred to the House Calendar.

[*Submitted Oct. 27, 1969*]

Mr. PERKINS: Committee on Education and Labor. H.R. 14252. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes (Rept. No. 91–599). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee of conference. Conference report on S. 1857 (Rept. No. 91–600). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 14465. A bill to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes (Rept. No. 91–601). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLATNIK (for himself, Mr. HOLIFIELD, Mr. JONES of Alabama, Mr. REUSS, Mr. ROSENTHAL, Mrs. DWYER, Mr. ERLENBORN, Mr. BROWN of Ohio, and Mr. FINDLEY):

H.R. 14517. A bill to provide temporary authority to expedite procedures for consideration and approval of projects drawing upon more than one Federal assistance program, to simplify requirements for the operation of those projects, and for other purposes; to the Committee on Government Operations.

By Mr. BROTZMAN (for himself, Mr. DENNEY, Mr. BURTON of Utah, Mr. FISH, Mr. MIZE, Mr. FLOWERS, Mrs. HECKLER of Massachusetts, Mr. CORBETT, Mr. MCKNEALLY, Mr. RUPPE, Mr. MCCLOSKEY, Mr. LUJAN, Mr. DERWINSKI, Mr. WINN, Mr. WILLIAMS, Mr. MANN, Mr. ROBISON, Mr. POLLOCK, Mr. CLEVELAND, Mr. PUCINSKI, Mr. COWGER, Mr. FINDLEY, Mr. CARTER, Mr. FEIGHAN, and Mr. SEBELIUS):

H.R. 14518. A bill to require the Bureau of the Budget to submit to the Congress certain monthly estimates concerning national income and expenditures; to the Committee on Government Operations.

By Mrs. DWYER (for herself, Mr. ASHLEY, Mr. BROOMFIELD, Mr. BUTTON, Mr. DENT, Mr. DONOHUE, Mr. HUNT, Mr. MCDONALD of Michigan, Mr. MCKNEALLY, Mr. MORGAN, Mr. MYERS, Mr. STANTON, and Mr. WHITEHURST):

H.R. 14519. A bill to establish an Office of Consumer Affairs in order to provide within the Federal Government for the representation of the interests of consumers, to coordinate Federal programs and activities affecting consumers, to assure that the interests of consumers are timely presented and considered by Federal agencies, to represent the interests of consumers before Federal agencies, and to serve as a clearinghouse for consumer information; to establish a Consumer Advisory Council to oversee and evaluate Federal activities relating to consumers; to authorize the National Bureau of Standards, at the request of businesses, to conduct product standard tests and for other purposes; to the Committee on Government Operations.

By Mr. EDWARDS of California:

H.R. 14520. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GILBERT (for himself, Mr. BINGHAM, Mr. BROWN of California, Mr. BURKE of Massachusetts, Mr. DADDARIO, Mr. FULTON of Tennessee, Mr. HARRINGTON, Mr. LOWENSTEIN, Mr. RYAN, Mr. ST. ONGE, and Mr. THOMPSON of New Jersey):

H.R. 14521. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. McDADE:

H.R. 14522. A bill to amend the Food Stamp Act of 1964; to the Committee on Agriculture.

By Mr. POAGE:

H.R. 14523. A bill to amend the Communications Act of 1934 so as to prohibit the granting of authority to broadcast pay television programs; to the Committee on Interstate and Foreign Commerce.

By Mr. POFF:

H.R. 14524. A bill to modify ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mr. RANDALL:

H.R. 14525. A bill to amend title 39, United States Code, to exclude from the U.S. mails unsolicited offers to sell, loan or rent certain obscene materials, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. REUSS (for himself, Mr. DINGELL, Mr. GUDE, Mr. McCLOSKEY, Mr. MOORHEAD, Mr. MOSS, Mr. SAYLOR, Mr. VANDER JAGT, and Mr. WRIGHT):

H.R. 14526. A bill to amend the Federal Property and Administrative Services Act of 1949 to provide for the sale as surplus property of relinquishments of the Federal navigation servitude over particular areas, and for other purposes; to the Committee on Government Operations.

By Mr. ROSENTHAL:

H.R. 14527. A bill to ban the mailing of unsolocited credit cards and require that solicited credit cards sent through the mails be sent by registered or certified mail; to the Committee on the Judiciary.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 14528. A bill to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health; to the Committee on Interstate and Foreign Commerce.

By Mr. ULLMAN:

H.R. 14529. A bill to amend the Military Selective Service Act of 1967 to provide for a random system for selecting individuals for induction into the Armed Forces, to eliminate inequities in the deferment procedures, to suspend the operation of such act after December 31, 1972, and for other puposes; to the Committee on Armed Services.

By Mr. VANDER JAGT:

H.R. 14530. A bill to amend the Internal Revenue Code of 1954 to permit an employer corporation to establish a plan under which its employees may purchase and hold stock in such corporation; to the Committee on Ways and Means.

By Mr. BINGHAM:

H.R. 14531. A bill to reorganize the functions of the executive branch of the Government which relate to the regulation of commercial uses of nuclear power, except those which relate to source materials, by transferring such functions from the Atomic Energy Commission to the Secretary of Health, Education, and Welfare to be administered through the Public Health Service subject (in certain cases) to disapproval by the Federal Power Commission or the Secretary of the Interior; to the Joint Committee on Atomic Energy.

H.R. 14532. A bill to amend the Atomic Energy Act of 1954 to permit a State, under its agreement with the Atomic Energy Commission for the control of radiation hazards, to impose standards (including standards regulating the discharge of radioactive waste materials from nuclear facilities) which are more restrictive than the corresponding standards imposed by the Commission; to the Joint Committee on Atomic Energy.

By Mr. COHELAN (for himself, Mr. McCLOSKEY, and Mr. McFALL):

H.R. 14533. A bill to amend the Land and Water Conservation Act of 1965 to provide that authority to enter into certain mineral leases with respect to the Outer Continental Shelf shall be suspended during any period when amounts in the land and water conservation fund are impounded or otherwise withheld from expenditure, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FOLEY (for himself, Mr. McCLOSKEY, Mr. ANDERSON of California, Mr. BARRETT, Mr. CONTE, Mr. CONYERS, Mr. DELLENBACK, Mr. FRELINGHUYSEN, Mr. GREEN of Pennsylvania, Mr. HARRINGTON, Mrs. HECKLER of Massachusetts, Mr. KARTH, Mr. MATSUNAGA, Mr. MEEDS, Mr. MORSE, Mr. OTTINGER, Mr. PODELL, Mr. REES, Mr. REID of New York, Mr. ST GERMAIN, Mr. SAYLOR, Mr. WALDIE, and Mr. WHITE):

H.R. 14534. A bill to stimulate the development, production, and distribution in interstate commerce of low-emission motor vehicles in order to provide the public increased protection against the hazards of vehicular exhaust emission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FOLEY (for himself, Mr. McCLOSKEY, Mr. ADAMS, Mr. BELL of California, Mr. McCARTHY, Mr. BURTON of California, Mr. CORMAN, Mr. DADDARIO, Mr. EDWARDS of California, Mr. FARBSTEIN, Mr. GUDE, Mr. HECHLER of West Virginia, Mr. HOSMER, Mr. KOCH, Mr. LOWENSTEIN, Mr. MIKVA, Mrs. MINK, Mr. MOSS, Mr. POLLOCK, Mr. RYAN, Mr. SCHEUER, Mr. SYMINGTON, Mr. TUNNEY, Mr. UDALL, and Mr. YATES):

H.R. 14535. A bill to stimulate the development, production, and distribution in interstate commerce of low-emission motor vehicles in order to provide the public increased protection against the hazards of vehicular exhaust emission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HUTCHINSON:

H.R. 14536. A bill to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 14537. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. PURCELL:

H.R. 14538. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 14539. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. MORSE:

H.J. Res. 972. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. WATSON:

H.J. Res. 973. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. COHELAN (for himself and Mr. KEITH):

H.J. Res. 974. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education, and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111 which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. BROTZMAN (for himself, Mr. DENNEY, Mr. BURTON of Utah, Mr. FISH, Mr. MIZE, Mr. FLOWERS, Mrs. HECKLER of Massachusetts, Mr. CORBETT, Mr. McKNEALLY, Mr. RUPPE, Mr. McCLOSKEY, Mr. LUJAN, Mr. DERWINSKI, Mr. WINN, Mr. WILLIAMS, Mr. MANN, Mr. ROBISON, Mr. POLLOCK, Mr. CLEVELAND, Mr. PUCINSKI, Mr. COWGER, Mr. FINDLEY, Mr. CARTER, Mr. FEIGHAN, and Mr. SEBELIUS):

H. Res. 591. Resolution to amend the Rules of the House of Representatives; to the Committee on Rules.

By Mrs. SULLIVAN (for herself, Mr. ADDABBO, Mr. ANNUNZIO, Mr. BYRNE of Pennsylvania, Mr. DULSKI, Mr. EDWARDS of Louisiana, Mr. EVINS of Tennessee, Mr. HULL, Mr. ICHORD, Mr. JOHNSON of California, Mr. MOLLOHAN, Mr. POAGE, Mr. PRICE of Illinois, Mr. RANDALL, Mr. SIKES, and Mr. SMITH of California):

H. Res. 592. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. FLOOD (for himself, and Mr. CARTER, Mr. COLLINS, Mr. DOWDY, Mr. FISHER, Mr. FLYNT, Mr. FOUNTAIN, Mr. FULTON of Pennsylvania, Mr. GOODLING, Mr. HOSMER, Mr. LUKENS, Mr. MANN, Mr. RARICK, Mr. ROBERTS, and Mr. WOLD):

H. Res. 593. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. DEVINE (for himself, and Mr. WILLIAMS, Mr. McCLURE, Mr. WY-

MAN, Mr. LIPSCOMB, Mr. MICHEL, Mr. WYLIE, Mr. MESKILL, Mr. SCHERLE, Mr. SCHADEBERG, Mr. BUCHANAN, and Mr. MCKNEALLY):

H. Res. 594. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. HUNT (for himself, Mr. DELLENBACK, Mr. MYERS, Mr. DENNIS, Mr. LANDGREBE, Mr. GOODLING, Mr. JOHNSON of Pennsylvania, Mr. PELLY, Mr. SEBELIUS, Mr. CAMP, Mr. CARTER, Mr. QUILLEN, Mr. KUYKENDALL, Mr. BRAY, Mr. SNYDER, Mr. KYL, Mr. DUNCAN, Mr. WYATT, and Mr. MCCLURE):

H. Res. 595. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. WAGGONNER (for himself, Mr. PASSMAN, Mr. CAFFERY, Mr. GRIFFIN, Mr. LENNON, Mr. TAYLOR, Mr. HAGAN, Mr. BRINKLEY, Mr. JONES of Tennessee, Mr. FUQUA, and Mr. DOWDY):

H. Res. 596. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Penama Canal Zone; to the Committee on Foreign Affairs.

By Mr. DEL CLAWSON (for himself, Mr. HAMMERSCHMIDT, Mr. RUTH, Mr. SKUBITZ, and Mr. WHITEHURST):

H. Res. 597. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. DENT (for himself, Mr. BELCHER, Mr. MIZELL, and Mr. MILLER of Ohio):

H. Res. 598. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. HALL (for himself, Mr. GROSS, Mr. JOHNSON of Pennsylvania, Mr. SCOTT, Mr. RHODES, Mr. HUNT, Mr. TALCOTT, Mr. DICKINSON, Mr. KING, Mr. HUTCHINSON, Mr. THOMPSON of Georgia, Mr. DEL CLAWSON, Mr. BETTS, and Mr. SAYLOR):

H. Res. 599. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GREEN of Pennsylvania:

H.R. 14540. A bill for the relief of Helena Janina Kuropatwa; to the Committee on the Judiciary.

By Mr. HENDERSON:

H.R. 14541. A bill for the relief of Jimmie R. Pope; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 14542. A bill for the relief of Maria Rosa Occhino, Felipe Occhino, Franco Militello, and Anna Maria Militello; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 14543. A bill for the relief of Mrs. Rolando C. Dayao; to the Committee on the Judiciary.

PETITIONS, ETC.

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

307. By the SPEAKER: Petition of the Princeton Township Committee, Mercer County, N.J., relative to ending the war in Vietnam; to the Committee on Foreign Affairs.

308. Also, petition of Sister Terrence Marie, Caldwell, N.J., relative to establishment of a Department of Peace; to the Committee on Government Operations.

309. Also, petition of Henry Stoner, York, Pa., relative to review of statutes; to the Committee on the Judiciary.

310. Also, petition of A. W. Anderson, South Laguna, Calif., et al., relative to pensions for veterans of World War I; to the Committee on Veterans Affairs.

EXTENSIONS OF REMARKS

FACT SHEET ON CONTINUING RESOLUTION FROM COMMITTEE ON APPROPRIATIONS

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. MAHON. Mr. Speaker, on tomorrow the House is scheduled to consider House Joint Resolution 966, making continuing appropriations for November for those departments and agencies whose regular appropriation bills for fiscal year 1970 have not been enacted.

There is considerable interest among Members as to the provisions of the resolution in comparison to the one under which most of the Government has operated since July 1, and particularly the effect of the resolution on authorized funding levels for certain education programs—more specifically the one for "category A" and "category B" aid for schools in Federally impacted areas.

I have prepared a fact sheet on the committee resolution in general and its effect in this respect on the education programs. Copies will be available during consideration on the House floor.

I include a copy of the fact sheet and a supporting tabulation:

COMMITTEE CONTINUING RESOLUTION FACT SHEET—HOUSE JOINT RESOLUTION 966

(NOTE.—For impacted aid and other education programs, see items 10 and 11.)

A. THE PURPOSES OF CONTINUING RESOLUTIONS

1. *Continuing resolutions are not appropriation bills* in the usual sense. They do not make *additional* appropriations. They merely make interim advances that are chargeable against whatever amounts the two Houses of Congress finally appropriate in the regular annual bills.

2. *Continuing resolutions are nothing but interim, stop-gap measures* necessary to keep government functions operating on a rationally minimum basis between July 1 and enactment of the regular authorization and appropriation bills. They are designed to preserve the integrity and options of the regular authorizations and appropriations processes in the committees and in both Houses.

3. *Continuing resolutions were never designed and never intended to* "get ahead of the regular order", i.e., to resolve weighty, substantive, legislative or appropriation issues outside the framework of the regular bills. (If they were so used, a Pandora's box of disruptive and disorderly actions could well result.)

4. *Continuing resolutions have always been designed to avoid controversy so as to secure prompt enactment,* else they would jeopardize orderly processes and orderly continuation of essential governmental functions.

5. *Continuing resolutions are thus a growth, born of long—and successful—experience.* They have become standardized in their concepts and specific provisions. They apply universally, and consistently, to all departments and agencies. The basic concept over the years is this:

Legislative status of an appropriation bill when Continuing Resolution becomes effective:	Continuing Resolution funding level is always:
When neither House has acted.	The budget estimate or last year's level, whichever is lower.
When passed House but not Senate.	Last year's level, or House level, whichever is lower.
When passed both House and Senate.	The action of the two Houses; or if in disagreement, the lower of the two.

B. THE COMMITTEE RESOLUTION (HOUSE JOINT RESOLUTION 966)

6. *The committee resolution* follows the *basic concepts* of past resolutions. It is a 30-day resolution—for November only.

7. *The committee resolution* makes a change in the *application* of the concept and thus in the *effect* on some operations, by taking account of congressional actions on appropriation bills *since July 1* when the current resolution went into effect.

8. *The committee resolution* makes no change at all in 6 of the regular bills; they occupy the same position they did on July 1. It will have some limited effect on the Agriculture and Legislative bills which have moved to the conference stage, and on the Labor-HEW, State-Justice-Commerce, and Public Works bills which have moved to the Senate since July 1.

9. *The committee resolution, replacing the existing resolution effective November 1st, will produce* little or no change in authorized rates of interim spending levels for many programs and activities. But it will permit *significant changes in a handful of items in the Department of HEW, especially in the Hill-Burton hospital grants (about $100 million more) and in certain education programs (about $600 million more).*

C. EFFECT OF COMMITTEE ON EDUCATION PROGRAMS

10. *The committee resolution adds about $600 million* to the authorized spending level for education programs, as *shown on the attached table.* $319 million additional is for impacted area school aid (P.L. 874).

11. *For schools in Federally impacted areas,* the committee resolution would authorize funds at the 1969 level for both categories "A" and "B"; a total of $506,000,000—some $319,000,000 *above* the currently authorized rate. There would be no special restrictions with regard to "category B".

Payments are made periodically during the fiscal year but the final payments are not usually made until late September or October, i.e., *after* the fiscal year for which they are appropriated. Thus an increase in these funds at this time would have no practical effect different from that of providing them when the regular HEW bill is enacted.