ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the conclusion of the remarks by the Senator from Illinois (Mr. PERCY) on tomorrow, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes; and that at the conclusion of morning business, the Chair lay before the Senate the then unfinished business, which will be S. 2819, the foreign military and related assistance authorization bill.

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. Following the recognition of the two leaders, Senators HARRIS, GURNEY, and PERCY will be recognized, each for not to exceed 15 minutes, and in the order stated, after which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Following the morning business, the Senate will resume its debate on the pending business, which will then be the unfinished business, S. 2819, the foreign military and related assistance authorization bill. Action is expected to be completed on that bill tomorrow. There is a time agreement thereon, and there will be rollcall votes tomorrow.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 53 minutes p.m.) the Senate adjourned until tomorrow, Thursday, November 11, 1971, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, November 10, 1971*

The House met at 12 o'clock noon.

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

The fervent prayer of a righteous man availeth much.— James 5:16.

Almighty and eternal God, during the hours of this day may we be mindful of Thy presence filling our minds with light and our hearts with love. Grant that the life of Thy spirit in us may guard us from wrongdoing and guide us in Thy true and living way.

Give us to feel how wonderful it is to be alive in Thee, to live day by day under Thy loving care, to receive grace sufficient for every need and strength adequate for every task, making us ready to be of help to our fellow men and to serve our country with all our hearts.

Grant that we may keep on pursuing the best until the best comes to greater life in us, in our Nation, and in all men. Now and always may we be strong in faith, steadfast in freedom, and steady in fellowship with Thee and with one another.

In the spirit of Christ, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 588. An act to increase the authorization for the appropriation of funds to complete the International Peace Garden, North Dakota.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 11418, MILITARY CONSTRUCTION APPROPRIATIONS, 1972

Mr. SIKES. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 11418) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes.

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

There was no objection.

CONFERENCE REPORT (H. REPT. No. 92-664)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11418) "making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes," 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 amendments numbered 4, 7, and 9.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$355,500,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$289,189,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$933,955,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendments of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$55,776,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$109,045,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendment numbered 1.

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(except for amendments 1, 2, and 3),
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MILTON R. YOUNG,
EDWARD W. BROOKE,
J. CALEB BOGGS,
CHARLES H. PERCY,
STUART SYMINGTON,
HOWARD W. CANNON,
JOHN TOWER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11418) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Amendment No. 1, military construction, Army: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to appropriate $438,316,000 instead of $437,274,000 as proposed by the House and $432,946,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

This would provide the following changes to the amounts and line items as proposed by the House:

Fort Campbell, Ky.: Airfield complex, CAAF, phase I	+$2,000,000
Yuma Proving Ground, Ariz.: Weapons evaluation facility	+2,921,000
Redstone Arsenal, Ala.: Bachelor officer quarters	−879,000
Fort Wainwright, Alaska: Sewage disposal contribution	−2,000,000
NATO infrastructure	−1,000,000

The conferees have denied two turbine engine test cells which the House deleted at the Aeronautical Depot Maintenance Center, Corpus Christi, Texas. The conferees are in agreement as to the continuing importance of the Army's aeronautical depot repair operations at Corpus Christi to the national defense. However, they feel that this particular item can be deferred without prejudice.

The conferees are in agreement that the weapons evaluation facility provided at the Yuma Proving Ground, Arizona, is not to be used in any way to support the future relocation of any personnel, personnel positions, or functions from Aberdeen Proving Ground, Maryland.

Amendment No. 2, military construction, Navy: Appropriates $355,500,000 instead of $343,766,000 as proposed by the House and $357,536,000 as proposed by the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House:

Naval Shipyard, Portsmouth, N.H.	+$360,000
Naval Underwater Systems Center, Newport, R.I.: Underwater weapons reliability laboratory	+655,000
Naval Home, Philadelphia, Pa.: Naval Home modernization (1st increment)	+550,000
Naval Shipyard, Charleston, S.C.: Engineering management complex (1st increment)	+6,067,000
Naval Air Station, Meridian, Miss.: Outdoor recreation facilities	+$188,000
Naval Air Test Center, Patuxent River, Md.: Theater/auditorium	+508,000
Naval Shipyard, Long Beach, Calif.: Cafeteria No. 1 replacement	+1,272,000
Culebra Island: Planning funds	+2,500,000
Naval Station, Norfolk, Va.: Gate 4 improvements	−74,000
Naval Amphibious School, Coronado, Calif.: School ventilation improvements	−137,000
Naval Communication Station, San Francisco, Stockton, Calif.: Potable water well and tank	−155,000

The conferees have allowed the full $991,000 requested for the Naval Home as provided by the Senate. However, the conferees are in agreement that not more than $441,000 may be spent to make essential improvements to the Naval Home at its present location.

The conferees understand that the Navy is studying the relocation of this facility. When the Navy has reported its plans in this respect to the Committees on Appropriations of the Senate and House of Representatives and these plans have been approved by such committees, the full amount available may be expended for construction at the new location.

The conferees deleted $100,000 added by the Senate for a memorial standard for the submerged USS Utah in Pearl Harbor, Hawaii. This item was deleted without prejudice, and the conferees expect the Navy, through the reprogramming of funds, to take such steps as it legally can to provide a suitable memorial standard.

Amendment No. 3, military construction, Air Force: Appropriates $289,189,000 instead of $273,031,000 as proposed by the House and $291,954,000 as proposed by the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House:

Mather Air Force, Calif.: Navigator academic training facility	+$1,726,000
Pease Air Force Base, N.H.: Composite medical facility	+8,128,000
Aircraft engine test facilities:	
Spangdahlem Air Base, Germany	+92,000
Zweibrucken Air Base, Germany	+115,000
Aircraft runup facilities:	
Ramstein Air Base, Germany	+66,000
Spangdahlem Air Base, Germany	+84,000
RAF Alconbury, United Kingdom	+77,000
Aviano Air Base, Italy	+104,000
Incirlik Air Base, Turkey	+75,000
Lackland Air Force Base, Tex.: Academic language training facility	+1,064,000
Sheppard Air Force Base, Tex.: Theater	+739,000
Westover Air Force Base, Mass.: Noncommissioned officers open mess	+945,000
Various locations, inside United States: SAC satellite basing facilities	+5,300,000
Andersen Air Force Base, Guam, Mariana Islands: Rescue helicopter support facility	−350,000
Ellsworth Air Force Base, S.D.: Aircraft engine shop	−693,000
Myrtle Beach Air Force Base, S.C.: Taxiway lights	−446,000
Shaw Air Force Base, S.C.: Addition to warehouse	−$531,000
Wildwood Air Force Station, Alaska: Add to and alter electric power plant	−100,000
Hickam Air Force Base, Hawaii: Fire protection sprinkler system	−237,000

Amendment No. 4, military construction, Air Force Reserve: Appropriates $6,581,000 as proposed by the House instead of $5,700,000 as proposed by the Senate.

Amendment No. 5, family housing, Defense: Appropriates $933,955,000 instead of $938,238,000 as proposed by the House and $900,620,000 as proposed by the Senate.

Amendment No. 6, family housing, Defense: Authorizes not to exceed $55,776,000 for the construction of Army family housing instead of $58,277,000 as proposed by the House and $44,941,000 as proposed by the Senate.

The Senate deleted $900 of the $2,324,900 allowed by the House for 88 family housing units at Camp Drum, New York. The conferees agreed to allow $2,324,000 for these houses.

The conferees did not allow $2,500,100 for funding of new construction authorized under prior authorizations, but did approve $5,000,000 for minor construction, which amounts were proposed by the House.

The Army requested $5,835,000 for the conversion of heating plants from coal to oil for 16,400 housing units in Germany. These funds were approved by the House but deleted by the Senate. The conferees agreed to restore the funds for other overall improvements required in the Army family housing program. However, the conferees direct that none of these funds be used for the conversion of any heating plants from coal to oil in Germany.

Amendment No. 7, family housing, Defense: Authorizes not to exceed $135,717,000 for the construction of Navy and Marine Corps family housing as proposed by the House instead of $120,717,000 as proposed by the Senate.

The conferees agreed on the House allowance, which would provide $15,000,000 for minor construction, urgent improvements, and the highest priority new construction for which prior-year authorization remains available at the following locations: Naval Complex, Philadelphia, Pennsylvania; Naval Complex, Norfolk, Virginia; Naval Complex, Long Beach, California; and Naval Base, Guantanamo Bay, Cuba. In addition, savings from fiscal year 1972 and prior programs may be applied to construction or improvements for which valid authorization is available and to minor construction.

Amendment No. 8, family housing, Defense: Authorizes not to exceed $109,045,000 for the construction of Air Force family housing instead of $110,827,000 as proposed by the House and $101,545,000 as proposed by the Senate.

The conferees approved a project of 90 new housing units at Woomera, Australia. However, the Senate proposed that the amount of $1,782,000 which the House had proposed be appropriated for this project be funded from balances of prior-year funds available to the Air Force. The conferees concurred in the Senate position.

The conferees agreed on the House allowance which would provide $7,500,000 for minor construction, urgent improvements, and the highest priority new construction for which prior-year authorization remains available at the following locations: Ent/Peterson Air Force Base, Colorado; Tinker Air Force Base, Oklahoma; Vandenberg Air Force Base, California; and Kadena Air Base, Okinawa, Ryukyu Islands. In addition, savings from fiscal year 1972 and prior programs may be used for minor construction, improvements, and new construction for which prior-year authorizations remain available.

Amendment No. 9, general provisions: The conferees have not included in the general provisions Section 111 which was added by the Senate. However, both the House and the Senate conferees agree with the intent of this provision to reduce the cost of construction and to encourage more efficient management of construction within the Department of Defense.

The conferees feel that a complete and unbiased investigation of the efficiency of construction management and the equitableness of charges by construction agencies for construction supervision, inspection, and overhead, as specified in Department of Defense Directive 7040.2, be conducted by the General Accounting Office and that a report to the conferees be made within 10 months, with an interim report to be provided within 6 months. In conducting this study, the conferees direct the General Accounting Office to investigate the rates charged for similar work in private industry and to compare them with those charged by Department of Defense construction agencies.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1972 recommended by the committee of conference, with comparisons to the fiscal year 1971 total, the 1972 budget estimate total, and the House and Senate bills follows:

New budget (obligational) authority, fiscal year 1971	[1] $1,704,074,000
Budget estimates of new (obligational) authority, fiscal year 1972	[2] 2,129,805,000
House bill, fiscal year 1972	2,012,446,000

Senate bill, fiscal year 1972	2,002,312,000
Conference agreement	2,037,097,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1971	+333,023,000
Budget estimates of new (obligational) authority, fiscal year 1972	−92,708,000
House bill, fiscal year 1972	+24,651,000
Senate bill, fiscal year 1972	+34,785,000

[1] Excludes $334,000,000 for Safeguard construction and family housing.

[2] Excludes $183,570,000 for Safeguard construction and family housing not considered in this bill.

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JOHN TOWER,
Managers on the Part of the Senate.

NATURAL GAS CRISIS

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

Mr. BOGGS. Mr. Speaker, I have in my hand a news release from the Washington Gas Light Co. of yesterday announcing a rather severe restriction on the sale of natural gas for the District of Columbia and the area served by that company.

Mr. Speaker, I have said on this floor for the last several years that we were in an energy crisis in the United States. This is particularly true as applied to natural gas, which is the most desirable of fuels in a present ecology-conscious society.

Mr. Speaker, natural gas is vital to this Nation, its consumers, its economy, and its environment. Natural gas powers 43 percent of our industry, and provides some 28 percent of our electric power. One-third of our country's total energy requirements are now met by natural gas.

Accordingly, many of us have long been concerned about the growing natural gas supply problem, and our capacity to meet our country's growing demand for clean, efficient energy.

The paradox is that we now face an actual shortage of natural gas while there is a potential of plenty.

Between 1956 and 1968, wildcat drilling and geophysical activity—considered the most sensitive measures of exploration operations—dropped 40 percent and 56 percent respectively. Exploratory wells completed as gas producers dropped drastically from 909 in 1959 to 429 in 1968—a decline of 53 percent.

By 1968, it was clear to everyone that the Nation's gas supply was diminishing to critical levels in relation to demand.

In 1969, for example, is was estimated that production was 20.7 trillion cubic feet, while new reserve additions amounted to only 8.4 trillion cubic feet. This was the second consecutive annual deficit.

This means that in 1969 we used up two and one-half times as much natural gas as we found.

In 1970, production of natural gas amounted to 22 trillion cubic feet; and, excluding the large estimated reserves in Alaska which are not available for delivery new reserve additions in the lower 48 States were only 11.6 trillion cubic feet. This resulted in a third consecutive annual deficit.

In other words, in 1970, we again used far more natural gas than we found.

This reason for this shortage is not too hard to come by. For many years the regulatory agencies have sought to artificially depress the price of gas so that today gas produced in Louisiana is going into the pipelines for a price a great deal less than the cost of gas going into the same pipelines, brought into the United States in liquefied form from other places in the world. In addition to that, for 2 years the Department of the Interior refused to grant offshore leases off the coast of Louisiana, the one place in the United States where we know we have large proven reserves of natural gas.

I regret to say, Mr. Speaker, that I think we are only now beginning to see the impact of this problem, and that within the next several weeks similar announcements will be made in many other places in the United States and, believe it or not, within one of the largest natural-gas-producing States in the Union, Louisiana, where we are also, because of these policies, experiencing a gas shortage for our industrial users.

I hope that the Congress will take due notice of this, and that the appropriate committees of the Congress will take a look at the energy crisis facing our country.

Early this year we considered a proposal by the gentleman from Tennessee (Mr. FULTON), to create a special committee to look extensively into the energy crisis in our country. The House did not see fit to accept that proposal, and I would hope that the standing committees would make the type of inquiry that is very much required at this time.

The news release from the Washington Gas Co. follows:

WASHINGTON GAS LIGHT COMPANY TO RESTRICT NEW SALES OF GAS

WASHINGTON, D.C., November 9.—Washington Gas Light Company announced today that to assure an adequate supply of gas for all present customers, it will confine new sales of gas to single-family residential consumers. For an indefinite period of time, the company said, commercial and industrial customers, including apartment buildings, will be limited to their present gas usage, and no new customers in those categories can be accepted.

Paul E. Reichardt, president of the company, said that its new limitation policy responds to "a gas supply situation that can change at any time, for better or worse, depending on many factors." He explained that the shortage of natural gas is not simply a local situation. Most pipeline suppliers, he reported, are having difficulties in meeting growth requirements and contractual commitments to gas companies.

Washington Gas' major supplier, Columbia Gas Transmission Corporation, announced last month that it will be able to supply only enough gas for present customers and a portion of normal growth. Transcontinental Gas Pipe Line Corporation, the other supplier of Washington Gas, recently has been unable to deliver as much gas as the company had contracted for, according to Mr. Reichardt. "These very recent actions," he explained, "have forced Washington Gas into the new limitation policy. Accordingly formal approval is being requested from the appropriate regulatory commissions."

"Although there's plenty of natural gas in the ground," said Mr. Reichardt, "there just isn't enough available right now for everyone who wants it, and there probably won't be for the next few years. Faced with this situation, we're doing what we consider the fairest thing—making it available to present customers and to people who want it for use in their homes. Commercial and industrial buildings can more readily use substitute fuels, and large users can better arrange for the pollution-control devices which other fuels often require.

"In this ecology-conscious society," said Mr. Reichardt, "the clean-burning qualities of natural gas make it a premium fuel. It is by far the least polluting of all fossil fuels, and much sought after. Ironically the big jump in demand for natural gas has come at just the time when new supplies are trending downward. The reduced availability of gas supply has been occasioned largely because prices of natural gas in the producing fields in the past have been kept unreasonably low by regulation."

Since April 1970, Washington Gas has limited new business to a maximum of 300,000 cubic feet per customer per day. This has eliminated the largest potential new users of gas. Also, since last August, the company has not taken on any additional business on its "interruptible" rate schedule (a special rate designed for commercial and industrial customers who agree to forego the use of gas when the demand from other customers is at a peak).

Mr. Reichardt observed that "the nation faces a critical energy situation, in which all fuels are feeling the pinch of short supply." But the natural gas industry and the government, he said, "are taking steps to find solutions, and we believe that the shortage will be of limited duration."

The Federal Power Commission now is allowing wellhead prices of gas to rise, providing new incentive for producers to accelerate exploration for new gas supplies. Leasing of potentially gas-rich Federal lands located in the Gulf of Mexico is being stepped up. Arrangements are being made for the importation of liquefied natural gas by ship, some of which is expected to be available for the Washington area. The prospects of gas from Alaska and Northern Canada look promising. Plants are being designed for the manufacture of synthetic "natural gas" from petroleum products. And a joint industry-government project to develop a commercial process for the chemical transformation of coal into "natural gas" offers one of the most hopeful long-range solutions.

Over the years, to supplement its normal supply of gas from its pipeline suppliers, Washington Gas has developed limited supplies of its own, upon which it can draw during critical periods of demand. Natural gas is stored nearby; substitute gas can be

manufactured at the company's plants using propane and oil; and a storage field in West Virginia has been developed by the company and will be in operation for the first time this winter.

Gas limitations also are being experienced in parts of Pennsylvania, Ohio, New Jersey, Michigan, and Illinois. Many utilities now have waiting lists for new gas customers, and just recently the New York State Public Service Commission established its own priorities, with residential customers having first claim.

ENERGY CRISIS

(Mrs. HANSEN of Washington asked and was given permission to address the House for 1 minute.)

Mrs. HANSEN of Washington. Mr. Speaker, with great interest I listened to the gentleman from Louisiana.

The Interior Appropriations Committee has been working on the subject of this energy crisis for several years. We have warned this Congress over and over that it was necessary for us to spend more money in supplying knowledge to to the Department of the Interior before the leases were made. The Office of Management and Budget can be held solely responsible for the inadequate budgets that have come before this Congress. We have increased them repeatedly. We have asked the Office of Coal Research to increase their research funds. These people have not done it because of budget limitations and I, therefore, place this energy crisis squarely on the Office of Management and Budget.

FISHING RIGHTS ON THE HIGH SEAS

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

Mr. VAN DEERLIN. Mr. Speaker, shortwave radio reports reaching the American Tunaboat Association within the last half-hour reveal that five more American-flag tuna boats have been seized off the coast of South America, and one Canadian-flag vessel.

The incident of this morning occurred 65 miles southwest of the Ecuadorian port of Salinas. A converted American Coast Guard vessel flying the flag of Ecuador and having the designation LC61 rammed the San Diego-based tuna boat *Venturess*, then backed off and fired across the bow. The *Venturess* and four other vessels are on their way to, or have already arrived at the Port of Salinas with skippers and 14 crewmen aboard each vessel, under escort.

I think once again we are going to have to look at this policy of providing surplus American vessels on loan to Latin American nations. Too many are being used against American citizens fishing in areas which we regard as the high seas.

CAPT. FLOYD THOMPSON, PRISONER IN SOUTHEAST ASIA

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

Mr. WHITEHURST. Mr. Speaker, on March 26, 1964, Capt. Floyd Thompson was taken prisoner in Southeast Asia. I want to take this opportunity to remind my colleagues today of the great sacrifice made by Captain Thompson and his fellow prisoners, who have suffered the ordeal of imprisonment by the Communists for so long. Lest any person dismiss this lightly, let him consider his own life span and remember all the joys and adventures he has experienced over the last seven and a half years. Captain Thompson has known nothing but the dreary existence of incarceration for all those months and days. Hopefully, now, as we end our involvement in Vietnam, release is in sight for this brave man and the hundreds of others who have shared his fate. Our paramount responsibility is to work toward their speedy release.

BLACK LUNG BENEFITS

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. 9212), to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. 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. 373]

Abourezk	Findley	Pelly
Addabbo	Foley	Pepper
Alexander	Ford,	Pryor, Ark.
Anderson, Ill.	William D.	Railsback
Arends	Frelinghuysen	Rangel
Ashley	Gallagher	Riegle
Baring	Gettys	Rosenthal
Barrett	Goldwater	Sandman
Blackburn	Goodling	Schwengel
Brown, Mich.	Gubser	Shipley
Camp	Halpern	Springer
Celler	Jonas	Stanton,
Chisholm	Jones, Ala.	J. William
Clancy	Kee	Stanton,
Clark	Landgrebe	James V.
Clawson, Del	Link	Stuckey
Clay	Lloyd	Teague, Calif.
Collier	Long, La.	Veysey
Collins, Tex.	McClory	Vigorito
Derwinski	Madden	Whitten
Diggs	Michel	Wydler
Dowdy	Mills, Ark.	Wyman
Edwards, La.	Obey	
Eilberg	Patman	

The SPEAKER. On this rollcall, 363 Members have answered to their names, a quorum.

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

CAPTAIN SAYLOR, U.S. NAVY, RETIRED, WISHES THE "M DIVISION" A HAPPY BIRTHDAY

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

Mr. SAYLOR. Mr. Speaker, unemployment is not a recent phenomena. One hundred ninety-six years ago today, the U.S. Navy took upon itself the responsibility for solving one of the Nation's first critical unemployment situations, to wit: What to do with men too weak to be sailors and too bright to be soldiers. The solution was the formation of the Navy's "M Division."

In the ensuing years, the M Division has distinguished itself on every occasion when it was called upon by the U.S. Navy to protect the Nation's interests. From its largely ceremonial beginnings, the U.S. Marine Corps has grown to an effective, efficient, and dependable fighting force of 209,000 men.

The corps has been idealized, glorified, and magnified in song and story in the past 196 years, but in spite of the superhuman tales of valor which one must suffer when listening to any and all marines, it, the corps, is truly dedicated to a spirit of service to our country.

Mr. Speaker, the stories I could tell of the marines I have known are not fit for the delicate ears of those present in this revered House, so I will relate one fact that is worthy of the spirit of the USMC and outshines all the "puffery" of the image makers. It is simply this—from private to general, from aviator to supply clerk, and including congressional liaison types, every marine is a rifleman first, last, and always. And because of this singlemindedness in training, combined with a consistent dedication to excellence, the Nation has always been able to depend on the Marines in time of need.

It is a pleasure to wish the U.S. Navy's Marine Corps a very happy birthday on this, its 196th anniversary.

BLACK LUNG BENEFITS

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS) 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. 9212) to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes.

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. 9212, 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 Pennsylvania (Mr. DENT) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. ERLENBORN) will be recognized for 30 minutes. The Chair recognizes the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. PERKINS).

The CHAIRMAN. The gentleman from Kentucky is recognized.

Mr. PERKINS. Mr. Chairman, the enactment of H.R. 9212 is essential for

four reasons. First, title IV of the act dealing with benefits to miners totally disabled because of the occupational disease, pneumoconiosis, or black lung, now provides that benefits may be paid only to miners or their widows whose entitlements may be increased by dependent children. However, the present law does not now permit payments to dependent, surviving children of a miner if both the miner and his spouse are deceased. These double orphans are not now under the law entitled to benefits. This, indeed, was a grave legislative oversight when the black lung benefit provisions were first enacted into law. This legislation remedies that defect.

Secondly, section 2 of the existing law specifically states that:

The black lung benefits program shall not be considered a workmen's compensation law for purposes of the disability insurance provisions of the Social Security Act.

Under the disability insurance provisions of the Social Security Act disability benefits to a worker and his family must be reduced under certain circumstances if he is also entitled to workmen's compensation and if the combined benefits exceed 80 percent of the worker's average predisability earnings. Let me be more specific as to the effect of this application of the black lung benefit provisions. The Social Security Administration is setting off black lung benefits against social security disability payments even though the law states that the payments are not to be treated as workmen's compensation. The effect in many cases reported to me is that a miner receiving social security benefit disability before he filed a black lung claim received less total funds after his black lung claim was allowed than he received before. Let me give you an actual example of one miner. Prior to black lung, he was drawing $257 a month in social security disability payments. He filed a claim for black lung benefits which the Social Security Administration found he was eligible to receive black lung disability payments of $98.30 a month. The Social Security Administration deducted his black lung benefits from his social security disability entitlement and he actually wound up with 50 cents less than he had when he got his social security benefits.

By setting off black lung benefits against disability payments the Administration is taking away with the left hand what Congress granted with the right. H.R. 9212 would remedy this.

Thirdly, despite a wealth of medical evidence to the contrary, the Administration is denying pneumoconiosis claims solely on the basis of negative X-ray examinations. Let me recite some of the testimony on this point.

EXCERPTS FROM WRITTEN STATEMENT OF THE SURGEON GENERAL OF THE UNITED STATES

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 postmorten examinations indicate a higher prevalence of the disease than can be diagnosed from X-ray examinations.* (*Italic supplied*).

TESTIMONY OF DR. DONALD L. RASMUSSEN, CHIEF, PULMONARY SECTION, BECKLEY APPALACHIAN REGIONAL HOSPITAL, BECKLEY, W. VA.

Of interest is the fact that those miners who have worked primarily at the face in mechanized operations become impaired on an average of 5 years earlier than men engaged in all other mining jobs. These face workers also show somewhat more X-ray abnormality, *although there is little relationship between impairment and X-ray category pneumoconiosis* * * * (Italic supplied).

TESTIMONY OF DR. H. A. WELLS, DIRECTOR, PULMONARY RESEARCH LABORATORY, CONEMAUGH VALLEY MEMORIAL HOSPITAL, JOHNSTOWN, PA.

But I would hasten to interject here that X-ray alone without being coupled with functional testing is going to be a poor indicator of the disease (pneumoconiosis) * * *

EXCERPTS FROM THE ANNUAL REPORT 1967–68, MEDICAL SERVICE AND MEDICAL RESEARCH, NATIONAL COAL BOARD, GREAT BRITAIN

* * * Secondly, it was also rapidly apparent that the X-ray film was not, by itself, a reasonable measure of disability * * *

* * * The disease (pneumoconiosis) is difficult to diagnose, especially in the early stages, and accurate diagnosis depends on three essentials—a high quality full size radiograph of the chest, a full clinical examination (including lung function tests) and complete industrial history * * * The radiograph remains the most important single factor in the diagnosis of pneumoconiosis, as defined * * * *on the other hand the opacities seen in the radiograph are not in themselves diagnostic and must be interpreted in the light* of a detailed occupational history and clinical examinations * * * (emphasis supplied)

H.R. 9212 in this regard provides that claims for benefits may not be denied solely on the basis of the results of a chest X-ray.

And, Mr. Chairman, H.R. 9212 would continue the timetable under the act for 2 additional years, permitting an additional period for the States to prepare to assume responsibility for providing black lung benefits to beneficiaries under the act.

Finally, Mr. Chairman, I ask leave to have printed in the body of the RECORD an article by Estie Stoll from the August–September 1917, issue of The Sciences, published by the New York Academy of Sciences.

This article, entitled "Coal Mining: The Way to Dusty Death," deals with the major problem of coal workers' pneumoconiosis, or black lung, as it is commonly called.

One of the features of this bill would eliminate a negative X-ray as the sole basis for denial of a victim miner's claim for benefits. As this article so clearly demonstrates, X-ray is not effective in detecting the disease until it is far advanced. To quote:

Unfortunately, by the time lung pathology becomes visible on X-ray CWP (coal workers' pneumoconiosis) may be irreversible.

COAL MINING: THE WAY TO DUSTY DEATH

(By Estie Stoll)

In 1661, John Evelyn wrote that coal "causeth consumptions, phthisicks and the indisposition of the lungs . . . speedily destroy[ing] those who dig it in the mines. . . ." After coal was first used to generate electricity in 1880, the demand for carbonaceous fuel increased sharply and mines were deepened; later, continuous-mining machines added to respirable dust concentrations. By 1950, the U.S. Public Health Service had found that coal miners were five times more prone to fatal respiratory disease than other workers. Some current estimates suggest that 125,000 active and former U.S. miners have X-ray evidence of coal workers' pneumoconiosis, or black lung disease, and more than a third of them may be severely disabled.

CLINICAL PATTERNS

Coal workers develop pneumoconiosis from prolonged inhalation of coal dust particles that saturate mine air. They cough up coal-stained sputum, may have chest pain and dyspnea, or shortness of breath; if dust exposure continues, symptoms can become incapacitating.

After ten years' exposure, simple pneumoconiosis, the first stage of disease, may show up on X-ray, generally as widely scattered fine nodules. They represent coal-dust aggregates around bronchioles whose associated air spaces are usually dilated. Clinical symptoms and lung-function abnormalities usually appear later, but in West Virginia—with one of the highest rates of coal workers' pneumoconiosis (CWP) in the U.S.—many men with "simple, nodular pneumoconiosis . . . were significantly disabled," says Dr. Donald L. Rasmussen, Director of the Pulmonary Research Laboratory, Appalachian Regional Hospital, Beckley, West Virginia. (*Med. Tribune*, Mar. 13, 1969)

More advanced or complicated pneumoconiosis develops in about three per cent of active soft-coal miners and in up to 25 per cent of hard-coal miners, usually appearing radiographically after 20 years of work underground. As fibrosis of coal-dust nodules progresses, the nodules grow and coalesce, destroying large portions of lung tissue. Viable tissue is distorted by scarring and contraction, and there are changes in pulmonary function. Impaired oxygen transport increases disability; destruction of small pulmonary blood vessels often leads to right-side heart strain and enlargement—*cor pulmonale*—and death from cardiac failure.

THE PROGRESSION OF X-RAY CHANGES

CWP is diagnosed by X-ray abnormalities and a history of coal-dust exposure. The International Classification of Radiographs of Pneumoconioses—a standard description of X-ray changes—was formulated at an ILO conference 20 years ago and revised most recently in 1968. The Classification divides CWP into seven categories of progessive dust opacity. Though significant ventilatory changes almost never occur before grade 3 simple pneumoconiosis, initial X-ray signs are infallible precursors of later disability, says Dr. Lorin E. Kerr, Director of Occupational Health for the United Mine Workers of America. (*Industrial Med. and Surgery*, Aug., 1956) If their exposure to mine dust is stopped, workers with grade 1 simple pneumoconiosis are rarely disabled; once more massive X-ray shadows have appeared, deterioration continues even after the worker leaves the mine.

DISCREPANT SYMPTOMS AND SIGNS

Unfortunately, by the time lung pathology becomes visible on X-ray, CWP may be irreversible, and radiologic category does not always correlate with disability. "Some miners with massive pulmonary fibrosis are doing their full eight-hour shift, while others with seemingly early pneumoconiosis are on their deathbeds," Dr. Kerr says. (*Medical World News*, Mar. 27, 1970.) The disparity between disability and objective signs of illness was highlighted in a study of 16,000 soft-coal miners from Central and Western Pennsylvania. Conducted ten years ago by Dr. Jan Lieben and his associates at the Pennsylvania Department of Health, it revealed that nearly a third of Central Penn-

sylvania miners with coalescent lesions denied shortness of breath, but nearly half the miners *without* X-ray signs complained of it. Among the Western Pennsylvania miners with advanced lesions, nearly two-thirds denied breathlessless.

Dr. R. Krémer of the Universitié Catholique de Louvain, Belgium, has investigated the relationships between obstruction, X-ray findings and prognosis in 100 CWP patients. He found that clinical health is closely related to pulmonary obstruction as determined by the amount of air that can be forcibly expelled in one second, the $FEV_{1.0}$. Forty per cent of the men unable to expel more than 1,000 ml of air in one second were dead within a year; 80 per cent were dead within five years. Pulmonary arterial hypertension, caused by increased pulmonary vascular resistance, was also a poor prognostic sign; 70 per cent of the CWP patients whose mean pulmonary arterial pressure exceeded 30 mm/Hg at rest died within a year. When pressure was 15 mm/Hg or less, patients were likely to do well *regardless of the X-ray stage of pneumoconiosis*, Dr. Krémer reported. Thus, measurements of pulmonary function are often more accurate than X-rays in evaluating CWP. (*Apport de L'Hémodynamique Pulmonaire a L'Etude de la Pneumoconiosis des Houilleurs*, 1969.)

In the U.S., autopsy studies confirm that right heart hypertrophy, rather than the amount of pulmonary coal dust seen on X-ray, is critical in evaluating CWP. Dr. Richard L. Naeye, Chairman of Pathology at Pennsylvania State University, recently performed autopsies on 175 Appalachian soft-coal miners. Half of the men who'd been dyspnea-free had nearly twice as much tissue containing coal dust macules as dyspneic miners. But breathless miners had thicker heart walls, more abnormal air spaces, and a higher ratio of bronchiolar goblet cells to non-goblet cells than the non-dyspneics. These results "weaken the value of X-rays as an evaluating tool and strengthen the case for lung function studies," according to Dr. Kerr.

COAL DUST: A COMPLEX PATHOGEN

Although simple pneumoconiosis is apparently caused by accumulation of coal-dust particles smaller than 5 microns in diameter, the pathogenesis of complicated pneumoconiosis is uncertain. Massive coal-dust accumulation appears to alter tissue response so that the disease progresses independently of dust inhalation. But CWP's initial stages are directly related to both quantity and duration of exposure to mine dust. The Lieben study revealed that in Central Pennsylvania, 16 per cent of soft-coal miners under the age of 45, 41 per cent aged 45–64, and 55 per cent of retired miners had X-ray signs of pneumoconiosis; in Western Pennsylvania, incidence rose from four to 15 to 29 per cent, respectively, for these same age groups. Mine workers with the dustiest jobs also face the highest risk. A U.S. Public Health Service study by Dr. William S. Lainhart, of nearly 4,000 bituminous coal miners from Utah, Appalachia, Southern Illinois and Indiana, revealed that cutting and loading machine operators were twice as vulerable as other coal-face workers; motormen and brakemen were four times more disease-prone than other transportation workers. (*J. of Occ. Med.*, Aug., 1969)

Geographic differences also contribute to CWP risk. A four-year study of nearly half a million British miners showed that prevalence varies regionally from 5.8 to 25.3 per cent; regardless of mine dustiness, South Wales' CWP rate is consistently higher than England's. Central Pennsylvania's rate is almost 2.5 times higher than Western Pennsylvania's CWP affects only four per cent of Utah miners compared to 10 per cent of those in Appalachia.

COMPLEXITY OF COAL COMPONENTS

Type of coal mined affects coal dust potency and, therefore, CWP incidence. The higher a coal's rank the "greater the prevalence of disease," according to Dr. William K. C. Morgan, Director of the USPHS laboratory in Morgantown, West Virginia. (*Am. Rev. Resp. Dis.* Vol. 98, 1968) Anthracite, a high-rank coal is older, less volatile, contains more carbon and releases more heat when burned than lignite, a low-rank coal. CWP incidence rates may jump from ten per cent, for men who have worked low-grade coal for twenty years, to nearly 50 per cent for men who have worked high-rank coal for the same length of time.

Because in one form or another, coal contains nearly half the known elements, its constituents have clouded the picture of CWP. Silica, a major coal component, was once held exclusively responsible for all coal miners' respiratory disease. Anthracite, higher in silica content than bituminous coal, causes more severe and extensive CWP. Progressive massive fibrosis appears earlier, afflicting 25 per cent of hard-coal miners compared with only three per cent of bituminous miners, Dr. Charles E. Myers, Director of the Anthracosilicosis Treatment Project, Wilkes-Barre General Hospital, Pennsylvania, told The Sciences. After World War I, anthracite was largely replaced by such cheaper fuels as soft coal, gas and oil; today anthracite mining is a dying industry, virtually limited to five Northeastern Pennsylvania counties. But the hazard of CWP in anthracite mines is still staggering: in one Pennsylvania anthracite county, miners spent 23,000 patient days in the hospital in 1969, at a cost to the county of $1.25 million. Dr. Myers fears that extensive anthracite mining may be revived when other fuel reserves are depleted.

Although silica contributes heavily to pulmonary pathology in anthracite workers, CWP also strikes carbon-electrode workers, coal-loading longshoremen and others exposed to virtually silica-free coal dust. Silicosis and CWP are now recognized as clinically separate diseases which may co-exist and interact in the same individual; on autopsy, they are usually distinguishable.

Miners, too, vary in their response to apparently identical mining conditions, leading some investigators to speculate about the possible roles played by individual susceptibility and auto-immunity. Nearly 20 years ago, Dr. A. Caplan discovered a predisposition to rheumatoid arthritis in Welsh miners with CWP. Caplan's syndrome has since been reported in patients with other pneumoconioses. In the mid-sixties, Swedish researchers found that individuals lacking serum alpha-sub-one antitrypein factor, which prevents trypsin from digesting protein, are more prone to chronic respiratory illness than those with adequate antitrypsin factor; they may also be more susceptible to CWP. Miners speak of "Coal fever," a response in some men new to the mines who are apparently sensitized to coal dust. Dr. Warfield Garson, of the UMWA Welfare and Retirement Fund, reports a response resembling coal fever in test animals; the reaction may indicate a predisposition to CWP.

The role of air pollution and smoking in CWP pathogenesis is ambiguous. In 1963, the USPHS compared respiratory disease rates in miners and non-miners in two West Virginia coal towns with high dust pollution levels. In one town, 15 per cent of 200 miners had X-ray evidence of CWP, compared to less than one per cent of 200 non-miners in the same town. (*Mining Congress J.*, Aug. 1965) Other studies indicate that coal-dust exposure for nonminers may be much less benign. "In hundreds of autopsy reports, not of miners but their families, I noted a high degree of lung involvement . . . [suggesting] a community problem," says pathologist Richard Naeye. (*Medical World News*, Mar. 27, 1970) Soft-coal miners who smoke have more bronchitis, emphysema and *cor pulmonale* than non-smoking miners. Because miners cannot smoke at work, their smoking time is more compressed than that of smoking non-miners, perhaps with greater adverse effects, says Dr. Morgan. (*Va. Med. Monthly*, Dec., 1969)

"Although coal dust may be the specific cause, the expression of disease is the summation of all of the physical, emotional and social stresses [fatigue, heat and humidity, noise, isolation, etc.] to which the miner is exposed," stated Dr. Irving R. Tabershaw, Professor of Occupational Medicine at the University of California, Berkeley. (National Conference on Medicine and the Federal Coal Mine Health and Safety Act of 1969, Washington, D.C., June 1970) High on the list of stresses are respiratory infections, which may co-exist with, contribute to, or occur more often because of CWP. Minor respiratory infections often precipitate dyspnea in miners afflicted with CWP, resulting in serious acute illness.

EUROPE'S LEADERSHIP

Although the U.S. has been very slow to acknowledge CWP as a distinct disease entity, Western Europe and Great Britain have been working on CWP for decades. In 1937, the British Medical Research Council initiated a comprehensive CWP study; six years later, the British government declared CWP a compensable disease, distinct from silicosis. From 1955 to 1965, preventive medicine—diligent X-ray check-ups and early transfer of affected miners from hazardous dust areas—reduced the number of new compensation awards in Britain by four-fifths. When the European Coal and Steel Community was established 20 years ago, financing and co-ordination of CWP research took a great leap forward. Nine million dollars went for CWP research in Europe in 1963, in sharp contrast to the $100,000 granted to the USPHS that same year for a single CWP study. By 1966, when *cumulative* United States appropriations had just passed $1 million, the *annual* research budget in Europe was nearly $20 million.

RESISTANT U.S. PHYSICIANS

"The attitude of the medical profession in the U.S. to the problem of CWP has been . . . characterized by obscuratism and a persistent refusal to face the facts," Dr. Morgan asserts, and history bears him out. Coal dust was recognized as a health hazard in American mines early in the twentieth century, but the solution was seen as improved ventilation. Britain's CWP incidence was attributed to English climate and urbanization, both unmatched in rural U.S. coal towns. Public attention was also directed away from coal dust to silica, and silicosis was soon considered "the only important dust disease," writes Dr. Kerr. (Arch. Env. Health, Apr., 1968) State and Federal compensation laws covered silicosis but excluded other industrial dust diseases. Until its tenth edition in 1959, Cecil's influential Textbook of Medicine denied the danger of "anthracosis," and stated that coal dust benefited the miner by modifying silica's effect and slowing the progression of silicosis. Mine employed physicians failed to appreciate the occurrence of CWP; in one state, the chairman of the silicosis board threatened to resign if CWP became compensable. Death certificates were often incomplete or misleading; heart disease was listed as the cause of death, without mention of CWP as the cause of cardiac failure.

MINE ACCIDENTS—TRIGGER FOR ACTION

Eventually, mine accidents rather than dust disease aroused public ire and forced Congressional action. Coal mining is the most dangerous occupation in the U.S.; a

man who enters the mines at 20 runs a 25 per cent risk of death from lung disease or mine accident. On any day of the year, 28 miners suffer disabling injuries; each month 100 miners die of accidents, a total of 120,000 fatalities in the past century.

In one West Virginia county, there were 11 major mine disasters in 20 years. Three years ago, after 78 men died in a coal-mine explosion at Farmington, West Virginia, Congress began to act. Supposedly safe, the Farmington mine spewed out 8 million cubic feet of methane a day—enough to supply the cooking and heating needs of a small city!

BELATED FEDERAL LAW

The Federal Coal Mine Health and Safety Act of 1969 sets mandatory health and safety standards for underground mines, appropriates aid to the States to help establish or improve local programs for protection and compensation, and provides for Federal funding of CWP research. The Act limits average concentrations of respirable dust in the mines to 3.0 mg per cubic meter of air; in 1973, it drops to 2.0 mg per cubic meter. Unless adequate respirators are provided, mechanical ventilators must remove harmful gases from the mine and maintain an atmospheric content of at least 19.5 per cent oxygen and no more than .5 per cent carbon dioxide. Mine operators must submit dust samples for government analysis, Interior Department officials must make at least four unscheduled mine inspections annually, and penalties are established for offenses.

Mine owners, especially the marginal operators, claim that they cannot comply with the Act and remain in business. "We believe that most mines can comply with the 3.0 standard with presently available technology," Henry P. Wheeler, Jr., Acting Deputy Director of Health and Safety, Bureau of Mines, told the Washington Conference in June, 1970. To facilitate compliance, the Bureau is investigating the use of electrostatic devices to collect dust, foaming agents or steam and water sprays with wetting agents to suppress it, and chemicals to reduce the surface hardness and friability of coal. Dust-producing factors related to mine-machine design are being evaluated. The Bureau is also investigating such innovations as a high-powered waterjet to replace the saw-wheel, transport methods that scatter less dust, effective respirators and life support systems. But "ventilation is the single most important factor affecting the concentrations of dust in coal mines," Mr. Wheeler stresses. Mine owners pump fresh air in to avoid methane buildup but the air either dilutes coal-dust concentrations or stirs up settled particles, Dr. Welby G. Courtney, of the Bureau's Safety Research Center, told *The Sciences*. In fiscal 1972, the Federal government will spend about $6 million on dust control.

The new law also entitles miners to free, periodic chest X-rays and gives those with radiologic signs of pneumoconiosis the option of transferring to less dusty work without reduction in pay. At the end of 1970 the USPHS, the American College of Radiology and the American College of Chest Physicians co-sponsord brief teach-ins on CWP X-ray diagnosis for physicians in several cities.

COMPENSATION FOR CWP

The Black Lung Benefits section of the Act guarantees compensation to miners disabled by pneumoconiosis or to their widows, if the disease was definitely caused by underground mining. Disability is established by evidence of complicated pneumoconiosis on chest X-ray, biopsy or autopsy. A miner with X-ray signs of simple pneumoconiosis is also considered disabled if demonstrable lung function impairment rules out continued mine work, and if age, work experience or educational limitations preclude other employment. Within a month after the law was passed, the Social Security Administration, which will administer compensation claims until 1973, received 100,000 compensation applications. By June of this year, SSA had received 297,162 claims and processed 267,042 of them; disability payments to the 126,396 miners or their widows whose claims were approved range from $153 to $306 per month. SSA's cumulative total of payments is more than $313 million, but 102,000 miners' claims have been disallowed, nearly half because CWP did not appear on X-ray. After 1973, administrative responsibility shifts to the Department of Labor and to state compensation agencies; only eight of the 23 coal-mining states offer compensation for CWP.

OBSTACLES TO ACTION

But law and implementation are still far apart. "The men for whom this statute was enacted are even more outraged today by what they consider inadequate administration of the law than they were months ago before the new law was enacted," Mr. Gerald M. Feder, Associate Council for the Senate Subcommittee on Labor, told the Washington Conference in June, 1970. The Appalachian Research and Defense Fund, a public service law firm in Barbourville, Kentucky, accused the Social Security Administration of dealing inequitably with CWP disability payments. The Fund asserted at a mock trial that only 20 per cent of claims were refused nationally, but 32 per cent were disallowed in West Virginia and 57 per cent in Eastern Kentucky, regions that account for one third of all claims. The Bureau of Mines has been under fire for having too few inspectors, for permitting mines to continue operating with known violations and for excessive identification with the owners.

INHERENT WEAKNESSES IN THE LAW

President Nixon described the Black Lung Benefits section of the law as "temporary, limited and unique, and in no way should it be considered a precedent for future federal administration to workmen's compensation programs . . . all federal responsibility in this area will expire in seven years." Continued miner protection, therefore, depends on state programs—traditionally weak in the past—or on new Congressional legislation. Significantly, the current law applies only to underground mines; strip or surface mining, the fastest-growing branch of the coal industry, goes unregulated.

Because miners who have inadequate X-ray evidence of CWP but are severely disabled by obstructive airway or cardiac disease are excluded from compensation, the "law must already be judged a failure," says Dr. William H. Anderson, Chief of the Pulmonary Diseases Section, University of Louisville School of Medicine. Faced with a mine shut-down, he points out, a miner untrained for other work may be virtually unhirable because of early pneumoconiosis signs on a pre-employment X-ray. He is also ineligible for CWP compensation and may be too young for social security or a miner's pension. Because many physicians are still unconvinced that CWP exists, "to make this law work . . . [you must] gain the interest and the cooperation of physicians who are actually out in the field," Dr. Naeye told the Conference.

Despite these problems, the Act has been hailed as the most comprehensive health and safety law in U.S. history Because of cooperation between several Government agencies and departments—including HEW, Interior and Labor—it may serve as a problem-solving model in such other areas as Medicare and Medicaid, says Dr. George James; President and Dean of the Mt. Sinai School of Medicine, New York. "Federal law has, for the first time, focused national attention on pollution of the working environment of a major industry in so clear a way that it becomes imperative that *all* major industries, and, eventually, all cities, improve the quality of their environments."

Because better health and safety may be the only way to attract new miners to an industry already faced with severe manpower shortages, both miner and owner may benefit from the Act. Though improved technology has steadily reduced labor requirements—one-fifth the number of miners produced the same amount of coal in 1969 as in 1920—workers will always be needed to run increasingly complex machinery. By the mid-1970s, 50,000 new mine jobs will be available; by the turn of the century—when coal demand is expected to be four times current annual coal production—manpower needs will be much higher.

The U.S. has about a third of the world's supply of recoverable coal; each U.S. miner produces about 20 tons of coal per day, compared with three tons in West Germany and Britain, and two tons in the U.S.S.R. Greater productivity has led to more dust and higher health risk. CWP disability, once rare in men under fifty, now strikes 35-year-old miners. "The time has come to replace . . . fatalism with hope by substituting action for words," President Nixon told Congress in March, 1969. "Catastrophes in the coal mines are not inevitable. They can be prevented and they must be prevented."

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

The benefit program we are talking about here—the black lung benefit program—was presented and passed in 1969 as a sort of small residual program. It was designed to let Federal general revenues pay monthly checks to a relatively small group of ex-miners and their widows who had generally been bypassed by other benefit programs. The point made was that in some coal-mining States the workmen compensation laws had failed to recognize in an adequate way the lung and related problems that miners can develop from coal dust.

Of course, compensation for disease and injury caused workers by their employment in private industry has been handled by the respective States usually through their workmen compensation programs. But in this instance, it was argued that there was an unmet need that the Federal Government should take care of temporarily. Under the law as passed, the Federal Government would take care of black lung claims filed during the first 2 or 3 years. Then the whole thing would revert to the States. The whole Federal cost of the benefits was said to be around $40 or $50 million a year.

Now let us see what has happened since the bill was enacted in 1969.

First. We are already paying out of general revenues over $300 million a year in the black lung benefits. The total outlay under existing law will have reached close to $1 billion by the end of 1972.

Second. About three out of every four of the people drawing these benefits also get social security benefits. Many get a monthly check from the union pension fund. Some get a veteran's payment, or a railroad retirement payment. So, for the greatest part this has been an add-on benefit that goes to one particular group. For the quarry workers, the ore miners, the textile workers, the grain elevator people, the farmers—along with countless other groups who do work involving risk—for none of these is there a special add-on Federal benefit program on top of social security.

Third. Despite the claims being pushed by special-interest groups—and despite the news stories—the administering Federal agency has taken a rather liberal approach in carrying out the law. Bear in mind that the benefit payments are already running 5 or 6 times what was supposed to be the cost of the program.

Notwithstanding these facts—which come as a big surprise to those who had not looked into the situation thoroughly—we now have before us Mr. PERKINS' bill to greatly expand this payment of benefits to one special group in the country. Let me point out briefly what it would do.

First. It would say—I think rather incredibly—that the Social Security Administration is forbidden to deny claims on the basis that the X-ray of the miner's chest shows no black lung disease. Remember that the law on the books says the miner—to get the money—must be totally disabled due to black lung, or pneumoconiosis as it is termed. Now, if the claims—still coming in, incidentally, at a great rate—cannot be denied where the X-ray as interpreted by highly competent radiologists shows no black lung problem, on what can a denial be based? How could the agency tell which person is disabled of black lung and who is not? Remember that to qualify under the law the applicant must be totally disabled due to black lung. If he is disabled from other causes, he is no doubt getting benefits under the regular social security program like other disabled people.

The backers of the Perkins bill say there is medical opinion that maybe a miner could have black lung that would not show on the X-ray. But the question is not whether a person has black lung in some minute degree, but whether he has it to a fully disabling degree. The black lung starts like everything else from nothing, and it may go from a hint of something in the lung, then a barely perceptible degree, and so on. Until it reaches at least the point that it shows up on the X-ray, there is no accepted medical basis for finding that the individual is really suffering from black lung, let alone being disabled from it. A great many people who have never seen a mine have some degree of something in the lung that should not be there—from smoking, from emphysema, and so on—and they are not treated as disabled.

But the Perkins bill would say the man may be totally disabled—due to black lung, remember—even when the radiologists say they see no black lung problem and in fact there may be nothing at all unusual in his lung X-ray. What would be the practical effect of this? The backers of the bill say, well, you would have to give him other tests before you conclude he is not disabled of black lung. What tests? You could give him exercise tolerance tests or various others—at heavy expense and a lot of trouble or even danger to the applicant. But what would they prove as to whether the man is or is not totally disabled due to black lung—when you start from the knowledge that an X-ray of his chest shows no black lung? You might get a doctor's report from the difficult tests that the man has this or that problem. But the same kind of problems could be found in all kinds of people who would not know a coal mine if they saw one. So, how could you make a finding that this ex-miner with no black lung showing on his X-ray is disabled of black lung because he has some physical problem similar to what nonminers often have? The simple fact is the overwhelming consensus of medical authority holds that, in the absence of an X-ray showing of black lung in the living miner, there is no sound medical basis for determining what the law requires to be determined—namely, that the miner is disabled due to pneumoconiosis.

You can see from this what the direction of the bill actually is. It is to greatly broaden the program by making tens of thousands of people eligible for benefits who have ailments not peculiar to miners. In other words, these people, the great majority of whom are already eligible for social security benefits, would be paid a special extra benefit whereas large numbers of people throughout the country with the same kinds of physical problems get social security only. Where is the justice or reason in that?

The proponents of the bill say "Oh, no, we can show you doctors who assert they can take a man with a clear chest X-ray, give him some exams, and if a physical problem is found—a problem like those found in nonminers—tell you whether that problem is due to black lung." But let us see what the weight of medical authority is. In 1970, a group of physicians eminent in the field assembled at Spindletop, Ky., to explore this and related matters. Among them were Dr. Benjamin Branscomb, professor of medicine, University of Alabama; Dr. Charles E. Andrews, provost for health sciences, University Medical Center, W. Va.; and Dr. William H. Anderson, professor of medicine, University of Louisville. I will quote from their findings:

"Coal worker's pneumoconiosis cannot be diagnosed in the living in the absence of radiographic changes." Also, the British have been in the black lung matter for over a generation. Their official publication contains this wording: "From a radiograph it is possible to say that a worker is not suffering from the disease."

No, the Perkins bill would not, as it is claimed, correct error in the administration of the law. It would instead open up the special benefit program to many thousands of additional persons whose claim to added tax-free payments cannot be greater than would be the claims of hundreds of thousands of nonminers all across the country. The extra outgo would be well over $1 billion through the next 6 years alone.

One part of the bill would change the whole set of ground rules on how long the Federal Government is to continue to receive and handle these claims for black lung benefits. As I indicated, the law is that the Federal Government is to be responsible for continuing payment of all claims made through 1971. For these, the responsibility for Federal payment continues for the lifetime of the miner, of course. But for claims made after 1971, the States and the employers are liable for long-term payment. This bill would make the Federal Treasury responsible for continuing payment on all claims made in 2 additional years—through 1973.

You have no doubt seen a letter from coal mine operators on this feature of the bill. They endorse it, and you can readily see why. It shifts a financial burden to the Federal Government involving many millions of dollars.

A third part of the bill would even tap the social security trust funds. At present, in some cases, if a miner is getting social security disability payments and then qualifies for black lung, the total of the two benefits paid him may not be more than 80 percent of his usual earnings when he worked. This rule, which is in the social security law, has limited application but it says—where it does apply—that a person, whether or not he has ever been near a coal mine—cannot get a combined amount in workmen's compensation and social security disability checks that would be unduly large in relation to his usual earnings. This bill would give the miners an advantage over everyone else, so that many miners could get considerably more per month in combined social security disability benefits and black lung payments than they earned by working full time. I do not see how people from all other walks of life—with their own financial problems—can view that as fair or reasonable. They will surely ask why they have to pay taxes for this special treatment of a particular group. And, as I indicated, the provision would have a cost to the social security trust funds. Why? Because at present if a miner's social security disability benefits plus his black lung benefits are more than 80 percent of his usual earnings, the social security part is reduced in some cases to bring the total down to 80 percent. Under the Perkins bill, the full social security disability benefit would have to be paid regardless. This would cost the trust funds $20 million in the first year.

Let me conclude this by making a few special observations:

One. What this bill brings into sharp play is a major public policy question—not a minor question of paying some added miners. By providing these payments to the additional people who cannot be shown by any of the accepted rules to have become disabled by black lung, what we would do is actually to provide extra payments pretty much on the basis that everyone who has worked in the mines and who has problems like the common ones of emphysema, asthma, and so forth, is eligible. This is to say that we would provide a double layer of benefits to a selected group largely because they are members of that group and not because they have problems different from those of other people across the country. The question, then, is how far can we go in providing an extra benefit beyond the social security benefits? Can you expect people in all the nonmining areas—people who have health problems similar to the ones on which the extra benefits to miners would be paid—to do other than demand equal treatment? What of the ore miners, sulphur miners, grain elevator workers, textile workers, and all the other groups I have mentioned? As a matter of fact,

are there not even white-collar workers who could get medical testimony that the stress conditions of their jobs had a bad effect on their health? So, I say to you that the bill involves much more than appears on its face.

Two. The section of the Perkins bill dealing with so-called double orphans is one that the administration supported in hearings on the bill. I support it and I know of no one who does not. It has never been in question. It merely corrects what must have been an oversight in the bill. We can take care of this quickly by another approach. The strategy to add on three very undesirable and major changes in the program and to get them through on the back of the widely-accepted double orphan correction ought to be defeated.

I ask that you join in an effort to do justice by insuring that we turn down this unfair, costly, and dangerously implicated bill.

Mr. DENT. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, we have very limited time on this piece of legislation. However, we have hashed it out pretty well on this floor on previous occasions.

If I sum up the statement of the gentleman who preceded me on the floor, it comes down to dollars. Regardless of how you might disguise it or try to make out some logical reasoning for his opinions and for the amendments that he is going to offer, it just comes down to dollars.

Mr. Chairman, I would like to clear up one thing for the record. In order that there be no mistake about what I might have said while debating this bill before the House on its first go-around about the cost being estimated at $40 million a year, I researched the whole legislative history of the program, going through the committee reports, conference reports, debates and hearings in the Senate, and so forth. Very few references were made to cost, but this much of a reference was made.

During the House debate on the bill the gentleman from New Jersey (Mr. DANIELS), who had held hearings before his subcommittee on this legislation, got an estimate from the Public Health Service through a survey that they made that there would be 22,300 coal miners in the Nation who would and could possibly be candidates for these payments. That was because at that time no State except Pennsylvania had legislation that was enacted. Moreover, we were only discussing miners suffering from complicated pneumoconiosis.

And, so, therefore the Health Department could not get a more accurate estimate of the number of persons, and we said at that time that it would go to $40 million and possibly $50 million a year.

I would say that based upon the estimates we had, we do have to come down to the fact that 323,000 claims have been processed under this act. That is 14 times as many miners as we estimated. So, when come up with the figure of $400 million-plus the cost, we are only dealing with the original estimate.

But, Mr. Chairman, who in this House or who in this Nation had any idea that that many miners were suffering from black lung.

Certainly, it is a matter of conscience more than it is a matter of dollars.

I have stood on this floor and I have voted repeatedly for farm subsidies, and what is the cost of farm subsidies for this year

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield to me at that point?

Mr. DENT. I shall be glad to yield to the gentleman later under the 5-minute rule.

Mr. STEIGER of Wisconsin. On this question of the numbers?

Mr. DENT. Of what?

Mr. STEIGER of Wisconsin. On this numbers question.

Mr. DENT. Go ahead.

Mr. STEIGER of Wisconsin. You have indicated a total of 323,000 miners would be eligible; am I correct.

Mr. DENT. Yes; I said 323,000 claims were filed but 147,000 were receiving compensation when this figure was given to us, and that was in September.

Now, what of the rest of the hundred-and-some-odd thousand who are still to be reprocessed because of the fact that science has come up now with the statement that the examination by X-ray alone is not conclusive and should not be used to deny the right of a coal miner who is suffering from black lung to be paid if he indeed has black lung that is discovered through a number of other examinations?

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield further?

Mr. DENT. Now, let me finish my statement.

Let me give you some figures. For instance, you are interested in figures.

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

Mr. DENT. I yield to the chairman of the full committee.

Mr. PERKINS. First, I wish to compliment the subcommittee chairman on his statement and ask the gentleman in the well if it is not a fact that we have had millions of people working in the coal mines over a period of years. When I first came to the House in 1949 we had more than 800,000 people working in the coal mines, is that not correct?

Mr. DENT. It is correct. But, when you are talking about numbers, and especially when it comes to dollars, we cannot afford to talk in terms of dollars when it comes to human beings.

One additional matter, and let me just read a statement from the Secretary of Agriculture, Secretary Clifford Hardin, when he said that the 1972 farm program would cost $2 billion, I voted for that and yet it comes out of the Treasury of the United States. It is paid for by the coal miners and every taxpayer in the confines of this country through taxes because we think it is essential to the welfare of the farming communities of this great country.

Therefore, can we do any less for the coal mining community?

The gentleman scoffs at the idea of continuing this legislation for 2 more years so that the States can pass a State plan. Of course, the mine operators would be happy because it shifts the burden. Do you believe that any person, any group of examiners, any Member of Congress could have determined that 323,000 miners and widows who have now applied and another 150,000 who may well apply, that we can allow the responsibility for the payment of these black lung payments to any individual to the State government. We have had miners who have worked 15 or 20 years in different mines. You will find very few who have worked their entire time in one mine or have worked in one mine all of their lives, because coal mines have a habit of running out of coal.

So they moved to another vein, or they moved to another location, and your people either move with you or they move to another operation. This is not a question of dollars, but simple justice, and it is the responsibility of the people of the United States just as much, or even more so, as it is the responsibility of the people of the United States to pay farm subsidies or any other subsidy.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. ERLENBORN. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, it is with deep and sincere concern that I must express my dissatisfaction with certain provisions of H.R. 9212—the bill to amend the Federal Coal Mine Health and Safety Act of 1969. Title IV of this act provides for payment of cash benefits to coal miners—and their dependents—who were found to be "totally disabled" due to pneumoconiosis—black lung disease—and for survivors of coal miners who died from this disease. While I find considerable equity and humanitarian justification in one provision of this bill—the one which permits payment of black lung benefits to dependent surviving miner's children who have lost both parents—this redeeming provision does not favorably alter my opinion that the bill should not be approved. I would strongly urge that we consider this particular provision independently so that it may be singularly and positively acted upon.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

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

[Roll No. 374]

Abourezk	Gallagher	Pelly
Ashley	Gettys	Pryor, Ark.
Barrett	Goldwater	Rangel
Blackburn	Goodling	Rees
Blanton	Gubser	Riegle
Brown, Mich.	Halpern	Satterfield
Buchanan	Hansen, Wash.	Scheuer
Camp	Horton	Schwengel
Carey, N.Y.	Jones, Ala.	Smith, Calif.
Clancy	Karth	Stanton,
Clark	Kee	J. William
Clawson, Del	Keith	Stanton,
Clay	Landgrebe	James V.
Collier	Link	Stokes
Derwinski	Lloyd	Stuckey
Dickinson	Long, La.	Ullman
Diggs	McKinney	Vander Jagt
Dorn	Madden	Veysey
Dowdy	Mann	Vigorito
Dwyer	Melcher	Whitten
Eckhardt	Mills, Ark.	Wilson,
Edwards, La.	Morse	Charles H.
Evins, Tenn.	Mosher	Wydler
Frelinghuysen	Patman	Wyman

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 that Committee, having had under consideration the bill H.R. 9212, and finding itself without a quorum, he had directed the roll to be called, when 361 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the point of order was made that a quorum was not present, the gentleman from Ohio (Mr. ASHBROOK) had the floor; and the gentleman has 4 minutes remaining.

Mr. ASHBROOK. Mr. Chairman, the first provision to which I offer strong objection permits exemption of black lung benefits from the existing provision of the Social Security Act that requires offset of workmen's compensation payments. This change is entirely inappropriate since the black lung program is, by design, a workmen's compensation benefit program. To exempt black lung benefits from offset when they are paid by the Federal Government but offset them when paid by a State would be most inequitable. I fully believe that this provision serves as an unjustified duplication of workmen's compensation benefits. In addition, this same offset exists for those receiving social security disability benefits and this provision would be prejudicial to these beneficiaries.

Second, this bill provides that a finding of pneumoconiosis may be made even though X-ray evidence does not demonstrate the presence of the disease. Presumption that the disease exists would be an unusually precarious conclusion since the majority of medical authorities accept X-ray evidence as the only valid means of verifying the presence of pneumoconiosis. While further testing would be nesessary to establish the degree of respiratory impairment, the cause of this impairment could be due to emphysema, asthma, chronic bronchitis, or a combination of any conditions other than pneumoconiosis. To permit a finding of this disease in the face of negative X-ray evidence would alter the specialized nature of the original act and, in fact, would permit payment for pulmonary conditions other than pneumoconiosis. This represents unreasonable and unjustified permissiveness which would defeat the purpose of the black lung benefit program and would greatly increase its costs. It is virtually impossible for any miner to have pneumoconiosis to the degree necessary to qualify him for benefits under this bill—disabling black lung, but just some trace of black lung—and not have it detected by X-ray.

Finally, the bill permits an extension of the Department of Health, Education, and Welfare administration of the black lung program by 2 years. It would delay transfer of responsibility for this program to the States, under the administrative guidance of the Department of Labor. Federal administration of this program by DHEW was intentionally temporary in order to permit States an opportunity to take appropriate legislative action for the proper and justified improvement of workmen's compensation programs to cover pneumoconiosis. Many States have taken or are taking this legislative action and to further defer transfer of this responsibility to States would be entirely unwarranted.

This bill is an undue subsidy to coalmine operators. By bypassing workmen's compensation laws and paying these benefits out of the Federal Treasury, they go scotfree—an unequitable bonanza for them.

I fully recognize the fine intent of this bill. However, it unduly delays the acceptance by the States of responsibility for workmen's compensation programs. The merits of this bill are extremely questionable and I am, therefore, definitely opposed to its passage.

Mr. DENT. Mr. Chairman, I yield myself 1 minute in order to make a quick response to the gentleman from Ohio.

I might say that if a State elects to take the action that would save the State money in offsetting the State compensation, all you are doing in the State is saving money for the operators who pay the workmen's compensation on the basis of hourly payments, and on the basis of hourly earnings, because the coal miners who are suffering from pneumoconiosis are going to be asked to pay or give money to the rest of the workers in the State in other industries. That is all you are doing, you are not saving one red cent from the State treasury. All you are doing is taking that out of the coal miner's pocket who is injured.

Secondly, medical evidence has proven that it requires more than X-rays to determine the full impact of pneumoconiosis, or miners' asthma. The record is clear on that point.

Why are you worried about another examination for a determination of disability if that examination would show proof that the miner has pneumoconiosis to the extent of total disability? He is then entitled to benefits. If you are confident that X-ray examination is absolutely accurate in every case, why are you fighting another supplementary test? If the X-ray is all that you say it is, then the additional testing will also correlate with the X-ray findings. We are not proposing to pay benefits to ineligible miners. We just want them to have the benefit of the doubt, and the benefit of the division of medical opinion on this subject.

Mr. ERLENBORN. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I recognize and appreciate that there have been many considerations that have gone into the preparation of this bill and at this time I want especially to commend the gentleman from Illinois (Mr. ERLENBORN) for the efforts he has made to write sound legislation affecting black lung. A bill assisting people who are ill and who contracted this disease because of their employment in the coal mines is difficult to oppose because you want to help the men who suffer from pneumoconiosis and their families.

However, the gentleman from Illinois has pointed out some shortcomings in the legislation, and I support his position. However, before I go into that I do want to express definite interest in and support of one provision in the bill.

As you know, the existing act does not permit benefit payment to surviving dependent children of a deceased miner whose widow is also deceased. In fact, if a widow and a child or children of a deceased miner are receiving black lung benefits and the widow dies, the surviving child or children can no longer receive benefits. This is an unusually harsh and inequitable position. For that reason, I would fully support this relief provision which would recognize the extended and continuing dependency needs of a miner's surviving children.

My opposition to H.R. 9212 is in connection with the other provisions in the bill—exemption of black lung benefits from workmen's compensation offset, prohibition of denial of black lung claims based on negative X-ray evidence, and extension of Federal administration for 2 additional years.

I particularly object to the 2-year extension of Federal administration by HEW and their Social Security Administration. The original purpose of permitting Federal administration of this benefit program was to give States an opportunity to modify their workmen's compensation laws and programs so that adequate coverage for disablement due to pneumoconiosis could be developed. By 1973, when transfer of responsibility to States is scheduled to occur, the States will have had 3 years to develop and modify their workmen's compensation laws. I consider this ample time for States to take appropriate and needed action. To delay this transfer would defy the recognized principle of State administration of workmen's compensation programs. In addition, this provision would further encourage Federal involvement in an administrative area which has traditionally belonged to the State.

Again I strongly object to this particular provision, and then to the bill in general the way it is written and, therefore, recommend that we adopt the amendments that are going to be offered by the gentleman from Illinois and the gentleman from Wisconsin. If these amendments are accepted I would surely support the bill.

Mr. QUIE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Minnesota has consumed 3 minutes.

Mr. DENT. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. Mr. Chairman, on a subject like this, because of the House rules—in 2 minutes—it is almost presumptuous and impertinent for me to even appear on this subject.

I could take the time of this Committee and the time of the House ad infinitum on this. I was born and raised in the hard coal fields. My family on both sides for three generations worked in the hard coal fields—and now I come here.

I first appeared in this well in 1945, and year after year since then in defense of the farmer and his appropriations and

laws—and in defense of cotton growers, in defense of wheat, in defense of rice, in defense of rivers, in defense of harbors, in defense of all these interests because you, my colleagues, told me it was essential for the welfare of your people and of your district—and I believed you, because I know that you knew more than I did.

So today my reputation, my integrity in this House, since the 79th Congress is on the line. I have IOU's through this House without number—blue chips—and today I collect them for this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENT. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. MINISH).

Mr. MINISH. Mr. Chairman, I rise in support of H.R. 9212. As I indicated at the time H.R. 13950 was debated here on the floor, I worked in a coal mine. My father before me and his father before him worked in the anthracite region in eastern Pennsylvania. I do not know of any more hazardous job, unless it is as a member of the combat forces in our Armed Forces.

I can tell you that in eastern Pennsylvania where I spent part of my life, if a man wanted to get out of the mines, he was not able to get a job in any other industry because of an unwritten law under which they would not hire anyone who worked in the mines. My father worked there, starting at the age of 9, and he died at the age of 35. During the last 4 or 5 years of his life he never slept in bed, because if he did he would choke from the dust that he had inhaled since he was 9 years old.

I heard the gentleman from Illinois (Mr. ERLENBORN) say that the cost of the program went five or six times over what was intended. That only goes to show that the committee did not do an effective job. They underestimated the problem. We have had cost overruns before.

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

Mr. MINISH. I am happy to yield to the gentleman from Illinois.

Mr. ERLENBORN. I would point out to the gentleman that the estimate of cost of $40 or $50 million came from the other side of the aisle, the proponents of the bill. I must also point out that at that time HEW estimated it would run $300 to $400 million, which merely proves that their estimate was correct and false estimates were given to the House to help pass the bill.

Mr. MINISH. I do not know that I would agree that false estimates were given. Possibly, it was the best available information they had at the time.

As I said, we have had cost overruns before. The one that comes to mind, of course, is the C–5A.

If this legislation is passed, I do not see that it is going to increase the cost beyond $700 million, because if we do a job and police the mines the way they should be policed under this law then this ought to diminish the need for workers to get black lung benefits.

So far as this legislation is concerned, anyone, I am sure, who has worked in a mine or who has seen people who have worked in the mines—and I recall what the gentleman from Pennsylvania (Mr. SAYLOR) said, that many of his friends who worked in the mines would have to take a rest before they got home—I have seen that happen a thousand times in the anthracite region.

Mr. Chairman, this is legislation that any Member here could support. As the previous speakers have said, we support appropriations for farm subsidies, and since 1964, they have amounted to $19 billion. We have provided foreign aid in a total of $149 billion from the year 1945 to 1971. We have loaned Lockheed $250 million.

I hope we can support this legislation and do something for the men who made their tax money available for farm and business subsidies.

Mr. ERLENBORN. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, it is exceedingly difficult to have to come to the well of the House this afternoon and talk about this bill. Frankly, the Committee on Education and Labor ought to take a rest from its labors for a period of time, and I hesitate to enter into the continuing saga of controversy surrounding every bill that we report to the floor. There are some who have argued that once a week the House ought to have the privilege of having a bill from the Education and Labor Committee just so that Members might have a greater sense of participation in the legislative process. I am as yet unpersuaded that that would be in the best interests of the Congress or the country.

The bill that is before us today, H.R. 9212, makes various amendments to the black lung benefit provisions of the Federal Coal Mine Health and Safety Act of 1969. I wholeheartedly believe in the purpose of the provisions; namely, to recompense, at least in some small measure, those brave and industrious men who toil underground to provide this Nation with sinews of our industrial progress, and many of whom pay with their health or their lives for this progress.

At the same time I recognize that the black lung disease is an industrial hazard peculiar to the coal mining industry and that, in the long run, compensation costs arising out of employment in a specific industry should be borne by that industry.

Beyond that, Mr. Chairman, I am one of those who, at the time we argued about the Scherle amendment at the time the Coal Mine Health and Safety Act was passed, disagreed about removing the pneumoconiosis provisions from that bill. One of the reasons I did was I did have confidence that the integrity of that program would not be undermined.

Clearly those on the majority side of the aisle were not being fair with the Members of this House at the time this bill was being considered. Some of us did raise the question about the potential cost of the program. That cost analysis is being borne out by the $500 million that has thus far been paid, and the effort of this bill to expand and modify the black lung benefit provisions so as to make them available to people on other than strictly a pneumoconiosis basis would be a serious mistake.

The black lung benefit provisions, as President Nixon pointed out when he signed the act on December 30, 1969, are of a temporary nature. As Members know, they are designed to bridge a time period of 3 years so that those States whose workmen compensation programs do not now adequately cover pneumoconiosis will have an opportunity to improve their programs accordingly. Mr. Chairman, the very temporary nature of the black lung benefits provisions suggest that it would be unwise to attempt to make more than the most needed changes in them.

A most desirable change in this, of course, is the provision in H.R. 9212 under which "double orphans" would become eligible for benefits. I am happy to applaud the distinguished chairman and the members of the Committee on Education and Labor for the bipartisan support they have given to this provision, and I wholeheartedly join them in urging its passage, with technical amendments to be offered by the gentleman from Illinois.

On the other hand, I am chagrined that the majority of the committee has seen fit to support the remaining provisions of the bill. Let me elaborate on one specific provision: The bill would enjoin the Social Security Administration from denying claims for black lung benefits solely on the basis of a negative X-ray. Mr. Chairman, the Social Security Administration's first annual report on the black lung benefits program gives not only an impressive account of the Agency's efforts to get the program off to a quick start and to handle expeditiously the unexpectedly large volume of claims, but it also describes significant problems and issues that have come to the fore in the administration of the program. The report states clearly that the Agency's regulations which require X-ray evidence of pneumoconiosis before a claim can be allowed are based on "the prevailing medical judgment that in the absence of positive X-ray evidence, the disease does not exist or exists to a degree that would have no significant effect on the claimant's functional capacity."

Mr. Chairman, I submit that in its zeal to get the black lung program off to a quick start the Social Security Administration may have alerted not only miners and their widows rightfully entitled to benefits but may have also unfortunately raised the hopes of a disproportionately large number of persons who just could not qualify for benefits under the law. No matter where we draw the line in any law, there will always be people who fall just short of meeting the requirements. But it seems absurd to me to deprive the Agency of the one tool which in prevailing medical judgment enables it to effectively administer the black lung program. Without the screening and diagnostic device of an X-ray we can expect to see the Social Security Administration award black lung bene-

fits to many people who have lung problems not connected with pneumoconiosis. Let us not make the mistake of blowing apart a limited program designed to temporarily alleviate a specific inequity.

Furthermore, Mr. Chairman, another section deserves modification. Under the workmen's compensation offset provisions, the social security disability benefits of a worker and his family must be reduced under certain specified circumstances if the worker is also entitled to workmen's compensation, and if the combined benefits to him and his family exceed 80 percent of the worker's average predisability earnings. The principle behind the workmen's compensation offset provisions is to prevent duplication of benefits to the extent that combined benefits equal or even exceed the worker's earnings before he became disabled. The rationale is, of course, to avoid creating a situation where it is more profitable to collect benefits than to attempt to become rehabilitated and return to work. Because the offset provision is limited to applicants under age 62 who became disabled after June 1965, it has resulted in a reduction of social security benefits for only a small percentage of those awarded black lung benefits. Data from the Social Security Administration show that less than 5 percent of black lung benefits have been affected. However, even though the impact is limited, I believe that the principle involved is sound and should apply to black lung benefits. H.R. 9212 would eliminate the workmen's compensation offset for black lung benefits and should be modified.

Mr. DENT. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BURTON).

Mr. BURTON. Mr. Chairman, I rise in support of the legislation reported out by the Committee on Education and Labor. As the author of this basic section of the Coal Mine Health and Safety Act, I must commend again the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. DENT), for his courageous leadership on this question when the matter was dealt with in the last Congress as well as the distinguished chairman of our full committee for proposing a number of needed strengthening and improving amendments this year.

Mr. Chairman, there are one or two amendments that have been suggested from the other side that I would hope the House would adopt. One would be a clarification by the gentleman from Illinois on the orphans' section and a second is the suggestion by the gentleman from Illinois (Mr. MICHEL) that we extend equity to the surface as well as the underground miners.

Mr. DENT. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I would like to say just in passing that there seems to be a penchant around this House always to kick the Committee on Education and Labor around.

In my 40 years of being a legislator I have never seen a piece of legislation come to the House or the Senate, to a congressional floor, from the Committee on Education and Labor, or from Agriculture, that did not invite everybody to become an expert and get in on it.

We have come in with a clean bill. If there is this disturbance, it is a disturbance of the poor people over there who do not understand it. They put amendment after amendment before the subcommittee and were defeated decisively. The trouble is, they do not know when they are licked. If they would only find out there is a limit to where they can go with futile attempts to do what they want to impose on the majority, the Committee on Education and Labor would go as smoothly as the Committee on Ways and Means.

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

Mr. DENT. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Has the gentleman so soon forgotten the 2:30 in the morning session, when we wound up rewriting a bill out of the House Committee on Education and Labor?

Mr. DENT. Yes, and I can remember when we stayed all day on a little thing called insecticides. Everybody knows what insecticide is. It is not hard to understand.

Mr. GROSS. We did not go until 2:30 in the morning.

Mr. DENT. If the gentleman will look up the RECORD, he will find that more time was spent answering useless quorum calls than there was in debate.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?,

Mr. DENT. I am happy to yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's comment. I might remind the gentleman that this bill as it comes to the floor is an example of the way the committee works.

The CHAIRMAN. The time yielded by the gentleman from Pennsylvania has expired.

Mr. DENT. Mr. Chairman, I yield myself 2 additional minutes.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. DENT. I am happy to yield.

Mr. STEIGER of Wisconsin. What started out to be a simple bill to insure equity for double orphans suddenly blossomed into a wholesale rewriting of the black lung provisions of the Health and Safety Act.

It seems to me if the gentleman from Pennsylvania had been willing to stay with that portion readily agreeable, instead of attempting to goof up the works by adding in this bill extraneous matter which makes it so much more difficult, we would all get along.

Mr. DENT. I want to say to the gentleman that what makes a horserace is that no two fellows agree which horse is going to win. When you have lost the horserace you cannot respend that money. You fellows keep trying to spend the same money at the same window all the time.

There never has been a bill dealing with justice and equity for the little people ever acceptable to the minority in our committee. Somewhere along the line there has to be a lobby for those who cannot lobby for themselves, so we are here as a lobby for the poor people, the downtrodden, the sick, the halt, and the weary.

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

Mr. DENT. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I cannot think of a committee that more richly deserves the reputation of being the most rewritten committee in the House of Representatives.

Mr. DENT. I think it does good, because in the end we get all of the ideas and come out with good legislation. That is why today we have aid to education for general and higher education. That is why today we have the best social legislation on the face of the earth in this country, because the Committee on Education and Labor had the courage to bring it out.

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

Mr. DENT. I am happy to yield to the gentleman from Michigan.

Mr. ESCH. I appreciate the gentleman's yielding.

I strenuously personally object to the chairman of the subcommittee even facetiously suggesting that there is a difference between sides of the aisle when it comes to humanitarian causes.

I will not support this legislation——

The CHAIRMAN. The time yielded by the gentleman from Pennsylvania has expired.

Mr. DENT. Mr. Chairman, I yield myself 1 minute, so that the gentleman may proceed.

Mr. ESCH. I will not support this legislation even though my father was a coal miner at the age of 14 and contracted the disease that this legislation deals with.

I seriously object to the subcommittee chairman's suggesting this even facetiously, or questioning the motives of Members of the committee and Members of this body, the House.

Mr. Chairman, it is with some reluctance that I must speak against H.R. 9212, a bill to amend the Coal Mine Health and Safety Act. I recognize that Chairman PERKINS and our committee have worked long and hard to bring out a bill which would be of aid to the coal miners. Unfortunately this bill does not do this, although it has some excellent features. My father was a coal miner at the age of fourteen, so I have a personal interest in this matter.

The coal miner who spends his life below the surface of the earth, who faces dangers every day of his working life, whose earnings are often insufficient to sustain his family and who may have his work life cut short by the horrors of black lung disease deserves our most serious consideration. Although the well-meaning sponsors of this bill feel they are aiding the coal miners I believe they are misleading themselves, the miners, and the public by promising too much.

Under present law, benefits are payable to a miner only if he is totally disabled due to pneumoconiosis, that is, if

he has pneumoconiosis and such functional breathing limitation, or other impairment due to pneumoconiosis, as to prevent him from engaging in any type of substantial gainful activity.

Diagnostic X-ray evidence is the primary source in determining if a miner has pneumoconiosis. If positive X-ray evidence of complicated pneumoconiosis is found, no further evidence is required and the claim is allowed. If negative X-ray evidence is ascertained, the individual's claim is denied. If positive X-ray evidence reveals simple pneumoconiosis, other medical tests are needed to determine the level of severity of the impairment.

If H.R. 9212 is enacted the Social Security Administration, in administering its program, would be required to abandon the position that coal worker's pneumoconiosis can be diagnosed in the living person only by chest X-ray. The consensus of expert medical judgment is that no means, other than chest X-ray, is presently available to diagnose coal worker's pneumoconiosis, as distinguished from other respiratory ailments. Thus the bill would include other lung diseases not related to the coal mining occupation. This clearly is not the purpose of the legislation, it would be costly and would compensate coal miners for impairments not at all related or caused by coal mining. In addition, there are other ill-conceived and poorly thought out provisions which makes this bill clearly undesirable and I, therefore, request my colleagues to reject it.

Mr. DENT. I might say to the gentleman there is no other way to determine how a man feels about an issue in a legislative body except to look at the books. I stand on the record of the votes on any statement I have ever made.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. McDADE).

Mr. McDADE. Mr. Chairman I rise in enthusiastic support of this bill as it has been reported by the committee.

It seems to me that the time has long since passed when we can argue whether or not the Federal Government has a responsibility for trying to make right some of the wrongs that have occurred in the past.

One of these wrongs which did occur and which has occurred is whether or not people suffering from pneumoconiosis or black lung ought to be compensated in a special Federal program. It seems to me there cannot be any argument on that point.

I have talked to people in my State, which is a major coal producer in the United States, and whether you talk to the producers or whether you talk to the men who mine the coal or to those in the State government, all of them favor extending this program for an additional 2 years, until the end of 1974, before the State responsibility reasserts itself to take over the program.

The men we are talking about are mostly aged. I see them in my office every time I go back to my district. They are 60 or 65 or 70 years of age and are barely able to walk up a flight of steps because they mined the coal that made this Nation great in its very beginnings. It seems to me only just and responsible that we should pass this bill today without amendment by an overwhelming vote.

Mr. Chairman, the legislation before us today is a significant and positive contribution to a better Coal Mine Health and Safety Act, with specific reference to title 4 of that act.

It would, in the first place, correct an obvious inequity in granting benefits to those who should receive benefits under the black lung program. It was certainly never the intent of those of us who sponsored the Coal Mine Health and Safety Act, nor of Congress as a whole, to take any action which would deprive orphans of benefits under the act. Through a legislative oversight, however, the language of the act does not provide for such benefits for orphans. My own bill, H.R. 4236, was placed before Congress this year, and the provisions of that bill have been incorporated here as part of the black lung amendments.

In the second place, the legislation before us would extend for 2 years the timetable for transferring the black lung program from the Federal Government to the States. My own bill, H.R. 9130, which I placed before Congress this year, proposed to do precisely that, and I am pleased to see it included in the black lung amendments presently before us. This seems to me to be a very responsible proposal. In the creation of the black lung program, with its eventual transfer to each of the States which might be involved, we were well aware that the transfer could be accomplished only after the States had modified their own workmen's compensation laws, had established administrative procedures for handling the working of the act, and had provided sufficient funding for the not insubstantial payments which would have to be made. All of us are aware of the great financial burdens which many of our States bear today, and it does not seem unreasonable to give them additional time to prepare for this increased caseload and the additional disbursal of money.

As a third provision, the legislation would exempt the benefits from black lung payments from the computation of income for the purpose of drawing social security benefits. The action of Congress in creating title 4 of the Coal Mine Health and Safety Act seems to me to be a clear expression of congressional intent to make black lung benefits a very special case. To permit the reduction of social security disability benefits when a miner is qualified for black lung payments would, in my opinion, negate the intent of Congress in writing the original act. This section, too, is worthy of support by my colleagues.

Finally, the legislation removes the requirement that X-ray evidence, or the lack of it, be the sole determining requirement in the affirmation or the denial of black lung benefits. Testimony was heard by the committee to the effect that experts in the field of disabling pneumoconiosis judge that this situation may indeed be present in a miner even in the absence of positive X-rays. Studies in Germany, where mining is also a major industry, have been publicized in a recent magazine article, and the experts in that country agree with our own American authorities on the subject.

Because of this, I placed before the House this year H.R. 5472, which would grant a presumption of the existence of disabling pneumoconiosis in any miner who had worked a specific number of years in the mines. The present legislation does not go that far, but I believe this amendment to title 4 is a desirable change, and will receive my support as it deserves the support of my colleagues here in the House.

In summary, therefore, I would urge the passage of this legislation by the House today. The great industrial empire which we know as America today has been fueled by the product of the work of countless of thousands of miners. We have taken the fruit of their industry, the hard and soft coal of America, and we have translated it into the greatest industrial nation on the face of the earth. But in producing the coal that gave us the energy needs we required, many of those miners suffered disease known as pneumoconiosis.

It seems to me that America has a real debt which we owe these miners. The legislation before the House today is a just payment of that debt, and I urge its passage.

Mr. WAMPLER. Mr. Chairman, will the gentleman yield to me?

Mr. McDADE. I am delighted to yield to my colleague from Virginia.

Mr. WAMPLER. Mr. Chairman, I rise in enthusiastic support of this legislation as it was reported by the committee, and I also desire to associate myself with the remarks of my friend and colleague from Pennsylvania.

Mr. McDADE. I thank the gentleman.

Mr. WAMPLER. Mr. Chairman, I wish to call the attention of the Members to H.R. 9212 that would extend Federal benefits to black lung victims in the coal industry under the Federal Coal Mine Health and Safety Act of 1969 for 2 years.

The problem, simply stated, is that very few coal mining States have so far enacted necessary State legislation to take over benefit payments. The possibility is that thousands of black lung victims may be deprived of benefits unless this Congress acts.

When the Congress enacted the health and safety law for coal miners, we directed that the Federal Government would pick up the great backlog of black lung victims and pay them disability benefits for the fact that they are no longer able to work because of their ravaged lungs. The job of paying such benefits was gradually to be assumed by the several coal mining States. I must report to you that the States, so far, are not assuming their responsibilities.

H.R. 9212 also makes other changes and improvements in the law as it affects black lung victims so that, for example, the 2,000 children who are double orphans and whose fathers died of black lung may receive benefits.

Mr. Chairman, in the course of working in behalf of this vitally needed legislation I have been in continual contact with representatives of the coal miners of this country, including James Kmetz, a legislative representative for the United Mine Workers of America. I am convinced on the basis of my discussions with these representatives that the amendments to the black lung section of the health and safety law are necessary to protect the victims and their familes of this dread occupational disease of our coal industry. I am told, for example, that Dr. Lorin E. Kerr, director of the union's department of occupational health, has conservatively estimated that as many as 4,000 coal miners a year are dying as the result of this illness.

It has come to my attention that some misinformed reporter has published a report that Mr. Kmetz has not been working for the passage of H.R. 9212 because he felt that if the bill did not pass his union would be blamed. This is a completely fallacious report because I know personally that Mr. Kmetz has worked and continues to work most diligently in behalf of H.R. 9212—and I might say all similar legislation for the benefit of the coal miners he represents.

As a part of my remarks, I include the following news release from the United Mine Workers of America:

UMWA NEWS

The United Mine Workers of America today called upon the U. S. House of Representatives to enact H.R. 9212 as quickly as possible without crippling amendments as "a matter of social justice and humanity for the nation's black lung victims."

The Union's call came in the wake of an unsuccessful effort several days ago to win adoption of the legislation under a suspension of the rules. The effort failed to obtain the required two-thirds majority by eight votes. The legislation is expected to be returned to the floor under an open rule in the next several days.

H.R. 9212 would extend federal benefits to black lung victims under the Federal Coal Mine Health and Safety Act for two years. Few states have so far enacted necessary legislation and the benefits of thousands of black lung victims will soon be endangered unless Congress acts.

Despite the legislative history of the Federal Coal Mine Health and Safety Act, the Department of Health, Education and Welfare has insisted upon interpreting black lung benefits as workmen's compensation. As a result, benefits due disabled miners under the Social Security Act are deducted from black lung payments. H.R. 9212 specifically would provide that black lung benefits shall not be considered workmen's compensation for purposes of the disability provisions of the Social Security Act.

H.R. 9212 would also authorize the use of techniques other than X-rays to determine the presence of black lung. Under the existing provisions of the law, thousands of black lung victims are denied benefits because X-ray tests are not conclusive. The U. S. Surgeon General has testified that miners who have shown no evidence of the disease with the use of X-rays were frequently found to have contracted it upon autopsy.

The proposed legislation would provide black lung benefits to some 2,000 children who are "double orphans" as a result of the deadly affliction. The present law continues benefits to widows when black lung victims die, but denies them to the children when both parents become deceased.

"The provisions contained in H.R. 9212 are overdue. They would provide essential directives to HEW which has used all kinds of technicalities to refuse black lung benefits, and which has ignored the history of the law in denying social security disability benefits due black lung victims. In establishing payments for minor children, the legislation would make some amends for the death of the family bread-winner as a result of black lung. Finally, the need to continue the federal program at this time is imperative to insure continued benefits to thousands who have contracted terminal black lung and who can no longer hold gainful employment," W. A. (Tony) Boyle, UMW president said.

Mr. ERLENBORN. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. REID).

Mr. REID of New York. Mr. Chairman, I thank the distinguished gentleman from Illinois for yielding to me.

I would like to rise in support of this bill and particularly to discuss title IV. I will endeavor to try to bring a little clarity to a subject that I think has gotten somewhat confused.

Earlier this year I wrote to the Secretary of HEW, Mr. Richardson, specifically on this legislation. He replied under date of September 29, referring with his letter a report from the Director of the Bureau of Disability Insurance in the Social Security Administration. This report in turn said several things. This relates to title IV.

First it acknowledged that—

In establishing criteria for evaluating total disability due to pneumoconiosis we were directed by Congress to use the best medical means available.

Second, it indicated that the regulations as published provide that there must be X-ray evidence of pneumoconiosis, thus reflecting a prevailing medical judgment that pneumoconiosis can be diagnosed in a living person only by use of the X-ray. But then it added this:

There is some minority medical opinion to the effect that disabling pneumoconiosis may exist in the absence of positive X-ray evidence thereof.

The report pointed out that the department was trying to carry out a pilot project in conjunction with the Public Health Service in order to determine "the effectiveness and feasibility of developing a simplified exercise test," and that Dr. Rasmussen had agreed to participate in this pilot project. The project the report notes, "is expected to lead the way to establishing additional methods and criteria for evaluating total disability under the black lung program, as well as to the availability of more adequate medical facilities in the coal mining areas to perform this testing."

I in turn have been in touch on the phone and in writing with Dr. Rasmussen. He points out very explicitly that—

No objective, informed member of the medical profession would suggest that the chest x-ray has greater validity in diagnosing occupational lung disease than the GI x-ray in diagnosing peptic ulcer, the ECG in diagnosing myocardial infarction or the sputum examination in diagnosing tuberculosis. The point which, in my opinion is crucial, is that the tenacious clinging to x-ray evidence of pneumoconiosis is *medico-legal, not medical.* It is . . . not scientific medical judgment.

He goes on to say:

I challenge the statement that the prevalent medical judgment places this reliance on the chest X-ray, regardless of its practicality . . . I have been anxious to begin a study suggested by HEW and I will do so eagerly when the first patient has been referred to our facility.

Unfortunately, Dr. Rasmussen points out, the SSA has not awaited the results of this study before continuing the practice of denying requests for reconsideration without additional information. He notes that there are a number of factors that can lead to an overall diagnosis and that the X-ray is one, but definitely not the only one.

He believes in an overall professional diagnosis before making the judgment.

I think, accordingly, that section 4 is simple justice.

Mr. Chairman, the gentleman from West Virginia (Mr. HECHLER) has pointed this out time and time again and the subcommittee has pointed it out, that to permit the X-ray to be the sole basis is an injustice.

Mr. DENT. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, the gentleman from New York (Mr. REID) has made a very significant statement. I also subscribe to the sentiments of the gentleman from Pennsylvania (Mr. MCDADE) and the gentleman from Virginia (Mr. WAMPLER).

I do not understand why there is such lavish devotion exclusively to X-rays in diagnosing pneumoconiosis; X-rays are helpful but not conclusive, and they are only one tool in the diagnosis. Pneumoconiosis simply interferes with the ability of the lungs to transfer oxygen into the bloodstream. I know of totally disabled living miners whose X-rays do not show up any evidence of pneumoconiosis. Subsequently, these miners have had a few ribs removed by surgery—a painful operation—and then they have had biopsies, where pieces of their lungs were taken out. The biopsies have then conclusively proven that these totally disabled miners have pneumoconiosis.

Obviously, Mr. Chairman, we cannot force every living miner to have a biopsy. Yet Dr. Donald Rasmussen has indicated conclusively that the use of the arterial blood gas test with exercise is frequently the most reliable means of measuring whether or not a miner has pneumoconiosis, because such a test measures the oxygenation of the blood.

Mr. Chairman, section 4 of this bill is sound. This entire bill is sound. It will bring justice to the coal miners and to the families of the coal miners of this Nation.

Of course, I would like to see additional improvements which would enable widows to utilize testimony of friends and relatives where medical records have been destroyed. The Social Security Ad-

ministration should be doing this already under the existing law.

But I feel that the many crippling amendments proposed should be defeated.

Therefore, I urge that this bill be adopted without amendment.

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

Mr. Chairman, I have no desire to go over ground already covered. However, let me make just one or two additional points.

The gentleman from West Virginia (Mr. HECHLER) points out the fact that there is another alternative test in the living person to the X-ray and that is a biopsy. I would hope that they would look at this problem in this fashion: If you outlawed the use of the X-ray, you would be mandating the use of the biopsy. Do you want every coal miner to have a biopsy in order to determine whether or not he has this disease?

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

Mr. ERLENBORN. I cannot yield to the gentleman from Kentucky at this point.

Secondly, if you are going to expand these benefits and give them, in effect, to those with emphysema and with other lung-related diseases because you cannot use the X-ray any longer, you will increase the burden on the States when they ultimately take over.

Third, this legislation contemplates the benefit being paid in the future through workmen's compensation laws. If you limit the workmen's compensation setoff, then the men who are getting Federal benefits will get greater benefits than the man who is getting the State workmen's compensation benefits. The man who qualifies in the third year or fifth year, which is the year in which the claims are determined by the Federal Government would ultimately affect the obligation of the State government in having the burden to meet matching payments without the offset, and then when the State workmen's compensation takes over and the offset applies, he will have his pension reduced.

Mr. Chairman, in my opinion this points up the fact as to how ridiculous is the approach contained in the bill before us.

I submit there are really one or two things being attempted here. First of all, to extend benefits to those who are disabled from something other than pneumonoconiosis by denying the diagnostic tool, the X-ray, and, secondly, to expand the benefits to the point where it would be unfeasible for the State to take it over under workmen's compensation. I believe if this passes, the States will never take it over.

Mr. MORGAN. Mr. Chairman, I rise in strong support of H.R. 9212. Those of us who represent coal mining areas have too long been aware of the meaning of black lung not only to the miners who suffer it, but also to their families.

There are few who disagree with the provision the bill makes for taking care of the double orphans. This is a situation which obviously requires new legislation.

I believe that the Congress should make clear that we do not want black lung benefits to be considered as a workman's compensation plan. Coal miners are subject to this danger, and most other workers are not. This is a special hazard, and we should make special provision for those who suffer from black lung.

I urge particularly that we provide for some flexibility in the Social Security Administration's requirements with regard to X-rays. The purpose of this bill and of legislation previously passed is to take care of the people who in the normal course of their work have contracted this disease. The important thing is to take care of those who have black lung, not to establish diagnostic procedures by Government regulation or by legislation.

Finally, Mr. Chairman, let me say a word about the cost of doing what should be done and has to be done for the victims of black lung.

As long as those who mine coal are threatened with black lung, society ought to pay as much of the cost as it can.

The heaviest cost will always rest on the miners and their families. Men whose lives are shortened and who are physically unable to earn a living will always bear most of the cost.

Every man, woman, and child in the United States benefits from coal even though most of us have no occasion to buy it. Just as we benefit indirectly from coal as a source of power, light, and manufactured products, we ought to share the indirect cost of mining coal, such as the care of the miners who contract black lung and their dependents.

Mr. Chairman, I urge passage of this bill.

Mr. PRICE of Illinois. Mr. Chairman, we are in the midst of an emergency. The inequities that face thousands of coal miners and their dependents have not been alleviated adequately by the Coal Mine Health and Safety Act of 1969, the bill that was designed to help these people live with the debilitating reality of pneumoconiosis or black lung disease.

I do not mean to say that the act of 1969 was totally ineffective. On the contrary, I am merely saying that we now can see from subsequent medical evidence that black lung disease symptoms are not so easily detected by the use of a simple X-ray. Too many times have autopsies shown what X-ray did not.

The legislation we are considering today—H.R. 9212—is designed to modernize the 1969 act, bring it up to date in the light of its workings over the past 2 years. H.R. 9212 would prohibit automatic denial of benefits solely on the basis of chest X-ray results. Other additional methods, such as the arterial blood gas test, would have to be used to prove more conclusively whether or not the miner has the disease. The Congress must clarify its original intention by reducing the power of the X-ray in final determination of physical condition, thereby restoring just administration of benefits to black lung victims formerly barred from relief by unfortunate interpretation of the law.

Mr. Chairman, I have been aware of the problem of inequitable administration in my home State of Illinois. According to the Social Security Administration, which handles the claims, the following figures have been cumulated to October 8, 1971. I think they may serve to shed light on the problem. Of the 19,493 claims filed and 18,204 claims processed in the State of Illinois, only 4,248 have been paid to miners, 3,648 to miners' widows, and 3,672 to additional dependents; 6,493 miners' claims and 3,369 widows' claims were denied. The total allowance/denial ratio was 45/55; for widows the ratio was 52/48; and for the miners themselves, the ratio was 40/60. These figures indicate the tragic insufficiency of the X-ray determination, for as the program has thus far been administered, a black lung victim too often has to be dead before he can receive any benefits. Mr. Chairman, I think my point is clear enough.

Furthermore, today's bill extends benefits to approximately 2,000 so-called "doube orphans," the dependent children of a miner who died of black lung disease and his widow who is also deceased. The 1969 act provided that benefits be paid only to the minor or his widow, with supplemental sums allowed for the care of dependent children. But experience has shown the hardships resulting from the lack of any provision for the care of double orphans.

In the interest of justice to sufferers of black lung disease—the miners and their families—I urge my colleagues to lend this legislation their enthusiastic support.

Mr. HELSTOSKI. Mr. Chairman, the legislation before us today goes a long way toward clearing up many of the administrative difficulties and inequities contained in the original black lung benefits program adopted by Congress in 1969. A much more compassionate approach to this problem should result from passage of H.R. 9212.

However, I would also like to associate myself with the separate views expressed by my colleague (Mr. REID) of New York in the committee report. As he points out, the Social Security Administration must recognize the human problems involved here and compassionately assist miners and their families in trying to prove their eligibility for black lung benefits.

After decades of neglect by coal mine operators, company doctors, and lax State officials, it is no surprise to find that miners in States such as Kentucky and West Virginia have difficulty in proving their eligibility for the benefits program. Testing facilities usually did not exist and medical records have often been scanty or misleading. The Social Security Administration must, therefore, bend over backwards and give the benefit of the doubt to the miner or his survivors. It would be most inequitable to deny benefits to eligible persons simply because, through no fault of their own, they have been the victims of neglect on the part of the coal bosses and State authorities.

Mr. Chairman, the legislation before us today is needed and overdue. Congress has done its part; now it is up to the Social Security Administration to exercise the maximum compassion in carrying out the provisions of this bill and the 1969 legislation. If that agency is not fully responsive to the needs of black lung disease victims and their survivors, then we must be prepared for further legislative action.

Mr. DENT. Mr. Chairman, this bill was before the House on October 18. At that time, it was considered under suspension-of-the-rules and did not receive the required two-thirds vote.

Although 227 Members voted "aye," 124 voted "nay." Most of the "nay" votes were inspired, I am certain, by the cost estimates thrown around on that day. We were told that the bill would cost $1.2 billion over the next 6 years; that comes to $200 million a year, or an average of $16.6 million a month. Even though we disagree with those estimates, and consider them deliberately inflated, we are not troubled by them. After all, we are talking about compensating orphans of coal miners who have died from black lung, or who suffered from the ravages of that dread disease. We are talking about modifying the existing law with respect to their tragic plight, and that of their widows.

In any event, the bill—although receiving a substantial majority—was not approved at that time because two-thirds of us apparently did not agree on the priority of recognizing and reacting to destitution, despair, and human misery.

It was coincidental but fitting, Mr. Chairman, that the edition of the Washington Post on the morning following our action carried two stories of particular relevance to that action.

On page 3 of that edition, an article entitled "Farm Aid In '72 May Hit $2 Billion" appeared. The entire article will appear at the conclusion of my remarks, but a few excerpts are quite appropriate at this point. In fact, the first two paragraphs tell enough:

Candidly acknowledging he hoped it would help President Nixon's re-election, Agriculture Secretary Clifford M. Hardin yesterday announced a 1972 farm program designed to slash feed grain surpluses and boost their sagging prices.

Hardin, who has been under heavy political fire because record-breaking 1971 grain production has depressed prices, told a news conference that next year's program of supports and production control for corn and other feed grains may cost $1.8 billion and perhaps as much as $2 billion. This compares with this year's estimated cost of $1.2 billion.

Mr. Chairman, I can appreciate the fact that the expenditure of $2 billion next year on supports and production control for corn and other feed grains might enhance President Nixon's re-election possibilities, as Secretary Hardin has acknowledged; but when I compare that $2 billion for crops, with the $135 million this bill will provide desperate people in fiscal 1973, I cannot help but be concerned about the lack of compassion and wisdom in this Congress.

The second story in the Post I referred to, which appeared on the back pages of that day's edition, was entitled, "Miners Work To Keep Children From Mines." It was datelined Grundy, Va.

Mr. Chairman, I could not find Grundy, Va., on a map, but I know where it is and what it is like because I have seen a hundred little coal towns just like it.

Grundy is the home of Virginia Pocahontas Mine No. 1, and near six other mines just like it. And the Dismal River—quite appropriately named, I might add, for the benefit of those of you who have never seen a coal town—winds its way by.

Grundy is also the home of Robert Musick, a coal miner for more than 20 years.

I've got five children, two of them in college,

The article quotes Mr. Musick as saying.

I can't make ends meet,

He continues:

I've got everything I own in hock to get them an education so they won't have to go through in the mines what I went through.

If I can get these two through, they might help me with the other three. That's what I'm hoping.

Mr. Musick earns $7,500 to $8,500 a year—average for a miner—depending on overtime and how many days he can not work. And when he leaves for work each day during the twilight hours—unlike the farmer on the other end of a Federal subsidy—he is not sure he will be coming home that night.

The article also quotes Ray Thompson, a coal miner for 27 years:

You need some things right away. Then it grows on you. And you have to eat. If you were to eat, you had to go to work in the mines.

Mr. Thompson is out of work waiting for the coal strike to be settled. He is hoping for a contract, as he says:

Will help you pay all your bills—provided the people that run the stores don't raise their prices and eat it all up.

About two weeks before a new contract, the stores raise their prices.

He said, and also added that it costs him $12.37 just to go to work each day—his car, lunch, clothes, and taxes.

Maybe it was Chris Deel, however, who summed it up the best. Chris is 46 years of age, and first went into the mines at 18. He said:

A coal miner's got the most dangerous job in the world.

The younger generation don't want to go into the mines. They've heard about black lung. It's slow, but it's a killer.

Mr. Chairman, I have no eloquence beyond that simple statement of truth.

[From the Washington Post, Oct. 19, 1971]

FARM AID IN 1972 MAY HIT $2 BILLION

Candidly acknowledging he hoped it would help President Nixon's re-election, Agriculture Secretary Clifford M. Hardin yesterday announced a 1972 farm program designed to slash feed grain surpluses and boost their sagging prices.

Hardin, who has been under heavy political fire because record-breaking 1971 grain production has depressed prices, told a news conference that next year's program of supports and production control for corn and other feed grains may cost $1.8 billion and perhaps as much as $2 billion. This compares with this year's estimated cost of $1.2 billion.

But Hardin said the new plan—which calls for a sharp increase in land retirement plus higher direct payment to farmers—would bring higher market prices for feed grain by next fall.

Hardin also announced that the 1972 government support plan for cotton will be basically unchanged from this year's program and that soy bean supports will be kept unchanged at the 1971 level.

Under the 1972 feed grain program, Hardin said he hoped to get producers of corn, sorghums and barley to idle a total of at least 30 million acres of crop land—more than double this year's retirement of 18.2 million acres by corn and sorghum growers.

[From the Washington Post, Oct. 19, 1971]

MINERS WORK TO KEEP CHILDREN FROM MINES—8,500 OUT IN SOUTHWEST VIRGINIA

(By William Nye Curry)

GRUNDY, VA.—Except for the whine of the ventilators still drawing the deadly fumes from the mine shafts, Virginia Pocahontas Mine No. 1, like six other mines near here, is closed, shut down by the United Mine Workers.

Along the Dismal River, threading through Buchanan County, long lines of empty coal cars stand idle, for the biggest industry in Southwest Virginia has been halted by 8,500 striking miners who say, "No contract, no work."

Among the reasons for a new contract cited by the miners are rising prices, making enough to give their children a chance to escape the mines, and obtaining better benefits for those who stay and bring up coal from the earth.

New talks begin Tuesday between the United Mineworkers Union and the coal mine operators, who have been accused of stalling by UMW president W. A. (Tony) Boyle. Negotiations in the 18-day-old strike broke off last Thursday.

"I've got five children, two of them in college," said Robert Musick, 40, a miner since he finished high school, who was sitting in the John L. Lewis Union Building near here.

"I can't make ends meet. I've got everything I own in hock to get them an education so they won't have to go through in the mines what I went through.

"If I can get these two through, they might help me with the other three. That's what I'm hoping."

Earning $37 a day under the old contract, Musick makes $7,500 to $8,500 a year—average for a miner—depending on overtime and how many days he can't work.

He, along with 8,500 striking miners in Southwest Virginia and 72,000 others nationwide, want higher pay and more money to fatten the union's welfare fund for men stricken with various mining ills, and for their widows. The UMW has proposed a $50-a-day wage and a doubling of the 40-cents-a-ton royalty the mine owners pay to the union's pension and welfare fund.

The miners get no strike benefits from the UMW until they have been out four weeks; until then, they dig into their savings and stretch their credit.

It is unknown what effect, if any, President Nixon's Phase II economy controls would have on a new contract. When the men talk of it here, they talk only of equitable controls—ones that include profit and interest rates.

Technically, the men are not on strike; they just don't have a contract under which to work, and are operating under the principle of "no contract, no work."

Musick works in Buchanan County, one

of 4,200 miners in the county situated 350 miles southeast of Washington. Buchanan is the biggest producer of coal in the state, but getting at that coal is considered the most dangerous occupation in the country.

"You need some things right away," mused 51-year-old Ray Thompson as he reflected on the day 27 years ago that he started mining. "Then it grows on you. And you have to eat. If you were to eat, you had to go to work in the mines. There were no jobs in the city then."

"They had the key to your belly," said Arthur Welch of the coal companies. He has been a miner for 33 of his 50 years, and he says that "if I were to choose to leave here with no more skill than I have, I'd be a low-paid man at a factory." Even that would mean retraining, he said, and another miner observed to him that "nobody would retrain you at your age."

So they stayed with the mines, and now they're waiting for a new contract to be negotiated.

Some passed their days watching the World Series. Others went fishing or hunting in the rocky streams and mountain woodlands. This is rugged but scenic land—except for the great, black slag heaps of coal-mine wastes dumped over the years in the hollows among the hills.

A group of miners killing time in the Lewis Building talked of what they would do with money won under a new contract. Thompson, who has helped one son through college and hopes to do the same for three others, said it "will help you pay all your bills—provided the people that run the stores don't raise their prices and eat it all up."

"About two weeks before a new contract, the stores raise their prices," Thompson said. He added that it costs him $12.37 just to go to work each day—his car, lunch, clothes and taxes.

"We've come a long way," said Welch, "but we've got a long way to go."

The men talked of black lung—coal dust in the lungs—and the general hazards of working in the nation's most dangerous industry. As they spoke, a miner who lost an eye to coal chip a year ago haggled in a little office with a UMW attorney over what compensation he would get for the injury, if any.

Four men sitting together—Thompson, Musick, Welch and Beecher Elswick—are all sons of miners; among them they have 15 children, and so far only one has become a miner. Others have grown up and left the area; the men hope the boys remaining at home will not have to work in the mines, and that means moving away.

From 1960 to 1970 Buchanan County recorded a 17 per cent drop in its population, from 36,724 to 30,490. The state's five other major coal-producing counties also sustained population losses.

All told, the six counties lost 32,520 people in the 10 years between censuses.

"A coal miner's got the most dangerous job in the world," says Chris Deel, 46, who first went into the mines at 18. Of his six children, three have moved to Michigan for factory work.

"The younger generation don't want to go into the mines. They've heard about black lung. It's slow, but it's a killer," said Deel.

Elswick, 45, who started work as a miner in 1948, said, "There's nothing else for them to do, but leave to get a job. And I don't want to see our kids get cut up, butchered up (in the mines)." He has a son in the Navy and a married daughter.

"That's the reason I'm in hock," Musick said. "So I don't have to send my children to the mines."

Mr. BLATNIK. Mr. Chairman, it is most unfortunate that our distinguished colleague, JIM KEE, is absent on official business, on the authority of the House Public Works Committee, and cannot vote for the black lung bill. JIM fought long and hard for this bill, which is of great consequence to the people of West Virginia, and to coal miners everywhere.

Several weeks ago, before we had any idea this legislation had been scheduled for this week, I, as chairman of the House Public Works Committee, approved a series of important out-of-town hearings on watershed development, by the Conservation and Watershed Development Subcommittee, of which JIM KEE is chairman.

Up until the very last moment, we were juggling the timing of the trip around the bill's possible scheduling. When, at last, we were advised on sound authority that the bill would be delayed until later, we went ahead with the plan for the subcommittee's trip.

After the hearing had been scheduled and announced, the black lung legislation was brought to the floor this afternoon.

But for these pressing and long-promised hearings, JIM would have been here to vote on this extremely important legislation.

Mr. KEE. Mr. Chairman, as a representative in this great legislative body, and as a member of the House Committee on Interior and Insular Affairs, our honorable chairman some time ago, and before H.R. 9212 was scheduled for consideration on the floor at this time, extended an invitation for me to represent the majority at a Lead and Zinc Conference in Malaga, Spain, beginning October 28, 1971, and ending November 5, 1971. I accepted this invitation and honored my commitment.

When H.R. 9212, now under discussion, was brought up under suspension of the rules on October 18, 1971. I rose on the floor of the House and strongly urged my colleagues to support it. When the roll was called, I voted for its passage. The vote was 227 ayes and 124 nays. Under the parliamentary rules a two-thirds majority was required, therefore, the bill failed of passage by seven votes.

Once again it is before the House for consideration. This time the Rules Committee has recommended an open rule with 1 hour of debate. Once again I strongly urge my colleagues to support this badly needed legislation.

In my remarks on October 18, 1971, I stated that as the Representative from the largest coal-producing congressional district in the United States I had felt for some time that some of the provisions of the Federal Coal Mine Health and Safety Act of 1969 needed clarification to make it more equitable. In my judgment, H.R. 9212 does correct some of the inequities that we have found in this act.

I supported enthusiastically the Federal Coal Mine Health and Safety Act of 1969, which is now Public Law 91-173. I had long been an advocate of legislation to give the disabled miner relief from the rigors of his hazardous employment and it was for this reason that I introduced H.R. 9850, the very first bill introduced in the Congress for those suffering from black lung, and their families.

We have since learned that the black lung disease benefit program as established by title IV, does not always give the coal miners with this disease the benefits to which they are entitled. In some instances it is found that this injustice is caused by placing too much emphasis on X-rays. It seems to me that to deny claims for black lung benefits solely on an X-ray examination was never intended by the Congress, and is a most unfortunate situation insofar as justice is concerned to the coal miners in this country.

At the time I testified during the hearings on this legislation in May 1971, I stated that in my own State of West Virginia, there were claims filed amounting to 58,300. According to the latest black lung statistics that figure has now risen to 59,234. About 32,981 of these claims were made in my district. Claims paid for the entire State of West Virginia are 24,491. The claims paid in my district amount to 14,501.

On the other hand, the statistics show that there were 15,513 denials. I have no way of knowing whether or not all of these denials would be approved, but I do state that under this new legislation which prohibits the use of chest X-rays as the sole basis for denial of claims, I am reasonably sure that quite a few of them would.

Likewise, a third of the black lung benefit claims which have been turned down to date have been disallowed, because the miner was not totally disabled. In fact, what the Federal Government is saying to these miners is that they do not qualify, because they are not totally dead. I have contended from the very beginning that the requirements for determining "total disability" should be made more realistic. It seems to me that any miner who is rendered incapable of performing his usual mining job should be considered "disabled" under the Federal black lung compensation provision. I feel that this bill recognizes this phase.

I am also pleased that under this legislation the Federal Coal Mine Health and Safety Act will be amended to extend black lung benefits to orphans whose fathers died of pneumoconiosis; that the existing black lung program shall not be considered a workmen's compensation law or plan for purposes of the disability insurance provisions of the Social Security Act; and, that the existing program for payment of black lung benefits will be extended for 2 years.

With these thoughts in mind, and on behalf of the deserving coal miners, I strongly endorse the passage of this bill, which will rectify some of the inequities that have arisen over the past 2 years.

I am glad to have had a part in developing this legislation.

Mr. DENT. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The Chair will state that the gentleman has 2 minutes remaining.

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

Mr. DENT. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, the purpose of H.R.

9212 is to correct certain defects in the administration of the Federal Coal Mine Health and Safety Act of 1969 and to provide for the extention of benefits in that act to the orphans of workers who die of pneumoconiosis.

If the act has not been imperfectly administered. It has at least not accomplished the intent of Congress when it was passed. What we are trying to accomplish here is a clarification of intent by certain amendments to title IV of the original act. For example, we did not intend the desperate need of individuals eligible for benefits under the act be set off against social security disability payments, thus neutralizing or decreasing one of the prime purposes of the act. It was our intent that "black lung" benefits be over and above those provided under workmen's compensation payments, otherwise the provision for special disability benefits would not have been written into the legislation in the first place.

In another amendment proposed under H.R. 9212, we are simply but importantly extending the timetable for certain provisions under section 3 for 2 additional years in order to permit the States an additional working period to assume their responsibilities under the act. While this will extend the time of Federal responsibility, we recognize the problems inherent in some States in coming to grips with the benefit provisions of the program. We hope the States will use this additional period for resolve rather than delay.

The amendment to the first sentence of section 413(b) that "no claims for benefits under this part shall be denied on the basis of the results of a chest roentgenogram" is absolutely necessary. The fact that the Social Security Administration utilizes the services of a group of eminent radiologists in X-ray classification to reinforce the accuracy and consistency of X-ray readings under the black lung program is good but beside the point. They are still X-rays with their controversial and time-proven limitations in diagnosis for pneumoconiosis. As Dr. May Mayers states in his book on Occupational Health (William and Wilkins, 1969):

> Physicians in general tend to place too great reliance upon the x-ray picture alone, and give too little weight to the clinical picture . . . That extent of medical disability can only be determined, with any degree of accuracy, by cardiorespiratory function tests, with which some physicians are still unfamiliar.

The amendment does not deny the usefulness, nor does it call for the elimination, of X-rays in the adjudication of claims for benefits; it calls by implication for an accurate medical diagnosis based upon all relevant medical tests in the disposition of claims.

Finally, while the original act permits augmented benefits to a miner or his widow for the support of their dependent children, there is no provision for support of the children should the father and mother die. While I am not now aware of a large number of such "double orphans," there is a great disadvantage created in such youngsters and the national responsibility for them as defined in the paragraphs in H.R. 9212 related to this problem. From a social consequence point of view the detailed provisions on this matter are clearly the most important components of the four-amendment legislative package.

If the health standards prescribed in title II of the Federal Coal Mine Health Safety Act are effective in eliminating the cause of lung disease, the personal burden of incapacitation as well as the burden of benefit payments will be reduced in the future. However, irreversible damage has already been done to miners, and we mean to correct that so far as it affects their dependent children. We should not allow conditions which have disabled the miner to also disable his children, either with respect to the necessities of life or educational opportunity. H.R. 9212 provides the necessary prescription and guidelines for preventing the conversion of occupational disease of the miner into socio-economic "disease" for his children. This spirit of this amendment is the spirit of the entire bill; I strongly urge the passage of H.R. 9212.

Mr. DENT. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, it has been said, and repeatedly said throughout history, that if a person lies that it is not bad if it is not believed, but when you get to believing a lie, then it becomes wrong, and everybody comes to think that it is right.

We are not in any sense or by any means even advocating the outlawing of the X-ray examination. We are adding to that, new scientific, medical, and science improvements.

The second lie which is deliberate, in my opinion, and ought not to be brought back time after time into this controversy, is that there is no such thing——

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

Mr. DENT. I do not yield to the gentleman because I have only about 1 minute remaining.

Mr. ERLENBORN. If the gentleman refuses to yield, then, Mr. Chairman, I demand that the gentleman's words to be taken down.

Mr. CHAIRMAN. Does the gentleman insist upon his request?

Mr. ERLENBORN. Yes, I do, Mr. Chairman, where the gentleman said that it is a deliberate lie.

Mr. DENT. You do not know what the lie is yet, I have not repeated it. Read the RECORD, and let him get the words from the RECORD.

Mr. ERLENBORN. Mr. Chairman, I demand that the gentleman's words be taken down.

The CHAIRMAN. The Clerk will report the words objected to.

The Clerk read as follows:

> Mr. DENT. The second lie which is deliberate, in my opinion, and ought not to be brought back time after time into this controversy, is that there is no such thing——

The CHAIRMAN. The Committee will rise.

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 that Committee having had under consideration the bill (H.R. 9212) to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes, certain words used in debate were objected to and on request were taken down and read at the Clerk's desk, and he herewith reported the same to the House.

The SPEAKER. The Clerk will report the words objected to.

The Clerk read as follows:

> Mr. DENT. The second lie which is deliberate, in my opinion, and ought not to be brought back time after time into this controversy, is that there is no such thing——

The SPEAKER. The Chair will state that the words "second lie" are not parliamentary, and without objection will be stricken from the record.

Mr. DENT. Mr. Speaker, what part of that was being stricken?

The SPEAKER. The Chair will state that the words are "the second lie."

Mr. DENT. Mr. Speaker, I have not said what the second lie is. How can you strike it?

The SPEAKER. The manner in which the gentleman referred to the words in the following statement: "the second lie which is deliberate." Without objection, the gentleman may explain his statement.

Mr. DENT. But I have not said what the lie is. I have not accused anybody here of lying. I have accused the second lie of being propagandized all over the State, and through different individuals, and the third lie and the fourth lie. I have not accused the gentleman. There have been many persons on this floor—not many on the floor—but many persons who have put out the word that this deliberately wipes out X-rays as a means of determining pneumoconiosis, and the bill does not do that. And if it does not do that it is all untrue.

The SPEAKER. The Chair will request the gentleman from Pennsylvania to state whether the gentleman was referring to any Member of the Congress.

Mr. DENT. Absolutely not, Mr. Speaker. I will be glad to have that cleared up. But I have not said or named a Member's name yet.

The SPEAKER. If the gentleman was not referring to a Member of the House——

Mr. DENT. I was not. I was referring to two lies, and they are lies, and they have been put out all over the State in letters and newspaper items.

The SPEAKER. But the gentleman from Pennsylvania states that he was not referring to a Member of the House?

Mr. DENT. The RECORD will show that I did not refer to a Member of the House.

The SPEAKER. Does the gentleman state again that he was not referring to a Member of the House?

Mr. DENT. Yes; if I said it, it would have been in the RECORD.

The SPEAKER. Then the Chair will state that the gentleman's words are not unparliamentary, and the Committee will resume its sitting.

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

The SPEAKER. The Chair is of the

opinion that the point of order cannot be made at this point.

The Committee will resume its sitting.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 9212, with Mr. STEED in the Chair.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. DENT) has 1 minute remaining.

Mr. DENT. Mr. Chairman, in order that there be no mistake about what we are doing here, what I intended to refer to is a second lie that has been put in all the newspapers by the facts and figures that have gone out—I was going to say that there is no such thing as doing too much for a victim of pneumoconiosis by way of payments. That is all I was going to say. If that is something that is objectionable to anybody, I am sorry for that. But that is the way I feel about it. You cannot do too much for a man who is suffering after working for the benefit of this great Nation, with a disease that leaves no measure for relief whatsoever.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has 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 (a) section 412(a) of the Federal Coal Mine Health and Safety Act of 1969 is amended by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (2) the following new paragraph:

"(3) In the case of the child or children of a miner whose death is due to pneumoconiosis or of a miner who is receiving benefits under this part at the time of his death, and who leaves no widow, and in the case of the child or children of a widow who is receiving benefits under this part at the time of her death, benefits shall be paid to such child or children as follows: If there is one such child, he shall be paid benefits at the rate specified in paragraph (1). If there is more than one such child, the benefits paid shall be divided equally among them and shall be paid at a rate equal to the rate specified in paragraph (1), increased by 50 per centum of such rate if there are two such children, by 75 per centum of such rate if there are three such children, and by 100 per centum of such rate if there are more than three such children."

(b)(1) Section 412(b) of such Act is amended by inserting after "widow" each time it appears the following: "or child".

(2) Section 402 of such Act is amended by adding at the end thereof the following new subsection:

"(g) The term 'child' means an individual who is unmarried and (1) under eighteen years of age, or (2) incapable of self-support because of physical or mental disability which arose before he reached eighteen years of age, or in the case of a student, before he ceased to be a student, or (3) a student. Such term includes stepchildren, adopted children, and posthumous children. For the purpose of this subsection the term 'student' means an individual under twenty-three years of age who has not completed four years of education beyond the high school level and who is regularly pursuing a full time course of study or training at an institution which is—

"(1) a school or college or university operated or directly supported by the United States, or by a State or local government or political subdivision thereof;

"(2) a school or college or university which has been accredited by a State or by a State-recognized or nationally recognized accrediting agency or body;

"(3) a school or college or university not so accredited but whose credits are accepted, on transfer, by at least three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited; or

"(4) an additional type of educational or training institution as defined by the Secretary of Health, Education, and Welfare.

Such an individual is deemed not to have ceased to be a student during an interim between school years if the interim is not more than four months and if he shows to the satisfaction of the Secretary that he has a bona fide intention of continuing to pursue a full-time course of study or training during the semester or other enrollment period immediately after the interim or during periods of reasonable duration in which, in the judgment of the Secretary, he is prevented by factors beyond his control from pursuing his education. A student whose twenty-third birthday occurs during a semester or other enrollment period is deemed a student until the end of the semester or other enrollment period."

(3) Section 413(b) of such Act is amended by adding at the end thereof the following new sentence: "In carrying out his responsibilities under this part, the Secretary may prescribe regulations consistent with the provisions of sections 204, 205(j), 205(k), and 206 of the Social Security Act."

(4) Section 414(a) of such Act is amended by inserting "(1)" after "(a)" and by adding the following new paragraph at the end thereof:

"(2) In the case of a claim by a child; this paragraph shall apply, notwithstanding any other provision of this part.

"(A) If such claim is filed within six months following the month in which this paragraph is enacted, and if benefit payments are made pursuant to such claim, such benefit payments shall be made retroactively from December 30, 1969, or from the date such child would have been first eligible for such benefit payments had section 412(a)(3) been applicable since December 30, 1969, whichever is the lesser period. If on the date such claim is filed the claimant is not eligible for benefit payments, but was eligible during the period from December 30, 1969, to the date such claim is filed, benefit payments shall be made for the duration of eligibility during such period.

"(B) If such claim is filed after six months following the month in which this paragraph is enacted, and if benefit payments are made pursuant to such claim, such benefit payments shall be made retroactively from a date twelve months preceding the date such claim is filed, or from the date such child would have been first eligible for such benefit payments had section 412(a)(3) been applicable since December 30, 1969, whichever is the lesser period. If on the date such claim is filed the claimant is not eligible for benefit payments, but was eligible during the period from a date twelve months preceding the date such claim is filed, to the date such claim is filed, benefit payments shall be made for the duration of eligibility during such period.

"(C) No claim for benefits under this part, in the case of a claimant who is a child, shall be considered unless it is filed within six months after the death of his father or mother (whichever last occurred) or by December 31, 1974, whichever is the later.

"(D) No benefits shall be paid under this part to a child after December 31, 1974, if the claim therefor was filed after December 31, 1973."

Mr. DENT (during the reading). Mr. Chairman, I ask unanimous consent that this section be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendment.

Mr. HALL. Mr. Chairman, I was on my feet to reserve the right to object. My sole purpose is to know whether the entire bill is to be considered as read and printed in the RECORD and open to amendment, or just the first section?

The CHAIRMAN. Just the first section.

Mr. HALL. Thank you, Mr. Chairman.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: strike out the language beginning on line 3, page 1, through line 2, page 6, and insert in lieu thereof the following:

That (a) section 412(a) of the Federal Coal Mine Health and Safety Act of 1969 is amended by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (2) the following new paragraph:

"(3) In the case of the child or children of a miner whose death is due to pneumoconiosis or of a miner who is receiving benefits under this part at the time of his death, and who leaves no widow, and in the case of the child or children of a widow who is receiving benefits under this part at the time of her death, benefits shall be paid to such child or children as follows: If there is one such child, he shall be paid benefits at the rate specified in paragraph (1). If there is more than one such child, the benefits paid shall be divided equally among them and shall be paid at a rate equal to the rate specified in paragraph (1), increased by 50 per centum of such rate if there are two such children, by 75 per centum of such rate if there are three such children, and by 100 per centum of such rate if there are more than three such children: *Provided,* That benefits shall only be paid to a child for so long as he meets the criteria for the term 'child' contained in section 402(g)."

(b)(1) Section 412(b) of such Act is amended by inserting after "widow" each time it appears the following: "or child".

(2) Section 402 of such Act is amended by adding at the end thereof the following new subsection:

"(g) The term 'child' means an individual who is unmarried and (1) under eighteen years of age, or (2) incapable of self-support because of physical or mental disability which arose before he reached eighteen years of age or, in the case of a student, before he ceased to be a student, or (3) a student. Such term includes stepchildren, adopted children, and posthumous children. For the purpose of this subsection the term 'student' means an individual under twenty-three years of age who has not completed four years of education beyond the high school level and who is regularly pursuing a full-time course of study or training at an institution which is—

"(1) a school or college or university operated or directly supported by the United States, or by a State or local government or political subdivision thereof;

"(2) a school or college or university which has been accredited by a State or by a State-recognized or nationally recognized accrediting agency or body;

"(3) a school or college or university not so accredited but whose credits are accepted, on transfer, by at least three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited; or

(4) an additional type of educational or

training institution as defined by the Secretary of Health, Education, and Welfare. Such an individual is deemed not to have ceased to be a student during an interim between school years if the interim is not more than four months and if he shows to the satisfaction of the Secretary that he has a bona fide intention of continuing to pursue a full-time course of study or training during the semester or other enrollment period immediately after the interim or during periods of reasonable duration in which, in the judgment of the Secretary, he is prevented by factors beyond his control from pursuing his education. A student whose twenty-third birthday occurs during a semester or other enrollment period is deemed a student until the end of the semester or other enrollment period."

(3) Section 413(b) of such Act is amended by adding at the end thereof the following new sentence: "In carrying out his responsibilities under this part, the Secretary may prescribe regulations consistent with the provisions of sections 204, 205(j), 205(k), and 206 of the Social Security Act."

(4) Section 414(a) of such Act is amended by inserting "(1)" after "(a)" and by adding the following new paragraph at the end thereof:

"(2) In the case of a claim by a child, this paragraph shall apply, notwithstanding any other provision of this part.

"(A) If such claim is filed within six months following the month in which this paragraph is enacted, and if benefit payments are made pursuant to such claim, such benefit payments shall be made retroactively from December 30, 1969, or from the date such child would have been first eligible for such benefit payments had section 412(a)(3) been applicable since December 30, 1969, whichever is the lesser period. If on the date such claim is filed the claimant is not eligible for benefit payments, but was eligible during the period from December 30, 1969, to the date such claim is filed, benefit payments shall be made for the duration of eligibility during such period.

"(B) If such claim is filed after six months following the month in which this paragraph is enacted, and if benefit payments are made pursuant to such claim, such benefit payments shall be made retroactively from a date twelve months preceding the date such claim is filed, or from the date such child would have been first eligible for such benefit payments had section 412(a)(3) been applicable since December 30, 1969, whichever is the lesser period. If on the date such claim is filed the claimant is not eligible for benefit payments, but was eligible during the period from a date twelve months preceding the date such claim is filed, to the date such claim is filed, benefit payments shall be made for the duration of eligibility during such period.

"(C) No claim for benefits under this part, in the case of a claimant who is a child, shall be considered unless it is filed within six months after the death of his father or mother (whichever last occurred) or by December 31, 1972, whichever is the later."

Mr. DENT (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

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

There was no objection.

AMENDMENT OFFERED BY MR. ERLENBORN TO THE COMMITTEE AMENDMENT

Mr. ERLENBORN. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN to the committee amendment: Beginning at page 9, line 6, strike the language through page 10, line 10, and in lieu thereof substitute the following language:

"(A) If such claim is filed within six months following the month in which this paragraph is enacted, and if entitlement to benefits is established pursuant to such claim, such entitlement shall be effective retroactively from December 30, 1969, or from the date such child would have been first eligible for such benefit payments had section 412(a)(3) been applicable since December 30, 1969, whichever is the lesser period. If on the date such claim is filed the claimant is not eligible for benefit payments, but was eligible during the period from December 30, 1969, to the date such claim is filed, entitlement shall be effective for the duration of eligibility during such period.

"(B) If such claim is filed after six months following the month in which this paragraph is enacted, and if entitlement to benefits is established pursuant to such claim, such entitlement shall be effective retroactively from a date twelve months preceding the date such claim is filed, or from the date such child would have been first eligible for such benefit payments had section 412(a)(3) been applicable since December 30, 1969, whichever is the lesser period. If on the date such claim is filed the claimant is not eligible for benefit payments, but was eligible during the period from a date twelve months preceding the date such claim is filed, to the date such claim is filed, entitlement shall be effective for the duration of eligibility during such period.

"(C) Any benefit under subparagraph (A) or (B) for a month prior to the month in which a claim is filed shall be reduced, to any extent that may be necessary, so that it will not render erroneous any benefit which, before the filing of such claim, the Secretary has certified for payment for such prior month.

"(D) No claim for benefits under this part, in the case of a claimant who is a child of a miner or widow (as described in section 412(a)(3)), shall be considered unless it is filed within six months after the death of such miner or widow (whichever last occurred) or by December 31, 1972, whichever is the later.

"(5) Subsections 422 (c) and (d) of such Act are amended by striking out 'section 412 (a)' wherever it appears and inserting in lieu thereof 'section 412(a) (1), (2), and (4)'."

Mr. ERLENBORN (during the reading). Mr. Chairman, in view of the fact that I have made a copy of the amendment available to the other side, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD.

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

Mr. BURTON. Reserving the right to object, is this the 2-page amendment that, in the last paragraph of page 2, states:

(5) Subsections 422 (c) and (d) of such Act are amended by striking out "section 412 (a)" wherever it appears and inserting in lieu thereof "section 412(a) (1), (2), and (4)".

Is this the amendment that the gentleman left at the Clerk's desk, and conforms in all respects with the amendment that he previously gave to our side?

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

Mr. BURTON. I yield to the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman for yielding. The gentleman is correct. It is identical with the amendment that I gave to the staff of the subcommittee some days ago. It is identical to the amendment that I gave to the gentleman today.

Mr. BURTON. Mr. Chairman, as for this one Member, I think the amendment clarifies the double orphans section and eliminates any ambiguities that the committee amendment may have contained. I withdraw my reservation.

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

There was no objection.

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

Mr. ERLENBORN. I yield to the gentleman from Pennsylvania.

Mr. DENT. We have looked the amendment over, understand it perfectly, and we will accept it.

Mr. ERLENBORN. Mr. Chairman, I do not desire to take any more of the time of the House in debate. I ask that the amendment be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ERLENBORN) to the committee amendment.

The amendment to the committee amendment was agreed to.

The CHAIRMAN. Are there further amendments to the committee amendment?

AMENDMENT OFFERED BY MR. HECHLER OF WEST VIRGINIA TO THE COMMITTEE AMENDMENT

Mr. HECHLER of West Virginia. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. HECHLER of West Virginia to the committee amendment:

Page 6, line 3, insert "(1)" after "That (a)".

Page 6, after line 23, insert the following new paragraph:

(2) Section 412(a) of such Act is further amended by adding at the end thereof the following new paragraph:

"(5) If an individual's benefits would be increased under clause (4) of this subsection because he or she has one or more dependents, and it appears to the Secretary that it would be in the interest of any such dependent to have the amount of such increase in benefits (to the extent attributable to such dependent) certified to a person other than such individual, then the Secretary may, under regulations prescribed by him, certify the amount of such increase in benefits (to the extent so attributable) not to such individual but directly to such dependent or to another person for the use and benefit of such dependent; and any payment made under this clause, if otherwise valid under this title, shall be a complete settlement and satisfaction of all claims, rights, and interests in and to such payment."

The CHAIRMAN. The gentleman from West Virginia is recognized in support of his amendment.

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

Mr. HECHLER of West Virginia. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, I understand the amendment. However, if I am not mistaken, apparently there is an error in the draft.

Mr. HECHLER of West Virginia. Mr. Chairman, I beg the gentleman's pardon, but that has been corrected in the official copy.

Mr. DENT. It has been corrected in the gentleman's copy? The copy I have is not so corrected.

Mr. HECHLER of West Virginia. The copy as read by the Clerk was correct, I will advise the gentleman.

Mr. DENT. Mr. Chairman, if I may address the gentleman from Illinois, does the gentleman have a copy of the amendment?

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

Mr. HECHLER of West Virginia. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am advised by the Social Security Administration that they are well aware of this language and indeed I believe gave the gentleman in the well help in drafting the language. It accomplishes a good purpose, which is to protect the rights of the dependent minor children where there is some past disability on the part of the main recipient of the fund, be it the retired coal miner with the disease or the widow of the retired coal miner, and the Social Security Administration has no objection to this language and believes it will be helpful.

Mr. HECHLER of West Virginia. Mr. Chairman, the gentleman from Illinois has described my amendment much better than I could.

Actually, as the gentleman from Illinois indicated, it merely provides that the entire benefit should not be paid to the coal miner where dependents may be separated from the coal miner, or where it would be in the interest of dependents to have payments made in such a way to benefit the dependents. For example, if a coal miner is incompetent to care for his dependents, it is logical that he should not receive the increases the law now gives him by reason of additional dependents.

This amendment does not raise the total cost of the program, but merely brings justice into its administration.

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

Mr. HECHLER of West Virginia. I yield to the gentleman from California.

Mr. BURTON. Mr. Chairman, I think it is a good amendment and I think we ought to accept it.

Mr. DENT. Mr. Chairman, if the gentleman will yield, the gentleman from California has said we should accept it, and we accept it.

Mr. HECHLER of West Virginia. Mr. Chairman, I quit while I am ahead.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. HECHLER) to the committee amendment.

The amendment to the committee amendment was agreed to.

PARLIAMENTARY INQUIRIES

Mr. BYRNES of Wisconsin. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BYRNES of Wisconsin. Mr. Chairman, I have an amendment to page 10, lines 11 through 17. Is that to be presented at this time?

The CHAIRMAN. No.

Mr. BYRNES of Wisconsin. Then, the committee amendment has to be acted on first?

The CHAIRMAN. The gentleman is correct.

Are there any further amendments to the committee amendment to section 1?

Mr. BYRNES of Wisconsin. Mr. Chairman, another parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BYRNES of Wisconsin. Mr. Chairman, is my understanding correct that the committee amendment is one whole amendment to the whole of the bill, or are there several committee amendments pending?

The CHAIRMAN. This is the committee amendment to section 1.

Mr. BYRNES of Wisconsin. I thank the Chair.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. (a) Section 412(b) of the Federal Coal Mine Health and Safety Act of 1969 is amended by adding at the end thereof the following: "This part shall not be considered a workmen's compensation law or plan for purposes of section 224 of such Act."

(b) The amendment made by this section shall be effective as of December 30, 1969.

AMENDMENT OFFERED BY MR. BYRNES OF WISCONSIN

Mr. BYRNES of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BYRNES of Wisconsin:

Page 10, strike out lines 11 through 17 and insert in lieu thereof the following:

SEC. 2. (a) Section 412(b) of the Federal Coal Mine Health and Safety Act of 1969 is amended by adding at the end thereof the following: "In applying section 224 of such Act with respect to benefits payable to an individual under this part, such individual's 'average current earnings' shall be considered to mean the larger of (1) his average current earnings as determined under the next to last sentence of subsection (a) of such section, or (2) one-twelfth of the total of his wages and self-employment income (computed under title II of such Act without regard to the limitations specified in sections 209(a) and 211(b)(1) thereof) for the calendar year in which he had the highest such wages and self-employment income during the period consisting of the calendar year in which he became disabled (as defined in section 223(d) of such Act) and the five years preceding that year; and the reference to 'clause (B) of the preceding sentence' in the last sentence of such subsection (a) shall be considered to include a reference to this sentence."

Mr. BYRNES of Wisconsin. Mr. Chairman, it is with some trepidation that I involve myself in a matter brought to the floor by the Committee on Education and Labor. However, my amendment relates not so much to the black lung disease or to the legislation which is currently before us as to the Social Security Act.

Let me say at the outset that neither the language to be stricken, nor the replacement language, would in any way affect the amount of black lung compensation. That amount is going to be paid regardless of the addition I would make.

Recipients of black lung compensation can apply, as can other people who have injuries and are receiving compensation from other source, for disability benefits under social security. And it is only the benefit payable under the Social Security Act that I would affect in any way with this amendment.

The Committee on Education and Labor, in acting in this area, has affected the law as it exists under the Social Security Act. Therefore, I believe that is justification for injecting myself into this debate and suggesting what I consider to be an improvement in the bill as it relates to our treatment of people who are beneficiaries under disability provisions of the Social Security Act and other State or Federal acts as well.

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

Mr. BYRNES of Wisconsin. I yield to the gentleman from California.

Mr. BURTON. I am constrained not to express my own view on the gentleman's amendment, but I should like to applaud and note that the gentleman from Wisconsin most accurately stated that under the basic black lung benefit bill we would change the law as it affects social security. The Social Security Administration has not been recognizing that change, and that hence gave rise to the proposed amendment of the distinguished chairman of our full committee.

Mr. BYRNES of Wisconsin. Mr. Chairman, it seems to me that section 2 could be subject to a point of order because it does affect payments made under the disability provisions of the Social Security Act. I did not pursue that course because I believe, first, that the matter should be faced on its own merits here in the House, and second, that the situation as it relates to the so-called disability offset provision can and should be improved.

This House passed H.R. 1, which provides a liberalization in that offset provision, and I think we have now a real opportunity to update that liberalization, in enacting this particular provision.

Mr. BURTON. Will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from California.

Mr. BURTON. As I understand the effect of the amendment, in virtually all cases, by bringing this act in conformity with the social security amendments that were sent to the other body, this would result in almost all cases in some increase in the social security disability payments and in no way would it in any possible respect result in any diminution of total benefits.

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

(By unanimous consent, Mr. BYRNES of Wisconsin was allowed to proceed for 5 additional minutes.)

Mr. BYRNES of Wisconsin. Let me explain the situation in this way. As I do so, bear in mind that this amendment in no way affects the amount of the check for

black lung, or the eligibility for black lung payments. The amendment relates only to the social security disability benefit payments which individuals might be otherwise entitled to.

Under present law the social security disability payment is limited in cases where the recipient is receiving additional disability payments of some kind under another Federal or State program.

In these cases, the social security disability payments are reduced by the amount that total monthly benefits under the two programs exceed 80 percent of the individual's average current earnings before he became disabled.

There have been two ways of determining an individual's average current earnings: By using the average monthly earnings for purposes of social security benefit computation; or by using his average monthly earnings over his 5 highest earnings years.

In H.R. 1, we liberalized this provision by adding a third alternative, under which an individual's average earnings could be based upon his highest year's earnings in a period consisting of the year in which he became disabled and the 5 preceding years.

This is a definite improvement, and my amendment would insure that this liberalization would apply in the case of black lung benefits regardless of what is done in connection with H.R. 1.

Let me suggest that by approving the bill before us without also approving this amendment, we would be saying that a person with black lung disease is in a different, and a more favored, situation, as far as social security disability payments are concerned, than any other individual in the country, no matter how disabled he may be. The "basket case" in an industrial accident, who is getting compensation under a State law and who is getting social security disability payment because he is totally and permanently disabled, would have a stricter rule applied to him.

We would put him in a less favored position than the black lung victim.

I have the greatest sympathy for black lung victims, but I wonder if we want to carve out a special treatment niche for them as far as the Social Security Act is concerned. Should not disability payments be on the same basis?

My amendment would provide for equalized treatment under the law, and I do not know, Mr. Chairman, what could be fairer, both to black lung victims and to other people in this Nation who are disabled and who are receiving benefits in addition to social security benefits.

Mr. Chairman, I hope this amendment is adopted.

Mr. PERKINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

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

Mr. HALL. Mr. Chairman, reserving the right to object, I wish the gentleman would withhold that until the completion of his first 5 minutes; otherwise, I will be constrained to object.

Mr. PERKINS. Yes.

The CHAIRMAN. The gentleman from Kentucky is recognized for 5 minutes.

Mr. PERKINS. Mr. Chairman, when we enacted the so-called pneumoconiosis statute in 1969 we spelled out clearly in the report the fact that this statute, or the so-called black lung statute was not workmen's compensation.

H.R. 9212 establishes again in even stronger terms what the House said on December 17, 1969. That is all we are trying to do.

In the report back in 1969, on page 13, let me read this language:

> 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.

Mr. Chairman, it was not until the President signed the bill that the Social Security Administration could find something to hang its hat on insofar as construing the black lung statute to be a workmen's compensation act so that it could reduce social security benefits in conformity with section 224 of the Social Security Act. I am sure you will see what a difficult task the Social Security Administration had in finding a legislative intent that black lung benefits were workmen's compensation, and to get down to it here is what they say—

> DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, SOCIAL SECURITY ADMINISTRATION,
> *Baltimore, Md., August 4, 1970.*
>
> HON. CARL D. PERKINS,
> *House of Representatives,*
> *Washington, D.C.*
>
> DEAR MR. PERKINS: This is in further reference to your letter of July 6 concerning the reduction in social security disability benefit payments in some cases when the beneficiary also receives federal black lung benefits.
>
> I appreciate having the benefit of your point of view on this subject, and can assure you that careful consideration was given to the legal issues involved. A copy of our ruling being published on this matter is enclosed for your information.
>
> As you know, the reduction provision does not apply where the miner has reached age 62, or where his disability began before June 1965. We estimate that only about five percent of black lung beneficiaries will be affected by this reduction provision, and many of these will have their social security disability benefits only partially reduced.
>
> Hugh Johnson and Bernie Popick have told me of their recent meetings with you. I understand that it was agreed that in the near future they will meet again with you to discuss in more detail our experience in the payment of black lung claims in Kentucky, as well as the extent to which reduction in disability benefits has occurred in these claims.
>
> I will be following closely these developments of special interest to you and will review with them fully the results of your further discussions.
>
> Sincerely yours,
>
> ROBERT M. BALL,
> *Commssioner of Social Security.*

SECTION 224(a).—DISABILITY INSURANCE BENEFITS—REDUCTION FOR WORKMEN'S COMPENSATION—BLACK LUNG BENEFITS (PNEUMOCONIOSIS) 20 CFR 404.408

Held: Black lung payments under Title IV, Part B, of the Federal Coal Mine Health and Safety Act of 1969 constitute "periodic benefits" under a Federal workmen's compensation law, thus requiring the application of the reduction provision of section 224 (pertaining to disability insurance benefits) of the Social Security Act.

Advice has been requested as to whether payment of Federal Black Lung benefits [1] under Title IV, Part B, of the Federal Coal Mine Health and Safety Act of 1969 [2] constitutes payment of benefits under a workmen's compensation law or plan for the purpose of offset under section 224 of the Social Security Act.[3]

Section 224(a) of the Social Security Act provides for reduction of an individual's disability insurance benefits (and other benefits based on the individual's earnings), in accordance with a statutory formula, for months for which the individual is entitled to periodic benefits (or their equivalent) for a disability "under a workmen's compensation law or plan of the United States or a State * * *."[4]

That Federal black lung benefits are periodic benefits for a disability requires no discussion.[5] Whether they are paid under a "workmen's compensation law or plan of the United States" is not wholly clear from the legislative history. Neither the committee reports on the bill (S. 2917) that was finally enacted, nor the debates in the Senate on the bill, offer an authoritative basis for determining the congressional intent regarding the nature of black lung benefits. In the debates in the House of Representatives, there are expressions both ways.

The question, however, appears to be clarified in some measure by the following excerpt from the statement by the President on December 30, 1969, when he signed the Coal Mine Health and Safety Act:

"First, workmen's compensation has been and should be a State responsibility. Title IV of this Act gives the Federal Government responsibility in this area. I want to emphasize very strongly that Title IV is temporary, limited and unique and in no way should it be considered a precedent for future Federal administration of workmen's compensation programs. With the exception of continuing benefit payments to claimants establishing eligibility during the period prior to December 31, 1972, all Federal responsibility in this area will expire within seven years.

"Next, this Act creates confusion about the consistency of standards in Federally administered disability programs. I have therefore instructed the Secretary of Health, Education, and Welfare in administering this program to apply wherever possible standards consistent with those under the existing Social Security Act disability program."

The quoted passages in the President's statement give direction for the treatment of black lung benefits for purposes of the disability program, strongly indicating that such benefits should be viewed to be comparable to benefits for other occupational diseases for offset purposes under Title II of the Social Security Act. The Administration's regulations treat injury and occupational disease both as bases for workmen's compensation offset. See Social Security Administration Regulations No. 4, section 404.408(d).[6] Next, it is clear from the legistive history of section 224 that the basic purposes of the enactment of that section were twofold: one, to prevent erosion of State workmen's compensation programs, the other, to prevent duplication of benefits to the extent that it would be more profitable for a beneficiary not to work than to work. Neither of these purposes would be served by differentiating out occupational diseases.

Also bearing on the classification of black lung benefits for purposes of section 224 of the Social Security Act is the characterization given like diseases under other Federal statutes providing benefits which would be offset against Title II disability benefits.

Footnotes at end of article.

Thus, in *Urie* v. *Thompson*, 337 U.S. 163 (1949), the Supreme Court considered whether an occupational disease—silicosis—was a compensable injury under the Federal Employer's Liability Act, or whether only accidentally caused injuries were covered. The court held (pp. 186–7):

"While no decision of this Court involving the Federal Employers' Liability Act has dealt specifically with silicosis, the New York Court of Appeals, as we have indicated above, has sustained recovery under the Act for that disease when resulting from the carrier's negligence. * * * Moreover, other state and federal decisions have authorized recovery under the Act for injuries not caused by accidental or violent means. * * * Not all of these decisions could be sustained if the statutory term 'injury' were held to require that the harm suffered from the employer's negligence must be confined to that inflicted by 'external, violent and accidental' means or be an 'accidental injury,' as respondent's narrow view of the statute's coverage seems to contemplate.

"We would be most hesitant to adopt a construction of 'injury' as used in this Act which would overrule the decisions last cited or seriously impair their authority. We think they were made in the spirit the statute contemplated for its administration and application. That spirit is one not in conformity with importing nice distinctions in applying the Act's broad and general terms or cutting down their full scope by inference or implication.

"In our view, when the employer's negligence impairs or destroys an employee's health by requiring him to work under conditions likely to bring about such harmful consequences, the injury to the employee is just as great as when it follows, often inevitably, from a carrier's negligent course pursued over an extended period of time as when it comes with the suddenness of lightning. Silicosis is as much 'injury,' leading in time as certainly to permanent disability, as scalding from a boiler's explosion. We do not think the mere difference in the time required for different acts of negligence to take effect and disclose their harmful, disabling consequences would justify excluding the one type of injury from the Act's coverage or that such an exclusion would be consistent with its language, purposes, or unvarying standards of construction."

See also *A. T. and S. F. Ry Co.* v. *Preston*, 257 F.2d 933 (10 Cir., 1958).

The designation of the Federal black lung benefits as workmen's compensation would appear to be consonant with the pattern of Title IV in its entirety. The purpose of this title is to provide a benefit program, in cooperation with the States, for miners totally disabled due to pneumoconiosis and their surviving dependents (section 401 of the Act). Part B is an interim and short-term part of this program. The longer-term program is contained in Part C. This part provides that, beginning January 1, 1973, claims for benefits based on total disability or death due to pneumoconiosis shall be filed pursuant to the applicable State workmen's compensation law; but that if and when the State law does not provide adequate coverage (as defined by the statute), each operator of an underground coal mine in the State shall be liable under the Federal Longshoremen's and Harbor Workers' Compensation Act, and shall secure the payment of the benefits by either obtaining insurance or qualifying as a self-insurer. The Federal Government's involvement in this program is to set the standards for adequate coverage under the State workmen's compensation laws, and to pay benefits in cases in which the mine operator has failed to pay them or provide insurance to pay them (in which cases the Government may recoup the payments from the operator) or there is no operator required to secure the payment of the benefits.

The benefits provided by Part C clearly are workmen's compensation, payable under either a State or a Federal workmen's compensation law. The benefits are payable to the same class of beneficiaries as, and in amounts the same as or greater than, those specified in Part B (for a period of 4 years), for the same causes (sections 421(b)(2), 422).

Parts B and C thus seem to be complementary parts of a single program to provide compensation to miners and their dependents for the consequences of occupational disease sustained in the course of their employment.

Accordingly, it is held that the black lung benefit provisions in Title IV, Part B, constitute a Federal workmen's compensation law within the meaning of section 224 of the Social Security Act.

FOOTNOTES

[1] These benefits are designated *Federal* Black Lung benefits to distinguish them from those authorized by Part C of Title IV, which are designed in the main as State benefits.

[2] The Federal Coal Mine Health and Safety Act of 1969, hereinafter "the Act," was enacted as Public Law 91–173 on December 30, 1969, 83 Stat. 742 ff. Title IV of the Act is to be codified beginning at section 901 of title 30, United States Code.

[3] 42 U.S.C. 424(a)

[4] Section 224 of the Act, as pertinent here, provides that social security disability benefits must be reduced where the total of the applicant's benefits from sources specified in the statute would otherwise exceed the greater of either 80 percent of his "average current earnings," or the total social security benefits payable to the beneficiary and his dependents based on his disability. This provision does not apply where the beneficiary has reached the age of 62, or where his disability began before June 2, 1965. About 90 percent of black lung beneficiaries will not be affected at all by this reduction provision. The social security disability benefit of those who are affected will usually be only partially reduced.

[5] Title IV, Part B, Section 412(a) (P.L. 91–173) provides that: "(a) Subject to the provisions of subsection (b) of this section, benefit payments shall be made by the Secretary under this part as follows:

(1) In the case of total disability of a miner due to pneumoconiosis, the disabled miner shall be paid benefits during the disability at a rate equal to 50 per centum of 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 chapter 81 of title 5, United States Code * * * The latter constitutes the Federal Employees' Compensation Act."

[6] 20 CFR 404.408(d).

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. Wait just a moment and then I shall yield to the gentleman.

But, Mr. Chairman, here we have as many as 7,000 miners adversely affected by this erroneous interpretation.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman now yield to me?

Mr. PERKINS. I yield briefly; yes.

Mr. BYRNES of Wisconsin. I think the gentleman recognizes the fact that when I addressed the committee I intentionally tried to avoid the use of the word "compensation." I did so because I knew it was a sensitive word.

But I would call the gentleman's attention to the fact that the offset provision under the Social Security Act is not called into play only under workmen's compensation cases, because—and let me read to you section 281——

Mr. PERKINS. I am well acquainted with that.

Mr. BYRNES of Wisconsin. If the gentleman will just let me finish this.

Mr. PERKINS. Certainly.

Mr. BYRNES of Wisconsin. It says that a workmen's compensation—and this is the important part—plan of the United States or a State for the payment of periodic benefits for a total of partial disability—and it seems to me that that certainly indicates a plan for black lung, for the payment of periodic payments for a total or partial disability, and that is what the law says when the offset provision is triggered, and that is what you have in the Social Security Act by section 2.

Mr. PERKINS. Let me say to my distinguished colleague, the gentleman from Wisconsin, that we held a conference report up some 3 weeks in 1969 to make sure that this offset provision was not applicable to people receiving disability payments under the Social Security Act.

Now, I am well aware——

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

(By unanimous consent, Mr. PERKINS was allowed to proceed for 5 additional minutes.)

Mr. PERKINS. Mr. Chairman, we have 7,000 miners affected here, and if a miner qualifies for black lung benefits, and earns more than $1,680 a year, his monthly benefits under this statute will be reduced $1 for every two earned between $1,680 and $2,880.

The benefits are further reduced by $1 for every $1 earned over $2,880. To be more direct to the point, it is wrong to offset workman's compensation against social security benefits. Workmen's compensation is a payment to a worker in lieu of his common law right to sue in court for his injury, a right which he surrenders under workmen's compensation coverage. Social security disability compensation is insurance for which the recipient has paid a premium.

Mr. Chairman, I hold in my hand here letters——

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. Please let me continue. I have only a short time remaining.

Mr. BYRNES of Wisconsin. But the gentleman is referring to the Social Security Act.

Mr. PERKINS. That is correct, certainly I am referring to the Social Security Disability Act because it is social security disability checks that are reduced, it is not the black lung checks that are reduced. Certainly I am referring to the social security disability checks.

Now, it was intended that the individual entitled to black lung benefits, because of that relationship of coal miners working in the mines and contracting this disease, that they would be paid these benefits in addition to the social security disability benefits, and never was it intended that the social security disability benefits would be reduced.

But as the Black Lung Law is being administered, these payments are being reduced. This legislation will stop the reduction.

In numerous cases in my congressional district, and I think it is the same all over the Nation, where a coal miner is disabled and receives the benefits under the disability statute of the Social Security Act, and is entitled to black lung benefits, after he becomes entitled to black lung benefits he is receiving even less today from both laws than he was receiving before he became entitled to the black lung benefits. I will cite some random cases, and will put them in the RECORD.

For example, here is the case of Gulf Newsome of Dema, Ky., and here is what he writes to me:

This was the way I was receiving social security checks before I got my black lung:—

And I am quoting from his letter, and Mr. Newsome states under that before his black lung claim was approved he was getting under social security:

Gulf, $178.20; my wife, $30.30, children, $90.90.

A total of $299.40, in social security.

He says:

I now receive a total of $299.10 a month. I have not received fair treatment.

Thirty cents less.

And there are numerous cases of injustice where the Social Security Administration is simply not carrying out congressional intent.

I can read on here about cases of this type. I think it is terribly unfair to let the Social Security Administration itself rewrite a law so as to reach a result never intended by the Congress.

We made our intention clear in plain language in this report that I have read. All we are trying to do here, Mr. Chairman, is to clarify this situation and give justice to some 7,000 coal miners. It is not a big item—but there is a big principle involved.

Mr. Chairman, I ask that the amendment of the gentleman from Wisconsin be defeated.

Mr. ERLENBORN. Mr. Chairman, I move to strike out the last word.

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

Mr. ERLENBORN. Mr. Chairman, the chairman of our committee continually makes the point that the present pneumoconiosis benefits were not intended to be workmen's compensation. He continually points to statements in the RECORD when we were considering the bill in the last Congress. As the gentleman from Wisconsin has so aptly pointed out, that is completely immaterial. It makes no difference whether workmen's compensation or any other plans for compensation on a periodic basis for disability—if it is such a plan for periodic benefits, the Social Security disability offset should and does apply under the present law.

What the gentleman from Kentucky is trying to do is to get a special benefit for one particular class. Those who are getting pneumoconiosis compensation will be able to also get full social security disability payments, without offset, a dual benefit that is not available to anyone getting workmen's compensation or disability compensation under any other type of plan.

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

Mr. ERLENBORN. I will be happy to yield to the gentleman, if the gentleman from Kentucky can say that this is going to treat these men the same as all other workers who are getting disability compensation.

Mr. PERKINS. I will say to the gentleman, you should understand the statute as we wrote it 2 years ago, 1969.

Mr. ERLENBORN. Mr. Chairman, I will not yield to the gentleman unless he is going to address himself to that particular point.

Mr. PERKINS. I am going to address myself to your question—and this is, in general, we are saying that these benefits were not treated as workmen's compensation benefits legislatively in 1969 and the administration should not administer it so as to reduce Social Security benefits. That is what this argument is about—and everyone so understands it.

Mr. ERLENBORN. Mr. Chairman, I refuse to yield to the gentleman any further.

I have already pointed out that that is completely immaterial.

Any periodic benefits whether they are called workmen's compensation or not are subject to the disability offset. The gentleman continually drags a red herring in front of the House. I think the gentleman, and I do not think there is any question about it, is attempting to get a special benefit for a certain class of workers.

When we were considering this in committee 2 years ago, what the cost of this program would be, one of the things the people on the other side of the aisle pointed out was that the actual cost of black lung benefits should be reduced because there was going to be an offset of savings in the social security funds because of the disability offset provision.

Now they come here and say that this was unintended. How did this happen? They computed that when they were determining the cost on the original bill.

This is going to have the ridiculous effect of saying that a man who is injured and is drawing State workmen's compensation is subject to a disability offset and a man who is drawing pneumoconiosis compensation is not.

Think of two coal miners who are working together side by side. One man is injured by a roof fall and has both legs cut off—he gets State workmen's compensation. He gets disability compensation from social security and the offset applies to him.

But the other man working alongside of him who has pneumoconiosis—or maybe under this bill has emphysema from smoking too much, and because we cannot use the X-ray for diagnosis he gets pneumoconiosis benefits—he gets more than the worker alongside of him who had two legs cut off. How ridiculous can you get? I think that points out how foolish this provision is.

Mr. Chairman, this is a good amendment offered by the gentleman from Wisconsin. It treats everyone equally and fairly. I hope that it is adopted.

Mr. DENT. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. DENT. Mr. Chairman, I think it is a question that this House has to determine, and maybe at some future date it may have to go into the broader question of disability benefits under compensation laws and their relationship to social security. Social security in reality is an insurance plan. There is a specified amount of return for a specified amount of payment into the fund. Your benefits depend upon how much you have to your credit in social security. There is nothing anywhere in that fund that says because you happen to be injured somewhere along the line under another act, which is in essence a property right, because while an individual receives compensation payments under workmen's compensation, he has given away his rights in court by agreeing to come under the act, so therefore it develops into a property right. How can we in good conscience cut a man's insurance rights and benefits away, because he is receiving something that is a property right to him? This is a question of whether or not we understand what we are saying and doing here.

Besides, the gentleman talks about the individual who has workmen's compensation and gets periodic payments. Under this particular act every miner receives exactly the same amount for the same injury. There is no such thing as being paid like, in some States, a total of 8 years limitation for any crippling injury under the Compensation Act or payment for life on either partial or total disability, as it is in my State of Pennsylvania. There are differing laws in differing States.

A person under social security receives a certain amount according to what he has paid in. We have payments under social security, because an individual has paid in for a number of years. In higher salaried positions he may receive a considerable amount. But then we have others who have worked in low income brackets and who receive $70 a month. I checked recently and I found that in a year or so I shall be eligible for $70.40 a month, because I have not been under the coverage of social security for a great number of years, having served in legislative bodies most of my life. However, a miner receives a minimum of $306.10 if he has 3 children or 10 dependents. He receives the same amount, and that is the top limit under the law.

So then you say to this miner, "For your disability compensation you receive a certain amount, but it will be cut if you receive $306.10 a month, and you get so much off the top here." I applaud the action of the gentleman from Wisconsin in moving to the single-year base. I think it is a step in the right direction. I think the bill that passed the House deservedly should be credited with that reform. But I do not agree with it in this specific legislation dealing with a permanent total injury that has only one ending, and that ending is in death.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. BYRNES).

TELLER VOTE WITH CLERKS

Mr. ERLENBORN. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. ERLENBORN. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. BYRNES of Wisconsin, DENT, PERKINS, and ERLENBORN.

The Committee divided, and the tellers reported that there were—ayes 158, noes 225, not voting 48, as follows:

[Roll No. 375]

[Recorded Teller Vote]

AYES—158

Abbitt	Frey	Nelsen
Abernethy	Gettys	Nichols
Alexander	Gross	Pettis
Andrews, N. Dak.	Grover	Peyser
Archer	Haley	Pirnie
Arends	Hall	Poage
Ashbrook	Hamilton	Poff
Baker	Hammer-schmidt	Powell
Belcher	Hansen, Idaho	Preyer, N.C.
Bell	Harvey	Price, Tex.
Betts	Hastings	Purcell
Bow	Heckler, Mass.	Quie
Brinkley	Henderson	Railsback
Broomfield	Hillis	Rarick
Brotzman	Hogan	Reid, N.Y.
Brown, Mich.	Hosmer	Rhodes
Brown, Ohio	Hutchinson	Roberts
Broyhill, N.C.	Jarman	Robinson, Va.
Broyhill, Va.	Jonas	Robison, N.Y.
Burke, Fla.	Jones, N.C.	Rogers
Burleson, Tex.	Jones, Tenn.	Rousselot
Byrnes, Wis.	Keating	Runnels
Cabell	Keith	Ruppe
Caffery	Kemp	Ruth
Cederberg	King	Satterfield
Chamberlain	Kuykendall	Scherle
Chappell	Kyl	Schmitz
Clausen, Don H.	Latta	Scott
Cleveland	Lent	Sebelius
Collins, Tex.	Lujan	Shoup
Conable	McClory	Shriver
Conte	McClure	Smith, Calif.
Crane	McCollister	Smith, N.Y.
Daniel, Va.	McCulloch	Spence
Davis, Wis.	McDonald, Mich.	Springer
Dellenback	McEwen	Steiger, Wis.
Dennis	McKevitt	Stuckey
Devine	McKinney	Talcott
Dickinson	Mahon	Taylor
du Pont	Mailliard	Teague, Calif.
Edwards, Ala.	Mann	Terry
Erlenborn	Martin	Thompson, Ga.
Esch	Mathias, Calif.	Thomson, Wis.
Findley	Mathis, Ga.	Thone
Fish	Mayne	Vander Jagt
Fisher	Michel	Whitehurst
Flynt	Mills, Md.	Wiggins
Ford, Gerald R.	Minshall	Wilson, Bob
Forsythe	Mizell	Winn
Fountain	Montgomery	Wyatt
Frelinghuysen	Morse	Wylie
Frenzel	Mosher	Young, Fla.
		Zion
		Zwach

NOES—225

Abourezk	Bolling	Culver
Abzug	Brademas	Daniels, N.J.
Adams	Brasco	Danielson
Addabbo	Bray	Davis, Ga.
Albert	Brooks	Davis, S.C.
Anderson, Calif.	Buchanan	de la Garza
	Burke, Mass.	Delaney
Anderson, Ill.	Burlison, Mo.	Dellums
Andrews, Ala.	Burton	Denholm
Annunzio	Byrne, Pa.	Dent
Ashley	Byron	Dingell
Aspin	Carey, N.Y.	Donohue
Aspinall	Carney	Dorn
Badillo	Carter	Dow
Begich	Casey, Tex.	Downing
Bennett	Celler	Drinan
Bergland	Chisholm	Dulski
Bevill	Clark	Duncan
Biaggi	Clay	Dwyer
Biester	Collins, Ill.	Eckhardt
Bingham	Colmer	Edmondson
Blanton	Conyers	Edwards, Calif.
Blatnik	Corman	Eilberg
Boggs	Cotter	Esheman
Boland	Coughlin	Evans, Colo.
Evins, Tenn.	Kyros	Rosenthal
Fascell	Leggett	Rostenkowski
Flood	Long, Md.	Roush
Flowers	McCloskey	Roy
Foley	McCormack	Roybal
Ford, William D.	McDade	Ryan
	McFall	St Germain
Fraser	McKay	Sarbanes
Fulton, Tenn.	McMillan	Saylor
Fuqua	Matsunaga	Scheuer
Galifianakis	Mazzoli	Schneebeli
Gallagher	Meeds	Seiberling
Garmatz	Melcher	Sikes
Gaydos	Metcalfe	Sisk
Giaimo	Mikva	Skubitz
Gibbons	Miller, Calif.	Slack
Gonzalez	Miller, Ohio	Smith, Iowa
Grasso	Minish	Snyder
Gray	Mink	Staggers
Green, Oreg.	Mitchell	Stanton, James V.
Green, Pa.	Mollohan	
Griffin	Monagan	Steed
Griffiths	Moorhead	Steele
Gude	Morgan	Stokes
Hagan	Murphy, Ill.	Stratton
Hanley	Myers	Stubblefield
Hanna	Natcher	Sullivan
Hansen, Wash.	Nedzi	Symington
Harrington	Nix	Teague, Tex.
Harsha	Obey	Tiernan
Hathaway	O'Hara	Udall
Hays	O'Konski	Van Deerlin
Hechler, W. Va.	O'Neill	Vanik
Heinz	Passman	Waggonner
Helstoski	Patten	Waldie
Hicks, Mass.	Pepper	Wampler
Hicks, Wash.	Perkins	Ware
Holifield	Pickle	Whalen
Horton	Pike	Whalley
Howard	Podell	White
Hull	Price, Ill.	Widnall
Hungate	Pucinski	Williams
Hunt	Quillen	Wilson, Charles H.
Ichord	Randall	
Jacobs	Rees	Wolff
Johnson, Calif.	Reuss	Wright
Johnson, Pa.	Riegle	Yates
Karth	Rodino	Yatron
Kastenmeier	Roe	Young, Tex.
Kazen	Roncalio	Zablocki
Kluczynski	Rooney, N.Y.	
Koch	Rooney, Pa.	

NOT VOTING—48

Anderson, Tenn.	Hawkins	Pelly
	Hébert	Pryor, Ark.
Baring	Jones, Ala.	Rangel
Barrett	Kee	Sandman
Blackburn	Landgrebe	Schwengel
Camp	Landrum	Shipley
Clancy	Lennon	Stanton, J. William
Clawson, Del	Link	
Collier	Lloyd	Steiger, Ariz.
Derwinski	Long, La.	Stephens
Diggs	Macdonald, Mass.	Thompson, N.J.
Dowdy		Ullman
Edwards, La.	Madden	Veysey
Goldwater	Mills, Ark.	Vigorito
Goodling	Moss	Whitten
Gubser	Murphy, N.Y.	Wydler
Halpern	Patman	Wyman

So the amendment was rejected.

AMENDMENT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MICHEL: Page 10, after line 17, insert the following new section:

SEC. 3. (a) Sections 401, 411(c)(1), 411(c)(2), and 422(h) of the Federal Coal Mine Health and Safety Act of 1969 are each amended by striking out "underground".

(b) Sections 402(b), 402(d), 422(a), and 423(a) of such Act are each amended by striking out "an underground" and inserting "a" in lieu thereof.

(c) The amendments made by this section shall be effective as of December 30, 1969.

And renumber the succeeding sections accordingly.

Mr. MICHEL. Mr. Chairman, the provisions of the Federal Coal Mine Health and Safety Act relating to the black lung program currently limit the program to underground miners. This means that those who have worked exclusively in surface mines—the strip miners—are presently ineligible for program benefits.

Now, this would be fair if we knew that strip miners cannot be afflicted with pneumoconiosis—new-mo-cone-e-osis—but the fact of the matter is that we have no idea whether or not those who work only in surface mines can contract this disabling disease.

While the very limited prevalence studies conducted by the Public Health Service have shown little incidence of pneumoconiosis among surface miners generally, and no evidence of it among those miners who had worked exclusively above ground, no one has ventured to contend that strip miners are not subject to the disease.

On the contrary, it would seem reasonable to assume that those strip miners who have worked in extremely dusty situations—at the tipple, for example—for long periods of time, might be subjected to conditions similar to those which result in the development of black lung among underground miners.

In any case, where the possibility of the disease exists, a miner should not be denied the benefits of the black lung program because of circumstance—simply because he has always worked above the ground rather than below it. The amendment I am offering would correct this inequity by striking the word "underground" from the present law, so that the program would apply to all coal miners, regardless of the physical characteristics of the mine.

This does not mean, of course, that all strip miners would automatically become eligible for black lung benefits. Like all other coal miners, they would have to undergo the same tests, the same examinations, and would be diagnosed on the same criteria applicable to other coal miners.

The Public Health Service prevalence studies I mentioned indicate that we could expect few, if any, strip miners to qualify for benefits under the program. But, if even one coal miner has been excluded from the program because he worked only above the ground, then I believe equity demands that we change the law to include him. Following, Mr. Chairman, are excerpts from the memo I referred to:

MEMO IN RE PREVALENCE OF COAL WORKERS' PNEUMOCONIOSIS AMONG U.S. STRIP MINERS

Data were obtained from the Public Health Service and from *Pulmonary Reactions to Coal Dust* (Academic Press, 1971), edited by Dr. Marcus M. Key, Director, Bureau of Occupational Safety and Health, U.S. Department of Health, Education, and Welfare, and Lorin E. Kerr, United Mine Workers of America, and Merle Bundy, U.S. Steel Corp.

In the above publication, the editors cited prevalence studies conducted between 1963 and 1965 on 3,602 coal miners in the U.S. Of these, some 617 were surface miners, including 67 strip miners. Radiological findings indicated definite pneumoconiosis in 11 of the 617 surface miners—1.8%—compared with positive findings in 287 or almost 10% of the 2,978 underground miners tested (see attached tables).

Prevalence studies conducted this year by the Public Health Service found no evidence of pneumoconiosis among exclusively surface

miners. Miners were ranked on a scale of 0 to 4, with category 3 indicating simple pneumoconiosis.

A. Of 523 Pennsylvania anthracite miners, 53, or 10.1% had worked only above ground. None of these were included in categories 3 or 4.

B. Of 1,461 Pennsylvania bituminous miners, 94, or 6.4% had worked only on the surface. None were included in categories 3 or 4.

C. Of 2,216 West Virginia bituminous miners, 211 had worked only on the surface. None were included in categories 3 or 4.

The data indicates, therefore, that the incidence of pneumoconiosis among surface miners could range up to 1.8%. Using the rough estimate of 25,000 surface miners in the U.S., the number affected could range as high as 450 individuals. Since only a portion of surface miners are strip miners, the number of strip miners affected would probably be considerably less.

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

Mr. MICHEL. I yield to the gentleman from Pennsylvania.

Mr. DENT. I will say to the gentleman that we do not intend in any manner to change the criteria for payments.

Mr. MICHEL. Excuse me?

Mr. DENT. We do not intend to in any way change the criteria for payments. In other words, a man must have pneumoconiosis in order to qualify under the act.

Mr. MICHEL. I have no intention to change the criteria for eligibility in any way whatsoever.

Mr. DENT. Mr. Chairman, the gentleman's amendment is satisfactory to me and I am sure the committee on our side will accept it.

Mr. MICHEL. I thank the gentleman from Pennsylvania.

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

Mr. MICHEL. I shall be happy to yield to my colleague from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. I thank the gentleman for yielding.

Mr. Chairman, I simply wish to commend my colleague for his amendment. There are many people who would not otherwise be covered by legislation were it not for this amendment. I know that the gentleman has many strip miners in the district which he represents. There are also many in the 19th Congressional District, which I represent and which happens to be contiguous to that of the gentleman from Illinois (Mr. MICHEL). Such strip miners deserve to be protected. I want to congratulate the gentleman from Illinois for his much-needed amendment.

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

Mr. MICHEL. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for yielding.

I believe the amendment offered by the gentleman from Illinois (Mr. MICHEL) is good. I would point out that in England, for instance, they refer to the disease not as coal miners' pneumoconiosis, but coal workers' pneumoconiosis, because they work with coal whether underground, or in a ship being loaded with coal, or at the tipple, as the gentleman referred to, and are subject to the same disease, pneumoconiosis.

I commend the gentleman for this amendment.

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

Mr. MICHEL. I yield to the gentleman from Iowa.

Mr. SCHERLE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this amendment.

We all support safety legislation; however, to inject Federal workmen's compensation would be wrong.

This section of the bill would establish a special system of Federal workmen's compensation payments for a small group of employees in one industry who are affected by one specific disease. For humanitarian reasons alone we are all sympathetic with any employee who is afflicted with an occupational disease—or, for that matter, with any disease, whatever its origin. Everyone is in agreement that the victims of occupational diseases should be adequately compensated; however, this historic, far-reaching proposal for disabled miners is the wrong way to solve this problem.

The great dangers with this bill are twofold. First, it would undermine our State workmen's compensation system. Second, it would begin a new special social security disability program on top of our existing Federal system.

The State workmen's compensation system was our first form of social insurance. Every State has its own system of providing benefits for work-connected injuries and diseases. Such systems have been functioning successfully for over 50 years. They are still being refined and perfected. This is a continuing process.

There is universal agreement that our State workmen's compensation laws should provide adequate compensation for on-the-job diseases as well as on-the-job injuries. Thirty-eight of our States have broad occupational disease coverage for disabled employees. The remaining States list a schedule of compensable diseases. Improvements are being made in these laws by the State legislatures whenever necessary.

Section 112(b) of this bill would start a new system of Federal workmen's compensation payments for retired or active coal miners with pneumoconiosis. If this section is not struck, it will be the first step toward the ultimate federalization of all workmen's compensation.

This bill offers no incentive or encouragement to the States to further improve their occupational disease laws for coal miners. In fact, if the Federal Government is going to foot the bill, the States will be encouraged to do nothing.

The payments made would be discriminatory. They would apply only to workers suffering one specific disease in one specific industry. This is a step backward. For 50 years we have been working in this country for broad occupational disease or disability benefits. It would be a mistake to begin legislating special payments for this or that group of employees, in this or that industry, for this or that particular disease.

The other great problem to consider is whether this type of legislation would not start a second fragmentary Federal social security disability program. We already have a broad disability program under our social security system. Our citizens are entitled to payments when they are totally disabled without regard to whether the disability arose on or off the job. Section 112(b) of this bill takes no recognition of the fact that coal miners who are totally disabled from black lung disease can apply for disability under the Social Security Act. In fact, a number of the disabled coal miners who appeared at the hearings stated they were receiving monthly social security disability payments.

The great danger here is that we would be starting a third system of governmental disability insurance on top of the already existing State workmen's compensation system and Federal social security disability system. We begin with coal miners with black lung, but where do you stop? The list of industries and occupational diseases is endless. If this legislation is adopted each Congress from now on will be faced with special pleas for special workmen's compensation payments to special categories of employees in various industries for specific diseases. Without question, workmen's compensation should remain the responsibility of the States.

This section of the bill would set an unwise precedent. For the reasons cited, I strongly urge that we not start down this dangerous road.

Mr. MICHEL. Mr. Chairman, I ask for a favorable vote on my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MICHEL).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. Title IV of the Federal Coal Mine Health and Safety Act of 1969 is amended—

(1) by striking out "1971" where it appears in section 414(b), and inserting in lieu thereof "1973",

(2) by striking out "1972" each place it appears and inserting in lieu thereof "1974",

(3) by striking out "1973" each time it appears and inserting in lieu thereof "1975", and

(4) by striking out "seven" where it appears in section 422(e) and inserting in lieu thereof "nine".

Mr. ERLENBORN (during the reading). Mr. Chairman, I ask unanimous consent that section 3 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN: Beginning at page 10, line 18, strike the language through page 11, line 2, and renumber the subsequent sections accordingly.

Mr. ERLENBORN. Mr. Chairman, I rise in opposition to section 3, and in support of my amendment to delete this

section from the so-called double-orphans bill. My reasons are three-fold, but before enumerating them let us carefully examine what section 3 would do.

It would extend Federal participation in the black lung program an additional 2 years. Under present law the program will be shifted from the Social Security Administration and Federal responsibility to the States and to the mine operators for claims that are filed after January 1 of 1973.

This extension called for in section 3 should be rejected because there is no evidence in the RECORD or the hearings, or elsewhere, that such an extension is needed.

This extension represented in section 3 of the bill represents a backward step, since the program was inaugurated with the view that the States would take it over. In my view an extension of Federal participation of this program is the first step in federalizing the entire program. It is an indication that we never intend to turn it over to the States, even though it has cost so far some $500 million, and will be extended at a much greater expense, an annual expense to the general funds of the U.S. Treasury.

There is no separate fund involved here. There are no payments by the States, no payments by the coal mine operators.

On January 22 of this year the chairman of the full committee, the gentleman from Kentucky (Mr. PERKINS) introduced H.R. 18 to extend for an additional year the existing program for black lung benefits. This has already been supplanted by requests for this 2-year extension.

You do not need a crystal ball to predict 2 years from now the gentleman will be back asking for still another extension. It is about time that Congress got out of the workmen's compensation program.

No one disputes that both the proponents and opponents of the original program understood that Federal participation was to be an interim measure, and the payments for work-related injuries fall properly within the realm of State workmen's compensation laws.

Finally, it should be noted that the failure to grant this extension does not mean that payments to black lung sufferers will cease.

They will continue. If the State does not have a comparable workmen's compensation benefit for black lung, the victims will then still be entitled to have Federal participation to the extent of having their claims adjudicated and payments made on their behalf if the States do not have a program and the cost then would be borne by assessments by the Federal Government against the coal mine operators.

With the Federal Government's deficit running as large as it is, I see absolutely no reason why we should extend payments from our general revenue funds. These benefits are occupationally related and ought to be treated the same as all other workmen's compensation benefits.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield for a question?

Mr. ERLENBORN. I yield to the gentleman.

Mr. ANDERSON of Illinois. Does the gentleman have a breakdown as to what this would mean for the States financially? We are experiencing, as the gentleman well knows, in our own State of Illinois at the present time something of a financial crisis. Welfare cuts have had to be made and other cuts have had to be made.

What would this add to the State's financial burden if we were to turn it back to the States?

Mr. ERLENBORN. My understanding, I would say in response to the gentleman, is that workmen's compensation is not paid for out of the State's general fund but is paid for through premiums paid for by the employer.

So, in my opinion, this would not be an expense to the State.

Mr. ANDERSON of Illinois. It would not exacerbate the financial crisis that is faced by many States?

Mr. ERLENBORN. That is exactly right. What this provision really does is grant relief for the coal mine operators who would otherwise be paying the cost of the workmen's compensation program, at a time when the coal mines are operating at maximum capacity. The cost of coal has been increased and there has been an ever-increasing demand for coal and I see no reason to bail out the coal mine operators in this fashion by the utilization of the taxpayers' funds from the general treasury.

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

Mr. ERLENBORN. I yield to the gentleman.

Mr. ASHBROOK. I am particularly glad that the gentleman from Illinois made this point because in the previous colloquy, I should say, the rebuttal that the gentleman from Pennsylvania made to my remarks, he talked in terms of savings of money. I never at any time mentioned savings. I talked in terms of where the burden should properly be. If the gentleman recalls correctly, I stated that this approach would remove the burden from the coal mine operators.

Mr. ERLENBORN. Mr. Chairman, I am glad the gentleman from Ohio has set the record straight in that regard.

An awful lot of debate here today has entailed answering comments that were never made or questions that were never asked. I would not accuse the gentleman from Pennsylvania of purposefully twisting the remarks of the gentleman from Ohio or deliberately in any fashion doing that, but I am afraid that he has not been listening as carefully as he might and he is only too ready to assign motives to other people.

Mr. DENT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would say to the gentleman from Illinois that if what you accuse me of are faults—I deny them. If they are credits—I accept them.

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

Mr. DENT. I do not yield at this time.

Mr. Chairman and members of the committee, apparently the amendments that have been defeated in committee time and again are to be repeated here so we can look forward to at least 2 or 3 or more amendments on this subject.

I only intend to say to the House that the committee has reviewed this amendment. We know that not one single State in the Union has been able to swing their legislative operation into gear since March when the record contained the criteria set up for compliance by the States.

We are meeting here today—right on Capitol Hill—with a committee of Pennsylvania legislators and those who are involved in this particular division of the Pennsylvania State government, for the 4th time, trying to work out some kind of plan so that Pennsylvania, which is the most advanced State in the Union in the matter of payments for black lung, can work its laws and change its legislative enactments in order to comply with and come under the Federal act

No matter when the responsibility is turned over to the States, all of those who are included in the Federal list will continue to be paid out of the Federal Treasury. The only new payments that will be made by the States will be those that come after the Federal obligation expires.

The House in its wisdom accepted the responsibility for that great population of miners who drifted from State to State but were eligible for payments, and we are paying it out of the Federal Treasury. The payments, when the program reverts to the States, will come, yes, in some instances, from a payment of employer to employee, but in our own State, when we started the act in Pennsylvania, we paid it out of the public treasury of Pennsylvania until we were able to ascertain the responsibility per miner, per operator, per employer. We could not do it in any other way. That is the only manner in which you can do it. In 2 years we fully expect that every State in the Union will be able to implement their laws in complying with the mandate that the States takes over all new claims.

There is a bright side of this thing. This is a disease that will die out with the present victims of pneumoconiosis. We have reached the 3 milligrams of dust level in most of the mines of the United States. We have reached 2 milligrams, which the English said could never be reached. We have reached a virtual zero point in dust in some of the mines in this great country of ours.

There is only one way a person can get black lung and that is from dust, and we are eliminating the dust. There will not be any big load on the States when eventually the States comply with the law. Right now it is impossible. They do not have the law or the machinery to do so. They need time. I beg of you to defeat the amendment.

Mr. GREEN of Pennsylvania. Will the gentleman yield?

Mr. DENT. I yield to the gentleman from Pennsylvania.

Mr. GREEN of Pennsylvania. Will the Federal Government continue to pay the claims filed in 1972, and through what department, since the responsibility of the Department of HEW ends on December 31, 1972?

Mr. DENT. Yes. The Department of HEW, under current law, is responsible for those claims filed only during 1972, and the Labor Department is ultimately responsible for all those filed after 1972.

Mr. GREEN of Pennsylvania. Will the U.S. Department of Labor accept claims filed after January 1, 1973, from claimants who are disabled but were employed years ago and have no current employer to hold responsible?

Mr. DENT. Yes.

Mr. GREEN of Pennsylvania. Will the U.S. Secretary of Labor, in approving a State plan, require total funding by employers or can funding be shared by the employer and the State?

Mr. DENT. The Secretary will require total funding. If a State makes payments as well as an employer, the State share can reduce the operator's obligation that amounts to joint funding.

Mr. GREEN of Pennsylvania. Will the Federal Government continue payments after 7 years if, first, a State has an approved plan, and, second, if a State does not have an improved plan?

Mr. DENT. Yes, in either situation, provided the claim was filed during the eligible period.

Mr. GREEN of Pennsylvania. On and after January 1, 1973, must a State that has a statutory black lung program provide benefits equal to Federal payments for claimants rejected or terminated under the Federal program but eligible under a State program?

Mr. DENT. No. If a State wants to provide benefits for claimants other than those in the Federal law, the State is not obligated to provide equal benefits for those other claimants as well.

Mr. GREEN of Pennsylvania. I thank the gentleman.

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

Mr. DENT. I yield to the gentleman from California, if I have any time remaining.

Mr. BURTON. Is it not a fact that if this provision as reported out by the committee is not sustained, that starting January 1 the Secretary of Labor will have to directly go to every coal operator individually in the country to enforce the provision which will require those coal operators to comply with the terms of the bill and work out payment arrangements for direct workmen's compensation premiums through the Secretary of Labor? Those who operate the coal mines state there has not been a single large coal mining State legislature that has been able to comply with the terms of the bill, and they are asking for only enough time for the State legislatures to enact wise legislation.

Mr. DENT. The gentleman is correct.

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

Mr. FLOOD. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. FLOOD. Now, I did not intend to do this, but I would like to talk to my friends on the other side of the aisle. I have a right to. I have both nominations. Everybody in a sense is really trying to draw blood here, and so will I. I have a very long fuse, after nearly 30 years here. I do not get mad much about anything any more, except when Mrs. Flood says, when she gets mad at me, she is going to cut off half of my mustache. That would be a dirty trick—cut off half. But let me show how far some of these people have gone in their deadpan, sanctimonious, glib presentation. Hold your watch, boys, and if you have gold in your teeth, keep your mouth shut.

The gentleman from Illinois (Mr. MICHEL)—and it is "Mishel" and not "Mikel"—is the ranking Republican on the Appropriations Subcommittee that handles this bill, and I am the chairman. If the gentleman from Kentucky (Mr. PERKINS) and the gentleman from Pennsylvania (Mr. DENT)—and the Members are going to defeat this amendment and pass their bill—come back to MICHEL and FLOOD and we are here, with the help of God, 2 years from now, and they think they are going to get any more extension of time to file under the Federal funds section at the end of that period, they are out of their individual and collective heads, I am telling the Members that now. So scratch that. This will not be extended. It was never intended to be, and it is not going to be.

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

Mr. FLOOD. Mr. Chairman, I have something more to say, and then, of course, I will yield. I will get the time to do it. The gentleman is all right. He is now the new conscience of the House, and I understand my friend, the gentleman from Michigan (Mr. FORD) approves it. The gentleman is all right. He is getting in on the gentleman from Missouri (Mr. HALL) and the gentleman from Iowa (Mr. GROSS) here, but that is all right.

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

Mr. FLOOD. Just a minute.

Now there is a second point, and the gentleman from Pennsylvania (Mr. DENT) did not mention this. Now hear this.

My friend, the gentleman from Illinois, is a conservative Republican at heart, and he is bleeding now for the taxpayer, but the coal companies—ai, yi, yi. The Republican coal companies are going to benefit, and he is going to break down and cry when they do? He is going to have to see the priest if he says that out loud.

The coal companies. Can the Members imagine JOHN FRANCIS ALOYSIUS FLOOD in the well of this House defending the coal companies and in favor of the coal companies? Do not be ridiculous. And go back to my district and say that. Why, the coal companies have held meetings since 1924, when I had 66,000 men—of course, I have no great interest in this fight. In 1924 I had 66,400 men in the hard coal working underground in my county. Today I have got 1,200. And yet I vote for the gas people and I vote for the oil people for 25 years. I have no great ax to grind here, as the soft coal people do. But the coal companies held meetings every morning before elections for 25 years and called in their fine boys and their mine boys to beat FLOOD in a Republican district, and they could not do it. And I am for the coal companies? No. That is the second "truism" that the Members have heard today. We cannot say "lie," because somebody will take down my words.

No, there are other things, my friend says.

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

Mr. FLOOD. I yield to the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman for yielding.

Mr. FLOOD. I was sure the gentleman would.

Mr. ERLENBORN. The gentleman has said after next year he would not appropriate funds.

Mr. FLOOD. After this bill is passed there are 2 years more.

Mr. ERLENBORN. If the gentleman will yield, I wonder if the gentleman will tell this House about it.

Mr. FLOOD. I am telling the gentleman, and next year he can back me up on it.

Mr. Chairman, I am doing a monolog here.

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

Mr. FLOOD. Oh, yes, all right, I yield to the gentleman from California (Mr. BURTON).

Mr. BURTON. As I understood the gentleman, he was not saying he was going to cut off those claimants whose claims were filed or approved under the law.

Mr. FLOOD. Of course, the gentleman knows that.

As a matter of fact my friend from Illinois came down here when we were on suspension and had me in tears. His heart was bleeding for the double orphans. Sacre bleu, mon Dieu. He is going to hell for it. Well, imagine.

Mr. QUIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for yielding.

Let me say I enjoyed the performance of the gentleman who preceded me in the well, a minute ago. I believe the Shakespearean stage has been the loser and the House the gainer by having his presence here.

Let me make clear to the Members of the House what this provision will do. In the law today those who qualify for Federal benefits continue to be the responsibility of the Federal Government. For a period of 2 years we were to pick up the backlog of all those who contacted this disease over the past 40 or 50 years. Then, having taken care of the great bulk of those who suffer from the disease, the

law was designed to say that in the future those who contact this disease should be compensated under State workmen's compensation law; if the State has no appropriate compensation law, however, the Federal Government will continue to adjudicate and pay legitimate claims.

What the existing law does is create a cause of action by the Federal Government against the coal mine operator.

There can be only one result of the extension of Federal responsibility; that is, to wipe out for that 2-year period the cause of action against the coal mine operator.

If the States adopt the program the coal mine operators will pay for it through workmen's compensation insurance premiums.

If we do not extend this and there is no State workmen's compensation law governing it, the Federal Government will sue the coal mine operator to cover.

In no event does it cost the miner The State does not bear a share of the cost as the bill is. So extending the Federal responsibility saves nothing for the States and simply imposes the costs on the Federal Government. It spares the coal mine operators and puts the burden on the taxpayers out of the Federal general funds.

Members should understand that when they vote on this. If they believe we need a greater drain on our Federal general funds so that we can save the coal mine operators this cost, they should vote against the amendment. If they believe it is fair for the coal mine operators to pay for this type of workmen's compensation, as other employers do pay for it, they should vote for my amendment.

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first let me state that I will take only 1 minute.

We are talking about legislating for the welfare of human beings here, not for cold and impersonal statistics. It is a matter of justice to extend this act from January 1, 1973, to January 1, 1975; to strengthen the legislative mandate to the administration to assure benefits to thousands of people who have been denied them; to let the State legislatures have time to enact appropriate statutes providing pneumoconiosis benefits.

The 2-year extension is the minimum time that should be provided.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ERLENBORN).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. ERLENBORN. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. ERLENBORN. Mr. Chairman, I demand tellers with Clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. ERLENBORN, DENT, QUIE, and PERKINS.

The Committee divided, and the tellers reported that there were—ayes 133, noes 246, not voting 52, as follows:

[Roll No. 376]

[Recorded Teller Vote]

AYES—133

Abbitt	Gross	Pirnie
Abernethy	Grover	Poage
Anderson, Ill.	Haley	Powell
Andrews, N. Dak.	Hall	Price, Tex.
Archer	Hammer-schmidt	Purcell
Arends	Hansen, Idaho	Quie
Ashbrook	Harvey	Railsback
Belcher	Hastings	Rarick
Bell	Henderson	Rhodes
Betts	Hosmer	Roberts
Bow	Hunt	Robinson, Va.
Brinkley	Hutchinson	Robison, N.Y.
Broomfield	Jarman	Rousselot
Brown, Ohio	Jonas	Runnels
Broyhill, N.C.	Jones, N.C.	Ruth
Burke, Fla.	Jones, Tenn.	Sandman
Burleson, Tex.	Keith	Satterfield
Byrnes, Wis.	Kemp	Scherle
Cabell	King	Schmitz
Cederberg	Kuykendall	Scott
Chamberlain	Kyl	Sebelius
Cleveland	Latta	Shoup
Collins, Tex.	Lennon	Shriver
Colmer	Lent	Sikes
Conable	McClory	Smith, Calif.
Conte	McCollister	Smith, N.Y.
Crane	McCulloch	Spence
Davis, Wis.	McDonald, Mich.	Springer
Dellenback	McEwen	Steiger, Wis.
Dennis	McKevitt	Talcott
Devine	Mahon	Taylor
Dickinson	Mailliard	Teague, Calif.
du Pont	Mann	Terry
Dwyer	Martin	Thompson, Ga.
Edwards, Ala.	Mathias, Calif.	Thomson, Wis.
Erlenborn	Mathis, Ga.	Thone
Esch	Mayne	Vander Jagt
Fish	Michel	Widnall
Flynt	Mills, Md.	Wiggins
Ford, Gerald R.	Minshall	Wilson, Bob
Forsythe	Mizell	Winn
Fountain	Montgomery	Wyatt
Frelinghuysen	Morse	Wylie
Frenzel	Nelsen	Young, Fla.
Frey		

NOES—246

Abourezk	Clay	Giaimo
Abzug	Collins, Ill.	Gibbons
Adams	Conyers	Gonzalez
Addabbo	Cotter	Grasso
Albert	Coughlin	Gray
Alexander	Culver	Green, Oreg.
Anderson, Calif.	Daniel, Va.	Green, Pa.
Andrews, Ala.	Daniels, N.J.	Griffin
Annunzio	Danielson	Griffiths
Ashley	Davis, Ga.	Gude
Aspin	Davis, S.C.	Hagan
Aspinall	de la Garza	Hamilton
Badillo	Delaney	Hanley
Baker	Dellums	Hansen, Wash.
Begich	Denholm	Harrington
Bennett	Dent	Harsha
Bergland	Dingell	Hathaway
Bevill	Donohue	Hawkins
Biaggi	Dorn	Hays
Biester	Dow	Hechler, W. Va.
Bingham	Downing	Heckler, Mass.
Blanton	Drinan	Heinz
Blatnik	Dulski	Helstoski
Boland	Duncan	Hicks, Mass.
Bolling	Eckhardt	Hicks, Wash.
Brademas	Edmondson	Hillis
Brasco	Edwards, Calif.	Hogan
Bray	Eilberg	Holifield
Brooks	Eshleman	Horton
Brotzman	Evans, Colo.	Howard
Brown, Mich.	Evins, Tenn.	Hull
Broyhill, Va.	Fascell	Hungate
Buchanan	Findley	Jacobs
Burke, Mass.	Fisher	Johnson, Calif.
Burlison, Mo.	Flood	Johnson, Pa.
Burton	Flowers	Karth
Byrne, Pa.	Foley	Kastenmeier
Byron	Ford, William D.	Kazen
Caffery	Fraser	Kluczynski
Carey, N.Y.	Fulton, Tenn.	Koch
Carney	Fuqua	Kyros
Carter	Galifianakis	Leggett
Casey, Tex.	Gallagher	Long, Md.
Celler	Garmatz	Lujan
Chisholm	Gaydos	McCloskey
Clark	Gettys	McCormack
McFall	Podell	McDade
McKay	Poff	James V.
McKinney	Preyer, N.C.	Steed
McMillan	Price, Ill.	Steele
Matsunaga	Pucinski	Steiger, Ariz.
Mazzoli	Quillen	Stephens
Meeds	Randall	Stokes
Melcher	Rees	Stratton
Metcalfe	Reid, N.Y.	Stubblefield
Mikva	Reuss	Stuckey
Miller, Calif.	Riegle	Sullivan
Miller, Ohio	Rodino	Symington
Minish	Roe	Teague, Tex.
Mink	Rogers	Tiernan
Mitchell	Roncalio	Udall
Mollohan	Rooney, N.Y.	Ullman
Monagan	Rooney, Pa.	Van Deerlin
Moorhead	Rosenthal	Vanik
Morgan	Rostenkowski	Waggonner
Moss	Roush	Waldie
Murphy, Ill.	Roy	Wampler
Myers	Roybal	Ware
Natcher	Ruppe	Whalen
Nedzi	Ryan	Whalley
Nichols	St Germain	White
Nix	Sarbanes	Whitehurst
Obey	Saylor	Williams
O'Hara	Scheuer	Wilson, Charles H.
O'Konski	Schneebeli	Wolff
O'Neill	Seiberling	Wright
Passman	Sisk	Yates
Patten	Skubitz	Yatron
Pepper	Slack	Young, Tex.
Perkins	Smith, Iowa	Zablocki
Peyser	Snyder	Zion
Pickle	Staggers	
Pike	Stanton,	

NOT VOTING—52

Anderson, Tenn.	Goodling	Mosher
Baring	Gubser	Murphy, N.Y.
Barrett	Halpern	Patman
Blackburn	Hanna	Pelly
Boggs	Hébert	Pettis
Camp	Ichord	Pryor, Ark.
Chappell	Jones, Ala.	Rangel
Clancy	Keating	Schwengel
Clausen, Don H.	Kee	Shipley
Clawson, Del	Landgrebe	Stanton, J. William
Collier	Landrum	Thompson, N.J.
Corman	Link	Veysey
Derwinski	Lloyd	Vigorito
Diggs	Long, La.	Whitten
Dowdy	McClure	Wydler
Edwards, La.	Macdonald, Mass.	Wyman
Goldwater	Madden	Zwach
	Mills, Ark.	

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. The first sentence of section 413(b) of such Act is amended by inserting before the period at the end thereof the following: ", but no claim for benefits under this part shall be denied solely on the basis of the results of a chest roentgenogram".

AMENDMENT OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN: Beginning at page 11, line 3, strike the language through line 7.

Mr. ERLENBORN. Mr. Chairman, let me first of all announce, because I know it will please the membership, that this is the last amendment I have to offer today. As far as I know it may be the last one that is offered on the bill.

This would strike the last section of the bill, section 4 relative to the prohibition of the use of the X-ray.

On initial examination the insertion of this language that "no claim for benefits under this part shall be denied solely on the basis of the results of a chest roentgenogram," seems innocuous and an attempt to give fair and just evaluation of a claim for black lung benefits. But a more thorough analysis of the ef-

fect of such language discloses a far different result. It is important to keep in proper prospective the original purpose of the benefit program. It was to provide benefits for miners who were totally disabled due to black lung as a result of many years of exposure in the coal mines. The program was not designed or intended to give benefits to miners who become totally disabled from other causes. Thus, a miner who develops emphysema, a lung disease that is contracted by people irrespective of their particular occupation, or bronchitis or pneumonia or any of an innumerable list of other ailments would not be eligible for benefits under this program even if they became totally disabled as the result of such a disease, and even though he may have worked in the coal mines for 20 years. In effect, just being a coal miner for a long period of time does not qualify an individual for benefits under this program.

If a chest X-ray discloses black lungs, benefits can be paid solely on the basis of such an X-ray. If the X-ray discloses some evidence of black lung, additional tests are made to determine its severity and its degree of disability. If an X-ray discloses no evidence of black lung, claims have been denied.

The Social Security Administration report explains the use of the X-ray in this way—this establishment of claims by X-ray is based on the prevailing medical judgment that in the absence of positive X-ray evidence, the disease does or does not exist to a degree that would have a significant effect on the claimant's functional capacity.

Moreover, where other diseases exist like emphysema or chronic bronchitis which have some similarity to black lung, a consensus of medical expert judgment is that there is no other means than the X-ray presently available to diagnose and distinguish black lung from other respiratory diseases in a living person with the exception of a biopsy.

Now there is a great misunderstanding due to a great deal of publicity that has been given on this subject, that some people who have lung troubles have been denied pneumoconiosis compensation, and where such claimant later died and an autopsy shows that there was evidence of pneumoconiosis. However, none of this evidence shows there these cases involved pneumoconiosis that was totally disabling—and that is the basis that is established in the legislation for compensation. Eliminating the X-ray will extend benefits to those who were never meant to be covered. Again that will put a greater burden on those who are supposed to take over this program if it ever becomes anything other than a Federal program.

Contrary to what some would have you believe, social security has been administering this program in a very fair and liberal way. Many claims have been denied. All this means is not everyone who has filed a claim is totally disabled due to pneumoconiosis. Approximately half of the claims have been allowed. A greater number of them have been allowed in Pennsylvania where a great number of coal miners have retired who have worked many years in the anthracite fields. The elimination of the X-ray as a means for diagnosis and a reason for denial of the claim will do nothing to improve this program. It will only extend benefits to those who are suffering from diseases that are not and should not be compensable.

Mr. DENT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and Members, I will not read the entire correspondence from the American College of Radiology, but I will read what they recommended to the committee—and the committee followed their recommendations. I believe it is important to know that these are the top experts in the entire United States on the diagnosis of the disease through the use of X-rays, radiology. They recommended to this committee—and I quote from their correspondence—

Rather, we would suggest language which would direct the Secretary to take into consideration any and all clinical findings which would be provided by the miner or his physicians—including the X-ray findings.

I include the entire letter in the RECORD.

The letter is as follows:

AMERICAN COLLEGE OF RADIOLOGY,
Chicago, Ill., June 30, 1971.

Hon. JOHN H. DENT,
Chairman, General Subcommittee on Labor, House Committee on Education and Labor, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for the opportunity to comment upon the language in H.R. 9212 which is now pending before your committee. As the representative body of the nation's medical specialists in the uses of x-rays for diagnosis of diseases, we are most concerned with the implications in Section 4. This current language would have the effect of disqualifying the one objective medical examination now available to physicians and government officials in determining the condition of a miner or former miner with regard to his status under the law.

It is axiomatic in good medical practice that x-ray examinations are requested and performed as part of a clinical process which leads to a diagnosis and possible treatment of a patient's health problem. For some conditions, the x-ray finding is the definitive evidence for the physician managing the case. In others it is contributory to his conclusion and in still others it provides little or no helpful information. In perhaps a majority of all x-ray examinations, a negative finding (i.e., the part examined appears to be normal) can be vital in ruling out a myriad of possible causes of a patient's complaint.

In the instance of coal workers' pneumoconiosis, the patterns of dust retention in the lung make extremely difficult a positive diagnosis of the disease in its early stages. In the later stages, the accumulation of foreign matter usually becomes more evident on well executed x-ray examinations. However, not all persons exposed to concentrations of coal dust respond in the same way. It has been demonstrated that miners with x-ray evidence of advanced pneumoconiosis are still functional and seemingly have unimpaired lung function. Conversely, other miners with no x-ray evidence of pneumoconiosis are by any clinical standards disabled. There is a further problem in that miners with emphysema, bronchitis, lung tumors and other respiratory ailments will suffer more from an accumulation of coal dust in their lungs than will their colleagues who do not have these basic problems.

In addition to x-ray examinations, physicians attempting a medical diagnosis of pneumoconiosis would ordinarily rely upon a patient history, a physical examination and, where available, a pulmonary function study. Unfortunately, facilities for pulmonary function studies and physicians skilled in making them are not available to the extent that these can be utilized as a routine procedure in most mining communities. In most cases, reliable efforts to determine the cause of the respiratory disability demonstrated by the minor is still dependent upon the findings of the chest x-ray examination.

There is a further problem in that the production of a roentgenogram which can demonstrate pneumoconiotic lesions requires a level of skill which was not always found in the persons performing such duties in mining communities. Likewise, physicians not specially trained in radiology or chest disease may fail to appreciate the subtle markings which distinguish pneumoconiosis from other lung conditions. Thus, while the x-ray examination is an essential part of the diagnosis of pneumoconiosis, its contribution and reliability could be enhanced by greater attention to the inherent problems in the procedure.

During the months since the passage of PL 91–173, this organization has been working with the National Institute of Occupational Safety and Health of the Public Health Service and the Bureau of Disability Insurance and the Bureau of Hearings and Appeals of the Social Security Administration on an intensive program to acquaint physicians in the mining areas with the special responsibilities under the act. Through this program, more than 850 physicians in the mining areas have become qualified by the PHS for participation in its program and most of these doctors have participated in SSA efforts as well. The training, in seminars and home study materials, has stressed the need for good films and for an apprecation of the type of pathology seen in black lung problems plus the use of the standardized system of reporting findings. In addition, special efforts have been made to improve film quality by instructing the x-ray technologists and other physician's assistants who make the exposures. These efforts not only contribute to the effectiveness of the act but also provide a solid base for better x-ray examinations in the communities served by these physicians.

Thus, we would argue that the language of Section 4 would be detrimental to the purpose of the amendment and of the basic act. Rather, we would suggest language which would direct the Secretary to take into consideration any and all clinical findings which would be provided by the miner or his physicians—including the x-ray findings. Where a miner is deceased, the existing x-ray examination may be the only objective evidence subject to review by the Secretary. The language might more appropriately read, "but a claim for benefits under this part shall be denied solely on the basis of a chest roentgenogram only when no other clinical findings are available or can be provided to the Secretary."

You can appreciate that this brief discussion is necessarily general. It cannot reflect the total subject or the differences of interpretation and opinion held by physicians and others concerned with the black lung problem. We do hope that it has been responsive to your request and that you will feel free to use this material in any way or to call upon us for additional assistance.

Sincerely,
SEYMOUR F. OCHSNER, M.D.,
Chairman, Board of Chancellors.

Mr. Chairman, that is exactly what the legislation before you does. We do not in any way prohibit the use of X-ray, nor do we curtail the use of it. We merely say that there are other examinations that can be conducted to make a complete and honest diagnosis of the case and they can be used. We simply do not want a claim denied solely on the basis of an X-ray.

This is a peculiar thing. Here we are in the United States arguing about a condition that has been known to us for years and which we have done little about. But in Germany, in 1929, they passed the first law on black lung as an occupational disease, and they have been operating under it ever since. It is probably the most advanced legislation in the field of occupational disease in the entire world.

Hopefully, this bill will enable us to have the best piece of legislation in the entire world for the unfortunate victims of black lung.

Let me read what the Germans have said.

The Germans say that X-rays often fail to show the presence of black lung disease. Even without reliable X-rays, German doctors can detect black lung disease in its early stages. That is one of the difficulties with X-ray. One of the difficulties with the X-ray is that it will not, in many cases, detect the disease in its early stages, and it is imperative not only to the health of the miner but to the workings of this legislation that the early stages be detected, because when we detect the early stages, we prohibit the man from working in a place where there is dust. He must be put into a position where there is relatively little dust in order that no further damage will be done to his lungs, and therefore he cannot become a victim of black lung.

So they can use other clinical tests, such as reliable blood tests. They can discover by breathing tests early stages of the disease. Sometimes by their treatment they can prevent further stages of the disease which bring a man to a fatal end.

We have here the testimony of our own Surgeon General before our committee. The Surgeon General said—

> * * * 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.*

I would much rather take the opinion of the Surgeon General of the United States than some bureaucrat working in some section of the social security group.

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

Mr. DENT. I am happy to yield to the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman. That does not say "complicated pneumoconiosis" that is totally disabling. The only thing that is compensable under this law is complicated pneumoconiosis which is totally disabling. There is no medical opinion that says this cannot be seen by X-ray. The gentleman is talking about the early stages which are not compensable.

Mr. DENT. I thank the gentleman, for that points up what I said. We do not want to wait until the later stages to make it compensable. We want to discover it in its early stages.

Moreover, the law provides benefits to miners who are totally disabled due to pneumoconiosis without regard to whether the disease has yet reached the complicated stage.

Mr. REID of New York. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment and state at the outset that there is a difference of opinion on this question. I have sought both through the Secretary of Health, Education, and Welfare, Elliot Richardson, and the Bureau of Disability Insurance, to try to get to the truth of the matter. Let me report to the Members from the report the Secretary sent to me, and I will read just one section.

This report stated:

> There is some minority medical opinion to the effect that disabling pneumoconiosis may exist in the absence of positive X-ray evidence thereof.

Further, the Secretary, in this report he has sent to me, pointed out:

> We are currently carrying out a pilot project in conjunction with the Public Health Service to determine the effectiveness and feasibility of developing a simplified exercise test for individuals who have "simple" pneumoconiosis but whose ventilatory capacity does not demonstrate total disability on the basis of conventional pulmonary function tests. The project is expected to lead the way to establishing additional methods and criteria for evaluating total disability.

The doctor they have selected to participate in this test is Dr. Rasmussen, whom I have been in touch with both on the phone and in writing. He says there are tests that can detect total disability, that is complicated pneumoconiosis, that is serious, that does not show up on X-rays, that can be made by drawing blood samples and determining the amount of oxygen in the blood of an individual as he runs on a treadmill. Dr. Rasmussen strongly feels that using X-rays alone is a mistake and a grave injustice, and that while X-rays will show some black lung, it has been proven that they do not always register the existence of black lung.

Therefore, I am urging that other professional diagnostic techniques and approaches be allowed by the Federal Government in order to determine these benefits.

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

Mr. REID of New York. I yield to the chairman of the committee.

Mr. PERKINS. Mr. Chairman, first let me compliment the gentleman from New York for opposing this amendment. We are only proposing that negative X-rays shall not be the sole basis for denial?

Mr. REID of New York. That is correct.

Mr. PERKINS. And if we did not protect the individual to that extent, since we have had several millions of individual coal miners in this country who have worked in the mines, and the majority of denials, or over 150,000 have been solely on the basis of X-rays, if we let a condition like that exist in the law, I personally feel we would be doing a great injustice. If the gentleman who has expressed it so clearly will permit me to read one paragraph of a letter from Dr. Neal Calhoun of Hopkinsville, Ky., to the Honorable FRANK STUBBLEFIELD, he says:

> The Social Security Administration refuses to accept the clinical impression of the patient's family physician; they refuse to accept anything except drastic reduction of pulmonary function and pneumoconiosis on the chest X-ray, or autopsy findings, or biopsy findings. This prevents thousands of people from obtaining their benefits who are justly due them. I have several patients who have such poor pulmonary functions that they cannot undergo open lung biopsy because they would die with pneumonia from such a minor procedure. The people in the Social Security Administration know this, and consequently they feel safe in rejecting these individuals, knowing that the physician will not jeopardize their lives in order to obtain their benefits. Therefore, we, the practicing physicians, and the patient are forced to wait until he does and get an autopsy.

Mr. Chairman, I compliment the gentleman.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. REID of New York was allowed to proceed for 3 additional minutes.)

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

Mr. REID of New York. I yield to the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman for yielding.

First of all, the gentleman read from the report of HEW only one sentence of a paragraph. I should like to have the balance of that paragraph in the RECORD. It says:

> However, this issue was thoroughly considered by the Social Security Administration, through extensive consultation with a wide range of medical specialists, and the requirement was included in the regulations as reflecting the overwhelming consensus of medical judgment on the issue.

The gentleman in the well, as well as the gentleman from Pennsylvania, has spoken in terms of allowing the Social Security Administration to use other diagnostic techniques. There is nothing in the act which requires them to use an X-ray or any other type of diagnostic technique. They can use any that are, within current medical usage according to the consensus of medical judgment, proper ones.

The first step we are going to take toward dictating to Social Security how they are to engage in these medical tests is the one proposed in this bill; that is to say, against the greater weight of medical evidence we are going to supplant our judgment and say that the X-ray cannot be used as the sole basis for denying a claim. This is the first intrusion into the Social Security Administration's ability to determine how to administer this law.

Mr. REID of New York. I appreciate

the gentleman's comment, but he did not have in his possession the analysis of the Secretary's document from Dr. Rasmussen, who had been asked by the Department to be part of the study. He said in this analysis that—

The continuing reference to "majority medical opinion" or "prevailing medical judgment" impunes the integrity of the medical profession and implies gross incompetence among specialists in pulmonary diseases.

It might be well to offer some parallels in the pseudoscience of medicine which could impart some degree of understanding into the problems of diagnosis of occupational lung diseases.

In the diagnosis of, for example, peptic ulcer of the duodenum, it is fully recognized by virtually every member of the medical profession that an absolute diagnosis may not be made in the absence of x-ray evidence or anatomic evidence. However, it is known that in perhaps 20% of patients suffering from severe peptic ulcer, the x-ray may not be diagnostic. Few qualified physicians, would, on the basis of negative x-ray evidence, fail to (a) diagnose the disease and (b) treat the patient as though he had a peptic ulcer in light of the patient's symptoms.

In the same light, in a patient whose symptoms strongly suggest a heart attack, the electrocardiogram may not be diagnostic. The electrocardiogram may not reveal evidence of a definite heart attack in perhaps 5 to 10% of affected subjects. No qualified physician would dismiss the patient or fail to treat him as if he had suffered a heart attack, until additional studies were performed.

In establishing a diagnosis of active tuberculosis of the lung, no physician in the entire world would be willing to say the disease did not exist if one, two or three examinations of the patient's sputum failed to reveal mycobacterium tuberculosis. In fact, the diagnosis might well be made and the patient given therapy, in spite of the fact that an absolute diagnosis was not proven.

These departures from the subject of "black lung" are made in order to attempt to understand the peculiar emphasis placed on the diagnosis of occupational lung disease in the United States. The same medical profession which makes diagnoses of peptic ulcer, myocardial infarction and pulmonary tuberculosis, makes diagnoses of occupational lung disease. No objective, informed member of the medical profession would suggest that the chest x-ray has greater validity in diagnosing occupational lung disease than the GI x-ray in diagnosing peptic ulcer, the ECG in diagnosing myocardial infarction or the sputum examination in diagnosing tuberculosis. The point which, in my opinion, is crucial, is that the tenacious clinging to x-ray evidence of pneumoconiosis is *medico-legal, not medical.* It is a conditioned reflex, resulting from the impact of judicial and legalistic actions, not scientific medical judgment.

The fact that the United States Public Health Service currently uses x-rays "to establish the presence of pneumoconiosis", is hardly a valid argument, and hardly portrays that agency as anything more than a rubber stamp for a regressive Administration.

The statement in paragraph 1 on page 2 is totally without foundation in any published or unpublished medical report. It implies, in fact, that x-ray evidence of CWP identifies a miners occupation as being responsible for his "bronchitis, emphysema, and a variety of neurological, infectious, muscular and degenerative diseases". I challenge the statement that the prevalent medical judgment places this reliance on the chest x-ray.

In other words, one of the experts called in differs as to making the X-ray the sole basis for the judgment.

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

Mr. REID of New York. I yield to the distinguished chairman.

Mr. STAGGERS. I want to congratulate the gentleman from New York on the statement he has made and the position he has taken.

The gentleman mentioned the name of Dr. Rasmussen. I should like to say to him that my son-in-law, Dr. Wells, along with him, first started the study of pneumoconiosis. Those two were sent out by the Public Health Service to study pneumoconiosis among miners in West Virginia. I have heard him say one cannot tell this disease solely from an X-ray. For that reason, the amendment should be defeated.

I should like to say further that while my son-in-law was on that study $1 million was granted by HEW, and never got to the laboratories in West Virginia where it was supposed to be used, so they were not funded too much.

Mr. GRAY. Mr. Chairman, I move to strike the requisite number of words.

The purpose of H.R. 9212 is to correct certain defects in the administration of the Federal Coal Mine Health and Safety Act of 1969 and to provide for the extension of benefits in that act to the orphans of workers who die of pneumoconiosis, better known as black lung.

The act has not fully accomplished the intent of Congress when it was passed. What we are trying to accomplish here is a clarification of intent by certain amendments to title IV of the original act. For example, we did not intend the desperate need of individuals eligible for benefits under the act be set off against social security disability payments, thus neutralizing or decreasing one of the prime purposes of the act. It was our intent that "black lung" benefits be over and above those provided under workmen's compensation payments, otherwise the provision for special disability benefits would not have been written into the legislation in the first place.

In another amendment proposed under H.R. 9212 we are simply but importantly extending the timetable for certain provisions under section 3 for 2 additional years in order to permit the States an additional working period to assume their responsibilities under the act. While this will extend the time of Federal responsibility, we recognize the problems inherent in some States in coming to grips with the benefit provisions of the program. We hope the States will use this additional period for resolve rather than delay.

The amendment to the first sentence of section 413(b) that "no claims for benefits under this part shall be denied on the basis of the results of a chest roentgenogram" is absolutely necessary. The fact that the Social Security Administration utilizes the services of a group of eminent radiologists in X-ray classification to reinforce the accuracy and consistency of X-ray readings under the black lung program is good but beside the point. They are still X-rays with their controversial and time-proven limitations in diagnosis for black lung. As Dr. May Mayers states in the book on "Occupational Health," Williams & Wilkins, 1969:

Physicians in general tend to place too great reliance upon the X-ray picture alone, and give too little weight to the clinical picture . . . The extent of medical disability can only be determined, with any degree of accuracy, by cardiorespiratory function tests, with which some physicians are still unfamiliar.

The amendment does not deny the usefulness, nor does it call for the elimination of, X-rays in the adjudication of claims for benefits; it calls by implication for an accurate medical diagnosis based upon all relevant medical tests in the disposition of claims. Many southern Illinois miners and widows are being denied benefits because of the present law. From a social point of view the detailed provisions of this matter are clearly the most important components of the four-amendment legislative package before us.

If the health standards prescribed in title II of the Federal Coal Mine Health Safety Act are effective in eliminating the cause of lung disease, the personal burden of incapacitation as well as the burden of benefit payments will be reduced in the future. However, irreversible damage has already been done to miners, and we propose to correct that so far as it affects their dependent children. We should not allow conditions which have disabled the miner to also disable his children, either with respect to the necessities of life or educational opportunities. H.R. 9212 provides the necessary prescription and guidelines for preventing the conversion of occupational disease of the miner into socioeconomic "disease" for his children. The spirit of this amendment is the spirit of the entire bill; I strongly urge the passage of H.R. 9212 and the defeat of all the Erlenborn amendments that are designed to gut the bill. If the bill is passed and signed into law in its present form, thousands of southern Illinois coal miners and their widows will receive justice.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ERLENBORN).

The question was taken; and on a division (demanded by Mr. ERLENBORN) there were—ayes 38, noes 131.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. THOMPSON OF GEORGIA

Mr. THOMPSON of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMPSON of Georgia: (A) "Pneumoconiosis" as used in this act means any respiratory deficiency caused by the repeated inhalation of coal dust, marble dust, rock dust, other quarry dust or man made or natural textile fibers.

(B) "Miner" as used in this act includes any individual who as a result of the working conditions related to his employment in any industry contracts pneumoconiosis as is defined in (A) above.

Mr. THOMPSON of Georgia. Mr. Chairman, what I am attempting to do

by this amendment is, by means of defining pneumoconiosis in a broad term, to include those workers in other industries who suffer a similar fate as do coal miners.

Pneumoconiosis as I am defining it would include quarry workers, men who work in granite and marble quarries, asbestos workers, and indeed textile workers.

I know many of my colleagues from the South have seen textile workers as they come out of the textile mills completely covered with lint. They have inhaled the lint and it becomes imbedded in their lungs. It is not soluble and it does not go out of their lungs. Indeed it has the same symptoms and problems and in time death is caused by the inhalation of it just as it is by the inhalation of coal dust.

I am also defining "miner" so as to include an employee in any industry who is affected by the working conditions so as to cause pneumoconiosis as defined in the broad term of this amendment.

Granted it is a sweeping amendment, but it is certainly one that deserves the consideration of the House, and I hope that the House will adopt it.

Mr. DENT. Mr. Chairman, I rise to oppose the amendment.

As much as I would like to assist the gentleman in what he is trying to do, I would suggest that it is not a proper part of the legislative process here. He can pinpoint exactly what he wants done, and if he comes to our committee, I will guarantee him that I will give him hearing and give him every opportunity to make his point. However, at this stage of the game it is completely wrong to suggest that we should include textile workers and workers in these other industries in a bill which is designed for relief of coal mining occupational disease. I prefer to keep it that way.

Mr. MICHEL. Mr. Chairman, as we close the debate on this legislation, I would like to first express my appreciation to members of the Education and Labor Committee on both sides of the aisle for accepting my amendment that would wipe out the requirement that a miner be engaged in work underground as a condition precedent to eligibility for benefits under this program. I am glad to see that Members were in general accord in recognizing the equity of all types of miners being treated the same, whether they work above or below ground and suffer from pneumoconiosis.

I do regret, Mr. Chairman, that several very significant amendments offered by Mr. ERLENBORN and Mr. BYRNES of Wisconsin were not adopted, for I believe they were good amendments, and I am afraid because they were not adopted, I will be forced to vote against the bill on final passage.

And finally, Mr. Chairman, to clear up some of the confusion that might reign as a result of an earlier exchange in the debate, relative to what Chairman FLOOD and I might do when the time comes for us to appropriate funds for this legislation, may I make it quite clear that passage of the original act supplemented by these amendments will require vast expenditures of Federal funds for many years to come.

Members should know that while time for filing is being extended for 2 years, we are going to be obliged to pay for many years to come, and I would like to give you just a little bit of an idea of the best estimates of costs given to us in a recent hearing before our Labor-HEW Subcommittee on Appropriations. They are as follows:

BENEFIT PAYMENT DISBURSEMENTS FOR SPECIAL BENEFITS FOR DISABLED COAL MINERS

Fiscal year	Benefit payments (millions)	Number of miners and widows (and their dependents) at end of year (thousands)		
		Miners	Widows	Dependents [1]
1970 actual	$7	12	1	10
1971 actual	297	68	57	73
1972 estimate	548	109	89	117
1973 estimate	538	101	105	112
1974 estimate	515	92	106	107
1975 estimate	491	84	107	103
1976 estimate	468	76	108	99
1977 estimate	447	69	109	95

[1] Represents dependents for whom additional payments are made to the miner or widow.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

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 that Committee having had under consideration the bill (H.R. 9212) to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes, pursuant to House Resolution 658, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will then en gros.

The amendments were agreed to.

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, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ERLENBORN. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ERLENBORN moves to recommit the bill (H.R. 9212) to the Committee on Education and Labor.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. ERLENBORN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 311, nays 79, not voting 40, as follows:

[Roll No. 377]

YEAS—311

Abbitt	Dulski	Landrum
Abernethy	Duncan	Latta
Abourezk	Dwyer	Leggett
Abzug	Eckhardt	Lujan
Adams	Edmondson	McClory
Addabbo	Edwards, Calif.	McCloskey
Anderson, Calif.	Eilberg	McCormack
Anderson, Ill.	Eshleman	McCulloch
Anderson, Tenn.	Evans, Colo.	McDade
Andrews, Ala.	Evins, Tenn.	McDonald, Mich.
Andrews, N. Dak.	Fascell	McFall
Annunzio	Findley	McKay
Ashley	Fish	McKevitt
Aspin	Fisher	McKinney
Aspinall	Flood	McMillan
Badillo	Flowers	Mahon
Baker	Flynt	Mailliard
Baring	Foley	Matsunaga
Begich	Ford, William D.	Mazzoli
Bell	Forsythe	Meeds
Bennett	Fountain	Melcher
Bergland	Fraser	Metcalfe
Betts	Frelinghuysen	Mikva
Bevill	Fulton, Tenn.	Miller, Calif.
Biaggi	Fuqua	Miller, Ohio
Biester	Galifianakis	Mills, Md.
Bingham	Gallagher	Minish
Blanton	Garmatz	Mink
Blatnik	Gaydos	Minshall
Boggs	Gettys	Mitchell
Boland	Giaimo	Mollohan
Bolling	Gibbons	Monagan
Bow	Gonzalez	Moorhead
Brademas	Grasso	Morgan
Brasco	Gray	Morse
Bray	Green, Oreg.	Mosher
Brooks	Green, Pa.	Moss
Broomfield	Griffin	Murphy, Ill.
Brotzman	Griffiths	Myers
Brown, Ohio	Gude	Natcher
Broyhill, N.C.	Hagan	Nedzi
Broyhill, Va.	Hamilton	Nelsen
Buchanan	Hammer-schmidt	Nichols
Burke, Fla.	Hanley	Nix
Burke, Mass.	Hanna	Obey
Burlison, Mo.	Hansen, Idaho	O'Hara
Burton	Hansen, Wash.	O'Konski
Byrne, Pa.	Harrington	O'Neill
Byron	Harsha	Passman
Caffery	Harvey	Patten
Carey, N.Y.	Hastings	Pepper
Carney	Hathaway	Perkins
Carter	Hawkins	Pettis
Casey, Tex.	Hays	Peyser
Cederberg	Hébert	Pickle
Celler	Hechler, W. Va.	Pike
Chamberlain	Heckler, Mass.	Pirnie
Chisholm	Heinz	Poage
Clark	Helstoski	Podell
Clay	Henderson	Poff
Collins, Ill.	Hicks, Mass.	Powell
Conyers	Hicks, Wash.	Preyer, N.C.
Corman	Hillis	Price, Ill.
Cotter	Hogan	Price, Tex.
Coughlin	Holifield	Pucinski
Culver	Horton	Purcell
Daniel, Va.	Howard	Quillen
Daniels, N.J.	Hull	Railsback
Danielson	Hungate	Randall
Davis, Ga.	Hunt	Rangel
Davis, S.C.	Ichord	Rees
de la Garza	Jacobs	Reid, N.Y.
Delaney	Jarman	Reuss
Dellums	Johnson, Calif.	Riegle
Denholm	Johnson, Pa.	Roberts
Dent	Jones, Tenn.	Rodino
Dingell	Karth	Roe
Donohue	Kastenmeier	Rogers
Dorn	Keating	Roncalio
Dow	Kluczynski	Rooney, N.Y.
Downing	Koch	Rooney, Pa.
Drinan	Kuykendall	Rosenthal
	Kyros	Rostenkowski
		Roush

Roy	Stanton, James V.	Waldie
Roybal	Steed	Wampler
Ruppe	Steele	Ware
Ryan	Steiger, Ariz.	Whalen
St Germain	Stephens	Whalley
Sandman	Stokes	White
Sarbanes	Stratton	Whitehurst
Saylor	Stubblefield	Widnall
Scheuer	Stuckey	Williams
Schneebeli	Sullivan	Wilson, Charles H.
Seiberling	Symington	Wolff
Shipley	Teague, Tex.	Wright
Shoup	Thompson, N.J.	Wyatt
Sikes	Thomson, Wis.	Yates
Sisk	Tiernan	Yatron
Skubitz	Udall	Young, Tex.
Slack	Ullman	Zablocki
Smith, Iowa	Van Deerlin	Zion
Smith, N.Y.	Vander Jagt	Zwach
Snyder	Vanik	
Springer	Waggonner	
Staggers		

NAYS—79

Archer	Gross	Robinson, Va.
Arends	Grover	Robison, N.Y.
Ashbrook	Haley	Rousselot
Belcher	Hall	Runnels
Brinkley	Hosmer	Ruth
Brown, Mich.	Hutchinson	Satterfield
Burleson, Tex.	Jonas	Scherle
Byrnes, Wis.	Keith	Schmitz
Cabell	Kemp	Scott
Cleveland	King	Sebelius
Collins, Tex.	Kyl	Shriver
Colmer	Lennon	Smith, Calif.
Conable	Lent	Spence
Conte	McClure	Steiger, Wis.
Crane	McCollister	Talcott
Davis, Wis.	McEwen	Taylor
Dellenback	Mann	Teague, Calif.
Dennis	Martin	Terry
Devine	Mathias, Calif.	Thompson, Ga.
Dickinson	Mathis, Ga.	Thone
du Pont	Mayne	Wiggins
Edwards, Ala.	Michel	Wilson, Bob
Erlenborn	Mizell	Winn
Esch	Montgomery	Wylie
Ford, Gerald R.	Quie	Young, Fla.
Frenzel	Rarick	
Frey	Rhodes	

NOT VOTING—40

Alexander	Goodling	Mills, Ark.
Barrett	Gubser	Murphy, N.Y.
Blackburn	Halpern	Patman
Camp	Jones, Ala.	Pelly
Chappell	Jones, N.C.	Pryor, Ark.
Clancy	Kazen	Schwengel
Clausen, Don H.	Kee	Stanton, J. William
Clawson, Del	Landgrebe	Veysey
Collier	Link	Vigorito
Derwinski	Lloyd	Whitten
Diggs	Long, La.	Wydler
Dowdy	Long, Md.	Wyman
Edwards, La.	Macdonald, Mass.	
Goldwater	Madden	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Kee for, with Mr. Chappell against.

Mr. Link for, with Mr. Jones of North Carolina against.

Mr. Diggs for, with Mr. Dowdy against.

Mr. Halpern for, with Mr. Goldwater against.

Mr. Goodling for, with Mr. Collier against.

Mr. Murphy of New York for, with Mr. Veysey against.

Mr. Kazen for, with Mr. Wydler against.

Until further notice:

Mr. Whitten with Mr. Camp.

Mr. Barrett with Mr. Clancy.

Mr. Madden with Mr. Landgrebe.

Mr. Macdonald of Massachusetts with Mr. Don H. Clausen.

Mr. Pryor of Arkansas with Mr. Derwinski.

Mr. Alexander with Mr. Blackburn.

Mr. Jones of Alabama with Mr. Lloyd.

Mr. Mills of Arkansas with Mr. Del Clawson.

Mr. Vigorito with Mr. Pelly.

Mr. Patman with Mr. Gubser.

Mr. Long of Maryland with Mr. Schwengel.

Mr. J. William Stanton with Mr. Wyman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DENT. Mr. Speaker, I ask unanimous consent that all Members of the House may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just passed.

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

There was no objection.

PERSONAL STATEMENT

Mr. DENT. Mr. Speaker, may I have the privilege of saying for the RECORD that I am very proud to be a Member of this House.

FURTHER CONTINUING APPROPRIATIONS, 1972

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 693 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 693

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 joint resolution (H.J. Res. 946) making further continuing appropriations for the fiscal year 1972, and for other purposes. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Mississippi is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield one-half of that hour to the able and distinguished gentleman from California (Mr. SMITH). Pending that, I yield myself such time as I may consume.

Mr. Speaker, the time I shall consume will be brief.

Mr. Speaker, this resolution simply provides for 1 hour of debate on the resolution (H.J. Res. 946) extending the time for the continuing resolution that was adopted at an earlier date because of certain legislative bills not having been enacted into law. That is about all there is to it, Mr. Speaker, so far as the rule itself is concerned.

The resolution of the Committee on Appropriations provides for extending that time from November 15, 1971, until sine die adjournment of this session, which we all hope and pray will come at an early date, but we have some misgivings, I must confess.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as stated by the distinguished gentleman from Mississippi, the chairman of the Rules Committee Mr. COLMER, this resolution will provide for 1 hour of general debate under an open rule to consider House Joint Resolution 946. After that hour has expired then the resolution will be open for amendment in any way.

Mr. Speaker, it is completely open.

Mr. Speaker, I would like to commend the Appropriations Committee, the distinguished chairman, and the ranking minority leader on the approach which they have requested to be taken.

These measures most always in the past have been handled on the floor by unanimous consent. I think we have had two or three of them already this year. They realized that in this particular instance there were several items which have not been finally authorized. I think the items have to do with OEO, Headstart, Manpower Administration, Defense, the District of Columbia—as well as foreign aid. Some may be controversial.

Mr. Speaker, we know what happened in the other body with reference to foreign aid. They felt that the Members should have an opportunity to express their opinions and the only manner in which that could be done would be to have a rule and have it debated under the 5-minute rule.

Mr. Speaker, I urge the adoption of House Resolution 653 so that we can proceed toward the disposition of the business of the Congress and toward adjournment at as early a date as possible.

Mr. Speaker, I yield 4 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, this, I believe, is about the fourth continuing resolution this year. The stopping and starting on this continuing resolution business is out of hand, I would think.

The gentleman from Mississippi, my good friend (Mr. COLMER), says he prayerfully hopes that sine die adjournment will come soon. I hope his prayer today will be better answered than I think it will be.

However, we are here today to consider this resolution and I hope with all my heart that we will not be here until 2:30 in the morning.

I noticed on the United Press wire a little while ago an item that reads:

> Shortly before it met at noon, leaders announced that the House would not take up the stop-gap resolution until the House first disposed of two other, unrelated pieces of legislation, raising the possibility that the aid question would not be dealt with until Thursday.
>
> The absence of any sense of urgency by House leaders appeared to stem from Senate intentions not to act on the resolution until Friday or Monday.

Mr. Speaker, Members of the other body are responsible for this continuing resolution being brought before the House this afternoon because of the fact

that they have failed to act on legislation which the House has sent to them.

What we are called upon to do here this afternoon is to bail out the other body.

Mr. Speaker, a week ago last Friday, the Senate defeated the foreign handout program and we are here today in this continuing resolution called upon to bail them out by authorizing continuance of funds for this program. Continuing to read:

"I guess there is a crisis," said Speaker Carl Albert replying to a reporter's question, "but it's not a crisis of which one day will make any difference."

Said the distinguished Speaker:

Republican Leader Gerald R. Ford of Michigan saw in the postponement of a schedule that originally called for House action last Monday as an opportunity to work on Members in an effort to beat back damaging amendments he assumed would be offered.

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

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, I am a little bit confused. Is the gentleman upset by the action of the Senate of a week ago Friday? I did not quite understand.

Mr. GROSS. I was delighted when the Senate ended the foreign giveaway program, but I am laboring under no illusions here this afternoon. The Senate is already considering new legislation to spend additional billions on foreign handouts. I hope this continuing resolution will be voted down, and let the Senate live with the situation it created even though it may be only temporary.

Yes, I am delighted the Senate took the action it did, but I cannot support this effort to keep foreign aid alive for altogether too many billions have already been wasted in foreign aid.

I am interested, too, in how and why the green light on legislation is turned off and on with such facility these days in the House of Representatives.

The SPEAKER. The time of the gentleman has expired.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. I regret that we find ourselves again in a position where we have to act on yet another continuing appropriations resolution, the largest part of which concerns itself with military appropriations. The largest part we will be appropriating under this resolution is for defense measures.

As I have said before, I do not think that anybody in this House can continue voting for appropriations for defense until this House of Representatives acts to set a date for ending the war in Indochina, and acts to stop financing this most expensive and most destructive of American wars which the American people have overwhelmingly rejected.

Only the other day in one of his polls Mr. Harris informed us once again of the sentiments of our constituents, and still we ignore them.

Fifty-three percent of our constituents feel that the pace of withdrawal is too slow. Fifty-five percent oppose a residual force in Vietnam. Fifty-seven percent oppose continuing air support, and 70 percent oppose our continuing expenditure of the billions we give to the South Vietnamese.

Yet in the House of Representatives many seem not even to know the opinions of their constituents or, once informed, do not care. We once again continue a routine appropriation for the Department of Defense to keep its monthly programs—programs which continue dropping bombs on Indochina at the same intensity as in the peak years of the war, 70,000 tons a month—programs which increase the bombing of the Ho Chi Minh Trail steadily so that 1971 will see approximately 400,000 tons of explosives dropped there.

Continuing the war is continuing the war. The fact that we continue the war in the air is no less a war than if we were conducting it on the ground. We continue appropriations and we continue to subvert the will of our constituents, and fail to fulfill our responsibilities as representatives of the people by refusing to set a date for the termination of this massive war and by refusing to adopt the Senate's 6-month date in the successive versions of the Mansfield amendment.

I serve notice that I will not be a part of this callous unconcern. I will vote "no" and continue to vote "no" on any continuing or other appropriations for the military until the House of Representatives sets a date, as the American people want, and as I believe a growing number of Members of the Congress want. I oppose this continuing appropriation for the Department of Defense.

I attach for your information the conclusions of the Harris survey as they were reported in the Washington Post of November 8 and the summary of the Cornell study of the air war in Indochina as reported in the New York Times on November 8:

[From the Washington Post, Nov. 8, 1971]

THE HARRIS SURVEY: PUBLIC BACKS VIET PULLOUT BY MAY, 3-1

(By Louis Harris)

By nearly 3 to 1, the American people favor "getting completely out" of Vietnam by next May. The public is looking for an intent to liquidate U.S. involvement rather than an immediate withdrawal.

Between Oct. 26 and Oct 31, a cross section of 2,004 households was asked:

If it meant keeping the communists from taking over Vietnam, would you favor or oppose the following?

[In percent]

	Favor	Oppose	Not sure
Leaving 50,000 noncombat troops there	32	55	13
Continuing to use U.S. bombers and helicopters to support the South Vietnamese army	29	57	14
Continuing to send over $1,000,000,000 a year in military aid to the South Vietnamese	16	70	14

Even at the risk of a Communist takeover, sizable majorities of the public want the United States out completely from Vietnam.

For the first time, a clear majority of Americans say they feel that the pace of withdrawal of U.S. troops from Vietnam is "too slow." The cross section was asked:

Do you feel the pace of withdrawal of U.S. troops from Vietnam is too slow, too fast, or at about the right pace?

[In percent]

	Too slow	Too fast	About right	Not sure
Late October 1971	53	3	38	6
July	42	4	48	6
April	45	5	45	5
March	34	3	53	10
February	46	4	42	8
January	33	5	55	7
July 1970	32	8	48	12
May	27	13	46	14
April	34	8	47	11
December 1969	26	5	56	13
October	30	9	51	10

The main segments of the public where the pressure is greatest to disengage from the war as opposed to a further "winding down" of the war are in the East, among women, among young people under 30 and among blacks.

By contrast, the last-ditch supporters of the war, now a distinct minority, are most often located in the South in small towns and areas, and among persons 50 years of age and older.

Asked if they favored or opposed the United States "getting completely out of Vietnam by May, including all combat and non-combat troops," the vote was 62 per cent in favor and 21 per cent opposed.

[From the New York Times, Nov. 7, 1971]

STUDY SHOWS UNITED STATES PRESSES AIR WAR—CORNELL TEAM SEES CONTRAST WITH CUT IN GROUND ACTION

(By Neil Sheehan)

WASHINGTON.—A comprehensive study of the air war in Indochina by a Cornell University group concludes that while the Nixon Administration drastically curtailed American ground combat, it is maintaining a high level of bombing and, in Cambodia and Laos, has in fact intensified the air war.

The study acknowledges that the Administration has roughly cut in half the intensity of the air war in Indochina from the peak years of 1968 and 1969, when the United States was waging the most intensive bombing campaign in history.

But the study says the average tonnage being dropped is at about 70,000 tons a month, almost the same level as in 1967, when the American public was more aware of a major war in Indochina because of the direct involvement of American ground combat troops.

SIX MILLIONS DROPPED

By the end of 1971, the United States will have dropped on an area about the size of Texas six million tons of bombs and other aerial munitions, three times the total tonnage used in World War II. The Nixon Administration, in its three years in office, will have loosed as much as and possibly more explosive power than did the Johnson Administration—about three million tons, the study says.

The reduction of area-obliteration raids by B–52 bombers has not been nearly as marked as the cut in strikes by smaller fighter-bombers. These area-obliteration raids are still estimated to run 30,000 tons a month, the study says compared with 40,000 tons monthly during the 1968–69 peak.

The Administration plans to continue the air war through 1972 and beyond at a cost that could range from $1.2-billion to $4-billion a year, depending upon the amount of force required by policy needs, the study states. Citing "sources close to the Pentagon," the study says plans appear to call for keeping 50 B–52's in Thailand and 300 fighter-bombers there and on carriers offshore.

STUDY TOOK 5 MONTHS

The five-month study, begun in May, was sponsored by Cornell's Center for International Studies. The preliminary version of the report runs about 200 pages. It has extensive footnotes and is illustrated with graphs. The group hopes to publish a fuller report by the end of the year.

The team of 19 professors and students involved, headed by Prof. Raphael Littauer, a 45-year-old nuclear physicist, drew its findings from source materials that included official Pentagon statistics and reports, newspaper articles, interviews with approximately 80 defense and foreign-policy specialists and former military and civilian officials, as well as the once top-secret history of the air war contained in the Pentagon papers.

In a telephone interview, Professor Littauer said the study team had access to the volumes of the Pentagon papers dealing with the air war from the time articles and excerpts were published in The New York Times last summer to the publication at the end of September of the declassified version by the Government Printing Office.

He said the study was initiated from anti-war sentiments, but that the team had attempted to be as fair and scholarly as possible. "We decided to let the chips fall where they may," he said.

ESCALATION CHARGED

The report states that bombing of the Ho Chi Minh Trail supply roads through southern Laos, a relatively unpopulated area, has been increased steadily by the Nixon Administration and is now running at 400,000 tons of explosives a year.

Bombing in Cambodia, with serious civilian casualties resulting, the report asserted on the basis of Congressional testimony, has also climbed steadily since the American incursion in the spring of 1970 and is now running at 90,000 tons a year. This figure approaches the 124,000 tons dropped on North Vietnam in 1966 when an intensive air war was under way there.

In South Vietnam, nearly 300,000 tons of air explosives a year are still being dropped, now mainly by the South Vietnamese air force, which has been greatly expanded. This is equal to the level of 1966.

The report argued that the continued heavy use of air power was not stopping enemy advances in Indochina and that the destruction it was causing actually made the achievement of peace more difficult by disrupting the societies the United States says it is attempting to stabilize.

Despite a scorched-earth bombing campaign against enemy-held towns and villages in northern Laos and the Plaine des Jarres possibly a third of the estimated total of 2.5 million Laotians have become refugees and the enemy forces "now control a greater fraction of Laos than ever before," the study said.

Mr. COLMER. 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.

Mr. MAHON. 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 joint resolution (H.J. Res. 946) making further continuing appropriations for the fiscal year 1972, and for other purposes.

The motion was agreed to.

IN THE COMITTEE 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 joint resolution (H.J. Res. 946), with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the joint resolution.

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

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. MAHON) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. BOW) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Chairman, we have had three continuing resolutions to cover the period since the beginning of the current fiscal year and this would be the final continuing resolution for the session.

We have had over the years a very orderly way of bridging the gap when the Congress has not taken final action on appropriation bills. We have done that by passing continuing resolutions which have enabled the departments and agencies to run at the level of the previous year or the budget level, whichever was lower. The object is to hold the line until the regular appropriation bills are finalized.

That is all that we propose here—to allow certain agencies and departments of Government to operate until the remaining regular appropriation bills are completed.

Mr. Chairman, statements have been made that some Members may offer amendments. One amendment would deny funds for the Department of Defense. One of the speakers this afternoon has said that she would oppose the continuing resolution because of the Department of Defense issue.

Other Members object to foreign aid.

Mr. Chairman, I voted against the poverty program this year. This continuing joint resolution provides funds for the continuation of the poverty program. Following the logic of those who would undertake to offer amendments, maybe I ought to object to the resolution because it provides funds for the continuation of the poverty program, which I opposed.

But if we want to destroy the legislative process of the House of Representatives and preclude deliberation on the issues at hand in an orderly and prudent fashion then we would vote in opposition to the continuing resolution. But we would find that everybody would be in trouble because we would have wrecked the regular order.

So what I propose is that we follow the regular order—that we pass the continuing resolution and send it to the other body and enable the Department of Defense to continue to operate and to pay personnel and to perform necessary functions; to enable the poverty program to continue and to allow the foreign aid program to continue until in the regular order we have modified it or abolished it.

I think the foreign aid program will be modified and continued. But let us allow the legislative committee and the House an opportunity to act on legislation. Under the continuing legislation, if nothing is done by the end of the session, then foreign aid dies. That would be the end.

Further, the District of Columbia must continue to operate—and that is provided for in this joint resolution.

The Headstart program and certain manpower training programs lack final authorizing action and have not been provided with appropriation. The resolution provides funds to continue these activities.

So my plea is that we pass this continuing resolution.

Mr. Chairman, there have been intimations here that as a result of some action in the other body we ought to modify our routine procedures. Well, I am not myself willing to let the other body write the ticket for the House of Representatives. Here we have the standard, routine continuing resolution. To change it because of something that is done in the other body would not be a prudent action on the part of the House of Representatives. We send a resolution to the other body and it is up to the other body to decide what steps it will take on it. Certainly, for us as a result of action taken by the other body to violate our time-honored procedure of handling these matters would be a great mistake.

The issue before us is not a question of whether we are for the poverty program or not.

It is not a question of whether we are for the war in Vietnam or not.

It is not a question of whether we are for the Defense Department or not.

It is not a question of whether we are for foreign aid or not.

That is not the issue. The question is, Shall we proceed in an orderly way to carry on the functions of the Government and show the people that we have a stable, sane, and orderly House of Representatives that knows how to do business? It is that simple.

The foreign aid program has been referred to. It was killed in the other body. A motion to reconsider was laid on the table. This resolution would continue appropriations for that program only temporarily. There will be an authorization bill and there will also be an appropriation bill. These bills can be amended. Amendments can be offered to the bills line-by-line and program-by-program. The legislative committees can serve their functions, and we shall not be attempting to write basic legislation in a continuing resolution. If we ever start that, we shall be in serious trouble.

Would it not be ridiculous, with this seven-line joint resolution which is before us today, to undertake to legislate on the war, on defense, on poverty, on foreign aid, and on a number of other subjects that would be covered? Of course, it would be ridiculous.

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman from Texas yield?

Mr. MAHON. I yield to the distinguished gentleman from New York.

Mr. ROONEY of New York. Is it not the fact that adoption of House Joint Resolution 946, this so-called continuing resolution, would not set in motion any new activity of Government at all? Is that not the fact?

Mr. MAHON. The gentleman is correct.

Mr. ROONEY of New York. Is it not the further fact that all this resolution would do would be to keep in status quo the agencies affected by it, with a view to saving as much money as the House Appropriations Committee can save until such time as the House Appropriations Committee gets an opportunity to look at the subject in proper perspective and in line with the legislative authorization bills?

Mr. MAHON. The gentleman is eminently correct. Legislative bills that relate to appropriations for the rest of the session would be looked at very carefully. In my opinion, there will be—and should be—some sharp reductions and modifications in the foreign aid program. But to do it in this measure would be utterly impractical. To bypass the other committees of Congress in amending this seven-line joint resolution would be intolerable, and I do not think the House is about to do it.

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman from Texas yield once again?

Mr. MAHON. I am glad to yield to the gentleman from New York.

Mr. ROONEY of New York. Mr. Chairman, with regard to contributions to international organizations, many of which are in one bill not yet passed, to wit, the foreign aid bill, all of which are voluntary contributions. The others are in a bill which has already been passed and signed into law by the President, the regular contributions or dues owing by the United States for membership in these international organizations. I assure you that all of these contributions are going to be subjected to the greatest scrutiny ever given with a view to saving as much of the taxpayer's money as possible.

From the President of the United States on down it has been recognized that entirely too much of our money is being paid to the United Nations for that organization as well as all the affiliated organizations. We have to have an ample opportunity to do something about this, however, in committee. We cannot do it here on the floor in connection with this continuing resolution.

Mr. MAHON. The gentleman is correct. Every Member of the House will have an opportunity to express and vote his views when the authorizing legislation and the appropriation bill come before us.

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

Mr. MAHON. I yield to my friend, the distinguished gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

The gentleman speaks of orderly procedure. Is it not the fact that a succession of continuing resolutions such as we have had this year is about as unorderly a procedure as a legislative body could indulge in?

Mr. MAHON. We are acting in accordance with the Rules of the House of Representatives.

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

Mr. MAHON. I yield to the distinguished gentleman from North Carolina.

Mr. JONAS. Without getting into any argument with other committees, is it not a fact that we have been waiting on authorization bills to become law, and that we cannot bring out appropriation bills for programs that are not yet authorized? Is that not true?

Mr. MAHON. The gentleman is correct.

Mr. JONAS. We have completed our hearings on all of these bills that still remain unenacted.

Mr. MAHON. Yes, all the regular bills. It is apparently impossible for some of the programs to be authorized in time, but if they are not authorized and appropriated for by the end of the session they die.

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

Mr. MAHON. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, I congratulate the chairman of the Appropriations Committee for initiating this move. It is entirely in order. It is especially appropriate because I think it is the most practical way to avert what might become a most serious crisis for the President in his dealings with foreign policy. He has some very important missions coming up and it would be a very grave setback for him if there were to be any interruptions in foreign aid matters.

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

Mr. MAHON. I yield to the gentleman from California.

Mr. WALDIE. Mr. Chairman, I ask the Chairman's indulgence for not fully understanding what the consequences might be in the event we do not adopt this resolution. Can the gentleman describe those?

Mr. MAHON. Portions of the Government would come to a screeching halt on November 15, which is next Monday.

Mr. WALDIE. What portions would they be?

Mr. MAHON. There would be no authority for the expenditure of money for the responsibilities of the Department of Defense, for programs of the District of Columbia, for the Headstart program, for certain manpower training programs, and also the foreign aid program.

Mr. WALDIE. If this resolution is not adopted, do I understand the chairman to say all expenditures on behalf of the Department of Defense would be terminated?

Mr. MAHON. It would be illegal for them to operate.

Mr. WALDIE. Is it the chairman's belief that rather than risk illegality, they would not spend the money?

Mr. MAHON. We have never failed to authorize the continuation of an important program through a continuing resolution until the Senate and House have worked their will and determined what should be done about the program. The continuing resolution hopefully will only run for about a month—until the sine die adjournment—and whatever is not authorized or appropriated for at that time will automatically cease to exist.

Mr. WALDIE. May I ask one further question?

There has been confusion in my mind relative to foreign aid moneys that are in the so-called pipeline. Were we not to extend the authority that this resolution provides for the foreign aid program, then would the moneys in the pipeline be permitted to be expended?

Mr. MAHON. If there is not a continuing resolution adopted by the Congress, the funds in the so-called pipeline would be meaningless because there would legally be nobody to serve to administer the programs.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman from Texas yield on that point?

Mr. MAHON. I yield to the gentleman.

Mr. GERALD R. FORD. Mr. Chairman, let me say to the gentleman from California, I have in my hand a copy of two letters from the Comptroller General of the United States addressed to Senator MANSFIELD precisely on the point that the gentleman made inquiry about. The Comptroller General has ruled in both of these letters that without a continuing resolution, the AID pipeline money would be unavailable for purposes other than for those that they were already committed.

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

Mr. MAHON. I will be glad to yield to the gentleman from California in just a moment.

I have the letter of the Comptroller General but the situation is elementary. If there is no authorization for the personnel and for the operations, they cannot legally carry on a function.

Mr. WALDIE. The letter, Mr. Chairman, brings this question to my mind. I am one of those who happen to favor the option the other body took.

If the authorization on a continuing resolution were limited to the expenditure only of moneys in the pipeline, that would then permit the pipeline moneys to be spent but no moneys above and beyond the pipeline moneys; is that correct?

Mr. MAHON. Well, if the moneys were available there would be nobody to spend the moneys or to husband the program, because there would be no authority for the foreign aid program as such to continue. It would go out of existence legally.

Mr. WALDIE. I thank the gentleman.

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

Mr. MAHON. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I just want to establish a little bit of legislative history and perhaps recall some of this same question.

I am not speaking particularly in the interest of continuing the procurement authorization for the military or foreign aid or anything else, but does the gentleman not recall, having stated himself in his opening remarks that this is a rather awkward way of continuing appropriations, that in years gone by and throughout history in the Congress we have had payless paydays for Government workers because of the failure of Congress to act? Would the gentleman like to develop that a little further? It was certainly long before I came to the Congress.

We have used this "awkward device" of continuing resolutions since that time.

The Government does not then cease. There were some payless paydays for those under civil service, and Govern-

ment functionaries and even Congressmen, for all in the legislative, judicial and executive branches of our Government.

Although it is not now desirable, and although we have become over sophisticated, and I would be willing to stipulate it is not desirable, but it has happened, and historically, in order to be correct, sometimes there have been people who have considered this a good "catharsis" for the Nation.

I wonder if the gentleman would like to correct one or two of his statements about whether or not we could function legally and whether or not there has ever been such an incident in the history due to lack of appropriations?

Mr. MAHON. I am not aware of any incorrect statement I have made. If I have made any, I apologize.

There have been some payless paydays. And that is a possibility that we could face with respect to this measure. But if we have a hassle of as much as a week or more, there would be no authority to operate.

In other words, we must not tempt officials to make illegal obligations, and we must not welsh on our responsibility to provide for pay for the people who are employed by the Government in a timely manner.

Mr. HALL. I believe as memory serves the general reaction of the public was to admire those who continued to work for the Government without pay and to castigate the Congress.

Mr. MAHON. If the continuing resolution is not enacted in a timely manner the agencies affected would have no legal authority to employ people or make other obligations to continue their operations pending final action on the regular appropriation bills involved.

Mr. BOW. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the continuing resolution is brought about, because of the fact that about $80 billion of budget requests have not yet been budgeted because of lack of authorization.

In this resolution are the Department of Defense, the District of Columbia, foreign assistance, the antipoverty program, certain health manpower programs, Radio Free Europe, and military construction.

The military construction conference has been adopted, and that probably will get to the President in time for signature, but there may be a timelag there.

It seems to me the real question here in what we are considering is the question of the foreign assistance program. I can be very frank about that. I have voted against the foreign assistance program in the years I have been in the Congress except on one occasion.

But I do not feel that we can stop foreign aid in the manner in which it has been done by the other body or by what would happen if we eliminated it from the continuing resolution. We cannot just cut it all off. It seems to me the responsible and proper way to handle this is to have an authorization bill come in where the House can work its will on specific items—not on a general reduction or a cutting out of all foreign assistance.

I should like to read, if I may, Mr. Chairman, a statement made by the President of the United States last night. I think it is apropos to our discussion here today:

EXCERPTS FROM AN ADDRESS BY THE PRESIDENT IN NEW YORK CITY, NOVEMBER 9, 1971

Governor Rockefeller referred to the trips to Peking and to Moscow. No one should be so naive as to assume that these two journeys are going to settle great philosophical differences between our nation and theirs. Those differences will remain and peace will not be a reality simply because there has been a meeting at the highest level.

But I think we can say this with regard to such meetings between the leaders of the United States of America and the leaders on the one hand of the Soviet Union, and on the other hand, of the Peoples Republic of China. With continued confrontation between the United States and the Soviet Union and the Peoples Republic of China, there would be an unacceptable risk of war in the years ahead. With negotiation between the United States and the Soviet Union and the Peoples Republic of China, there is a chance for peace, and we owe it to future generations to seize that chance and that is what we have done.

But as we think of that peace, let us remember that great as the challenges of war are, the challenges of peace can even be greater, because once peace comes, and even as it comes, there is a tendency to let down. There is a tendency for a great people to retreat from responsibilities in the world and that would only lead to increasing the dangers of another war. That is why at this point I speak of the challenges of peace in several respects.

First: Particularly now, at a time that we are attempting to negotiate a limitation on nuclear arms, it is essential that the United States maintain its military strength at an adequate level. We must do this because of the accident of history. We did not ask for this responsibility, but it is ours whether we want it or not. Because of that accident of history—what happened in World War II—the United States is the only one of the free nations that has the strength or the potential strength to carry the responsibilities of freedom. If we do not carry those responsibilities, the possibilities of keeping peace in the world will be greatly diminished.

It goes beyond simply maintaining military strength at home. I know how easy it is for Members of Congress—I was once in the House. I was once in the Senate. I know how easy it was then to try to find a reason to vote against those programs of mutual assistance for countries abroad—foreign aid for countries that needed aid, aid for the purpose of helping other countries to help themselves, to create a more stable world.

There are no constituencies for foreign aid. We know that. *But let us recognize this: If the United States at this particular time should determine that it will discontinue its programs of mutual assistance for countries abroad—helping them so that they can help themselves—it can only mean that the world will become much more unstable, that the dangers of war in the world will greatly increase and that the United States will no longer be a world power respected in the world, no matter how strong we are at home.* (Emphasis supplied.)

That is why tonight I speak of the challenges of peace not only in maintaining our strength at home, but in meeting our responsibilities abroad. This is above partisanship because Republicans have joined with Democrats through the years to see that these programs, whereas they have no constituencies in this country, because they are essential to maintain the peace of the world, that these programs are continued—and I trust they will be, by this Congress.

I agree with what the President said last night—that this is not the time for us to do this.

Let me state this also: There has been some question about what can be paid and what cannot be paid if we cut out the defense money.

Mr. PUCINSKI. Will the gentleman yield?

Mr. BOW. I cannot yield to the gentleman at this time.

It has been suggested here that Federal employees would be very fine if they would continue to work without a payday. Are you going to suggest to the Armed Forces in Vietnam that they go on payless paydays? Are you going to suggest with regard to the medical supplies for Vietnam, where we have an opportunity to purchase them and send them abroad, that we stop the medical supplies for hospitals in Vietnam as of December 15?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOW. I yield myself 3 additional minutes.

I do not believe this committee or this House of Representatives will do that.

I am not trying to bail out any other body. I am trying to ask the House of Representatives to act responsibly. I am not concerned about the other body. I am concerned about the House of Representatives. I would like to see it act responsibly.

Later in my remarks I shall state a number of reasons why, with regard to American business, as the gentleman from Texas pointed out, we should pass this, because much of this money is spent right here in the United States in our own economy.

Now, I shall be glad to yield to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. I thank the gentleman from Ohio for yielding and I thank the gentleman for his explanation.

Mr. Chairman, I intend to vote for this continuing resolution.

How does the gentleman's consistent vote against this program over the years differ from his support of the program now? Were not those votes you cast against this program tantamount to cutting this program off as it was cut off in the other body?

Mr. BOW. I said I voted for this program once and I voted against it the other times. My vote against it was a protest vote. I thought it was too much, wasteful, and should be reduced.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield further?

Mr. BOW. Just a minute. I am going to answer your question. I still feel that way. I shall vote to reduce some of these programs when we get the proper vehicle with which to do it. However, this is not the one. The gentleman asked me for an explanation. At the time I voted for this bill, I stood here in the well—I had voted against it, but it looked as though it might lose and I did not want to see all of it go down the drain, and I never have. I have been in favor of reductions, but at that time I changed my vote from "nay" to "yea" in the hope of saving the program from utter destruction, and that is the reason I did it.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield further?

Mr. BOW. I cannot yield further at this time. I desire to read a letter from the Secretary of Defense. Also Mr. Chair-

man, may I point out details as to the effect of aid termination in some regards.

The items follow:

THE SECRETARY OF DEFENSE,
Washington, D.C., November 9, 1971.

Hon. FRANK BOW,
House of Representatives,
Washington, D.C.

DEAR FRANK: As you and other members of the Appropriations Committee are aware, there is a very close relationship between our own military force structure and the President's program for foreign assistance. Our planning for security has been based on a total force concept and one key element of this total force concept is the military assistance program. Substantial reductions in the military assistance program would result in deficiencies to our own security.

In this context, both grant assistance and foreign military sales credit authority are equally important. In large measure grant aid and foreign military sales credits have been planned in order to permit a reduction in forward deployments of our own reduced forces.

In addition to the military assistance program, it is vital that the requested economic assistance for South Vietnam be approved. As our withdrawal from Southeast Asia proceeds, it is necessary for South Vietnam to assume the burdens of its own defense. As I have reported publicly, the military aspects of the Vietnamization program are proceeding on or ahead of schedule, but unless we are able to assist the South Vietnamese with the increased economic burden of assuming their own defense, our withdrawal rate could be affected.

I am sure that you and the other members of the House Committee on Appropriations will appreciate the necessity from a security standpoint for congressional approval of appropriations for our military assistance program, foreign military sales credits, and for economic assistance, particularly as requested for South Vietnam.

Sincerely,

MELVIN R. LAIRD.

EFFECT OF NO CONTINUING RESOLUTION ON U.S. BUSINESS

Foreign aid provides important business for U.S. companies and manufacturers. In FY 1971, funds from the economic assistance portion of the aid program financed the purchase of $976 million in commodities from more than 4000 U.S. firms in all 50 states.

In addition there were $632 million in technical service contracts with U.S. companies, consulting firms, and institutions.

AID's purchases included $128 million in chemicals, $145 million of iron and steel products, $90 million in motor vehicles, $62 million in electrical machinery, $22 million of petroleum products, $41 million of engines and turbines, and $55 million in non-ferrous metals and products.

These purchases were distributed as follows: $328 million in the Middle Atlantic States, $230 million in the North Central States, $186 million in the South, $122 million in the Pacific States, $27 million in New England, and $6 million in the mountain States.

Abrupt termination of the AID program would cause a loss of business orders which would hardly serve our economy well at this particular time.

EFFECT OF AID TERMINATION ON U.S. EXPORTS

Failure to pass a Continuing Resolution would have an immediate adverse effect on U.S. exports.

In FY 1971, AID loans and grants financed U.S. exports totaling $972 million. This includes:

16.4% of all U.S. exports of iron and steel mill products.

25% of all U.S. fertilizer exports.

15.7% of all U.S. exports of railroad equipment.

8% of all U.S. rice exports.

8.5% of all U.S. exports of basic textiles.

7.3% of all U.S. exports of non-ferrous metals and products.

Elimination of AID financing would also have a significant effect on the U.S. shipping industry. Over the period FY 1964–FY 1969, the cargo financed under Foreign Assistance Act programs has ranged from 22–30% of the total cargo moving on U.S.-flag shipping.

In addition, we would lose the market building potential which foreign aid has by introducing U.S. products to foreign countries and strengthening their economies to make them better customers. U.S. exports to these countries have more than doubled in the past ten years.

EFFECT OF NO CONTINUING RESOLUTION ON AGRICULTURE

Failure to pass a continuing resolution will have harmful consequences for export of U.S. farm commodities and agri-business products.

In FY 1971, the U.S. exported $300 million in agricultural commodities under Title II of P.L. 480. It provided direct loans to finance an additional $50 million worth of rice and tallow. The tallow—an important by-product of the meat packing industry—amounted to 12% of all U.S. tallow exports. AID also financed purchases of $44 million in fertilizer and about $31 million in agricultural equipment and tractors. AID has also been instrumental in encouraging sales under Title I of P.L. 480 for developmental purposes. Total Title I sales amounted to $760 million last year.

Without a continuing resolution, AID will be unable to administer the Title II program. It would be unable to provide loans for purchases of farm products or machinery. Its work to develop low-cost, high nutrition foods based on corn and wheat would be stopped with further disruptive effects on export opportunities for farm products.

The farmers of America have a direct stake in the extension of the aid program under the proposed continuing resolution.

EFFECT OF FAILING TO PASS CONTINUING RESOLUTION ON U.S. UNIVERSITIES

If a Continuing Resolution is not passed, contracts with 120 U.S. universities will have to be suspended or prematurely terminated.

The total cumulative value of these contracts is $232,165,442. In FY 1971, $59,000,715 was obligated for new contracts or extensions of existing ones.

These contracts are widely distributed across the U.S.:

$64 million in the North Central States including the major land grant colleges and universities in Nebraska, Minnesota, Iowa, Illinois, Wisconsin, Michigan, Indiana, and Ohio.

$59 million in the South including virtually all major State-supported universities from Texas, through the deep South and the border states.

$42 million in the Middle Atlantic and New England States including the State Universities of Connecticut, Maryland, Pennsylvania, New York and Massachusetts.

$27 million in the Mountain States including the Universities of Arizona, Colorado, New Mexico, Nevada, Idaho, Utah, Wyoming and Montana.

$14 million in the Pacific States including the University of California, Oregon State and University of Washington.

These contracts not only permit the universities to carry out development programs in the LDCs, they expose university faculty and staff to problems overseas and thus help build balanced and comprehensive teaching programs. Many thousand AID-financed students at U.S. universities would also be sent home, thus depriving their campuses of the cross-cultural enrichment which these students represent.

IMPACT ON AID STAFFING IF CONTINUING RESOLUTION IS NOT EXTENDED

1. Staff would have to be separated. A.I.D. has 6,500 U.S. employees, of which 3,400 are overseas, and 6,800 third country nationals.

2. There are no funds to meet U.S. obligations with respect to related personnel costs, such as allowances, transportation of employees and dependents, transportation of household effects and autos, termination of storage contracts of household effects, lumpsum leave payments and severance pay guarantees.

3. Various degrees of disruption would arise, such as bringing home large groups of children in mid-term and the necessity of closing or seriously affecting the operation of schools in areas where we have substantial numbers of American children in attendance.

4. The separation of local employees would create political problems in a number of countries.

5. Special problems would involve:

(a) A.I.D. employees serving temporarily with International organizations (providing the benefits due them at the conclusion of their services with these organizations when A.I.D. has become non-existent.)

(b) A.I.D. employees on detail to other organizations such as Office of Economic Opportunity and Department of State.

(c) A.I.D. employees serving on assignments under the Intergovernmental Personnel Act.

(d) A.I.D. employees in long-term training.

6. Departure of A.I.D. staff would, of course, terminate U.S. capacity to assist or monitor activities still funded from the pipeline or other programs administered by A.I.D.

EFFECT OF TERMINATION OF FOREIGN AID ON JOBS

Termination of foreign aid could cost about 70,000 U.S. jobs in the first year following termination.

Termination would mean:

Loss of $900 million of A.I.D. commodity purchases, which would, on average, affect 50,000 jobs directly, in the first year, and probably over twice that many in subsequent years;

The loss of $650 million of technical service contracts, which would affect about 10,000 other jobs, many in already strapped universities;

About one-quarter of the cargo on U.S.-flag ships will be eliminated, with an obviously major impact on U.S. merchant seamen employment.

The direct effects of termination are clear.

A.I.D. has 6,500 employees, of whom 3,400 are overseas.

A.I.D. finances about 2,000 contractor personnel overseas.

A.I.D. finances about 700 employees of other U.S. Government agencies overseas.

IMPACT ON HUMANITARIAN AND PRIVATE PROGRAMS

Failure to pass a continuing resolution will severely disrupt the programs of many private voluntary agencies and institutions in this country.

A.I.D. supports a wide variety of private humanitarian and technical programs. Its assistance has a catalytic effect on private programs: it supports and strengthens the many U.S. voluntary agencies programs operating at the grass roots level in more than 100 countries and territories. These agencies carry on activities in health, education, agriculture, vocational training, as well as coping with simple and pervading hunger. A.I.D. support thus reinforces the expression of millions of Americans who contribute to such private humanitarian and technical assistance organizations. For example:

82 private voluntary organizations are

registered with A.I.D. and are eligible to apply for PL 480 excess food, commodities, overseas ocean freight reimbursement for privately donated supplies and U.S. excess property. (In 1970 the value of the U.S. Government support along these lines totaled $193 million.)

These same organizations received from private sources $71 million in the form of donated commodities and equipment and $293 million in other income.

In 1970 there were 51 disasters in 36 countries including such major catastrophies as the Peru earthquake and the East Pakistan cyclone. U.S. official and private emergency assistance to victims of disaster and civil strife totaled $60.9 million. Of this amount, $12.2 million was provided by private organizations.

Without a continuing resolution, many of these voluntary agencies will be unable to carry on their programs and the U.S. will weaken a vital force for international understanding and good will.

EFFECT OF FAILURE TO EXTEND THE AID PROGRAM IN SOME SAMPLE COUNTRIES

Indonesia—U.S. assistance has been a critical element in the success of the multilateral assistance effort which has underwritten Indonesia's own highly-effective self-help measures and enabled the country to make outstanding progress in rehabilitating the country's economy following Sukarno.

Failure of the United States to continue as an active donor would:

Undermine the Indonesian people's confidence in their government's stabilization program, with exceedingly serious potential domestic, economic and political repercussions.

Risk lost of support of Indonesia's many other donors, casting into serious doubt the validity of multilaterally-coordinated aidgiving as a sound foundation on which a country can have a disciplined economic policy.

Lead to a resurgence in inflation—reduced to 2% a year from an annual rate of 600% in 1965—which ultimately could undermine all development efforts.

Turkey—We could not fulfill our offer of assistance to help Turkey cope with the problems resulting from its agreement to eliminate the production of poppies. Secretary Hardin is currently in Turkey reviewing Turkey's plans for assisting its farmers and identifying potential areas of U.S. assistance.

The planned expansion of the Eregli Steel Mill would be delayed. A carefully developed financial plan, involving a cooperative World Bank and AID financial effort, could not be realized. The expansion will reduce Turkey's need for future steel imports and for future aid.

Ghana—During the past two years, the U.S. has played a major role in building a multilateral framework for helping Ghana restore its economic health which will permit not only an acceptable rate of growth for Ghana but enable her to play its traditional key role in West African trade and commerce. The first stage of the recovery was a major stabilization program under the leadership of the IMF which brought Ghana's domestic and external economic problems under control. The second stage, now in progress under the leadership of the World Bank Consultative Group, focuses on accelerating Ghana's growth through improved domestic investment and savings programs, as well as a substantial increase in net foreign resources flowing into Ghana.

In FY 1972 the U.S. intends to increase its aid to Ghana as part of a package of a substantial increase of World Bank aid to Ghana, including for the first time a program loan, as well as increases in Canadian, West German and British aid. The failure of the U.S. to be able to make its major contribution to Ghana's development in FY 1972 and thereafter could lead to an economic and political tragedy in Ghana.

Panama—Failure to extend the Continuing Resolution will, within a short period, effectively halt work in developing a water system for Panama City, in agriculture development, in malaria eradication and in education. It would weaken the credibility of U.S. commitments to Panama at a time when sensitive U.S.-Panama Canal Treaty negotiations are in progress.

Failure to continue implementation of the $8.5 million Education loan will impede the progress of Panama's highly publicized education expansion and reform program, the product of four years' effort. Any interruption in implementation of the $20 million Panama City potable water loan could lead to severe rationing of water supplied from the Canal Zone, thereby increasing tension between the Zone and Panama.

Indus Basin—The Indus Basin Development Fund Agreement is an agreement between the United States, the IBRD and six other nations (New Zealand, Pakistan, United Kingdom, Canada, Germany and India) to finance a construction program equitably dividing waters of the Indus Basin between India and Pakistan. Without a Continuing Resolution it is not possible to meet our obligations under this international agreement.

The October 1 IBRD requests exceed the amount we are now able to provide under the current Continuing Resolution. We are now technically in default of our commitment to the Indus Basin Development Agreement Fund and the World Bank Administrator of the Agreement. Failure to appropriate the full amount requested of Congress in FY 1972 could result in contractor claims and, should the construction schedule be jeopardized, increased construction costs, and if work is suspended, heavy contractor cancellation fees.

EFFECT OF FAILURE TO EXTEND THE AID PROGRAM IN SOUTH ASIA—HUMANITARIAN RELIEF

1. Pakistan Refugees in India: We could not make dollar contribution needed to help India finance costs of shelter, sanitation, medical care, administration for refugees. Have just participated in India Consortium meeting involving major industrialized countries under World Bank auspices which concluded members should be prepared to make maximum refugee contribution. We cannot expect others to substitute for us. Lifting some of the financial burden from India can help keep the situation from exploding.

2. Assistance in East Pakistan: Our funds are a mainstay of the relief effort, under UN auspices, which is aimed at reducing refugee flow to India. We are now providing support for UN administration, assistance in the transportation of food, and for special dollar costs related to child feeding programs. Looking ahead, there will be a need to assure the availability of adequate agricultural supplies, like fertilizer and pesticides and pumps, to assure that food production is maintained, that food supplies in the future are not so poor as to stimulate further refugee movement. Without new funds we cannot continue to assist.

EFFECT OF FAILURE TO EXTEND THE AID PROGRAM IN VIETNAM

Failure to extend the Continuing Resolution would have the following effects on the Vietnam economic program:

Since the Government of South Vietnam (GVN) relies on U.S. support to finance a major share (over 50 percent) of its budget, it would be necessary to cut back drastically on budget expenditures for its military forces, land reform payments, support for refugees, and Veterans benefits. These cutbacks would greatly reduce the GVN's ability to carry on the war effort.

No conceivable amount of budget reductions could, however, be sufficient to prevent rapid and spiraling inflation, which would lead to economic chaos, increased military desertion rates (since public sector salaries would be penalized the most), and political instability.

The reduction in GVN military effectiveness would slow down the orderly turnover of military operations to the South Vietnamese Army, and would impair our ability to withdraw U.S. troops. Thus, a cutoff of the $565 million economic request would have a disproportionately adverse effect on U.S. military expenditures.

Vietnam relies heavily on A.I.D.-financed imports. Failure to provide continued funding for imports would trigger speculation, hoarding and shortages immediately—well before the last commodities in the pipeline are delivered.

Volunteer doctors now providing medical care for war casualties and refugees would be withdrawn.

Medical supplies such as pharmaceuticals and surgical equipment for Vietnamese hospitals would be terminated.

Commodities and technical assistance for refugees, including aluminum roofing and tents for shelter, would be cut off.

Technical assistance for development (agriculture, education, industrial development, public works, and rural development projects) would be terminated, reducing Vietnamese capacity to achieve economic self-sufficiency.

Civilian inputs to the Pacification Program would be eliminated.

EFFECT OF FAILURE TO EXTEND THE AID PROGRAM IN LAOS

Termination of U.S. Supporting Assistance to Laos would affect the following activities:

Stabilization: The core of the stabilization effort is the Foreign Exchange Operations Fund (FEOF), supported by the U.S., U.K., Japan, Australia, and France, which finances virtually all of Laos' imports. If the U.S., the major contributor, were to cut off funds to FEOF, inflation would almost immediately assume such proportions as to destroy the monetary system in Laos. It would be impossible for Laos to sustain its military effort, or support its civilian government, in the chaotic conditions that would ensue.

Refugees: A.I.D. is the sole provider of food (rice and protein supplements), for about 150,000 Lao refugees, more than half of them women and children. These war victims, without jobs and permanent homes, would be forced into a struggle for survival without A.I.D. support. Rice supplies for these people will run out at the end of December, and procurement plans for the succeeding six months must be made firm by that time if there is not to be a lapse in the food supply. In addition, an estimated 60,000 persons who lost their total food crops in the recent Mekong River flood will require about nine months of food aid beginning next February.

Public Health: We would have to end a program providing medicine, medical supplies, equipment, and training for up to 250 dispensaries, mainly in areas where they are the only source of medical care. We would also have to interrupt the transfer to the Laotian Government of the operation of seven municipal hospitals caring for about 240,000 people a year, now being operated under an A.I.D. contract with Operation Brotherhood of the Philippines. Medical supples for these hospitals would soon be exhausted, and the Operation Brotherhood contract would terminate at the end of the year.

Development: The effort to make Laos self-sufficient in rice and other basic foods production would have to be terminated.

We would have to abandon our support for the development of a Lao-language sec-

ondary education system and building of an adequate teacher-training system. Our vital support for an elementary system of over 218,000 pupils, would have to be abandoned.

Training programs in Laos, Thailand and the United States in education, public administration and agriculture would have to be phased out.

EFFECT OF FAILURE TO EXTEND THE AID PROGRAM IN CAMBODIA

1. Pipeline: The full $70 million of FY 1971 supporting assistance funds has been obligated. These funds are tied up in the process of commercial licensing for commodities for Cambodia, or for commodities being produced, or for those on the docks or already en route. Deliveries will occur from the pipeline from now through about June 30, 1972. Unless new obligations are made now, imports into Cambodia except P.L. 480 will rapidly fall off after that date, and the flow of commercial imports needed to sustain the economy and dampen inflationary pressures will be cut off.

2. Effect of Failing to Pass Continuing Resolution:

(a) The *economic reform program* which the Cambodian Government has just launched October 29 will be aborted. The Government has devalued the riel by more than 120% and we have agreed to support these reforms with economic aid. Unless the Continuing Resolution is passed, we will not be able to live up to this commitment. Furthermore this would render impossible the Cambodian effort to get *multilateral support* for an Economic Stabilization Fund as part of their effort to stabilize the Cambodian economy.

(b) No new commodities under the U.S. commodity import program will enter the economy after what is now in the pipeline is delivered. There will be no petroleum products; hence no electricity, no convoys bringing rice from the provinces, no gasoline for jeeps, trucks, helicopters, and domestic airlines. There will be no imports of textiles, machinery, drugs, chemicals, canned foods, milk, and beverages. The government has no foreign exchange reserve left to use for such imports.

THE SECRETARY OF STATE,
Washington, D.C., November 10, 1971.

HON. GERALD R. FORD,
House of Representatives.

DEAR GERRY: I want to let you know personally the Administration's concern over the really disastrous consequences of not getting a Continuing Resolution authority (CRA) passed to provide for our foreign aid programs after November 15th.

The most serious consequences would be felt almost immediately in the Agency for International Development. We are informed that the effect of a ruling just made by the Comptroller General is that no administrative expenses of the Agency may be paid for work performed after November 15th in the absence of a Continuing Resolution. This of course includes salaries. The net result of this could cause a wholesale departure from the government of the entire staff operating our foreign assistance programs. The programs themselves would come to a halt through a failure to be able to administer them. This means that almost $3 billion in continuing AID programs will cease. AID has analyzed the impact of this and believes that a total of over $2.5 billion would be subtracted from the U.S. economy. Five thousand American companies employing more than 60,000 persons would be affected. AID has over 260 contracts with U.S. universities and firms; 61 of these would run out of funds before December 31 and a further 137 before March 1972. Contractors under these conditions will have to bring their personnel home leaving many projects unfinished. I need not point out that the total impact in the U.S. would be most serious, particularly at a time when our efforts to reduce unemployment are vitally important.

Overseas, the consequences will be equally serious. In Cambodia where the cut off in funds will be felt first and most severely, ammunition supplies will run out in thirty days following a cut off of funds. Over 50% of our program to Cambodia is for ammunition. The Cambodian Army could not longer fight without it. The net effect will be to free some four North Vietnamese Divisions to return to battle in Vietnam and to deprive Cambodia of the resources which its Army urgently requires to defend the country and maintain security for its people.

Directly in Vietnam, a cut off in funding may require somewhat more time to have a direct impact, assuming personnel problems could be solved. However, shortly following failure of the U.S. to provide the imports required, there will be serious disturbances in the economy of Vietnam. Speculation, shortages and rapid price increases are inevitable. Political turmoil and a loss of military strength would not be far behind. The end result would be to negate the massive efforts in Vietnam in the past and even more importantly to nullify this Administration's strenuous and successful efforts at Vietnamization and U.S. withdrawal.

Elsewhere in countries like Laos, Thailand, Jordan, Turkey and Indoesia, our ability to fund vitally important programs will stop when Continuing Resolution authority runs out on November 15. Funds already obligated for programs under the present CRA cannot be moved to other programs because AID will have no authority to make new commitments. In Laos, for example, assistance to over 300,000 refugees would begin to run out and soon stop. Existing supplies and pending orders would hold off for a short time the final discontinuance of support, but it would occur within the next six to nine months.

I cannot emphasize enough the importance which this Administration attaches to the continuing funding of the foreign assistance programs under CRA. Of course, we recognize that CRA is not a substitute for final legislation authorizing and appropriating money which must necessarily come before the House of Representatives in the near future. Nevertheless, legislation is clearly going to require more time and in the interim we must have a CRA to continue the programs. Any disruption could be doubly costly both at home and abroad, as I believe the above examples indicate.

In closing, I believe the President made clear this Administration's concern as succintly as possible last night when he said:

"If the United States at this particular time should determine that it will discontinue its programs of mutual assistance for countries abroad—helping them so that they can help themselves—it can only mean that the world will become much more unstable, that the dangers of war in the world will greatly increase and that the United States will no longer be a world power respected in the world, no matter how strong we are at home."

Sincerely yours,

WILLIAM P. ROGERS.

DEPARTMENT OF STATE, AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., November 10, 1971.

The Comptroller General has today issued an opinion which will prevent the Agency for International Development from obligating any funds for operating expenses after November 15, 1971 in the absence of a continuing resolution. The result is that, unless Congress adopts a satisfactory continuing resolution on or before November 15, A.I.D. will be unable to incur the obligations needed to continue operations after that date. There is attached a more general discussion of the Comptroller General's ruling.

DEPARTMENT OF STATE, AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., November 10, 1971.

Today's rulings of the Comptroller General on A.I.D.'s obligational authority concern both of the statutory provisions which have been suggested as possible sources of funds for A.I.D. operating expenses in the absence of a Continuing Resolution.

The first provision is Section 617 of the Foreign Assistance Act, which authorizes the expenditure of funds after "termination of assistance under this Act." The Comptroller General has ruled that Section 617 is directed to the termination of particular projects or programs in any one foreign country, not to termination of the overall foreign assistance program. He has also ruled that, in any event, there has been no termination of assistance within the meaning of Section 617 since the President has not terminated assistance and since Congress has not terminated assistance "by concurrent resolution," the form of Congressional action expressly required by Section 617.

The second possible source of funding for A.I.D. operations considered by the Comptroller General is the reobligational authority set forth in the Foreign Assistance and Related Programs Appropriations Act of 1971. The Comptroller General has ruled that the reobligational authority in the 1971 Appropriations Act is not available to fund expenses in fiscal year 1972, the current fiscal year.

The Comptroller General noted that authority is available under the Mutual Security Appropriations Act, 1956 to use military assistance funds appropriated in prior years to fund administrative expenses for military assistance in this fiscal year. Those military assistance fund are not available for administration of the economic assistance programs conducted by A.I.D.

Mr. MAHON. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. EVINS).

Mr. EVINS of Tennessee. I thank the distinguished gentleman for yielding. Mr. Chairman, I shall support the continuing resolution. As we consider the pending resolution I should like to state that I am pleased that we in the Congress are now receiving some cooperation at this time from the other end of Pennsylvania Avenue.

Mr. Chairman, earlier this year I joined with others in vigorously protesting the excessive impoundment of funds by the Office of Management and Budget for public works projects for the last fiscal year.

At the conclusion of the year our Subcommittee on Public Works Appropriations had a most extensive and I trust helpful hearing with officials of OMB in which we explained the position and point of view of the Congress for appropriating funds for needed public works projects for the Nation which had been impounded. At this time I am pleased to advise that virtually all appropriated funds have been apportioned and released for priority projects appropriated by the Congress.

This year I am advised that there will be no freezing and impoundment of public works funds by OMB.

Mr. Chairman, the Congress added $104 million in appropriated funds for some 94 projects—either new projects or increases in on-going projects. They have now released over $100 million of this amount, added by the Congress, to the U.S. Corps of Engineers, Bureau of Recla-

mation, Tennessee Valley Authority and other power and water resource development agencies of the Government throughout the Nation.

Mr. Chairman, I believe that our appropriations hearings held this year have resulted in a better understanding concerning the wishes of the Congress, concerning the impoundment of funds, and I am pleased that other add-on's have been approved and released.

This action by OMB is recognition of the fact that Congress does have the prerogative to make adjustments in the budget request and to establish its own priorities to the extent that it believes necessary in the public interest.

Mr. Chairman, I include a list of the projects that were frozen but that have been released, 134 for fiscal year 1971 in the amount of $64,509,000 and 175 in the amount of $113,997,000 for this fiscal year.

So, we have the release of funds from the other end of Pennsylvania Avenue for public works projects in this country.

The list referred to follows:

CORPS OF ENGINEERS AND BUREAU OF RECLAMATION PROJECTS

FISCAL YEAR 1971 PUBLIC WORKS APPROPRIATION ACT

	Number	Amount
Release of congressional add-ons impounded during fiscal year 1971:[1]		
New planning starts	16	$1,385,000
New land acquisition starts	7	2,500,000
New construction starts	31	7,975,000
New loans	3	750,000
Additional amounts for projects underway	77	51,899,000
Total	134	64,509,000

FISCAL YEAR 1972 PUBLIC WORKS APPROPRIATION ACT

Congressional add-ons apportioned for obligation during fiscal year 1972:[2]		
New planning starts	25	$2,616,000
New construction starts	20	9,820,000
New loans	2	600,000
Additional amounts for projects underway	128	100,961,000
Total	175	113,997,000

[1] A total of $2,288,000 is still held in reserve involving 5 projects.
[2] A total of $980,000 is still held in reserve involving 3 projects.

Mr. BOW. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. JONAS).

Mr. JONAS. Mr. Chairman, I take this time in order to concur in the remarks of the distinguished gentleman from Texas (Mr. MAHON), chairman of the House Committee on Appropriations, and also with the remarks of the distinguished gentleman from Ohio (Mr. BOW), the ranking member of that committee.

I do not really understand how it could seriously be argued that this is the time or the place to get into an argument about foreign aid or military assistance or the Defense Department.

If the committee today rejects the continuing resolution or emasculates it with amendments, you will be destroying the committee system of the House. You will, in effect, be expressing lack of confidence in your own Committee on Appropriations—because you will take away from the subcommittees of that committee, who still have work to do on bills that have not yet become law, the opportunity to mark up their bills and bring in bills that represent their best judgment on the amount of money that ought to be recommended for appropriation.

I really do not see how anyone in the House who understands this proposition would want to express such lack of confidence in one of your own standing committees, because you will be given an opportunity on each one of these bills to have the House work its will.

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

Mr. JONAS. I will be glad to yield to the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Does not the gentleman think that this would be an indication of lack of confidence in the legislative committees as well as the Committee on Appropriations?

Mr. JONAS. The gentleman is absolutely correct. I am sorry I restricted my remarks to the Committee on Appropriations, because I stated in my earlier colloquy with the distinguished gentleman from Texas that we have been delayed awaiting authorization bills.

But if this committee today, as I have said—and I hate to repeat myself—defeats this resolution or emasculates it with amendments, it will be repudiating two of its standing committees, and I really do not believe Members want to do that.

I say again, that every member in this committee and in the House who wishes to oppose some parts of the bills that have not been enacted upon, will have ample opportunity to do it, because those bills will have to go through the Committee of the Whole, and there will be record votes, teller votes, and votes on final passage.

I plead with the members of this committee today not to repudiate two of your standing committees. If you want to attack any of the programs involved, will you not be willing to wait until the regular bills come to the floor, and make your attacks then?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAHON. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. DOW).

Mr. DOW. Mr. Chairman, the measure now before us will, among other things, accomplish the extension of the foreign aid program which has already been voted down by the Senate and which passed this house by the slim margin of 200 ayes to 192 nays.

It seems incongruous to me that we are today being asked to go around to the back door and extend this defeated program through the vehicle of a continuing resolution.

There is a way out of this, however. I would like to call to the attention of my colleagues section 10 of the Military Sales Act of 1970 as Public Law 92-672. This act contains language which prevents the spending of appropriations for foreign aid without authorizing legislation. Yet the requirement for express authorization is waived in the continuing appropriation of July 1, 1971, which we are asked now to continue further.

The amendment I am introducing today would delete this waiver and reinvoke section 10 of the Military Sales Act.

The effect of this would be to bar the expenditure of funds appropriated by this resolution for foreign aid only. It would have no effect on the expenditure of funds provided in the resolution for the defense or District of Columbia budgets. The requirement for authorizing legislation extends only to foreign aid program expenditures.

What would happen to employees of the foreign aid program if we were to reinvoke section 10 of the Foreign Assistance Act? My amendment has made provision that the administrative expenses for the salaries of these employees be continued. This employment issue should not be used as a bludgeon to coerce Congress into continuing a multi-billion-dollar program. If all this program is good for is to employ people, then it is truly useless. Nevertheless, my amendment would allow these salaries to be met until the sine die adjournment of this session.

Over half of the budget of our foreign aid program is spent for military purposes. For this and a variety of other reasons many in this body feel that foreign aid, as presently constructed is an idea whose time has gone.

The program transforms our military attachés overseas into sales agents for the American arms industry, allowing poor nations the means to make war with each other, and to crush democratic movements which threaten the authorities. The terms of credit which we so generously extend—10 years—are probably longer than the life of the weapons which we sell them. Yet our ally, Israel, badly in need of economic assistance, receives practically nothing in this foreign aid program.

I have no quarrel with the concept of foreign aid, if properly conceived and redirected. I believe my amendment would compel a reformation of the program.

A new foreign assistance program is in the making, but it may be subverted and emasculated if pressure for reform is not exerted by withholding further assistance funds until a reconstruction is achieved.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. DOW. I yield to the gentleman.

Mr. LONG of Manyland. The gentleman knows there is no question I am just as strongly opposed to military aid and military sales as the gentleman.

I have voted against them for years. Military aid is what really soured me on foreign aid.

But I am puzzled as to the gentleman's purpose. The gentleman recognizes in his remarks that foreign aid is going to continue in some form and, therefore, I would think the gentleman would agree with most of us that what we need——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LONG of Maryland. Mr. Chairman, I would ask that the gentleman be given a couple of additional minutes.

Mr. MAHON. Mr. Chairman, I yield the gentleman from New York (Mr. DOW) 2 additional minutes.

Mr. LONG of Maryland. Mr. Chairman, so I believe the gentleman more or less agrees that the program is going to be continued.

Would the gentleman not agree that if we are going to continue our foreign aid program and it is going to be restructured, it is going to take careful work to do it? Certainly, the purpose of the gentleman's amendment will be to put us under the gun and to deprive us of the time we need to do the kind of restructuring that needs to be done.

I am wondering whether the gentleman's amendment does not do harm rather than good?

Mr. DOW. I wish you would allow me time to say that with the defeat of foreign aid in the Senate and the close vote in the House, there is a current feeling running opposed to foreign aid in its present form.

Now is the critical moment to go after it and now is the time. The only way to do it is perhaps to use a gun—to use that metaphor—to cut off the operation of this program, aside from the administrative expenses.

Mr. LONG of Maryland. A couple of weeks in any case.

Mr. DOW. The gentleman knows that the reform of foreign aid has been in the pipeline just as the funds have been there for a long time. These ideas have germinated and many have come to fruition. I think it would take just a few days for this or the other body to develop or change or improve the program.

Mr. LONG of Maryland. Would the gentleman be satisfied with the restructuring of a vast complicated foreign aid system—that can be done in a few days or a week.

Mr. DOW. The idea is for a change in foreign aid, I will say to the gentleman, that most of the needed reforms have been suggested. They are in line and it would take just a few days to put them on paper.

Mr. BOW. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I want to express my unequivocal support of the continuing resolution as it affects the foreign aid program.

I have supported this program on this floor under four Presidents.

There is no question that the entire program needs thorough examination and revision. I have worked for this goal during my 12 years on the Foreign Operations Subcommittee. However, our frustration with its shortcomings should not lead us to the irresponsible action of cutting off funds completely after next Monday.

We must remember that our foreign assistance supports many important activities. The Asian Development Bank, Disaster Relief, the International Development Association, the Export-Import Bank, the Overseas Private Investment Corporation, and the Development Loan program have all proven their worth and effectiveness. This last program, in particular, by loaning money to developing countries to help them achieve the economic self-sufficiency they require, is of vital importance.

Nor can we ignore the tremendous health programs bolstered by these funds. We provide relief for victims of countless diseases. We support the work of the World Health Organization, the U.N. children's fund, and the U.N./FAO world food program, to mention only a few.

The controversy surrounding our military assistance should not obscure the benefits of our economic and humanitarian aid. While I welcome this controversy as providing the necessary impetus for a reduction of our goals in this area, I will not support an attempt to throw the baby out with the bathwater.

As President Nixon stated yesterday:

> There are no constituencies for foreign aid, we know that. But let us recognize this: If the United States at this particular time should determine that it will discontinue its programs of mutual assistance for countries abroad—helping them so that they can help themselves—it can only mean that the world will become much more unstable, that the dangers of war in the world will greatly increase.

Let us work for reform. But let us have the wisdom to reject draconian measures in the process.

Thank you, Mr. Chairman.

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

Mr. BOW. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas (Mr. SHRIVER).

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman from Kansas yield to me?

Mr. SHRIVER. Very briefly.

Mr. ROONEY of New York. It would seem to me that the gentleman from New York (Mr. Dow) might throw out the baby with the dirty bath water.

Some of the items not mentioned by the distinguished gentleman from Massachusetts in listing some of the many good parts of the program which have to be appropriated for and for which there must be a bill are items such as the funds for refugees and migrants, which would be included by this resolution and which are very much the subject of concern of all religious faiths. CARE, the Catholic Relief Services, Church World Service, and the American Jewish Joint Distribution Committee, all voluntary agencies, are very much concerned that we have a foreign aid bill.

I thank the gentleman.

Mr. SHRIVER. I thank the gentleman from New York.

Mr. Chairman, I shall speak to the continuance of the aid program. I have never voted in favor of foreign aid authorization bills since I came to Congress in 1961. I did not vote for the authorization earlier this year.

But I do support President Nixon's progress in withdrawing American soldiers from the conflict in Southeast Asia. I do support the Nixon doctrine of a more realistic American presence in the world. I do support the concept of Vietnamization as an alternative to previous American involvement in the war.

To me, this continuing resolution, at least the foreign aid part of it, is an "end the war" bill. It is a "bring the boys home" bill.

It is not a vote on the merits and failings of our fragmented foreign assistance programs. This House will have an opportunity later this year to vote on the future of our military and economic aid efforts. This continuing resolution is the traditional and time tested method by which we avoid total chaos which would result from the immediate dismantling of the program while Congress debates its future.

We have to keep one thing clearly in mind today. If this continuing resolution is not passed, the Agency for International Development will cease to exist on November 16. There is no authorizing legislation—the Senate defeated the House-passed bill on October 29.

The only way AID can pay its personnel, even to dismantle the program in an orderly way, is if the authorization to do so is enacted by Congress in this bill.

We have heard a lot about the so-called "pipeline." Agency spokesmen tell us this is obligated, and thus unavailable for administrative purposes.

We all want to get out of Vietnam as soon as possible, and we are getting out. But if this aid program which finances over half of South Vietnam's badly needed imports is stopped on November 16, the effect on the south's economy and war efforts in its own behalf will be fatal. Would that really be in our national interests? With a shortsighted negative vote on this resolution today, do you want the sacrifices of American and allied lives and resources during the last decade to go down the drain—to be for naught?

In a letter dated yesterday to the ranking member of the Appropriations Committee, our former colleague and now Secretary of Defense, Mel Laird, explained the importance of military grant and sales assistance to our own defense posture. The Secretary wrote:

> In large measure grant aid and foreign military sales credits have been planned in order to permit a reduction in forward deployments of our own reduced forces.

The Secretary also stated:

> There is a very close relationship between our own military force structure and the president's program for foreign assistance.

We normally think of Vietnamization in military terms, but the principles of Vietnamization are being applied to the economic assistance program as well. The dollar figures are very high—$565 million for economic supporting assistance for Vietnam—but practically the entire amount is to make up for the loss of foreign exchange earnings which had been coming to the Vietnamese indirectly through our Armed Forces presence in their country.

But while these dollar figures are high, our direct involvement in Vietnam's economic and social affairs is on the decline. More Vietnamese are doing the jobs which were being done by Americans. This will continue, as it should, but the Vietnamese war-inflated economy cannot do it alone.

Ending our involvement in the war is the main reason I support this continuing resolution, but there are other substantial reasons.

We face a high unemployment situation in our country—5.8 percent overall,

and much worse in certain areas and in certain groups.

The immediate loss of $900 million of aid commodity purchases would affect 50,000 jobs directly in the first year and probably twice that many in later years.

The loss of $650 million of technical service contracts would affect about 10,000 other jobs, many of these in universities which are already in financial trouble.

The elimination of AID-financed shipments would curtail about one-quarter of the cargo now shipped on U.S.-flag vessels, with obvious effects on our merchant fleet and seamen.

AID itself has 6,500 employees, 3,400 of whom are overseas. In addition, AID finances 2,000 contractor personnel and 700 employees of other U.S. Government agencies overseas. These people, of course, would be affected immediately by negative action in the House today.

Yesterday, I inserted five tables in the RECORD on page H10791 which show the financial impact of AID expenditures in our own country. The impact is substantial in many of our districts and States, reflecting the fact that most of our foreign aid spending is done right here at home.

There are many serious shortcomings in our past foreign aid policies, many of which I have pointed out myself here on the House floor since becoming a member of the Appropriations Committee. Our subcommittee will continue to investigate these programs and eliminate selectively those programs which are not working and are not in our national interest. Judging from statements of the Senate Foreign Relations Committee and the chairman of our Foreign Affairs Committee, we will all have the opportunity to debate these programs when considering totally new authorizing legislation.

But in spite of various items included in this program which we know should be discontinued, there are others which dictate a responsible affirmative vote here today. Vietnamization. Unemployment. Humanitarian disaster relief. American schools and hospitals abroad. Project hope. American exports. Assistance to Turkey to help eliminate the production of poppies, which are made into heroin. Supporting assistance to Laos and Cambodia for the safety of our servicemen in Vietnam. Aid to Korea, so that we can continue to bring our troops home from that country where they have served for far too long. Aid to the peacekeeping force in Cyprus, which has successfully kept the lid on that explosive situation. The green revolution. Population control.

For these reasons I strongly urge all of you to cast a difficult but responsible and very necessary "yea" vote on this continuing resolution.

Mr. BOW. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan, the distinguished minority leader, GERALD R. FORD.

Mr. GERALD R. FORD. Mr. Chairman, really there are two issues involved in our consideration of House Joint Resolution 946. One is the question of orderly responsible legislative procedure, and the other is the substance of the foreign program and others affected by the resolution.

I would doubt that many in the Chamber or many Members of the House have actually taken a look at House Joint Resolution 946. It is five lines—and here is a copy. It involves the continuing authority for appropriations in the magnitude of $80 billion between now and when we adjourn sine die.

We have had continuing resolutions in the past in many, many instances—too many—but, be that as it may, never to my knowledge has the House ever amended a continuing resolution, and for good reason. A continuing resolution is an interim vehicle to provide obligation authority for the Departments that prior to that time have not had an appropriation bill approved into law. Here we are threatened with one or more amendments on a continuing appropriation bill for an interim period of time in the 1971 session of the Congress.

Mr. Chairman, if we do that, I think we are establishing a bad precedent, and also if we do it we are undercutting responsible committee activity. It means that the Committee on Foreign Affairs will be precluded from working its will and the House from working its will on the authorization bill for the foreign aid program.

I have in my hand here a copy of H.R. 9910 which was the foreign aid authorization bill we passed in the House August 3, 1971. There are 40 pages involved in this bill. The House over a 2-day period read every paragraph, passed judgment on every paragraph, and finally August 3, passed it by a vote of 200 to 192. That was the responsible way to act on the legislation—far more responsible than trying to amend a five-line continuing resolution.

If we amend this resolution we may be compounding irresponsibility. Every year, in the ordinary course of events, after an authorization has become law we consider an appropriation bill for the Foreign Aid program. I have in my hand here the Foreign Aid Appropriation bill for the last fiscal year. It is seven pages long, and in every instance there is a line item for every program. When that legislation went through the House a year ago the House of Representatives worked its will on every line item.

That makes sense. How we could go from that kind of responsible activity to consideration of amendments on a five-line resolution is beyond my comprehension. I say to those who want to do it, if you do you are establishing a very bad precedent that will come back to haunt you.

I have in my hand a letter from the Secretary of State which indicates that in his judgment any action on the continuing resolution not following the proper authorizing and appropriation procedure would be very, very serious. Let me read an excerpt from that letter. I quote:

> AID has analyzed the impact of this and believes that a total of over $2.5 billion would be subtracted from the U.S. economy.

That would be the impact if the foreign aid portions of this resolution were deleted or were severely restricted.

The Secretary of State goes on and points out in a number of instances the specific harm that would come to the implementation of our foreign policy if the continuing resolution were amended to reduce funds substantially.

It seems to me at this critical juncture in our foreign policy to use a meat axe on either the military assistance or the economic assistance would be disastrous. I am willing to rely on the good judgment of the Committee on Foreign Affairs on the authorization and how the House works its own will on the authorization. And I will do the same so far as the appropriation bill is concerned.

But I believe it would be unwise from a parliamentary point of view, from a legislative point of view, and from a substantive point of view for us on this occasion to cut the program or to hamstring it or to do anything other than to pass it as it has come from the Committee on Appropriations.

Now let me give one or two specific instances where a serious cut or a serious limitation would have a disastrous effect.

According to the AID Administrator, if a termination should come today, or on November 15, it would result in the loss of $900 million of AID commodity purchases, which would, on average, affect 50,000 jobs directly in the first year.

Or if we were to terminate the program it would result in the loss of $650 million of technical service contracts, which would affect about 10,000 other jobs.

Furthermore, for those who are concerned about the American merchant marine, if we were to terminate the foreign aid program on November 15, as some apparently want it terminated, one-quarter of the cargo on U.S. flagships would be eliminated.

The disastrous complications would be, I believe, serious; and in my opinion we should not amend and we should not terminate the foreign aid program at this point.

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

Mr. GERALD R. FORD. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I thank the gentleman. I should like to commend the gentleman for his statement.

The gentleman mentioned the Committee on Foreign Affairs several times. As a Member of the Committee on Foreign Affairs I would say that we have been ready to discharge our responsibility. As the gentleman pointed out, an authorization bill recommended by our committee has been considered. The reason there is a problem today regarding foreign aid is the action taken by the other body.

We are ready to move again when the time is appropriate, but the only responsible way now is to have a continuing resolution, to enable us to proceed with another authorization and an appropriation bill in due course.

So I also hope that we have no amendments—we cannot prevent them from being offered, of course, but I trust that no amendments are adopted to this continuing resolution, I hope that we can proceed in an orderly fashion.

I thank the gentleman for yielding.

Mr. GERALD R. FORD. I know the Committee on Foreign Affairs and the Committee on Appropriations are ready, able, and willing to bring the proposed bills to the floor of this House for consideration and under the orderly procedure. Let us wait until these opportunities present themselves instead of operating on a five-line resolution. House Joint Resolution 946 ought to be approved as is so that we can operate in the best legislative way at a subsequent time.

Mr. JONAS. Will the gentleman yield?

Mr. GERALD R. FORD. I am glad to yield to the gentleman.

Mr. JONAS. Is it not true that every opponent of either one of these programs will have his day in court when the regular bills are on the floor of the House for action and that any action anybody wants to take against any of these programs should more properly be taken when those bills are there instead of on this continuing resolution?

Mr. GERALD R. FORD. Yes.

I yield to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. I want to say to the gentleman I am in sympathy with his statement and plan to support the position that he has taken, because I think continuing authority for the AID agency along with the Department of Defense is a responsible position to take.

Moreover, I am concerned that certain parts of our foreign policy are a little ragged. We need to work in order to try to keep the country on the right track.

There will be other issues tonight or tomorrow that also relate to American foreign policy, and I appeal to the gentleman to help in those efforts, also, if he can find his way to do so, to help the United States to live up to its international obligations. It seems to me that it is part and parcel of a responsible posture in the foreign policy field.

Mr. GERALD R. FORD. I thank the gentleman from Minnesota. I will do my best and I will exercise whatever judgment I have on some of these tough foreign policy issues. I think we have to take them one at a time and let the House work its will and let each of us exercise our best judgment as our conscience dictates.

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

Mr. STRATTON. Mr. Chairman, the gentleman from New York, my colleague (Mr. Dow) said a moment ago that we should not be sending military help to Israel but, rather, should be sending economic help.

The fact of the matter is that I had the privilege of chairing a subcommittee that went to Israel a year ago. We met with the Prime Minister and also with the Deputy Minister of Defense. They made it clear to us that what they wanted desperately and urgently was military help. In fact, we brought back to this House a request for $800 million for credit sales of military equipment which was later included in unlimited amounts in the defense authorization bill last year.

There is another $300 million in the 1972 foreign aid bill to help Israel. She desperately needs it. She needs the Phantom jets and other weapons to deter aggression against her in that area. If the position of the gentleman from New York were to prevail, we would be encouraging aggression in the Middle East.

Mr. VEYSEY. Mr. Chairman, today the House is being asked to keep alive a system of foreign assistance that scarcely anyone can defend in its present form. We are told it is necessary to line up and go along with this so that something better can be developed in due time.

I am not persuaded.

The people in my district and across the country have wells of generosity they are willing to dip into for almost any worthy cause. But there comes a time when even the most dedicated philanthropists take stock of the good they have done. That time is with us, and we find we have little concrete to show for 25 years of altruism.

The present aid program is universally recognized as inefficient and wasteful. Although I certainly favor some parts of the program there is no way to justify others. I am convinced that the best way to expedite reform of this program is to call a halt to it as it now stands. This is especially true at a time when our Federal budget is running a record deficit and we would in effect have to borrow the money to continue this program.

Therefore, I do not support the continuing resolution for foreign aid.

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

Mr. MAHON. Mr. Chairman, the hour is late; the issue is very clear; namely, whether we shall take action to provide for the continuation of several departments and agencies of the Government, including the Department of Defense and others for this interim period. I do not have any doubt but that the House will approve this continuing resolution.

I know we are going to have an amendment to cut out funds for the Defense Department. And we are going to have an amendment to cut out funds for the foreign aid program, including the Export-Import Bank—which if adopted would also seriously affect both business and labor.

Mr. Chairman, I would urge that we move along as rapidly as we reasonably can. I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of July 1, 1971 (Public Law 92-38), as amended, is hereby further amended by striking out "November 15, 1971" and inserting in lieu thereof "the sine die adjournment of the first session of the Ninety-second Congress".

AMENDMENT OFFERED BY MR. SEIBERLING

Mr. SEIBERLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING: Page 1, line 7, after the end of the sentence strike out the period and insert a semicolon and add the following: "provided that notwithstanding any other provision of law no funds shall be available under this joint resolution after November 15, 1971 for activities of the Department of Defense."

Mr. SEIBERLING. Now, Mr. Chairman, despite the mutterings that you hear, this is not an amendment to prevent our acting on funds for the Department of Defense. It is an amendment to give us an opportunity to vote on that as a separate issue.

I note that this continuing resolution not only covers funds for the Department of Defense, but it covers the District of Columbia appropriations, the foreign assistance appropriations, the antipoverty program, the economic opportunity authorization, health manpower programs, Radio Free Europe, civil rights education and emergency school assistance and even the American Revolution Bicentennial Commission.

Now, I made a pledge to my constituents and I made a statement at the start of this session that I would not vote for any appropriation or authorization to continue the war in Vietnam until we put a specific cutoff date on further American involvement in that war. I consider this a pledge that I am bound to keep. There are other Members of this House in this same position.

I do not think it is right to compel us to vote against antipoverty programs and all these other things in this kind of grab-bag resolution in order to carry out our honored pledge.

So, this does not prevent a continuing resolution for the Department of Defense but it does provide an opportunity for us to vote on that as a separate continuing resolution. That is the sole purpose of my amendment and I urge its adoption.

Mr. RHODES. Mr. Chairman, would the gentleman yield?

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

Mr. RHODES. Do I understand the gentleman's amendment correctly that he would strike the Department of Defense from this resolution and hope—I guess he hopes, at least—that there would be another resolution which would provide funds for the Department of Defense? So now I ask the gentleman will he support such a resolution if it is brought to the floor?

Mr. SEIBERLING. It depends entirely on the form of the resolution, and whether it provides for carrying on the war without a cutoff date.

Mr. RHODES. And the gentleman then would, as I gather, vote to cut off all funds for the Army of the United States, the National Guard, the Marine Corps, and so forth, unless he gets his way as far as this is concerned?

Mr. SEIBERLING. We have not gotten that far yet.

Mr. RHODES. I think we have, because this is the 10th of November.

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

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment.

The amendment simply provides for the elimination of all funds for the Department of Defense after November 15, which is next Monday. That is completely impractical. Surely the House would not embrace this amendment.

Mr. Chairman, I ask unanimous consent that all debate on this amendment

and all amendments thereto close in 5 minutes.

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

Mrs. ABZUG. Mr. Chairman, I object.

The CHAIRMAN. There being no objection, it is so ordered.

Mr. BINGHAM. Mr. Chairman, I rise to a point of order. The Chair evidently did not hear the gentlewoman from New York when she objected to the unanimous consent request.

The CHAIRMAN. The Chair will state that the Chair heard no objection.

Mrs. ABZUG. Mr. Chairman, I did object.

Mr. HAYS. Mr. Chairman, the gentlewoman from New York was objecting; not that I favor her position on this bill, but the gentlewoman did object.

The CHAIRMAN. Was the gentlewoman from New York (Mrs. ABZUG) on her feet?

Mr. MAHON. Mr. Chairman, she was on her feet.

Mrs. ABZUG. Mr. Chairman, I was on my feet.

The CHAIRMAN. And the gentlewoman from New York objects?

Mrs. ABZUG. Yes, that is correct.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 10 minutes.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman and Members of the House, you have just heard the gentleman from Ohio (Mr. SEIBERLING) in offering his amendment, make the statement to you that he made a pledge to his constituents not to appropriate nor vote to appropriate any funds for the military until a date certain had been established for getting our troops out of Vietnam.

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

Mr. WAGGONNER. I do not have time to yield to the gentleman.

Mr. Chairman, I would like to remind the Members that every one of the Members at the opening of the 92d Congress raised their hand and took an oath under the Constitution of the United States to defend the United States, and you cannot do it by doing away with the financial support for the military.

You all have an oath, including the gentleman from Ohio, to defend the United States.

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

Mr. WAGGONNER. I will be happy to yield.

Mr. RONCALIO. Mr. Chairman, I gave the same promise to the people of Wyoming when I was campaigning up and down the State of Wyoming, that I would vote for no further military funds until we get out of Vietnam. And I am as good an American as the gentleman from Louisiana.

Mr. WAGGONNER. I will tell you one thing, and you will have to live with it, but you decide which oath means the most: the oath you took on the floor of the House of Representatives with your hand up, when you came to take this job, or that foolish one you made back in your home State.

Mr. RONCALIO. Mr. Chairman, I demand that those words be taken down. Please take down the words. I resent the implication on my patriotism, and I defend my right to do what my conscience tells me to do.

So, Mr. Chairman, I demand that the words be taken down.

The CHAIRMAN. The gentleman from Wyoming insists upon his request that the words be taken down?

Mr. RONCALIO. Mr. Chairman, I demand that the words be taken down.

The CHAIRMAN. The Clerk will report the words objected to.

Mr. RONCALIO. Mr. Chairman, I withdraw the request.

The CHAIRMAN. The request is withdrawn.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Mrs. ABZUG).

Mr. SEIBERLING. Mr. Chairman, will the gentlewoman yield?

Mrs. ABZUG. I yield to the gentleman.

Mr. SEIBERLING. I just want to correct the RECORD and I think the stenographic record will show that I did not say I would not vote for any military appropriation. I said I would not vote for any military appropriation to continue our involvement in Vietnam. Our involvement in Vietnam does not advance the defense of the United States. In fact, it has impaired our ability to defend the real interests of the United States against very real threats elsewhere in the world.

Mrs. ABZUG. Mr. Chairman, I think it is important for the men and women in this House to recognize that the questions of patriotism posed are as follows: the continued violation of the will of 75 percent of the American people, the continued sending of our young men to be slaughtered and the continued killing of innocent people abroad without the consent of the American people. For when a House of Representatives refuses to withhold the funds from an Executive who unlawfully conducts a war without regard to the will of the people or our own obligation to exercise the power rendered us by the Constitution and the people then it may be that our course has been unpatriotic.

I think there is nothing wrong with this House pausing and saying we have not acted to set the date. We have not acted to reflect the will of the American people. In view of the fact that we have sat by as the President continues this war, perhaps what we now must do is to take very strong action to cut off the funds from this war by cutting off the funds of the Department of Defense.

I support this amendment. We must not allow ourselves to continue funding the war to kill innocent people, to plunder the energies and resources of our Nation, and to deny the hopes of all Americans for peace.

Mr. BINGHAM. Mr. Chairman, I support the amendment proposed by the gentleman from Ohio (Mr. SEIBERLING) as a purely procedural matter. As I understand it, he wants to have the question of a continuing resolution to carry on the Defense Department programs taken up separately, and I believe that is a reasonable request.

My vote in support of his amendment does not mean that I am opposed to all the items in the Defense Department's continuing programs.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Chairman, I think we have to look at what the effect of the amendment that has been offered is and not what the gentleman from Ohio thinks it is.

The effect of the amendment, whether the gentleman understands it or not, would be to cut off all funds for the military services of the United States of America. I cannot imagine that the gentleman is serious in wanting to do this. But there it is. This is the proposal that is now before the House of Representatives.

The idea that at this particular time in our history that we have a proposal not to support the Marine Corps, not to support the 6th Fleet which is in the Mediterranean eyeball to eyeball with Russian ships, protecting the lands of the Mediterranean littoral, including Israel, from invasion, not to support the Navy, Army and Air Force is, to me, absolutely unbelievable.

Mr. Chairman, I hope the gentleman withdraws his amendment. I cannot imagine that he can be serious about it.

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

Mr. RHODES. I yield to the gentleman.

Mr. SEIBERLING. Mr. Chairman, today is the 10th of November. We have until the 15th of November to make whatever disposition we want on the continuing resolution. After the discussion we have had on my amendment, can there be any doubt that the Congress can and will pass any necessary continuing defense appropriations by November 15? All I am trying to do is to get a separate vote on that issue.

Mr. RHODES. The gentleman is indulging in wishful thinking, and is playing Russian roulette with the safety and welfare of this country and he knows perfectly well it is not possible to do as he suggests.

If this resolution passes the House tonight and goes to the other body, it will obviously be some time before it can be adopted. If we had to start a separate resolution, addressed only to the funds for our Armed Forces, there would probably not be time to accomplish the purpose before November 15. All of the Armed Forces would be out of money.

Combat forces would have payless paydays. Many hardships would be suffered by our men in uniform. They deserve better of us.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Bow).

Mr. BOW. Mr. Chairman, I am opposed to this amendment.

I yield back the remainder of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I just want to make one thing clear. Any time the leadership of this House wants to vote money to continue the Defense Department, it will have no trouble getting a resolution passed, and the kind of debate we have heard here tonight makes it clear why. All I am asking is for a separate vote, and we could get a separate vote in the next 5 days if the people who run this establishment want one.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Chairman, the gentleman wants a separate vote as an expression of opinion of the House on this subject. I think we are about to have it. If the House defeats the pending amendment, it will, of course, mean that the House does not wish to cut off all funds for the Department of Defense. I am certain the House will defeat the amendment as, of course, it should.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Ohio (Mr. SEIBERLING).

TELLER VOTE WITH CLERKS

Mr. SEIBERLING. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. SEIBERLING. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. SEIBERLING, MAHON, BOW, and Mrs. ABZUG.

The Committee divided, and the tellers reported that there were—ayes 10, noes 356, answered "present" 5, not voting 60, as follows:

[Roll No. 378]

[Recorded Teller Vote]

AYES—10

Abzug	Dellums	Seiberling
Bingham	Rangel	Stokes
Burton	Roncalio	
Chisholm	Ryan	

NOES—356

Abbitt	Badillo	Bray
Abernethy	Baker	Brinkley
Abourezk	Baring	Brooks
Adams	Begich	Broomfield
Addabbo	Belcher	Brotzman
Albert	Bell	Brown, Ohio
Anderson, Calif.	Bennett	Broyhill, N.C.
	Bergland	Broyhill, Va.
Anderson, Ill.	Betts	Buchanan
Anderson, Tenn.	Bevill	Burke, Fla.
	Biaggi	Burke, Mass.
Andrews, Ala.	Biester	Burleson, Tex.
Andrews, N. Dak.	Blanton	Burlison, Mo.
	Blatnik	Byrne, Pa.
Annunzio	Boggs	Byrnes, Wis.
Archer	Boland	Byron
Arends	Bolling	Cabell
Ashbrook	Bow	Caffery
Aspin	Brademas	Carney
Aspinall	Brasco	Carter
Casey, Tex.	Henderson	Pucinski
Cederberg	Hicks, Mass.	Purcell
Chamberlain	Hicks, Wash.	Quie
Clark	Hillis	Quillen
Clausen, Don H.	Hogan	Railsback
	Holifield	Randall
Cleveland	Horton	Rarick
Collins, Ill.	Hosmer	Rees
Collins, Tex.	Howard	Reid, N.Y.
Colmer	Hull	Reuss
Conable	Hungate	Rhodes
Conte	Hunt	Riegle
Corman	Hutchinson	Roberts
Cotter	Ichord	Robinson, Va.
Coughlin	Jacobs	Robison, N.Y.
Crane	Jarman	Rodino
Culver	Johnson, Calif.	Roe
Daniel, Va.	Jonas	Rogers
Daniels, N.J.	Jones, Tenn.	Rooney, N.Y.
Danielson	Karth	Rooney, Pa.
Davis, Ga.	Kastenmeier	Rosenthal
Davis, S.C.	Keating	Rostenkowski
Davis, Wis.	Keith	Roush
de la Garza	Kemp	Rousselot
Delaney	King	Roy
Dellenback	Kluczynski	Roybal
Denholm	Koch	Runnels
Dennis	Kyl	Ruppe
Dent	Kyros	Ruth
Devine	Landrum	St Germain
Dickinson	Latta	Sandman
Donohue	Lennon	Sarbanes
Dorn	Lent	Satterfield
Downing	Long, Md.	Saylor
Duncan	Lujan	Scherle
du Pont	McClory	Schmitz
Eckhardt	McCloskey	Schneebeli
Edmondson	McClure	Scott
Edwards, Ala.	McCollister	Sebelius
Eilberg	McCormack	Shoup
Erlenborn	McDade	Shriver
Esch	McDonald, Mich.	Sikes
Eshleman		Sisk
Evans, Colo.	McEwen	Skubitz
Evins, Tenn.	McFall	Slack
Fascell	McKay	Smith, Calif.
Findley	McKevitt	Smith, Iowa
Fish	McKinney	Smith, N.Y.
Fisher	Mahon	Snyder
Flood	Mailliard	Spence
Flowers	Mann	Springer
Flynt	Martin	Staggers
Foley	Mathias, Calif.	Stanton, James V.
Ford, Gerald R.	Mathis, Ga.	
Ford, William D.	Matsunaga	Steed
	Mayne	Steele
Forsythe	Mazzoli	Steiger, Ariz.
Fountain	Meeds	Steiger, Wis.
Fraser	Melcher	Stephens
Frelinghuysen	Metcalfe	Stratton
Frenzel	Michel	Stubblefield
Frey	Mikva	Stuckey
Fulton, Tenn.	Miller, Calif.	Sullivan
Fuqua	Miller, Ohio	Symington
Galifianakis	Mills, Md.	Taylor
Gallagher	Minish	Teague, Calif.
Garmatz	Mink	Teague, Tex.
Gaydos	Minshall	Terry
Gettys	Mizell	Thompson, Ga.
Giaimo	Mollohan	Thomson, Wis.
Gibbons	Monagan	Thone
Goldwater	Moorhead	Tiernan
Gonzalez	Morgan	Udall
Grasso	Morse	Ullman
Gray	Mosher	Van Deerlin
Green, Oreg.	Moss	Vander Jagt
Green, Pa.	Murphy, Ill.	Vanik
Griffin	Myers	Waggonner
Griffiths	Natcher	Waldie
Gross	Nedzi	Wampler
Grover	Nelsen	Ware
Gude	Nichols	Whalen
Hagan	Nix	Whalley
Haley	Obey	White
Hall	O'Hara	Whitehurst
Hamilton	O'Konski	Widnall
Hammer-schmidt	O'Neill	Williams
	Passman	Wilson, Bob
Hanley	Patten	Winn
Hanna	Pepper	Wolff
Hansen, Idaho	Perkins	Wright
Hansen, Wash.	Pettis	Wyatt
Harrington	Peyser	Wylie
Harsha	Pickle	Yates
Hastings	Pike	Yatron
Hathaway	Pirnie	Young, Fla.
Hays	Poage	Young, Tex.
Hébert	Podell	Zablocki
Hechler, W. Va.	Poff	Zion
Heckler, Mass.	Preyer, N.C.	Zwach
Heinz	Price, Ill.	
Helstoski	Price, Tex.	

ANSWERED "PRESENT"—5

Clay	Drinan	Scheuer
Dow	Mitchell	

NOT VOTING—60

Alexander	Goodling	Mills, Ark.
Ashley	Gubser	Montgomery
Barrett	Halpern	Murphy, N.Y.
Blackburn	Harvey	Patman
Brown, Mich.	Hawkins	Pelly
Camp	Johnson, Pa.	Powell
Carey, N.Y.	Jones, Ala.	Pryor, Ark.
Celler	Jones, N.C.	Schwengel
Chappell	Kazen	Shipley
Clancy	Kee	Stanton, J. William
Clawson, Del	Kuykendall	
Collier	Landgrebe	Talcott
Conyers	Leggett	Thompson, N.J.
Derwinski	Link	Veysey
Diggs	Lloyd	Vigorito
Dingell	Long, La.	Whitten
Dowdy	McCulloch	Wiggins
Dulski	McMillan	Wilson, Charles H.
Dwyer	Macdonald, Mass.	Wydler
Edwards, Calif.		Wyman
Edwards, La.	Madden	

So the amendment was rejected.

AMENDMENT OFFERED BY MR. DOW

Mr. DOW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dow:

On the first page, after line 7, add the following:

SEC. 2. Section 101(b) of such joint resolution of July 1, 1971 (Public Law 92-38), is amended by striking out "activities for which provision was made in the Foreign Assistance and Related Programs Appropriation Act, 1971, notwithstanding section 10 of Public Law 91-672" and inserting in lieu thereof "administrative expenses for which provision was made in the Foreign Assistance and Related Programs Appropriation Act, 1971, notwithstanding section 10 of Public Law 91-672".

Mr. DOW. Mr. Chairman, the amendment I am offering to House Joint Resolution 946 addresses itself only to the foreign aid part of the joint resolution, and not to any other.

Mr. Chairman, back in January of this year a bill was passed which is now Public Law 91-672 which said that any appropriations for foreign assistance must be preceded by the proper authorization.

In July of this year there was passed a bill which is now Public Law 92-38 which takes this restraint off insofar as foreign aid is concerned or the assistance programs.

Now, what my amendment would do is very simple. It would remove this waiver insofar as salaries and administrative expenses are concerned, so that the people in the foreign aid program would continue to receive their pay, but it would retain the waiver insofar as the foreign assistance itself is concerned.

That is the simple part of it. In other words, it would discontinue foreign assistance for the period from now until the end of this session, but not cut off salaries and administrative expenses.

Now, a great many distortions have been uttered here in the course of debate relating to this resolution. There was some suggestion that we are in favor of cutting off all foreign aid. That is not true. We merely want, through the adoption of this amendment which I have offered, to bring pressure to see that the foreign aid bill is reformed in some degree, and in particular that the military

portions of it be cut back and the amounts are spent for policing and that kind of thing around the world are reduced.

Another point was made against my amendment to the effect that it would cut off funds for Israel. However, hardly any funds for Israel would be cut off because the military assistance for Israel is handled under another bill.

The leader of the minority, the distinguished gentleman from Michigan, seemed to make a case that there would be an immense amount of unemployment resulting as a result of my amendment.

Well, let me say that the amendment specifically exempts the people who are employed under the foreign aid bill and that this unemployment, in the manner that the gentleman from Michigan puts it, is greatly exaggerated.

There has been a great deal said here to the effect that my amendment would cut off funds for migrants, for school aid, for all kinds of programs overseas, but nothing is said about the appalling military aid that this bill is channeling in the wrong directions under this bill. Just as soon as those who support this military aid are challenged they get out the crying towel and talk about migrants, the poor children, education and similar such as SANE. This is the argument they use.

Of course, under a restructured foreign aid bill which could be handled very shortly a great deal of this type of good aid could be restored very easily.

Mr. Chairman, the time has come to take advantage of the current trend in this country which calls for the reconstruction of our program of foreign aid, and to see that we take advantage of the situation in the other body and go forward with this amendment.

Mr. PASSMAN. Mr. Chairman, I move to strike the last word.

Mr. LONG of Maryland. Mr. Chairman, I ask unanimous consent that the gentleman from Louisiana be allowed to proceed for an additional 5 minutes.

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

Mr. ROUSSELOT. Mr. Chairman, I object.

Mr. PASSMAN. Mr. Chairman, many years ago when I accepted the chairmanship of the Foreign Operations Subcommittee on Appropriations, I did so with a firm determination that I would, insofar as possible, keep before the membership and the public complete facts and figures on the foreign aid program. I hope you will agree that I have performed reasonably well in fulfilling this determination.

It has never been my purpose to eliminate all foreign aid and assistance, but to contain it, which means, in effect, control it. I believe this goal has been accomplished to a very large extent.

Now, with respect to the continuing resolution before you, here are the facts:

We are asking you to fund the foreign aid program through this continuing resolution for a few more days at a level of $2.8 billion. This is $750 million below the funding level requested by the budget and covers both title I and title II.

By your action you have already funded the foreign aid program at this $2.8 billion level for 4½ months, and upon the basis of your action contracts have been entered into and, in some instances, work started. So, if we are to reshape the aid program in an orderly manner, it would appear to me that we should fund the aid program at the same level for a few more days.

Mr. Chairman, members of your Subcommittee on Appropriations have in mind a certain funding level which we hope to accomplish. If a new authorization bill is approved and our plans are carried out, we will later recommend for your consideration a level of funding that will be retroactive to the first day of this fiscal year, July 1.

As an example, if you approve a funding level for 6 months at $2.8 billion, and the Congress should finally approve a new bill at a funding level of $2.4 billion, it simply means that you have funded at a $2.8 billion level for the first 6 months of this fiscal year and that the funding level would drop to $1 billion for the second 6 months of the fiscal year. In other words, the agencies would operate at a level of funding of only $2.4 billion for the full year if the recommendations of the subcommittee should be approved at the $2.4 billion level.

May I reemphasize, Mr. Chairman, that when you finally get a new reduced foreign aid authorization bill, and the subcommittee which I have the honor to Chair arrives at a figure, it will cover a full year. And, the second 6 months' funding will be extremely low because of the high funding level during the first 6 months which you have already approved with the exception of the few days assistance requested in this continuing resolution.

Mr. Chairman, if you will continue the funding of the AID agency for a few more days at the rate you have already approved for 4½ months of this fiscal year, and your Subcommittee on Appropriations is given an opportunity to mark up a new bill from a new authorization bill, we believe we will delight you by our actions which will be based on our knowledge of the program.

No Member can get hurt very badly by dealing with the facts as they are, and in the case of foreign aid, good, bad, right, wrong or indifferent, there are certain programs it would be a terrible mistake not to fund.

For instance, let me insert in the RECORD at this point the total U.S. investment in Korea:

U.S. Investment in Korea

Cost of Korean War (FY 1950–1954)	$18,000,000,000
Cost of maintaining U.S. military forces in Korea (FY 1954–1970)	8,600,000,000
Military assistance grant aid program (FY 1950–1970)	3,000,000,000
Economic assistance programs (FY 1946–1970)	5,100,000,000
Total	34,700,000,000

U.S. troop statistics applicable to the Korean war

Killed in action	23,300
Missing in action	5,866
Dead from other than war connected causes	10,329
Subtotal	39,495
Wounded in action	105,785
Captured or interned	7,140

We are concluding the war in Vietnam because in the past 34 months, the troop level has fallen from 543,000 to 189,000, with the cost of this conflict falling from an annual rate of $29 billion to approximately $9 billion. This was brought about mainly by the Vietnamization program. It just cannot be cut off without doing untold damage. Conceivably it would stop the withdrawal of our troops from Vietnam and Korea, and it would certainly create chaos in these countries unless supporting assistance is continued in Vietnam and military assistance is continued in Korea.

Mr. Chairman, I include a breakdown as to our foreign assistance, showing the 1971 fiscal year appropriation, the 1972 fiscal year requests, and the continuing resolution level.

FOREIGN ASSISTANCE

FY 1971 appropriation

Title I—Economic and military assistance	$2,442,685,000
Title II—Military credit sales	700,000,000
Title III—Peace Corps, international financial institutions, etc	669,572,000
Title IV—Export-Import Bank (limitation)	(4,082,531,000)
Total	3,812,257,000

FY 1972 requests

Title I—Economic and military assistance	$3,085,218,000
Title II—Military credit sales	510,000,000
Title III—Peace Corps, international financial institutions, etc	747,417,000
Title IV—Export-Import Bank (limitation)	(3,641,012,000)
Total	4,342,635,000

Continuing resolution level

Title I—Economic and military assistance	$2,366,465,000
Title II—Military credit sales	510,000,000
Title III—Peace Corps, international financial institutions, etc	204,600,000
Title IV—Export-Import Bank (limitation)	(3,639,988,000)
Total	3,081,065,000

Mr. LONG of Maryland. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the amendment offered by the gentleman from New York is an amendment that has been shopping around. It comes from the Senate side. I, for one, was asked to introduce it myself. After thinking it over, I rejected the proposal.

Now I am opposed to our foreign aid program, as it has existed for a good many years. I have been opposed to military aid—at least a large part of our

military aid program. I have been opposed to the military sales program. I have also been distressed by our economic aid program. Much of our economic aid has gone to the well-to-do—the modern sectors of the foreign economy rather than to the poor, humble people that it was supposed to benefit.

I think it is time that we developed an AID program that goes for what it really is intended, and that is to raise the standard of living and to help the poor people in the world.

It is time that we stopped using foreign aid to buy friends and influence people for the support of the U.S. foreign policy.

Also, I think we need a foreign aid program that would be kept under closer congressional oversight. But for this fundamental restructuring of our foreign aid program, we need time.

There is a rumor that the leadership in the Senate wants to deny us this time because they hope that, if we have to do it under the gun, our aid will be poured into multilateral organizations. This is a device, in my mind, to escape the oversight of the U.S. Congress.

Whether we can restructure our foreign aid along sound lines is a matter of votes and not of time.

If we have the votes, we can get a proper restructuring, but we cannot accomplish this by creating chaos. That is what voting for this gentleman's amendment will do.

If ever haste meant waste, it is right now in any proposal to vote down or amend this continuing resolution.

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

Mr. LONG of Maryland. I yield to the gentleman.

Mr. PASSMAN. Mr. Chairman, because of the time limitation, I was precluded from making what I considered to be a very important statement.

Thirty-four months ago we had 543,000 troops in Vietnam. Today we have 189,000 troops in Vietnam.

Thirty-four months ago it was costing $29 billion to finance this operation in Vietnam. It is now down to $9 billion and if we do not have this continuing resolution, the supporting assistance in South Vietnam goes down the drain and there will be chaos in that country.

PREFERENTIAL MOTION OFFERED BY MR. HAYS

Mr. HAYS. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. HAYS moves that the Committee do now rise and report House Joint Resolution 946 back to the House with the recommendation that the resolving clause be stricken out.

Mr. HAYS. Mr. Chairman, I do this in order to get some time in order to find out what the amendment is about. I have not been able to find out from hearing the speeches of the proponents of the foreign aid legislation, Mr. PASSMAN and Mr. LONG.

Do I understand that the gentleman's amendment exempts all of the employees of the foreign aid program?

Mr. DOW. Yes, that is correct.

Mr. HAYS. That is the reason I cannot support your amendment.

I want to say something—and if anybody here ought to know it, Mr. PASSMAN ought to know if nobody else does—that the AID agency is the most inefficient and ineffective do-nothing organization in the U.S. Government.

I think I have told some of you once before what Calvin Coolidge said when somebody asked him how many people worked in the White House, and he said about half of them. Well, if somebody asked me how many people work down in the Foreign Aid Agency, I would say almost none of them. I would go beyond Calvin Coolidge. They are interested in continuing this because of one reason and one reason only. They want to stay on the payroll in their easy chairs. That is about all they do. I can name you names. I know who they are. There are people down there drawing the maximum salary of $30,000 who have not put their names on a piece of paper in the last 2 or 3 years.

Do not get upset, you Republicans. Some of them are holdovers.

SEVERAL MEMBERS. All of them.

Mr. HAYS. No, not all of them. Mark Hannah's nephew, John Hannah, is not a holdover. He would surely be unemployed if he did not have that job, because Michigan State got rid of him. If he has done anything since he has been in Washington, I have not heard about it, and I am the chairman of the subcommittee that has oversight down there.

Do not tempt me too far or I will name some more names.

I am not going to vote for the gentleman's amendment, but I am saying to you that it is time we cut that outfit down to size. I am not for an indiscriminate ax to chop out the whole program. There are a few good items in it—not many, but a few—and I hope to have the opportunity sometime to go to conference with the other body and decide which few we should continue. But it is not easy to get to conference with the other body. You know, we almost have more communication these days with Peiping than we do with the other side of the Capitol.

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

Mr. HAYS. I yield to the gentleman from Louisiana, the "father" of foreign aid.

Mr. PASSMAN. I am sure the gentleman would like to keep the record straight. I have been here 25 years. I have never voted for one penny of foreign aid authorization, but I must point out I have no veto power over the authorization.

Mr. HAYS. Just a minute, I am going to correct the record a little. The gentleman is exactly correct. He has never voted for the authorization, but ever since I have been here he has always come down with money to keep it going. Now, an authorization does not mean anything if you do not get the dough, and I hope all those people will come by your office tonight, if this resolution passes, and thank you because if it were not for you, they would not have been on the payroll this long.

Mr. BOW. Mr. Chairman, I rise in opposition to the motion, and yield back the balance of my time.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Ohio (Mr. HAYS).

The preferential motion was rejected.

Mr. FLYNT. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. FLYNT. Mr. Chairman, my feelings on the subject of foreign aid I am sure are well known to this body. However, I am not going to support the amendment offered by the gentleman from New York. As much as I would like to support it, I feel that the time to strike at foreign aid is when and if we get an appropriations bill from the Foreign Operations Subcommittee of the Committee on Appropriations.

Before my 5 minutes are up and before I discuss the foreign aid bill further, I want to appeal to the gentleman from Louisiana (Mr. WAGGONNER), to voluntarily take his words out of the RECORD when he attacked the patriotism of the gentleman from Ohio (Mr. SEIBERLING) and the gentleman from Wyoming (Mr. RONCALIO).

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

Mr. FLYNT. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, the gentleman from Louisiana has not attacked anybody's patriotism and the gentleman from Wyoming and I have talked about it, and I think if the gentleman is trying to create confusion he had better talk to me in private, but if there is any further reference to it I will object, Mr. Chairman.

Mr. FLYNT. Mr. Chairman, I do not yield any further, but I talked to the gentleman in private about it. Mr. Chairman, I frequently disagree in voting with the gentleman from Ohio (Mr. SEIBERLING), but I know of no finer American in this House than JOHN SEIBERLING is. He and the gentleman from Wyoming each have outstanding war records in defense of this country, and while neither of them needs any defense at my hand, I cannot let this debate be closed without saying I would hope those words would be taken out of the RECORD.

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

Mr. FLYNT. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, I think the RECORD should be kept straight. Let us be completely realistic about this foreign aid program. I have tried very hard to contain this program, and when we have reduced the President's budget by $13 billion, as this subcommittee has done in a period of 16 years, I think the Committee on Appropriations is entitled to some commendation. I know the gentleman from Georgia will agree. He served on the committee. We cut it just as far as we have the votes to cut it.

Mr. FLYNT. Let me say one word and then I will yield if I have the time. I

hope, when the time comes to appraise the foreign aid appropriation bill and when it comes from the subcommittee of the gentleman from Louisiana, at that time we can do to it exactly the same thing the Senate did to the authorization bill on the 29th of October. I agree with the gentleman from Maryland that the time has come for a thorough reappraisal and restructuring of this entire foreign aid program. If I had my way about it I would phase it out just as quickly as possible. However, I recognize the fact that we must take an orderly approach to it, and while I am in great sympathy with the objectives of the gentleman from New York (Mr. Dow) I am going to reluctantly oppose his amendment.

I hope that the concept of foreign aid will be totally changed and restructured. If there is no such change and restructuring, I hope that it will be totally phased out and totally eliminated as a part of the foreign policy of the United States.

In my opinion the manner in which the foreign assistance program has been administered has been a major contributing cause of the war in Vietnam and our tragic involvement there. The ideal and the objective of foreign assistance is a noble one and it is certainly a worthwhile objective on the part of any country, especially the United States, to offer and to provide needed assistance to other countries. The manner in which the foreign assistance program has been administered has often been just the contrary. In all too many instances we have provided "aid" and "assistance" when it was neither requested, needed, wanted nor desired.

In my opinion, since 1950 the manner in which the foreign assistance program has been administered has created and compounded more problems throughout the world than it has solved. If the thrust and direction of such a program is not drastically changed, the damage done to this country will be irreparable. As much as I would prefer to eliminate this program at this time, I believe it should be done by the defeat of either the authorization or appropriation bill rather than to create the chaotic conditions which might result from adopting such action in the nature of an amendment to a continuing appropriation.

Mr. RONCALIO. Mr. Chairman, with reference to my earlier colloquy with the gentleman from Louisiana (Mr. WAGGONNER), I want to make clear that I requested the words be taken down with a hope that in the future Members of the House of Representatives would stop the practice of impugning a man's patriotism purely on his position with the terms of this Nation's military continuance in Vietnam.

I state to the gentleman from Louisiana that I campaigned for my job in the U.S. House of Representatives, to the people of Wyoming, on the grounds that I would in no way vote for any funds that would permit our continued warfare in Vietnam. I voted in support of Mr. SEIBERLING's amendment as a fulfillment of my promise to the people of Wyoming.

Mr. Chairman, again I assert that I will yield to no Member of the House of Representatives nor to any other citizen of this Nation in my devotion to the Constitution of the United States of America and to my oath to uphold and defend her against all of her enemies.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, President Nixon, as I understand it, has called for a cut in Federal personnel and I join with the gentleman from Ohio (Mr. HAYS) in suggesting that there is no better place in the Federal Government to cut than from the foreign aid outfit with its thousands of employees.

I was somewhat surprised that the gentleman from Louisiana (Mr. PASSMAN) would plunk for this continuing resolution. I call attention to the CONGRESSIONAL RECORD of December 9, 1969, when the foreign handout appropriation bill was before the House, and I would like to qoute a few excerpts from that RECORD. The gentleman from Louisiana (Mr. PASSMAN) said:

> We are spending money we do not have for things we do not need trying to be everything to everybody all over the world.

Again the gentleman said:

> I want to say that it has been my privilege to walk into the well of this House for the 15th year to handle the foreign aid appropriations bill . . . each and every year, without exception, we left the foreign aid bill overfunded.

And it is overfunded now.

Again he said:

> What are we confronted with? We have permitted something to grow up in our Government over which we have lost control. We have 51,936.

Listen to me—

> We have 51,936 individuals drawing monthly stipends from the AID Agency—U.S. personnel, foreign nationals, and participants.

That is 51,936, not 51,937.

And again he said:

> Some of us must assume the responsibility of facing up to the serious situation that we have in America.

Then the gentleman from Louisiana went on and pointed to the billions upon billions of debt and deficit, and asserted:

> The only apology I have is the fact that without exception during my 14 years serving as chairman of this subcommittee we have overfunded the entire program.

Today he wants to continue this monstrosity through this continuing resolution.

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

Mr. GROSS. In just a minute.

And then he said in a publicity release to us this year, on July 1:

> This is the 5–F formula: Frustrating, fanatical, frightening, foolish and factual.

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

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I have also read that mimeographed formula, and I think that has changed into the five R's: Reverse, regroup, retreat, resurrect and then regret.

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

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. I believe the gentleman and I are not lawyers, as the gentleman knows, but I am told by one of my legal friends that we can hold the gentleman from Louisiana (Mr. PASSMAN) guilty of being the father of foreign aid under the Negotiable Instruments Act; if you cannot find the maker, you hold the endorser.

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

Mr. GROSS. I yield to the gentleman from Louisiana.

Mr. PASSMAN. I thank the gentleman for restating the facts. I am proud of the facts, and I am glad to have them in the RECORD twice. I have always tried to contain the aid program over the years and I feel this objective has been accomplished.

We have tried to follow the leadership of the gentleman from Iowa and the leadership of the gentleman from Ohio. When an inflated budget request for foreign aid is submitted, we have an obligation to make reductions and we have made substantial reductions over the years.

Mr. GROSS. I have the first part of your speech. Let me answer. I cannot speak for the gentleman from Ohio (Mr. HAYS), but I can tell you I have never voted for this program because it has been beyond any comprehension of fiscal sanity, since I have been a Member of Congress.

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

Mr. GROSS. In just a minute.

I am not like some of the others who have voted against this foreign handout program but who now find it expedient, in order to serve somebody, somewhere, in this Government, by voting for a continuation of it.

Mr. PASSMAN. Have my statistics on foreign aid assisted you in making your case? In the newsletters you sent back to Iowa you commended me time and time again for pointing out the amounts spent for foreign aid.

Mr. GROSS. Yes, I have. I just wish you would get right with your Maker on this subject and vote against it just once.

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

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. The gentleman talks about an authorization bill. The very fact of the matter is that there is no authorization bill now.

Mr. GROSS. The gentleman is absolutely right.

Mr. HAYS. That is why the gentleman from Louisiana is trying to keep this thing alive by artificial respiration.

Mr. GROSS. That is exactly right. The Senate took the House authorization bill and sank it without a trace.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

I am very soon going to ask unani-

mous consent to limit debate, or move to limit debate. I wonder if there are any other amendments to be proposed.

Does the gentleman from Missouri have an amendment to offer?

Mr. HALL. I do, Mr. Chairman. I have an amendment at the desk in the nature of a substitute to the Dow amendment.

Mr. MAHON. Mr. Chairman, I withdraw my motion to strike the last word.

SUBSTITUTE AMENDMENT OFFERED BY MR. HALL

Mr. HALL. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. HALL in the nature of a substitute for the amendment offered by Mr. Dow:

On the first page, after line 7, add the following new section:

SEC. 2. Section 101(b) of such joint resolution of July 1, 1971 (Public Law 92–38) is amended—

(1) by inserting "(1)" immediately after "(b)";

(2) by striking out "activities for which provision was made in the Foreign Assistance and Related Programs Appropriation Act, 1971, notwithstanding section 10 of Public Law 91–672;"; and

(3) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding section 10 of Public Law 91–672, such amounts as may be necessary for continuing projects or activities conducted in the fiscal year 1971 for which provision was made in the Foreign Assistance and Related Programs Appropriation Act, 1971—

(A) for expenses authorized by section 402 of the Foreign Assistance Act of 1961 (relating to supporting assistance);

(B) for expenses authorized by section 637(a) of the Foreign Assistance Act of 1961 (relating to administrative expenses of the agency primarily responsible for administering part I of that Act);

(C) for expenses authorized by section 637(b) of the Foreign Assistance Act of 1961 (relating to administrative expenses of the Department of State);

(D) for expenses authorized by section 305 of the Mutual Defense Assistance Control Act of 1951 (relating to administrative and other expenses of the Secretary of State to carry out that Act);

(E) for expenses authorized by section 504 (a) of the Foreign Assistance Act of 1961 (relating to military assistance); and

(F) for expenses necessary to enable the President to carry out the provisions of the Foreign Military Sales Act;

at a rate for operations not in excess of the rate provided for in the Foreign Assistance and Related Programs Appropriation Act, 1971, and subject to the limitations and restrictions applicable to the obligation and use of funds provided for in such Act."

Mr. HALL. Mr. Chairman, in brief, having established questionable parentage and having a continuing resolution again before us; as a result of much research, this amendment evolves and is within the spirit of a continuing resolution which will allow a nonauthorized program to continue with marked reduction by (a) continuing the political stability required for supporting assistance; (b) maintaining staff for supporting assistance to administer under section 637(a) so that expenses can be met; and (c) so that under section 637(b) there is kept in effect the State Department administration of the Battle Act, Public Law 87–195, which controls and establishes an embargo on arms and strategic materials that might go to countries that pose a threat to the U.S. security; (d) maintains the portion of the amendment providing for the expense inherent in the Battle Act; (e) retains section 504(a) of the military assistance portion of the appropriation; and (f) finally, Mr. Chairman, it retains that appropriation for the provision of the Foreign Military Sales Act—or Public Law 92–672—with the provisions as read in the amendment at the rate of obligations not in excess of the rate provided for in the Foreign Assistance and Related Programs Appropriation Act of 1971 already passed by this body and subject to the limitations and restrictions applicable to the obligation and use of funds provided for in such act.

I submit that this can be passed; the continuing resolution can then be passed and we will still have a chance to work our will.

Mr. Chairman, I recommend that it be accepted.

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

Mr. HALL. I yield to the gentleman from California.

Mr. HOSMER. How would the gentleman's amendment affect aid to Vietnam, military aid and civilian aid?

Mr. HALL. Of course, it would have no effect whatsoever on military aid in any part of Southeast Asia because that is under the Department of Defense appropriation bill.

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

Mr. HALL. I yield to the distinguished gentleman from Ohio.

Mr. BOW. As the gentleman from Missouri said, it would not affect military aid to South Vietnam. What effect would it have on the economic aid to South Vietnam?

Mr. HALL. The amendment is very carefully drawn so that prior commitments can be met and the staffs would continue to be paid and they could carry out any commitments that we have in winding down the war, in Vietnamization, or the withdrawal of our personnel or troops engaged in support in that area.

Mr. BOW. Mr. Chairman, if the gentleman will yield further, would that be in the military section or would it be on economic aid?

Mr. HALL. The support would be in the economic aid, as the exclusion of the military assistance program is as the gentleman knows, carried under the Department of Defense appropriation bill in all of Southeast Asia.

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

Mr. HALL. I yield to the gentleman from Massachusetts.

Mr. CONTE. However, it would cut out economic assistance to Southeast Asia for new obligations?

Mr. HALL. It certainly would.

Mr. CONTE. And it would——

Mr. HALL. Of course, we have no authorization at this time anyway.

Mr. CONTE. And you also would cut out technical assistance, economic assistance, disaster relief and so forth?

Mr. HALL. This does not stop all of the technical assistance programs. It leaves the staff available but would wind them down so they are subject to the final action of the Congress after November 15 and as pointed out by others, before we adjourn sine die.

Mr. CONTE. You would leave these boys in there to wind down the program with no new obligational authority whatsoever?

Mr. HALL. Yes; unless new obligational authority is voted between November 15 and the adjournment of the Congress sine die. This is a continuing amendment to a continuing resolution that is workable insofar as we can determine.

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

Mr. HALL. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Would this affect our military assistance programs for Thailand and South Korea and the other nations in that part of the world?

Mr. HALL. No. I went over that twice. It is in the amendment. There is a copy of the amendment at the gentleman's desk.

As I said before, it leaves all the operations under military assistance workable within the prescription prescribed by the Congress or within the proscription on the President legislated by the Congress.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the issue before us tonight is procedural, that is, whether or not we want to follow the pattern of orderly procedure.

The pending resolution is simply a continuing resolution for the next few weeks during which the Congress will have further opportunity to work out, through the regular processes, what it wants to do with respect to full year funding for defense, foreign aid, and certain other programs for which the annual authorization-appropriation processes have not been concluded.

The most dedicated opponents of foreign aid could, it seems to me, very logically vote against this amendment and vote for the continuing resolution.

The vote on these amendments cannot properly be interpreted as a vote for or against foreign aid. The time for that decision will be when the new authorizing legislation is before us at a later date. It appears that the other body will shortly authorize a revised foreign aid program for the current fiscal year. I am told by the chairman of the Committee on Foreign Affairs of the House of Representatives, the distinguished gentleman from Pennsylvania (Mr. MORGAN), that if and when the other body takes action, his committee plans to take action toward bringing a new foreign aid authorization bill to the floor. Then the House can amend it, change it, modify it, or defeat it, line by line, as a majority may determine.

Mr. Chairman, I would like to yield to the gentleman from Pennsylvania, the distinguished chairman of the Committee on Foreign Affairs (Mr. MORGAN).

Mr. MORGAN. Mr. Chairman, I shall

of course, not vote for the pending Dow amendment, or for the pending Hall substitute. The Hall amendment would in effect undertake to virtually write a new foreign aid bill. As I understand, it cuts out practically all economic assistance but retains military assistance.

The other body is going to pass two separate authorization bills—one on economic and humanitarian programs and one on military programs. The other body is considering an economic aid bill today, and then they will take up a military bill. The total package involves about $2.3 billion for the current fiscal year.

When those bills reach us the Committee on Foreign Affairs of the House is not going to hold long hearings. We plan to report a bill to the House which the House can debate and vote upon, one on which I believe we can confer with the other body and work out an acceptable agreement.

I would not like to see us adopt either one of the pending amendments. Both amendments would be disruptive. This resolution needs to be enacted by early next week, in the interest of orderly procedures. We should pass it as reported and wait for the legislative committees and the two bodies to work out a new foreign aid bill.

I understand that both of the new foreign aid bills are going to pass in the other body.

We are not planning to follow that precedure. We will bring a new foreign aid authorization to the House—a good bill on which the House can work its will and have something reasonable to send to conference.

So, Mr. Chairman, I would hope that we can get on with the job and pass the continuing resolution unchanged so that we can go to work on the new foreign aid authorization.

Mr. MAHON. Mr. Chairman, I would like to say it is my understanding that if a new foreign aid authorization bill cannot be agreed to in conference, then we might be able to arrange to bring in the foreign assistance appropriation bill under a rule and let the House work its will.

Mr. MORGAN. If the gentleman will yield further, I want to assure the chairman of the Committee on Appropriations that I believe we can agree in conference on a new foreign aid authorization bill.

Mr. MAHON. I would hope the matter can be satisfactorily concluded but if no such conference agreement can be reached it would then be a matter of whether or not a foreign assistance appropriation bill should be considered. The point is, Members will have an opportunity at a later time to vote on a new foreign aid program.

Tonight is not the time. This stopgap continuing resolution is not the place.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, I appreciate the fine position taken by the gentleman from Pennsylvania, the chairman of the House Committee on Foreign Affairs, Mr. MORGAN, on the commitments that have been made between the gentleman and the chairman of the House Committee on Appropriations, the gentleman from Texas (Mr. MAHON).

On the basis of those two commitments I believe the reasonable thing to do under the circumstances is to defeat the amendment offered by the gentleman from New York (Mr. Dow), as well as the substitute offered by the gentleman from Missouri (Mr. HALL).

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on the pending amendments and all amendments thereto close in 10 minutes.

Mr. ROUSSELOT. I object, Mr. Chairman.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Chairman, I move that all debate on both of the pending amendments and all amendments thereto close in 10 minutes.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I hope we will pass the continuing resolution as it has been offered by the gentleman from Texas (Mr. MAHON).

We are scrambling enough eggs along the way and we do not need to scramble any more tonight by voting to cut out any portion of the on-going program in the foreign assistance field.

There is a lot of work to be done by both the House and Senate to reconcile their differences and come forward with some acceptable program. I fear that a negative vote tonight would only compound our difficulties.

I think we need to keep some kind of sensible program going forward and I hope the House will vote against both of these amendments.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Chairman, I rise to support the statement made by our chairman, Mr. MORGAN, and to say that in my judgment both of these proposals are mischievious.

The Hall amendment attempts to rewrite a legislative program in a continuing resolution which I think is not only bad legislating but a very bad precedent for the House.

I hope both of these amendments will be voted down and that we can support the continuing resolution as presented by the Committee on Appropriations.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Chairman, I listened to the ranking minority member of the Committee on Appropriations who outlined what I think at the time is an irresponsible course of action—although I am no longer certain that that is the case.

He said in previous years in the House of Representatives, he had never voted for a foreign aid bill except one time. The only time he did so was when the bill was in danger of being lost and he then changed his vote so that it would pass. He said the reason he took that stance was that he wanted to express to his constituency his concern with the program of foreign aid and the excesses in that program and by casting a negative vote when it would not defeat the program it was consistent with what he felt was a responsible course of action.

It seems to me that would be equally responsible or irresponsible as the case may be tonight and that is the leadership I intend to follow.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. RIEGLE).

Mr. RIEGLE. Mr. Chairman, I rise in opposition to both amendments. I think we ought to legislate in a more reasoned way and that cannot be done tonight by tinkering with this continuing resolution.

Also I want to take exception to the remarks of the gentleman from Ohio (Mr. HAYS). I think John Hannah is a good and decent man. I think he has tried very hard to do a good job with the AID program. I think he has done well—just as he did when serving as president of Michigan State University. Maybe the gentleman from Ohio (Mr. HAYS) is a little sensitive about the beating Michigan State gave Ohio State last Saturday in football.

Having served 5 years on the Foreign Operations Subcommittee of the Appropriation's Committee, I want to also come to the defense of my subcommittee chairman OTTO PASSMAN. I do not think any chairman in the House works any harder than OTTO PASSMAN does. Whether you agree with the way he does or not is beside the point.

He works hard and effectively at it, and I think his efforts have probably saved the country many billions of dollars.

I think it is important that we take account of these facts in light of some of the harsh statements made earlier.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. RIEGLE. I yield to the gentleman.

Mr. ANDERSON of Illinois. Mr. Chairman, today we are considering what would normally be a routine piece of legislation—a continuing appropriations bill for those programs and activities which have not yet received their fiscal 1972 funds. And yet, certain recent developments have made this bill the focus of attention and controversy, indeed, the target of those who are bitter or frustrated for one reason or another. The prime target for opposition to this continuing resolution is the foreign assistance component of this bill which provides funds for both our international development and security programs. It is caught in a savage cross-fire from those, on the one hand, who consider our development assistance programs to be a waste, and on the other, those who consider our security assistance programs to be a waste. And the combined firepower from this curious coalition threatens to sink the entire ship, the theory being that we can somehow salvage certain parts from the wreckage at a later date.

Mr. Chairman, it is not difficult to understand how it is that we have arrived at this state of affairs. We are just emerging from the most painful and tragic experience of our brief history as a republic, and the temptation is great to

just keep on withdrawing. We have poured tens of billions of dollars into foreign development assistance since the close of the Second World War, and there are some who say that we have put other nations on their feet, only to have them kick us in the shins, little realizing that the independence being exhibited by these nations is a healthy sign of the success of our efforts. Surely we did not expect the same degree of love, gratitude and fealty from these nations once they achieved a measure of self-reliance.

But what I do find difficult to understand, Mr. Chairman, is how we can even begin to consider just dropping our entire foreign assistance effort at this critical juncture in world affairs. I don't think anyone would argue here today that we should continue to pursue the policies and forms of assistance of the past two decades. The world of the 1970's is different from the world of the 1950's and 1960's, and our place and role in it should be reshaped accordingly. This is what President Nixon is attempting to do through his Guam doctrine of promoting greater self-reliance and self-help among our friends and allies around the world. But this process will only be accomplished by continued American support for these self-help and self-defense programs. And by refusing to play a constructive role during this difficult transition period, we are risking the collapse of all that has been built to date and the creation of a dangerous international power vacuum.

Perhaps the key test of the Nixon doctrine is what is taking place in South Vietnam today. And while I realize that there is disenchantment in some quarters because we could never achieve a military victory, and there is disenchantment in other quarters that we could not score a victory for democracy as we know it, the fact remains that the Vietnamization program has been progressing, they are developing increasing capabilities for military and economic self-sufficiency, and we are consequently able to reduce our own direct involvement. I think it is especially ironic that we may be called upon today to let these assistance programs expire on the same day President Nixon will make his next Vietnam withdrawal announcement which is so dependent on the continuation of these very programs.

I would ask my colleagues if they are willing by their actions today to jeopardize the carefully planned and executed Vietnamization program and thereby undermine any plans the President might have for future American withdrawals. For surely the President's November 15 announcement will be predicated on what funds will be available for the Vietnamization program.

Let me say that those who would cut these funds at this time, are attacking the wrong program, in the wrong way at the wrong time, for rather than reducing our involvement in the world, they are only delaying the day when other nations can realistically stand on their own. In the interim, our refusal to fund these development and security programs will only feed the twin-headed monster of world poverty and aggression, and our shores will not remain secure for long from its wild rampages. Surely the lesson of our previous affair with isolationism has not been completely lost on us.

In conclusion, Mr. Chairman, I urge my colleagues to vote for this continuing appropriations resolution as reported from committee. This is no time to take symbolic swipes at our foreign assistance program because of past failings and disappointments; for what is meant as a symbolic swipe will more likely than not inflict a deep and dangerous wound in our international relations which can only be injurious to our own health and security as a nation. I fully support efforts to reform our foreign assistance programs, and the President has presented us with a comprehensive program for doing this based on the recommendations of the Peterson Development Task Force. But let us not confuse killing the foreign assistance program with reforming it.

All we are asking in this continuing appropriations resolution today is that these programs which are so vital to world peace and development receive continued funds until such time that we can reform them in new authorizing legislation—hopefully in the immediate future, and hopefully along the lines suggested by the President. I do not think that is asking too much, and yet it is so essential to ending our involvement in Vietnam and to the conduct of our trade and aid relations with the rest of the world.

I do not think that we want to signal by our actions here today that the United States, which has been so willing to lend a helping hand in the past, now wishes to wash its hands of the rest of the world. Such action would be reckless, irresponsible, and extremely dangerous, and I will have no part of it. I hope this body will be able to rise above the disappointments, frustration, and bitterness of the hour and recognize that the United States does have a continuing though changing role to play in this world, and that we cannot, by a vindictive vote or two, become international dropouts. I urge passage of this resolution without amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Kansas (Mr. SHRIVER).

Mr. SHRIVER. Mr. Chairman, as a member of the subcommittee, I worked hard all along with the very able chairman to reduce this program and contain it. I support his position in connection with this matter and the amendments before us.

This is no way to act on a foreign aid bill here on the floor of the House. We do not even know the effect of the amendment and particularly the last amendment.

I believe it would have a damaging effect on the Vietnamization program and upon the withdrawal of our troops and especially as it relates to our supporting assistance which is very important in connection with the withdrawal program.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment and to the substitute, and in favor of the continuing resolution. If the debate has proven nothing else, it proves we must take a careful look at what we are legislating about. I doubt if there are many Members on the floor who know the significance of the amendment offered by the gentleman from Missouri. In fact, from his long explanation I have my doubts whether he understands it himself. I would trust we would vote for the continuing resolution because we do have the serious problem in front of us, as do the authorizing committee and the appropriations committee.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

(By unanimous consent, Mr. GROSS yielded his time to Mr. HALL.)

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HALL) for 1½ minutes.

Mr. HALL. Mr. Chairman, I should not bow to either the descendants of General Frelinghuysen of New Jersey or those who say the well-researched amendment as a substitute is mischievous. It has been well written and stated. Indeed, the amendment itself, which is available, and which was read by the Clerk and repeated by myself, maintains assistance. I shall not go through that again. But I am amazed at those who decry legislation on a continuing resolution. Indeed, it is the only parliamentary procedure that is left available, when we are bereft of authorization by the other body in this Congress. In spite of all the protestations that there will be action instanter if and when the other body acts, they do not call the turn for the people's House of Representatives.

We have said and preached for years, and it has been known to them, that if military assistance was once separated from economic assistance in the foreign aid assistance program, it would fall sheerly of its own weight. Those of the committee know this to be true. Hence it has not been done.

I say the solution here is available. It will act in the spirit of a continuing resolution. It will continue the appropriations that are necessary. It is openfaced and forthright and will not hide behind anyone or anything. I recommend that the substitute be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. TERRY).

Mr. TERRY. Mr. Chairman, most of us in this Chamber have had the experience with a small child who has come running home from school because his friends would not play ball the way he wanted to. I would suggest that the proposal to immediately discontinue our foreign aid funds is a similar type of action.

Shortly before the Congress recessed in August, I voted against the foreign aid authorization because I felt at that time, as I do now, that we have wasted hundreds of millions of dollars through a variety of misconceived investments. There is absolutely no question in my mind, and if I have any feeling for the sense of this Chamber, there is little

question in most of our minds, that our entire foreign aid proposal needs revision and reductions.

We have deluded ourselves that funneling dollars and materials into foreign nations will buy us friends. We have thought that the benevolence of Uncle Sam would result in a constant quid pro quo from the recipients of this money.

The alinement of nations has changed; partially as a result of our own international policies, but also because of the increased independence of many new nations. Therefore, we cannot count on many old friends, and some allegedly new ones, to support our position on vital questions.

It really should not surprise us that we lost the U.N. General Assembly vote on the expulsion of Taiwan. All that we have to do is look at the early days of Vietnam involvement. Such former stalwarts as France and Great Britain absolutely refused to come to our assistance, much less suspend trade with Hanoi.

Today we have a critical question to consider. Do we, in the face of the first major rebuff this country has ever experienced in the United Nations react, like the little child who could not get his playmates to accept his rules of the game? Do we, in a fit of pained withdrawal from reality, remove ourselves precipitously from the international arena through an abrupt suspension of foreign aid? Do we, without careful thought and examination of the impact of our action, cancel all of our commitments to nations throughout the world?

It is interesting to me that a number of individuals now espousing cessation of foreign aid without further consideration, are the same individuals who have criticized recent foreign policy initiatives by the administration for their sudden reversal of previous policies. Is there anything more abrupt than a total cessation of foreign aid to all nations?

The debate on the resolution for continued operation if foreign aid is being billed by many people as an attempt by the Congress to reassert its control over foreign policy. It most certainly is a potential reassertion. But if in the name of congressional preeminence we adopt a policy which is dangerous, disruptive, and detrimental to the interests of the United States, we will be saying in an unmistakable voice to the American people, "we are not capable of constructive involvement in the foreign affairs of the United States." A vote to discontinue foreign aid would accomplish just that.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, I rise in support of the continuing resolution and in opposition to the amendments.

(By unanimous consent, Mr. BUCHANAN yielded his time to Mr. GERALD R. FORD.)

The CHAIRMAN. The Chairman recognizes the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman, I do not know why a graduate of the University of Michigan should speak on behalf of a onetime president of Michigan State University, but I happen to believe that John Hannah was one of the Nation's outstanding educators in the last three decades. In my judgment, he has done a fine job in a most difficult responsibility as head of AID. It is not an easy job. It is a most difficult one, and he has given maximum time and attention to it. I commend him for his outstanding efforts and the constructive results he has achieved.

I have had my differences with the gentleman from Louisiana (Mr. PASSMAN) in the past, when I served on that Subcommittee on Appropriations, but I admire him for his diligence and vast knowledge on the subject of foreign aid. I appreciate his help in some of the tough floor fights we have had. I think he deserves our commendation and not our condemnation.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. PASSMAN).

(By unanimous consent, Mr. MAHON yielded his time to Mr. PASSMAN.)

Mr. PASSMAN. Mr. Chairman, I rise in opposition to the amendments. I have profound respect for my very good friend, Mr. HALL. But if you really want to compound confusion, you adopt this amendment. You would be administering the program at one level for 4½ months. If this amendment is adopted, you would be administering the same program on another level for the duration of this resolution. You would then be administering the program at another level after the authorization and appropriation bills are reported out. This amendment is not retroactive. The resolution would cover the interim period from November 15 to the sine die adjournment, and if that should come on December 1, it means only 15 days.

I am going to join my distinguished friend, the gentleman from Michigan (Mr. FORD) in his praise for Dr. Hannah, the Administrator of the AID agency. I have never met a finer gentleman or a man who has worked longer or harder to give me the correct answers to my questions than Dr. Hannah. He has been the only Director of the AID agency I could get along with, and I found his answers made sense. He is always willing to sit down and take out projects if they are no good, and I have nothing but commendation for this great American.

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

Mr. PASSMAN. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Chairman, the distinguished gentleman from Louisiana (Mr. PASSMAN), in handling foreign assistance appropriation bills through the years, has served the overall best interests of the Nation. He is an able and devoted and effective public servant. The country is indebted to him for his diligence and for his successful efforts in saving billions of dollars.

Mr. PASSMAN. I thank the gentleman.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I join the gentleman from Louisiana (Mr. PASSMAN). The gentleman from Louisiana has taken some ribbing as the so-called father of foreign aid. The truth is that in 15 years between 1956 and 1971, OTTO PASSMAN has taken the leadership in cutting $12 billion in foreign aid below the budget estimates.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I rise in opposition to both amendments.

I usually agree with my friend and colleague, the gentleman from New York (Mr. Dow) and I certainly agree with him in his intense opposition to the war in Vietnam, but I think that he has been misled on this occasion by the vehemence of his opposition to that war. What he advocates here would produce chaos and would lead toward a fortress America concept, which I know the gentleman from New York would regret.

I also want to say that I disagree vehemently with the comments that have been made here today about the personnel involved in the aid program. From my experience, they are dedicated to a very important task and by and large they do it very well.

I hope both amendments will be voted down.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Dow).

Mr. DOW. Mr. Chairman, I would say to the Members if they are confused by the amendment to my amendment which was offered by the gentleman from Missouri—and with the best of intentions, I am sure—they can repair to my amendment which is simplicity itself.

I would like to say I think this debate has been healthy and I hope it has brought to the Congress and to the people the intense need for a renovation of the foreign assistance program.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Missouri (Mr. HALL) for the amendment offered by the gentleman from New York (Mr. Dow).

The question was taken; and on a division (demanded by Mr. HALL) there were—ayes 34, noes 175.

Mr. SCHMITZ. Mr. Chairman, I demand tellers.

Tellers were refused.

So the substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Dow).

The amendment was rejected.

Mr. VAN DEERLIN. Mr. Chairman, I move to strike the last word. I take this time not to propose an amendment, because I think an amendment is unnecessary to make certain that none of the funds provided under this continuing resolution shall be used to help underwrite piracy against American fishing boats.

The subject is a timely one. Only this morning, five more American-flag tunaboats, and one boat of Canadian registry were seized upon the high seas 65 miles southwest of the port of Salinas, in Ecuador. One of these, the San Diego-based *Venturess*, was rammed, then fired upon by a converted American Coast Guard cutter which we have put out on loan to Ecuador.

It is not the first such incident. Time

and again, vessels built and maintained by U.S. taxpayers have been used, under foreign flags, to harass my constituent boat owners beyond the 12-mile limit in southern waters.

It happens that Ecuador is using nine American vessels currently on loan to her navy. Two of these are patrol boats, such as the LC–61, which perpetrated this morning's attack.

Terms of our loan agreement provide for their return on 30-day notice. I hope the State Department will not let another day pass before calling for the return of all nine vessels.

As to foreign aid, however, I can report that $25½ million in loans already authorized have been held up by AID since the first of the year. Our mliitary mission to Ecuador was recalled as of February 1. Quite clearly, then—and quite properly—AID officials have no present intention of further rewarding Ecuador or any of her neighbor nations who have habitually harassed American citizens on the high seas.

Of incidental interest has been Ecuador's ability, in recent months, to acquire three more patrol boats from West Germany. However, these were not sent on loan. West Germany's contribution was a cash-on-the-line sale.

And so, while no amendment to the present resolution seems necessary, I trust that I am expressing the will of the House that no softening of AID's recent firmness in regard to Ecuador will be tolerated in light of today's continuing piracy.

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

Mr. VAN DEERLIN. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's statement and I thank him for yielding. For the benefit of the Members, I have just been advised that the other body has passed the Economic Relief portion of a new Foreign Aid authorization bill by a vote of 61 to 23 in the amount of $1,144 million.

Mr. RUPPE. Mr. Chairman, during this important period when the Congress and the Nation are seriously questioning the purposes and the structure of our foreign assistance programs, I would like to share with my colleagues an experience I encountered earlier this week.

The Honorable V.C.R.A.C. Crabbe, Justice of the Supreme Court of the Republic of Ghana, paid a visit to my office. More than a mere courtesy call, Mr. Justice Crabbe had a message which he wanted to convey to me and which I would like to pass along to my colleagues in the Congress.

His message was this: Before we in the Congress act to drastically curb or end our foreign assistance programs, we must bear in mind what those programs are doing in the recipient nations. Specifically, he was referring to the Peace Corps. Justice Crabbe said that the Peace Corps volunteers were filling an extremely important role in his nation.

The American volunteer, he implied, is doing more than supplying some lacking technical skills to his host nation. More importantly, he is teaching, on a man-to-man basis, his counterpart to perform those skillful tasks. Justice Crabbe used a familiar but still true Chinese proverb to explain what the Peace Corps meant to his countrymen: "Catch me a fish and I will eat for a day; teach me to fish and I will eat for a lifetime."

As those of us in Congress vote on the foreign aid and Peace Corps measures, we tend to consider the effect of those programs on our districts and on this Nation as a whole. It was refreshing and enlightening to receive an unsolicited and candid endorsement of our efforts from someone who lives with those programs every day, and who can truly measure, perhaps much better than we, their effectiveness.

I firmly believe that we must remake our foreign assistance programs, and the Senate rejection of the foreign aid bill is an opportunity which must not be lost. However, in our zeal to improve the performance of our overall efforts abroad, we must not automatically reject all that we have done. We must carefully examine those efforts and determine where we are most effective. Mr. Justice Crabbe has reminded me that in terms of cost and effectiveness, the Peace Corps is one program which retains its importance. Its flexibility, its quick response to the individual needs of the developing nations, and its emphasis now on providing qualified technicians with the volunteer incentive have combined to keep the Peace Corps a timely part of our overall efforts to assist the developing world.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 946) making further continuing appropriations for the fiscal year 1972, and for other purposes, pursuant to House Resolution 693, he reported the joint resolution back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members speaking on the joint resolution just passed may have permission to revise and extend their remarks in the RECORD and that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. GERALD R. FORD. I take this time to verify whether we will initiate the consideration of the military procurement conference report.

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

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. In response to the inquiry of the gentleman, the answer is "yes." We plan to do so immediately. The gentleman from Louisiana (Mr. HÉBERT) is here.

MILITARY PROCUREMENT AUTHORIZATION, 1972

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 696 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 696

Resolved, That immediately upon the adoption of this resolution it shall be in order to consider the conference report on the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, and all points of order against said conference report for failure to comply with the provisions of clause 3 of rule XX and clause 3 of rule XXVIII are hereby waived. It shall also be in order, pursuant to clause 1 of rule XX, for a separate vote to be had upon demand on those individual parts of the Senate amendment now contained in the conference report and numbered as sections 503, 505, and 601.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. BOLLING. Mr. Speaker, I would like to explain this rule. It is a most unusual rule. I think the Members may be interested in what it contains. It was reported by the Rules Committee, I believe, unanimously.

It seeks to give all Members interested in this matter a fair opportunity under the rules of the House. The Reorganization Act which was passed by the House and become law last year provided for a new treatment of nongermane matter adopted in the other body which would not be germane when considered in the House when that matter is brought back in conference.

The other body originally had six such amendments in the bill that passed the other body on the military procurement matter. When the conferees returned to

the House, three had been eliminated and three were left.

There was a provision dealing with chrome, a provision limiting the amount of assistance that could be given to Laos, and a modified version of the—whatever number it is—Mansfield amendment which the other body had adopted previously.

The Rules Committee provided a rule which would protect the conference report from any point of order which would have eliminated the consideration of the conference report.

As I said, I believe the Rules Committee acted on this rule unanimously.

The Rules Committee felt that it should protect the rights of all Members under the rules of the House which were adopted last year in effect in the reorganization plan as to the procedure on nongermane substance. The Rules Committee wrote the rule so as to accomplish that. So, there could be debate of 40 minutes—20 minutes on a side—on each of the matters that I have detailed.

I repeat, the question of chrome from Rhodesia, the question of the limitation of assistance to Laos, the question of the modified so-called Mansfield amendment.

There could be under this rule debate of 40 minutes on each of those questions. The Rules Committee did this, and I hesitate to speak for the other 14 of my colleagues, but it seems to me important to do so—and I can be corrected if I am in error—because we thought this was a fair way to protect all of the different points of view in the House of Representatives and those who represented them, and the fair way to preserve the integrity of the rules of the House.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hesitate to take too much time at this late hour in the night to explain this rule, but as the gentleman from Missouri has stated, this is an unusual rule, and once again I want to make my remarks for the record because in all probability we will be referring back to this rule in the future on nongermane amendments.

Mr. Speaker, as has been stated by Mr. BOLLING this is an unusual rule. Let me give some background which bears upon the problem faced by the House tonight, in order to lay a foundation for future problems.

Early last August the House conferees on the Military Selective Service Act appeared before the Rules Committee asking for a rule on the conference report. Some seven items were included in the conference report, each of which was subject to a point of order. A general waiver of all points of order was requested. As you will remember, the Rules Committee was most reluctant to grant such a waiver, but finally did so. On August 4 the rule on the conference report was brought to the floor. At that time Chairman COLMER, Mr. SISK, and myself pointed out the rather unique situation facing the House; what the new House rules did in fact require; why the waiver was granted; and that none of us looked upon our granting of such a rule in that particular case as a precedent. Publicly and on the record, we tried to let all committees of the House know that the rules of the House applied to the conference procedure and that House conferees—and particularly conferees of the other body—must recognize this fact. A number of House Members stated their agreement with the position expressed by members of the Rules Committee.

Last month, after the other body passed the military procurement bill with a number of nongermane amendments, a similar problem developed. In order to eliminate the problem of having to deal with nongermane Senate amendments in the conference, the ranking minority member of the Committee on Armed Services (Mr. ARENDS) offered a motion to instruct conferees. That motion was to instruct the House conferees not to agree to any nongermane Senate language. The gentleman from Illinois, in support of his motion, stressed the need to conform to the House rules and quoted the remarks made on August 4 by members of the Rules Committee. That motion was defeated on a vote of 192 to 215. As a result, the House conferees went to the conference uninstructed. But it did not mean that they were to be free to consider nongermane amendments on their merits. The rules of the House expressly forbid this.

What was the situation then confronting the House conferees? Within the Senate-passed bill there were some six items which would have been nongermane if offered as amendments to the bill when it was under consideration by the House. Three of these items were considered on the merits and deleted by the conference. These included:

First. Section 507, relating to military operations and activities at the U.S. Naval Station at Los Alamitos, Calif.

Second. Sections 701–704 which provided for an additional military pay increase, and

Third. Section 801 which authorized comparability pay adjustments between Federal civilian and military personnel.

As I have said, Mr. Speaker, the conferees considered these nongermane amendments on their merits and agreed to delete them. This they were required to do under the rules of the House. Clause 3 of rule XX reads as follows:

> No amendment of the Senate which would be in violation of the provisions of clause 7 of rule XVI, if such amendment had been offered in the House, shall be agreed to by the managers on the part of the House unless specific authority to agree to such amendment shall be first given by the House by a separate vote on every such amendment.

The rules are clear: No conferees of the House may agree to nongermane language until and unless the House tells them to do so. Any other course is a violation of the rules of the House.

We all know what happened in the conference: Three nongermane amendments in modified form were agreed to by the House conferees. No Member of the House can be unaware of the particular problems faced by our conferees in this instance. Testimony before the Rules Committee touched upon the extreme difficulty encountered by our conferees. I am certain they achieved all that was possible to achieve in their attempt to sustain the House position and abide by the rules of the House in all instances. The gentleman from Louisiana (Mr. HÉBERT), the gentleman from Illinois (Mr. ARENDS) and their colleagues did their utmost; of that I am sure.

However, the fact remains that, in order to reach agreement with the conferees of the other body, they had to knowingly and deliberately violate the Rules of the House of Representatives.

As it comes from the committee on conference, the report is clearly subject to a point of order in several instances.

Because of this situation, yesterday the chairman and ranking minority member of the Armed Services Committee appeared before the Rules Committee. They carefully and accurately presented their problem to the committee. Although neither gentleman specifically requested a general waiver of points of order, a request was made for "a rule recognizing the difficulties confronting your House conferees." The Rules Committee has attempted to comply with that request while at the same time upholding the letter and spirit of the Rules of the House of Representatives.

What does the rule on the conference report provide? First, it provides for the consideration of the conference report today. It waives the requirement that a conference report be printed in the CONGRESSIONAL RECORD for 3 calendar days prior to its consideration by the House. Because of a clerical error, the report, which was available for printing on Friday, November 5, was not printed in the RECORD until Monday, November 8. The conferees did all that could be required of them and the leadership scheduled the conference report for floor consideration today. The Rules Committee believes this waiver is fully justified and reports it to the House.

Second, the rule reported by the Rules Committee waives all points of order against the conference report arising under clause 3 of rule XX and under clause 3 of rule XXVIII. The first clause, as previously mentioned, prohibits conferees of the House agreeing to any nongermane language. Clause 3 of rule XXVIII has somewhat the same intent, although the language is different. These waivers were granted because the Rules Committee did not believe that the conference report should be removed from consideration by a single point of order. As I stated earlier, all Members are aware of the peculiar problems and pressures faced by our conferees in this instance. The Rules Committee did not believe that it was in the best interests of the House or the country that the conference report be subject to a point of order. For, if one part of a conference report is out of order, the whole report is out of order. The committee sought to guard against this problem when it granted the specific waivers of points of order provided for in the rule.

The Rules Committee went further. Members will remember that last year during the consideration of the Legisla-

tive Reorganization Act of 1970, many Members expressed strong opposition to the practice of the other body in adding nongermane amendments to House bills, then obtaining the agreement to such amendments by House conferees, and then securing House acceptance of such nongermane amendments when overall approval of the conference report was voted by the House. Because of the widely held opinion in the House that some procedure should be devised to deal with these activities by the other body, the Rules Committee recommended to the House a procedure known as the Colmer amendment. That procedure, incorporated into clause 1 of rule XX, provides for the disposition of nongermane amendments by the House. Each such amendment may, upon the demand of any Member, be subject to a separate vote in the House. Each separate vote may be preceded by a debate of up to 40 minutes, equally divided between supporters and opponents of the nongermane language.

The rule reported by the committee, for the first time, gives life to this provision of our rules. It specifically provides for the possibility of a separate vote upon the three nongermane provisions contained in the conference report on the military procurement bill. These provisions are numbered in the report as section 503, dealing with the importation of chrome from Rhodesia; section 505, which sets a ceiling on U.S. expenditures in Laos; and section 601, the Mansfield amendment.

This rule represents the first effort by the House to insist that this provision of the rules of the House be abided by. This is the first time that the House will have an opportunity to require a separate vote on nongermane language added by the other body. If we do not stand up here, we are giving notice to the other body that they can continue to run over the House whenever the notion strikes them and they can think up a nongermane rider to add to a House bill. It does no good to pass rules providing for the handling of nongermane amendments if we do not use the procedure provided by our rules. If everytime a hard case comes up we say that it should be an exception to the rule and a waiver of the rule should be granted, we shall have taken a major step along the road of waiving our constitutional right to determine our own rules of procedure. The same considerations which compelled the House to adopt the procedure of the separate vote last year today requires that this procedure be implemented and that separate votes be made possible with respect to nongermane amendments.

Mr. Speaker, I urge the adoption of the rule.

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

Mr. SMITH of California. I yield to the gentleman from Ohio (Mr. LATTA) a member of the Rules Committee.

Mr. LATTA. I wish to commend the gentleman on a very excellent statement. Is it not true that had the House in its wisdom adopted the motion offered by the gentleman from Illinois (Mr. ARENDS) when this matter was before the House earlier, his motion to instruct the conferees not to accept these nongermane amendments, we would not be here tonight with this situation?

Mr. SMITH of California. I think that is probably true, but I do not think it helps to cry over spilled milk. I want the matter to be handled according to our rules, and I think we can do so correctly.

Mr. LATTA. If the gentleman will yield further, I do not think we ought to cry over spilled milk, but I think we should uphold the Rules of the House on the subject of nongermaneness. We have passed the rules, and when we have a situation such as the one presented now, we must support the rules of the House and instruct the conferees not to accept the nongermane amendments.

Mr. SMITH of California. I appreciate the gentleman's statement.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to my colleague from California.

Mr. TEAGUE of California. First, let me also commend the gentleman for his excellent presentation.

Will the gentleman yield for a parliamentary inquiry?

Mr. SMITH of California. I yield for that purpose.

PARLIAMENTARY INQUIRY

Mr. TEAGUE of California. As I understand, the rule would make three nongermane amendments in order for debate with 40 minutes of time given to each. I address this question to the Chair: Under the rule could the time be shortened by unanimous consent or by motion?

The SPEAKER. The Members in charge of debate could use or not use the time as they see fit.

Mr. TEAGUE of California. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TEAGUE of California. Since the rule provides 40 minutes on each of the nongermane amendments, under the circumstances of each amendment, would the amendment be subject to a limitation of debate?

The SPEAKER. No, except by those Members who have charge of the time.

Mr. SMITH of California. On the conference report, may I say to the gentleman from California, the rule provides 1 hour of debate. On the three separate sections of the bill, sections 503, 505, and 601, you are going to have 40 minutes of debate, 20 minutes for the proponents and 20 minutes for the opponents. This applies to each section where a separate vote is demanded. Then there can be a vote at the end of that particular time on each of those three sections.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I wish to join my colleague from Ohio in commending the gentleman in the well for making what I believe is an unusually lucid and informative statement on this whole issue of protecting the integrity of the Rules of the House. When our colleague on the committee, the gentleman from Missouri (Mr. BOLLING) said that he would not presume to speak for all of us, I therefore think it is incumbent upon other members of the committee to say that we did agree that this was an eminently fair procedure, fair from the standpoint of individual Members of the House as well as important from the standpoint of protecting the so-called Colmer amendment, which was adopted in connection with the Legislative Reorganization Act.

I do have one question that I would address to my colleague from California. The only other alternative to writing a rule of this kind would have been for the Members of the House who were serving on the conference committee to come back during the time that the conference was meeting, while the conference was in progress, and at that time inquire of the House and solicit instructions as to what action they should take on these nongermane amendments. Is that correct?

Mr. SMITH of California. Under the rules, yes. I thank the gentleman from Illinois.

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

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. I, too, wish to join in commending the gentleman for the statement he has made. But this will put some in the House in a rather untenable position. There are some amendments here that Members will want to support, and yet with any regard for germaneness cannot support. I just do not understand why the House conferees capitulated to the other body on these nongermane amendments.

Mr. SMITH of California. In that instance I will have to disagree a little bit with my friend, the gentleman from Iowa. We had a chance to tell them not to do that, and we voted here and that was voted down.

I think, as I said in my statement that the Chairman and the ranking minority member and the committee did the very best they could with the body on the other end of the Capitol. Now I think we should get to work on this and get it adopted or rejected.

Mr. GROSS. But the fact remains we are confronted with a very sorry situation tonight.

Mr. SMITH of California. But the Members can vote on the nongermane amendments.

Mr. GROSS. I understand we can do that, but if we vote to accept an amendment then we violate our rule of germaneness.

Mr. SMITH of California. Under clause 1 of rule XX, the so-called Colmer amendment, we are giving the Members of the House the opportunity to say if they want to vote for the nongermane amendments. We have been trying to do that since I have been here, and I am tickled to death that we have been able to do it tonight.

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

Mr. SMITH of California. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I join those of

my colleagues who spoke in praise of the erudite and forthright statement the gentleman made on this important rule.

Secondly, I want to ask, for the legislative record, if I understand correctly that if any one of the amendments provided for as introduced by the other body and accepted in conference, known as sections 503, 505, and 601, is voted down, then the entire conference report is voted down.

Mr. SMITH of California. Not in my opinion, no, and I think if one is voted down, then we will face that procedure in the Rules Committee tonight or tomorrow, and we will take care of it.

Mr. HALL. Mr. Speaker, will the gentleman yield for a parliamentary inquiry in order that this important question might be determined by the Chair?

Mr. SMITH of California. I do not think it is necessary to determine that inquiry now.

The SPEAKER. Does the gentleman yield for a parliamentary inquiry?

Mr. SMITH of California. I yield.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. HALL. Mr. Speaker, my parliamentary inquiry is simply if House Resolution 696, now before the House, is adopted or not, it is provided that it shall also be in order, pursuant to clause 1 of rule XX, for a separate vote to be had upon demand of any individual on those individual parts of the Senate amendment now contained in the conference report and numbered as sections 503, 505, and 601. My inquiry, Mr. Speaker, is, in the event that such a vote was demanded on those separate sections and it was not agreed to by this body, would the entire conference report be rejected and returned to the conferees or the other body?

The SPEAKER. The answer to the gentleman is that the conference report would be rejected.

Mr. HALL. I thank the Speaker.

The SPEAKER. If the first section is rejected, that is the end of the conference report. A provision of Jefferson's Manual—found in sections 542 and 549 of the House Rules and Manual—holds that conference reports must be acted on as a whole, being agreed to or disagreed to as an entity.

The House by its action in rejecting any one of the sections on which a separate vote may be demanded would nullify the agreement between the managers on the part of the House and the Senate, and the conference report would therefore fall.

Mr. HALL. I thank the Speaker.

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

Mr. SMITH of California. I yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Speaker, I simply think probably the best way out of a real puzzle is for us to take into consideration that each House is master of its own rules, and then we get to the point where the rule of germaneness in one House is different from the other—and there is no rule of germaneness in the other body—we come to an impasse. I would say to the Members of the House that they may never have sat across the conference table from Members of the other body, but we could very well say we should not make any kind of concession on a nongermane amendment, but the actual practical effect of that is that we kill our bill. We kill the bill as it was passed by the House unless there is a meeting of minds in the conference.

Of course we can take action here which will not be satisfactory to the other body, and we have got the problem then of either continuing the conference or not having any more conference and letting the bill die.

There is a problem then of whether or not to continue the conference, or not to have any more conference and let the bill die.

We are faced with a real situation here. As I say, unless a Member has sat across the table day after day in conference with an unyielding group from the other body he will not really understand. One has to make up his mind whether or not to make some concession to the sovereignty of the other body, as well as the sovereignty of our own, or give up the bill. That is the position we are in.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. I thank the gentleman for yielding. I, too, would like to congratulate the gentleman for a very clear statement on a most complicated problem and a most complicated rule.

However, with the parliamentary situation we seem to find ourselves in, it is my understanding if we reject any one of the three nongermane amendments then we reject the conference report in its entirety, and it appears to me that what we are doing is acting after the fact.

When the Arends amendment instructions were defeated several weeks ago the House conferees then were bound by the House rules. The House rules provide they could not accede to any nongermane amendment unless there had been prior authorization. We are coming in after the fact now.

It appears to me, if we are going to preserve the rules of the House, we are going to have to insist that none of these amendments be accepted; and the conferees would probably have to go back to conference.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. For a question or a statement?

Mr. STEIGER of Wisconsin. For a brief statement and question.

Mr. SMITH of California. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate very much the gentleman's yielding.

I just want to join others in commending the gentleman from California for an extraordinarily good statement. I must admit to be amazed, frankly, by what I understood to be the ruling of the Chair.

Might I direct a question to the gentleman from California? The precedent cited by the Speaker, in determining the ruling that if one of the nongermane amendments is voted down the conference report falls, is based on Jefferson's Manual as well as the precedents of the House established before the adoption of the Colmer rule.

In the Rules Committee decision to grant a rule which allowed the House to have the implementation of clause 1 of this rule, was consideration given by the Rules Committee to a procedure which might enable the House to reject a nongermane amendment without rejecting the total conference report?

Mr. SMITH of California. I do not intend to get into any argument here on the floor of the House with the Speaker, who has answered the parliamentary inquiry, nor do I speak for all the members of the Rules Committee.

I will state my opinion that if one, two or three is voted down I believe we can get back to conference on one, two or three. I believe the Rules Committee can write any rule it wants to write so long as it is not unconstitutional and so long as the Members sitting on this floor agree with what we send to them.

Mr. Speaker, I reserve the remainder of my time.

Mr. BOLLING. Mr. Speaker, I should like at this time to yield to the chairman of the Committee on Armed Services to explain the procedure which will actually take place when he controls the time.

Mr. HÉBERT. Mr. Speaker, I thank the gentleman from Missouri for yielding this time in order to explain what the situation will be.

I pause to congratulate both the gentleman from California and the gentleman from Missouri for their very lucid explanation of the situation.

This is the procedure we will follow, and I hope I will make clear exactly what the situation will be. To begin with, let me say so far as I am concerned, on the time I control, there will be a minimum amount of time with a minimum amount of words used, because I do not believe anything said in this body tonight is going to change the mind of anybody. Everybody knows what it is all about. Everybody has his mind made up and knows how to vote. The hour is late. I want to get out of here as quickly as other Members do. With their cooperation we will be out of here very quickly.

This is the procedure: After the rule is adopted I will call up the conference report and ask unanimous consent that the statement on the part of the managers be read in lieu of the report.

At that particular time, the Speaker, as I understand the parliamentary situation, will ask if a separate vote is demanded on any of the three matters before the House for a separate vote. If any individual asks for a separate vote on any one of those three items—and again let us take them one, two, three—we will follow this procedure: We will take one and 40 minutes will be allotted to the consideration, 20 minutes to the proponents, and 20 minutes to the opponents, the opponent being the chairman of the House Committee on Armed Services, and we will vote on that. After that matter is concluded and the conference report is sustained, we go to the second item on which a separate vote is demanded. If the second item is sustained, we go to the

third item. If that is sustained, then we can consider the conference report.

According to my understanding and the understanding from the statement of the gentleman from California, if any one of the three is rejected, then the conference report fails. In a preliminary opinion, the Speaker has ruled thus, so we have to anticipate that is what the ruling will be. So, if the conference report is not approved on any one of these three items, it means then that you have no conference report. That is the situation.

If we are sustained—and I hope we are sustained, because we went through many agonizing moments and many moments of anguish in trying to bring this conference report to you—then we will have a conference report.

I must again state that we came here under the instructions of the House. Mr. ARENDS made the motion, as you well know, to instruct the conferees not to recede on germaneness but to insist on the rules of the House as they related to germaneness, and I personally voted for that. I wanted the House to tell me not to recede. I just wanted to stand there until hell froze over, and refuse to accept any nongermane language. However, the House in its wisdom refused to instruct the conferees to do this and, in effect, it said go on and deal on the merits of the nongermane Senate amendment, which we did and we did the best we could.

We succeeded out of six nongermane amendments to eliminate three, but we could not do so on the other three.

Of these three amendments, one relates to chrome, one of them relates to a ruling on expenditures in Laos and finally the so-called Mansfield amendment. We have come back with these three propositions, and I hope that the House will sustain the conference report so that we can get on with our business and get out of here as quickly as you want to.

I tell you that I will not use any significant time on my side.

Mr. DELLENBACK. Will the gentleman yield for the purpose of an inquiry?

Mr. HÉBERT. I yield to the gentleman.

Mr. DELLENBACK. I appreciate very much your very clear explanation of the procedure. I am left with one question, which is, in the event there should be a rejection by the House of item No. 1, for example, will we then proceed to item No. 2, anyway, or will the defeat of item No. 1 and thus the defeat of the conference report by the ruling of the Chair and the statement of the chairman, make us stop at that particular point?

Mr. HÉBERT. I do not know. I do not think we would stop there. I do not believe in playing games. If the conference report is rejected, I will immediately rise and make a motion to accept the Senate amendment with an amendment, which would be the conference report.

Mr. DELLENBACK. So we would proceed?

Mr. HÉBERT. Yes. But you would have to go from there. Here is the way it would probably develop. If we do that and it goes back to the Senate, only God knows, if He knows, whether it will ever get out of the Senate, because then it becomes a new bill and it is open to any amendment, any nongermane amendment, in the Senate. We can have it changed again and it comes back to conference, and we will go over to the next session before we get to that.

However, this is a simple matter, and the most simple way is to dispose of the entire matter in order to help us resolve this, because it has been a long, hard pull and we have held many sessions on this. We have come up with the best deal we can make.

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

Mr. HÉBERT. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. It is my understanding that the Chair has already ruled that——

Mr. HÉBERT. The Chair has not ruled.

Mr. TIERNAN. The Chair in response to a parliamentary inquiry from the other side stated that if on the first proposition that were voted down, then the conference report would fail and the conferees would have to go back to conference.

Mr. HÉBERT. No, no. I will then move to recede and concur in the Senate amendment with a House amendment, because there again you are caught in a tight parliamentary situation. We have before us only one amendment.

Mr. TIERNAN. Then, I assume that the gentleman would proceed to section 505?

Mr. HÉBERT. No. If we lose the first amendment, it is all over as far as the conference report is concerned. If we are sustained, we will go to the second item.

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

Mr. Speaker, I would like to attempt to clarify one thing.

The gentleman from Louisiana will ask unanimous consent that the statement on the part of the managers be read in lieu of the report. If there is no objection to that, at that point the statement will be read and after the statement has been read, the Speaker will then make inquiry, is a separate vote demanded?

In the event that objection is heard to the statement being read in lieu of the report, the report will be read, and when the report has been completed, then the Speaker will ask if there is a separate action demanded. That is not a modification of what the gentleman said. It is merely clarification.

Mr. BINGHAM. Mr. Speaker, will the gentleman from Missouri yield to me?

Mr. BOLLING. I yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding. I would just like to say, as one who appeared before the Rules Committee, that I think the committee has shown the wisdom of Solomon. I think the committee has come up with a very ingenious solution which protects the interest of the House and protects the interest of the Members who want to see separate votes on the nongermane amendments.

Mr. BOLLING. 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.

Mr. HÉBERT. Mr. Speaker, I call up the conference report on the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk proceeded to read the statement.

Mr. HÉBERT (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

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

There was no objection.

(For conference report and statement, see proceedings of the House of November 5, 1971.)

The SPEAKER. House Resolution 696 provides that a separate vote may be demanded on those individual parts of the conference report numbered as sections 503, 505, and 601.

Is a separate vote demanded on any of these sections?

Mr. FRASER. Mr. Speaker, pursuant to the rule adopted, and pursuant to clause 1, rule XX, I demand a separate vote on section 503.

The SPEAKER. Is a separate vote demanded on any other amendment? The Chair hears none.

Under clause 1 of rule XX, 40 minutes of debate are permitted before a separate vote is taken on a nongermane Senate amendment, one-half of such time in favor of, and one-half in opposition to the amendment.

Pursuant to that rule, the gentleman from Louisiana (Mr. HÉBERT) will be recognized for 20 minutes, and the gentleman from Minnesota (Mr. FRASER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. HÉBERT. Mr. Speaker, I reserve my time at this time.

The SPEAKER. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I urge you to vote to strike this nongermane amendment known as section 503 in the conference report.

There are several reasons why I think the House should reject this section.

First, this matter originally came before the House Committee on Foreign Affairs, and came before the subcommittee of which I am the chairman. It came in the form of several bills offered by several Members of this House.

We held hearings on the question of whether we should amend our sanctions on Rhodesia with respect to the importing of chromium ore.

Here are the hearings. We had Members testify. We had representatives from the steel companies testify. We had the State Department testify. When we were through, at a meeting of the subcommittee, the conclusion was reached, among the Members present, that there was no justification for going forward with any of the bills which would amend sanctions on Rhodesia so far as importing chrome ore is concerned.

Mr. Speaker, let me dispose of certain issues which have been raised along the way. These sanctions are being undertaken by the U.S. Government by the President pursuant to international treaty obligations. There are only two countries in the world today who are openly defying their treaty obligations in this respect, and those are the countries of Portugal and South Africa. If we accept this nongermane amendment we will join South Africa and Portugal and be the third country to openly ignore their international treaty obligations.

It is abundantly clear that if we pass this provision and begin to import chrome ore from Rhodesia that we will be in violation of international law.

I do not believe that this is the time to argue whether there should have been sanctions against Rhodesia in the first place or not. The most important fact on this score is to know that the Conservative Party in Great Britain is trying to reach a conclusion with Rhodesia, and Lord Hume, the Foreign Minister of Great Britain, is headed for Salisbury, Rhodesia, within the week to try to conclude some kind of a settlement with Rhodesia that will lead, hopefully, to the end of international sanctions. But from the point of view of the U.S. Government there could not be a worse time to be saying that we are going to violate international law and turn our back on international treaty obligations because we want to import chrome ore.

There is no shortage of chrome ore. In fact, we have a stockpile that is in excess of our needs, and part of this stockpile is being released for domestic consumption.

The SPEAKER. The time of the gentleman has expired.

Mr. FRASER. Mr. Speaker, I yield myself 1 additional minute.

We are going to use this because we do not have the need for such a large stockpile.

Now the argument is made that we have become too dependent upon the Soviet Union for ore. But the fact is in 1963, 49 percent of high grade metallurgical chrome ore was coming in from the Soviet Union and today it is 58 percent, or 9 percent higher than it was in 1963, several years before the sanctions began.

So this is really a false issue. The fact is that the Soviet Union has only a limited supply of high grade ore and the fact that they are willing to ship it to us means that they are depleting their own resources.

If there should be an international emergency of some kind, of course, then we can change whatever restrictions we have on importations from Rhodesia. But there is no such emergency. We have an excess in our stockpile so I believe that this House should support the President and the Secretary of State who have asked that we turn this amendment down and stay in compliance with our international obligations.

Mr. HÉBERT. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. Mr. Speaker, let me tell you some of the background of this bill and to tell you something about Russia.

We did buy from Russia. But one interesting thing about the time we brought from Russia is that we were paying $30 a ton. But we are no longer in a free world competitive business and the price has gone up to $72 a ton.

Also, let me say in discussing this particular bill that we seem to have a surplus available, but the surplus seemed to have developed last year when we were short on our domestic needs in this country. Suddenly we say we have a surplus.

Chromium is a metal, a material that makes stainless steel stainless. It is a basic strategic material to this country. The free countries in the world that have great reserves are Rhodesia, South Africa, and Turkey. Now Turkey has tied in with Japan and they are more or less looking to work up a close relationship with them, but in the free world Rhodesia is the country with a tremendous surplus.

Now that we have taken Rhodesia out, we have become dependent upon Russia.

It seems to me when we are talking about a bill that has to do with military procurement, we would start first thinking of what is good for the United States and what is essential for the United States, and on whom are we depending in the matter of chrome, this material that we do not have in this country.

We are so proud of the United States and we think we have everything. But on chrome, less than one-half of our domestic needs are produced internally which means that all chrome comes in.

All that this bill does is to set the law straight. This is to do what is lawful. I agree with my colleague that it should be done according to the terms of the law. It will amend the United Nations act and states that if a Communist country can send goods into the United States that a free country can send goods into the United States.

The reason that this sanction exists, and I want to remind you that in the history of the United Nations, this is the only sanction that the United States ever imposed—this is the only sanction that they imposed and it is on Rhodesia. As you know, the rules of the United Nations state that you cannot determine the internal policy of any country.

When this country left the British Commonwealth, they imposed it. But they did not say that was the reason. The reason they imposed it was for world safety—for the safety of the world.

Here is a little country with 5 million people in a continent of 350 million people, and the only time they became interested in world safety was on Rhodesia. They did not even know that Vietnam even existed.

Here this country has been working on this, as it has gone along. As we go through it, another interesting thing comes up. That is this matter of who owns the chrome in Rhodesia.

You know, it is interesting that the two big producers over there are American companies—the Mineral and Union Carbide Co. are the two big chrome manufacturers over there. We want to buy from our own companies, because when they ever turn in a profit, the profit is all coming to the United States.

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

Mr. COLLINS of Texas. I yield to the gentleman.

Mr. CHAMBERLAIN. I am in doubt about this. I wonder if the gentleman can advise me as to whether or not the Soviet Union is under the same sanctions as to the buying of ore from Rhodesia as we are?

Mr. COLLINS of Texas. This is interesting because we do not know what standards they are under. But I want to say one thing about who is buying. Rhodesia today is selling 100 percent of its chrome. We used to buy from Rhodesia. They say—Who is buying the chrome? I do not know who is buying the chrome.

We know that Japan is now consuming more steel than they used to use.

We know that Red China is buying steel and if you go across the world, you will see they are all buying chrome from somewhere.

We know that Red China is buying steel. As you go across the world, you will see they are all buying chromium somewhere. So with Rhodesia selling 100 percent of its production we wonder where all of it is going.

Mr. CHAMBERLAIN. Mr. Speaker, if the gentleman will yield further, it is my understanding, then, we cannot buy chrome from Rhodesia, but the Rhodesians are selling to the Soviet Union and we are buying it from the Soviet Union. Is that correct?

Mr. COLLINS of Texas. That might well be. It is not completely definite, but one of the steel companies in this country, in checking the analysis and running grade samples, said that the grade samples they were buying from Rhodesia compared very similarly to what they were buying from Russia. They were buying chrome from Russia. When they ran the analysis, they found that the analysis was very similar—in fact, identical—with the analysis of the chrome that they had bought from Russia.

Mr. CHAMBERLAIN. Then the gentleman's conclusion is that this is being done, is that correct?

Mr. COLLINS of Texas. I believe it might be going through Russia. I know

definitely it is going through other countries. It is the most ridiculous thing in world trade.

Mr. FRASER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Speaker, and Members of the House, shortly we will vote upon an amended version of the Byrd amendment that would end the embargo on Rhodesian chrome. I join with the gentleman from Minnesota and my colleagues of the Congressional Black Caucus in urging the House to defeat this amendment that would put us in violation of our international legal obligations and which can only be interpreted as a victory for the forces of racism and reaction. Can this country, committed as it states to racial equality and justice, feel comfortable in the company of South Africa and Portugal, the only other countries to defy openly the U.N. embargo? Why should the United States take the blame that properly belongs to other countries by breaking the Security Council sanctions against the Smith regime?

The Congressional Black Caucus has strongly opposed this nefarious amendment—nefarious because not only is it dealing with an illegal regime, not recognized by any state, not even South Africa, but it is in violation of U.N. sanctions which the United States voted for and supported.

If the attempt to lift the embargo is successful, it will confirm the pattern we have seen lately in domestic policy of indifference or even open hostility to the claims of the poor and underprivileged. It is obvious that the motivation for this action cannot be need for chrome, since the executive branch has introduced a bill to unload 1.3 million tons of excess chrome from our stockpile.

The bill to which I refer is presently in the other body. It is identified as Senate bill 773, of which I have a copy. It states—

A bill to authorize the disposal of metallurgical grade chromite from the national stockpile and the supplemental stockpile.

I have also in my possession a letter from Mr. Oliver Thurman, Deputy Assistant Administrator of the General Services Administration to Senator Cannon, the Chairman of the Subcommittee on National Stockpile and Naval Petroleum Reserves, Committee on Armed Services. He outlines in this letter that the GSA has submitted to the Congress a draft bill to authorize the disposal of 1.3 million excess tons of chrome. That is Senate bill S. 773.

I also have a long-range plan dated December 22, 1970, in which it is pointed out that the total inventory of chromite is 4,454,004 tons. They point out that there is an excess of 1,353,004 tons.

I also have the report of the hearings on the bill. So it seems clear that the issue is not one of need.

Mr. Speaker, the congressional black caucus urges its colleagues to reaffirm the historic and legal commitment of this country to law and self-determination, and I ask that all of you join in opposing the amended version of the Byrd amendment that would end the embargo on Rhodesian chrome.

Mr. Speaker, I submit the material referred to earlier in my remarks for inclusion in the RECORD:

S. 773

A bill to authorize the disposal of metallurgical grade chromite from the national stockpile and the supplemental stockpile.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one million three hundred and thirteen thousand six hundred short dry tons of metallurgical grade chromite (chromite ore equivalent) now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against available disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., Apr. 2, 1971.

Hon. HOWARD W. CANNON,
Chairman, Subcommittee on National Stockpile and Naval Petroleum Reserves, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR SENATOR CANNON: On January 26, 1971, the General Services Administration (GSA), submitted to the Congress a draft bill "To authorize the disposal of metallurgical grade chromite from the national stockpile and the supplemental stockpile," which has been referred to the Senate Committee on Armed Services. The draft bill covering 1,313,600 short dry tons of metallurgical grade chromite (chromite ore equivalent), was accompanied by a long-range disposal plan.

The disposal plan, which was signed on December 22, 1970, indicates the quantities of stockpile grade and nonstockpile grade metallurgical grade ore, high and low carbon ferrochromium and silicon ferrochromium included in the proposed disposal. On March 5, 1971, the Director of the Office of Emergency Preparedness (OEP), revised the holding of specification quality high and low carbon ferrochromium against the metallurgical grade chromite ore objective. As a result, the excess quantities of the forms of metallurgical grade chromite included in the disposal plan must be adjusted. This adjustment does not require a change in S. 773 which is now pending before your Committee.

In view of this action by OEP, GSA is enclosing for your information, an amendment to the long-range disposal plan for metallurgical grade chromite with the revised excess quantities of ore and ferrochromium included therein.

Sincerely,

OLIVER THURMAN,
Deputy Assistant Administrator.

GENERAL SERVICES ADMINISTRATION AMENDMENT TO METALLURGICAL GRADE CHROMITE DISPOSAL PLAN DATED DECEMBER 22, 1970

5. Background information.—a. Inventory, stockpile objective, cost, and market value.

METALLURGICAL GRADE CHROMITE

Chromite ore equivalent—Uncommitted, February 28, 1971

[In short dry tons]

National and supplemental stockpiles:	
Inventory	4,452,126
Excess	1,353,004
Defense Production Act:	
Inventory	878
Excess	0
Total inventory	4,453,004
Total excess	1,353,004

Objective (Established March 4, 1970—3,100,000)

This plan is limited to approximately 1,313,641 short dry tons (chromite ore equivalent) of metallurgical grade chromite in the national and supplemental stockpiles, of which approximately 994,257 short dry tons are ore; approximately 41,800 short tons (104,500 short tons chromite ore equivalent) are high carbon ferrochromium; approximately 84,300 short tons (210,750 short tons chromite ore equivalent) are low carbon ferrochromium; and approximately 2,756 short tons (4,134 short tons chromite ore equivalent) are silicon ferrochromium. An additional 39,363 short dry tons of metallurgical grade chromite ore remain available for disposal under previous authorizations.

The average acquisition cost of metallurgical grade chromite in the national and supplemental stockpiles was $47.04 per short dry ton for ore, $365.24 per short ton for high carbon ferrochromium, $453.52 per short ton for low carbon ferrochromium, and $324.21 per short ton for silicon ferrochromium. The current market price for standard, commercial type metallurgical grade chromite is estimated to be $55.00 per short dry ton for ore, $500.00 per short ton (chromium content) for high carbon ferrochromium, $760.00 per short ton (chromium content) for low carbon ferrochromium, and $320.00 per short ton (alloy) for silicon ferrochromium. Stockpile metallurgical grade chromite, high and low carbon ferrochromium, and silicon ferrochromium, may or may not be of the same quality or grade as the material quoted above.

6. *Quality and form of stocks.*—Approximately 1,077,408 short dry tons (chromite ore equivalent) of metallurgical grade chromite are stockpile grade, of which approximately 810,588 short dry tons are ore; approximately 41,126 short tons (102,815 short tons chromite ore equivalent) are high carbon ferrochromium and approximately 65,597 short tons (163,993 short tons chromite ore equivalent) are low carbon ferrochromium and 8 short tons (12 short tons chromite ore equivalent) are silicon ferrochromium. Approximately 236,233 short dry tons (chromite ore equivalent) of metallurgical grade chromite are nonstockpile grade, of which approximately 183,669 short dry tons are ore; approximately 674 short tons (1,685 short tons chromite ore equivalent) are high car-

bon ferrochromium; approximately 18,703 short tons (46,757 short tons chromite ore equivalent) are low carbon ferrochromium; and approximately 2,748 short tons (4,122 short tons chromite ore equivalent) are silicon ferrochromium.

Approved:

WALTER C. MORELAND,
Acting Commissioner, Property Management and Disposal Service.

Mr. HÉBERT. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Speaker, I rise in support of section 503, and urge that it be kept in the conference report.

Mr. Speaker, ever since President Lyndon Johnson issued an Executive order in 1966 pursuant to United Nations sanctions barring all trade with Rhodesia, the United States has been confronted with the gnawing problem of being able to obtain a very vital and necessary defense commodity—chromium.

Up until 1966, we were receiving nearly 40 percent of our total chromium imports from Rhodesia through the auspices of two American-owned chromium mines. At the same time, Communist Russia was supplying us with about 27 percent of our chromium at a healthy competitive price of about $30 to $33 a ton.

Since the advent of this embargo, we have been forced to channel more than twice that price to Russia which now is furnishing us with about 65 percent of our chromium needs. Compounding this dilemma is the suspected fact that the chrome ore we are purchasing from Russia is actually Rhodesian chrome which is being trans-shipped by an intermediary nation to Russia. I cannot say categorically that this is true, but I believe it is true. At any rate, the conference report refers to several U.N. nations who have purchased chrome ore from Rhodesia.

Mr. Speaker, I cannot think of a more absurd position for this Nation to be in. To have to rely on Communist Russia to furnish us with a vital defense commodity is beyond all sense of reason. To see other U.N. nations buying from Rhodesia while this great Nation doggedly abides by the U.N. sanctions is unbelievable.

Because of our need for chrome we find ourselves dipping into our chrome ore stockpile. If we continue to do this at the present rate our chrome stockpile could vanish within 3 years.

Nor does it help matters to learn that the Russians, fully aware of our predicament, have planned on raising their price on the chrome ore they supply us with from $72 to $82 per ton next year!

There is no secret about the fact that this Nation cannot easily function without chromium. Not only is it essential in the production of our military jet aircraft, missiles, and satellites, it is the all-important ingredient which makes stainless steel "stainless," and which is also vital in the production of everything from industrial tools, to automobiles, to home construction, to kitchen items.

By the same token, it is no secret that we are courting national disaster by continuing to depend on the Russians for our defense needs. This is an incredible situation. It runs afoul of what should be the first two words in all our foreign policy: "America First."

Mr. Speaker, the answer to solving this discouraging problem is as plain as the sun in the sky.

It can be accomplished simply by making certain that section 503 of the Conference Report is approved. If we are willing to buy chrome ore from a Communist nation, then it certainly should be proper for this country to buy chrome ore from a friendly free nation such as Rhodesia.

As far as I can tell, the only thing wrong with Rhodesia is that England is not happy with it, and there are some in our own country who disagree with some of its internal policies.

Mr. Speaker, we have delayed too long. I urge full approval of this provision so that we may once again resume the importation of chrome ore from Rhodesia for the good of our own Nation.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I hesitate to take the floor after the gracious treatment I had today on this floor, but I just cannot stand aside on this particular amendment.

I just talked today to the representatives of the steel companies of America. The difference in price for a ton of steel between American steel and foreign steel, on the basis of chrome coming from Rhodesia, is $35 to $40. That is $35 to $40 difference in price.

The entire American steel industry last year had an average profit on a ton of steel of $12. Believe me when I say to these Members, there was a difference of 115,555 steel workers between July and August of this year. That many steel workers were out of work between July and August.

I have the greatest respect for the man who preceded me. I have absolutely the greatest respect for him. His position is based on a social basis, but tonight I am talking to the Members on an economic basis. I say to the Members of this Congress, both the Senate and the House, this country must start to look inward, toward its own welfare, keeping in mind that only the inward welfare of this country can make us strong enough to help those countries who need help. If we go further down the drain in our economic standing we cannot do that.

Today the stock market industrial index of the United States lost 12 points. Maybe that does not mean anything to the Members, but it means this to me: We are in a very serious situation. Please do not vote for this.

Mr. ROUSH. Mr. Speaker, I rise in support of the Senate amendment. I appreciate the intent of the sanctions imposed by the United Nations against Rhodesia. I am in sympathy with the motives which prompted the imposition of those sanctions. But I am in sympathy with the minorities of this country as well as the plight of all those who work in the specialty steel plants of this country. They are being driven out of their jobs by reason of unfair competition.

I am informed that Japan buys chrome for $31.50 a ton and we pay Russia $72 a ton for a poor quality of chrome. Is it any wonder we cannot compete with Japan? The gentleman from Pennsylvania (Mr. DENT) has pointed this out very clearly. Is it any wonder that the tradition of free trade is under assault? If free trade is not accompanied by fair trade then it cannot survive.

Now concerning Russia's sale of chrome to this country: The argument has been made that the chrome we buy from Russia is not Rhodesian chrome. Russia imports steel from Rhodesia for $31.50 a ton. I would acknowledge that they are not selling us Rhodesian chrome. Is there any doubt as to what Russia is doing? I would surmise that they are using the high quality chrome of Rhodesia which can be purchased for $31.50 a ton for their own purposes and selling the inferior Russian produced chrome to us for $72 a ton. This increases the cost of our specialty steel and makes it impossible for us to compete with other nations—such as Japan.

The gentleman from Massachusetts tells us the administration is imploring us not to buy steel from Rhodesia and thus protest certain policies of that government. Within the past few days the administration has asked us, as a people, to approve the sale of 20 million bushels of grain to Russia for the going price. Well, I do not approve of the oppression that takes place in Russia, but I do approve of that proposed sale of grain, because it is in the best interest of this country. I do not approve all that goes on in Rhodesia, but I approve of the purchase of chrome from Rhodesia, because it is in our best interest.

Mr. HÉBERT. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, I thank the gentleman.

Mr. Speaker, the Rhodesian sanctions I have always felt were unfortunate. They were ill considered. Yet they were invoked through the procedure to which our Government had committed itself under the United Nations Charter. I think it is unfortunate we are using this device to set aside an agreement to which our Government has bound itself.

Another unfortunate aspect of this is, it is my understanding that the State Department is opposed to this provision. I would be glad to yield to the chairman of the subcommittee for clarification on that point. I realize the parliamentary dilemma we face. I simply regret that we find ourselves in that fix. Can the gentleman clarify the attitude of the State Department on this point?

Mr. FRASER. Mr. Speaker, the State Department appeared before our subcommittee and opposed this, and we have a letter in the CONGRESSIONAL RECORD from David Abshire, liaison for the State Department. I understand the White House itself has made their view known as in opposition on this. It is clear the State Department and White House are opposed to its retention in the bill.

Mr. FINDLEY. Is there any attitude on the part of the administration to this as far as other Members know? I have not heard anything contrary to what the gentleman from Minnesota has stated. If any others want to clarify that, I will yield.

We certainly pride ourselves as a nation that agrees on a rule of law. This situation is most unfortunate, and causes us to damage our posture as far as world opinion as a nation committed to the rule of law.

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

Mr. FINDLEY. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Speaker, evidently there was some misunderstanding as far as what some of us want. I am voting to sustain the chairman in the amendment.

Mr. FINDLEY. Yes, I understand the gentleman's position.

Mr. FRASER. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Speaker, first I should like to point out that the issue here is not, as it was stated in the conference report, whether the United States needs the chrome ore, both from an economic and national security standpoint, or whether this should be subordinated to the policy position established by the United Nations in its sanction against Rhodesia.

The issue is, very simply, whether we are going to live up to a treaty obligation entered into freely; and particularly the issue is whether there is any pressure on us to do so at this time.

The stockpile is adequate, and more than adequate. If some crisis arises in the future when we absolutely need Rhodesian ore we can reexamine the situation at that time. For us to move to do so now would be a violation of our treaty obligation with the United Nations.

On the question dealt with rather lightly here as to whether there has been some transshipment of ore from Rhodesia via the Soviet Union to us, there is a statement which has been in the CONGRESSIONAL RECORD from the U.S. Geological Survey stating on microscopic analysis that this is simply not the fact, that the ore we receive from the Soviet Union is not produced in Rhodesia.

It is interesting to note that the conference committee made no such claim.

Finally, with respect to the very persuasive appeal Members have heard from the gentleman from Pennsylvania about the position of the steel industry, I believe it should be noted that there is also in the CONGRESSIONAL RECORD, on page S15319, a letter from Mr. I. W. Abel, president of the United Steel Workers of America, in which he indicates his opposition to any change at this time in the sanction program unilaterally by the United States. He says, among other things:

> The United Steel Workers of America supports the intent of the embargo and its continuation. We feel that as a nation and in conjunction with other nations we must be concerned about basic human justice and if need be sustain an economic price for that conviction. Furthermore, this is one of the few occasions on which the United Nations acted as the moral conscience of the world.

That is the president of the United Steel Workers, Mr. Abel, speaking.

I would urge Members not to take this position at this particular time, when the British are in negotiation with the Rhodesian Government and when there is a very good chance that there may be a settlement of the problem. This would be the worst possible time for us to take this step, and there is no need for it at this time.

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

Mr. BINGHAM. I yield to the gentleman from Pennsylvania.

Mr. DENT. I happen to have been in contact with the steel workers today. The situation is one as to whether we decide whether the social aspect of legislation at this point in our economic situation shall take precedence over the serious economic problem we face.

I agree with the gentleman on the question of the treatment of the social aspects with respect to the Rhodesian Government, but there is also this fact: There are only two nations in the entire international agreement which are living up to the unanimous vote of the U.N., Great Britain, and the United States. West Germany is buying Rhodesian ore. Japan is buying Rhodesian ore. Every steel producing nation that signed and voted on the sanction against Rhodesia is buying Rhodesian ore.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Speaker, I rise in support of the conference report.

I can sympathize with many of the arguments put forth by the gentleman, particularly with regard to the denial of voting rights to the black majority in Rhodesia. However, I believe we can better bring about our goal of democratic practices in that country as a friend of Rhodesia rather than an enemy. Moreover, I cannot ignore the overriding national defense considerations involved here.

The United States has been dependent on the Soviet Union for more than 60 percent of its chrome ore since the embargo was placed against Rhodesia in 1967. During this time the Soviet Union has raised the price 288 percent from the presanction level of $25 per ton to the present price of $72 per ton.

At the same time, the U.S.S.R., no friend of the United States, has been purchasing high grade Rhodesian chrome ore from other nations violating the embargo and selling the United States its poorer grade chromite at substantially higher prices. In the interests of national security, the United States cannot continue to be dependent upon the Soviet Union as a major source of a critical defense material. Moreover, it is highly hypocritical for the United States to get its chrome ore in this underhanded manner. The sanctions, frankly, are not working.

The arguments put forth that the stockpile of chrome ore is in surplus is not acceptable. The purpose of the stockpile is to have a reserve and this Nation should not be using its stockpile supplies as a regular source of chrome ore as some have advocated.

The high price of chromite has placed the U.S. steel industry in an unfavorable competitive position relative to other nations who are importing the Rhodesian ore.

As a result many Americans are unemployed, because of the increased importation of low-cost steel and steel products. While this problem could be alleviated through import controls, we have at hand today a ready means of accomplishing the same end.

To give you an example of the degree of penetration of the U.S. markets by foreign producers, I would like to quote a few figures from the conference committee report:

> Imports of specialty steels are at an all-time high—20 percent of the total domestic market in the first quarter of 1971. For some individual specialty steels, the penetration is even greater; 35 percent of stainless cold rolled sheets, 68 percent of the market for stainless wire rods, and 54 percent for stainless wire.

This is a shocking set of figures and the cause can be directly traced to the embargo on Rhodesian chrome ore.

I can understand the desire of those who wish to maintain our strong support of the United Nations in this matter. However, the U.N.'s demonstrated lack of interest in fair play by rejecting Nationalist China makes one question whether the United States should continue to jeopardize its national defense interest to support the world body.

Mr. Speaker, I am pleased the House conferees have accepted the Senate amendment permitting the importation of Rhodesian chrome ore as I had urged last month. I believe this provision and the entire military procurement bill conference report deserves adoption by this body in the form finally agreed upon by the conferees.

Mr. FRASER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MORSE).

Mr. MORSE. Mr. Speaker, I rise in support of the effort of Mr. FRASER to delete section 503 from the military procurement bill. This is a nongermane amendment approved by the Senate providing for the importation of Rhodesian chrome. A resumption of chrome ore importation by the United States is clearly opposed by the Nixon administration. It has so advised many of the Members of this body on both sides of the aisle and, believe me, it would represent a clear violation of our international legal obligations as a signatory to the United Nations Charter.

Looking at the strategic considerations: Proponents of section 503 to resume importation of chrome ore from Rhodesia claim that the United States, as a result of the embargo, has become dependent on the Soviet Union for its supply of chrome ore. Mr. Speaker, this is simply not valid. A significant U.S. trade with the Soviet Union in chrome ore existed long before the Rhodesian sanctions went into effect.

Additionally, large quantities of chrome ore are simply not necessary to maintain our defense requirements. This has been made unmistakably clear by the unqualified support of the administration—for S. 773 which would authorize the release of 1.3 million tons of chrome ore over the next 3 years from the U.S. stockpiles, on the grounds that our current

stockpiles of chrome ore do in fact exceed our national security requirements.

With regard to the current negotiations between Britain and Smith's government, it is clear that U.S. action to resume importation of chrome ore from the Smith regime at this time would undermine these ongoing efforts to reach a settlement by encouraging the Smith regime to hold out indefinitely, thus canceling whatever progress has been made in the talks.

Mr. Speaker, I urge Members on both sides of the aisle who are aware of some of the things that happened in the other body to recognize their responsibilities to respect the sanctions which are embodied in international law and which would be restored by the action of this House.

Mr. HAYS. Will the gentleman yield?

Mr. MORSE. I yield to the gentleman from Ohio.

Mr. HAYS. Are you asking us to support the United Nations sanctions against Rhodesia?

Mr. MORSE. I am.

Mr. HAYS. After the way they supported us there

Mr. MORSE. I yield back the balance of my time.

The SPEAKER. The time of the gentleman has expired.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio Mr. HAYS).

Mr. HAYS. Mr. Speaker, I support the committee position and the conference report on Rhodesia and simply submit to the membership the fact that it is a rather simple proposition: Do we continue, because the U.N. said so, to buy our chrome from Russia which is an inferior grade of chrome, while they buy the superior chrome? They are a member of the United Nations. Yet they buy their chrome from Rhodesia and use it themselves.

Now, that is just the way the ball bounces. That is what the story is.

I certainly feel no compulsion whatever to penalize the citizens of the United States for the sanctions placed on them by an organization of which we pay 30 percent of the cost and have 1 percent of the influence.

Mr. Speaker, I support the committee position on this amendment.

Mr. FRASER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, let me just straighten out a couple of facts.

The first is that the Soviet ore is a superior ore to that of Rhodesia and has always demanded a higher price.

Second, Mr. Speaker, the continent of Africa supported us on the China issue. The majority of the nations of Africa were with us as were a majority of the nations in Latin America. I say that where we lost on the China issue was in Europe. We lost the vote of every one of our NATO allies, and to penalize the area where the majority of them voted with us, I think is the height of irresponsibility.

I think what we have before us is a solemn treaty obligation. Many people do not take that treaty obligation lightly. But it seems to me that it is important for us to observe the rule of a treaty obligation in our country's conduct with other nations around the world. That is the fundamental issue. This is what the President has asked for, this is what the Secretary of State has asked for and this is what I asked the chairman of the subcommittee that held the hearings on this issue.

Mr. Speaker, we have a letter from the head of the Steelworkers Union which says these import sanctions have nothing to do with the unemployment situation in the steel industry.

I think that we have to fully understand what our obligations are as a responsible people, leaders we like to think in the free world. I think we will make our true selves known in a way of which we can be proud in the Congress of the United States on this issue.

Mr. DENT. Mr. Speaker, will the gentleman from Pennsylvania yield?

Mr. FRASER. Yes, I yield to the gentleman.

Mr. DENT. I admire your position on treaty obligations, but I would like to say to all of you that we are in Vietnam because of a treaty obligation. Yet the gentleman for whom I have great admiration, as a person, is one of the greatest fighters on this floor against our participation in Vietnam, and that is a treaty obligation.

Mr. FRASER. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Speaker, I intend to be brief, but think this is a very troublesome time.

The issue that this Congress faces and that the United States faces tonight is in my opinion not an economic issue, important though that is. It is not a social issue, important though that is. The basic issue that the United States faces tonight is its own credibility in the world. I say this because we are here facing the question of whether or not we will live up to a solemn commitment made through a treaty.

Mr. Speaker, if there is to be long-term peace in this world, it will not come through an escalation of arms. The long-term peace of this world depends upon our maintaining a military strength now which in the long run depends upon commitments between nations, which nations will believe the other nations intend to adhere to and which we in America will indeed adhere to.

If at this time for reasons that are not matters of law and order, not matters of national commitment, but matters of what we consider short-term self interest, we go back on this commitment, then what is to say to any other nation with which we may ever make a commitment that we will live up to it? What is to lead Germany to feel that we will obey our commitments to her? Or if we come out of the SALT talks with an agreement with Russia, how can she believe we will live up to those commitments? If we cannot live up to this commitment when, indeed, are our commitments to be trusted by any nation with which we may deal?

The SPEAKER. The time of the gentleman has expired.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Speaker, as far as the committee report goes, Germany is buying chrome from Rhodesia. If we are supposed to be so concerned about our own commitments, I wonder what the gentleman from Oregon would say about Germany? There are many of us who believe, although it is hard to prove, that Russia is buying chrome from Rhodesia. I do not know why we should be so concerned about our commitments in view of Russian action. Or how about France or some of the other U.N. countries. Commitments?

I believe we have been Uncle Sap too long in this whole procedure.

The thing that has bothered me is this. It has been argued that we do not need to worry about this, if at some time in the future we get in trouble then we can go to Rhodesia for chrome. But I can tell you that if I were Rhodesia, and we got into that position, I would tell the United States to go jump in the lake—to go some place else to get its chrome. Mr. Speaker, we cannot have it both ways. It is time we cut out this foolishness and start dealing with our friends.

The SPEAKER. The time of the gentleman has expired.

Mr. HÉBERT. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER. The Chair will state that the gentleman from Louisiana has 5 minutes remaining.

Mr. HÉBERT. Mr. Speaker, I yield 5 minutes to myself.

Mr. Speaker, I will not use the full 5 minutes. I merely take this time so that the Members will understand exactly what the situation is, and so that there will be no doubt in anyone's mind, although there seems to be some confusion. Therefore I want it clearly understood that on this vote hangs the conference report.

If you do not vote a green card, which is "yes," sustaining the conference report submitted to you, the conference report goes down the drain.

If you do vote a green card it means that the conference report stands up, and we shall have a vote upon that immediately.

As I said before, I have used a minimum amount of time and a minimum amount of words, but I do want this clearly understood, and in order to clarify it I shall ask a parliamentary inquiry of the Speaker.

Mr. Speaker, a parliamentary inquiry.

PARLIAMENTARY INQUIRIES

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HÉBERT. Mr. Speaker, the parliamentary inquiry is this: In order to sustain the conference report, the vote is an affirmative vote on a green card, if a teller vote is taken?

The SPEAKER. The Chair will state that the gentleman is correct.

Mr. HÉBERT. And, in other words, a red card would be a negative vote against the committee and the conference report?

The SPEAKER. The Chair will state

that if a teller vote is taken with clerks, then a vote taken on a green card will sustain section 503, which is the position of the committee, as advocated by the gentleman from Louisiana (Mr. HÉBERT). A vote taken on a red card is a vote against the position of the committee, as urged by the gentleman from Minnesota (Mr. FRASER).

Mr. HÉBERT. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HÉBERT. Mr. Speaker, on a voice vote, or a rollcall vote, a "yea" would be to support the conference report, and a "nay" would be to vote down the conference report, in effect, because then the conference report would die?

The SPEAKER. The Chair will state the gentleman from Louisiana is correct in his statement.

Mr. HÉBERT. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is, Will the House agree to the language contained in section 503 of the conference report?

TELLER VOTE WITH CLERKS

Mr. FRASER. Mr. Speaker, I demand tellers.

Tellers were ordered.

Mr. FRASER. Mr. Speaker, I demand tellers with clerks.

Tellers with clerks were ordered; and the Speaker appointed as tellers Messrs. FRASER, HÉBERT, ARENDS and DELLUMS.

The House divided, and the tellers reported that there were—ayes 251, noes 100, not voting 80, as follows:

[Roll No. 379]

[Recorded Teller Vote]

AYES—251

Abbitt	Clark	Goldwater
Abernethy	Clausen,	Gonzalez
Anderson,	Don H.	Gray
Tenn.	Cleveland	Green, Oreg.
Andrews, Ala.	Collins, Tex.	Griffin
Andrews,	Colmer	Griffiths
N. Dak.	Conable	Gross
Annunzio	Conte	Grover
Archer	Cotter	Hagan
Arends	Crane	Haley
Ashbrook	Daniel, Va.	Hall
Aspinall	Daniels, N.J.	Hammer-
Baker	Danielson	schmidt
Baring	Davis, Ga.	Hanna
Belcher	Davis, S.C.	Hansen, Idaho
Bell	de la Garza	Harsha
Bennett	Delaney	Hastings
Betts	Denholm	Hays
Bevill	Dennis	Hébert
Biaggi	Dent	Heinz
Biester	Devine	Henderson
Boggs	Dickinson	Hicks, Wash.
Bow	Dorn	Hillis
Bray	Downing	Hogan
Brinkley	Duncan	Holifield
Brooks	Edmondson	Hosmer
Broomfield	Edwards, Ala.	Hull
Brotzman	Eilberg	Hunt
Brown, Mich.	Erlenborn	Hutchinson
Brown, Ohio	Fisher	Ichord
Broyhill, N.C.	Flood	Jacobs
Broyhill, Va.	Flowers	Jarman
Buchanan	Flynt	Johnson, Calif.
Burke, Fla.	Ford, Gerald R.	Johnson, Pa.
Burleson, Tex.	Fountain	Jonas
Burlison, Mo.	Frey	Jones, Tenn.
Byrne, Pa.	Fulton, Tenn.	Karth
Byron	Fuqua	Keating
Cabell	Galifianakis	Kemp
Caffery	Garmatz	King
Carter	Gaydos	Kluczynski
Casey, Tex.	Gettys	Kyl
Cederberg	Giaimo	Kyros
Chamberlain	Gibbons	Landrum
Latta	Price, Ill.	Stanton,
Lennon	Price, Tex.	James V.
Lent	Pucinski	Steed
Lujan	Purcell	Steele
McClory	Quie	Steiger, Ariz.
McClure	Quillen	Steiger, Wis.
McCollister	Railsback	Stephens
McDade	Randall	Stratton
McDonald,	Rarick	Stuckey
Mich.	Rhodes	Sullivan
McFall	Roberts	Symington
McKevitt	Robinson, Va.	Talcott
Mahon	Rogers	Taylor
Mann	Rooney, N.Y.	Teague, Calif.
Mathias, Calif.	Rooney, Pa.	Teague, Tex.
Mathis, Ga.	Rostenkowski	Terry
Mayne	Roush	Thompson, Ga.
Mazzoli	Rousselot	Thomson, Wis.
Melcher	Roy	Thone
Michel	Runnels	Ullman
Miller, Calif.	Ruppe	Van Deerlin
Miller, Ohio	Ruth	Vander Jagt
Mizell	Sandman	Vanik
Mollohan	Satterfield	Waggonner
Monagan	Saylor	Wampler
Moorhead	Scherle	Ware
Murphy, Ill.	Schmitz	Whalley
Myers	Schneebeli	White
Natcher	Scott	Whitehurst
Nelsen	Sebelius	Widnall
Nichols	Shipley	Williams
Obey	Shoup	Wilson, Bob
O'Konski	Shriver	Wilson,
O'Neill	Sikes	Charles H.
Passman	Sisk	Winn
Patman	Skubitz	Wylie
Perkins	Slack	Yatron
Pettis	Smith, Calif.	Young, Fla.
Peyser	Snyder	Young, Tex.
Pickle	Spence	Zablocki
Pike	Springer	Zion
Poage	Staggers	Zwach

NOES—100

Abourezk	Findley	Mitchell
Abzug	Fish	Morse
Adams	Foley	Moss
Addabbo	Forsythe	Nedzi
Anderson,	Fraser	Nix
Calif.	Frenzel	O'Hara
Anderson, Ill.	Grasso	Patten
Ashley	Green, Pa.	Podell
Aspin	Gude	Preyer, N.C.
Badillo	Hamilton	Rangel
Begich	Hanley	Reid, N.Y.
Bergland	Hansen, Wash.	Reuss
Bingham	Harrington	Riegle
Boland	Hathaway	Robison, N.Y.
Bolling	Hechler, W. Va.	Rodino
Brademas	Heckler, Mass.	Roe
Brasco	Helstoski	Roncalio
Burke, Mass.	Hicks, Mass.	Rosenthal
Burton	Horton	Roybal
Carney	Howard	Ryan
Chisholm	Hungate	St Germain
Clay	Kastenmeier	Scheuer
Collins, Ill.	Keith	Selberling
Corman	Koch	Smith, Iowa
Culver	Leggett	Smith, N.Y.
Dellenback	Long, Md.	Stokes
Dellums	McCloskey	Thompson, N.J.
Dow	McCormack	Tiernan
Drinan	McKinney	Udall
du Pont	Matsunaga	Waldie
Eckhardt	Meeds	Whalen
Edwards, Calif.	Metcalfe	Wolff
Esch	Minish	Yates
Fascell	Mink	

NOT VOTING—80

Alexander	Edwards, La.	McEwen
Barrett	Eshleman	McKay
Blackburn	Evans, Colo.	McMillan
Blanton	Evins, Tenn.	Macdonald,
Blatnik	Ford,	Mass.
Byrnes, Wis.	William D.	Madden
Camp	Frelinghuysen	Mailliard
Carey, N.Y.	Gallagher	Martin
Celler	Goodling	Mikva
Chappell	Gubser	Mills, Ark.
Clancy	Halpern	Mills, Md.
Clawson, Del	Harvey	Minshall
Collier	Hawkins	Montgomery
Conyers	Jones, Ala.	Morgan
Coughlin	Jones, N.C.	Mosher
Davis, Wis.	Kazen	Murphy, N.Y.
Derwinski	Kee	Pelly
Diggs	Kuykendall	Pepper
Dingell	Landgrebe	Pirnie
Donohue	Link	Poff
Dowdy	Lloyd	Powell
Dulski	Long, La.	Pryor, Ark.
Dwyer	McCulloch	Rees
Sarbanes	Veysey	Wyatt
Schwengel	Vigorito	Wydler
Stanton,	Whitten	Wyman
J. William	Wiggins	
Stubblefield	Wright	

(By unanimous consent, Mr. HAYS changed his vote from "no" to "aye.")

So the House agreed to the language contained in section 503 of the conference report.

The SPEAKER. The gentleman from Louisiana (Mr. HÉBERT) will be recognized for 30 minutes and the gentleman from Illinois (Mr. ARENDS) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. HÉBERT. Mr. Speaker, I rise in support of the conference report on H.R. 8687 and urge its approval by the House.

H.R. 8687 is the bill which provides the authorizations for annual appropriations for the armed services for the procurement of hardware, R.D.T. & E., and certain related activities of the Department of Defense during fiscal year 1972.

The bill as presented to the Congress by the President included programs totaling $22,188,337,000;

The bill as passed by the House totaled $21,252,682,000;

The bill as passed by the Senate totaled $21,016,442,000;

The bill as agreed to in conference totals $21,316,870,000;

The figure arrived at by the conferees is $871,467,000 less than the amount requested by the President.

I will not attempt to make a line item review of the action taken by the conferees. That has been adequately taken care of in the conference report and the Joint Statement of Managers which has been available to the Members, and which has been printed in the CONGRESSIONAL RECORD. However, I think it pertinent that I review some of the highlights of the Conference Committee action.

In respect to the money differences, the following actions were taken:

Safeguard antiballistic missile: Approved Senate funding of $1.1 billion and Senate language restricting deployment authority to two sites and advanced preparation to two others.

C–5A transport: Approved a Senate total of $374 million, incorporating a Senate-approved reduction of $72.2 million.

C–130 transport: Approved House total of $40.8 million, rejecting a Senate deletion.

Main battle tank: Approved $62.8 million research and development effort, designed to produce six prototypes as voted by the Senate, rejecting a House reduction.

F–14 Navy fighter: Approved $801.6 million in 48-plane program which had been approved by the Senate and had been rejected without prejudice by the House, pending Pentagon clarification, which was later supplied.

Replenishment oiler: Approved House authorization of $56.5 million for replenishment vessel which was rejected by the Senate.

Nuclear attack submarine: Approved $22.5 million authorization for long lead-

time items for an additional nuclear attack submarine as added by the Senate.

Nuclear frigate: Approved House language to require that contracts for advanced procurement for the DLGN-41 shall be entered into as soon as practicable, unless the President advises Congress that construction is not in the national interest.

Unlike previous years, the dollar differences in the House-Senate versions of this bill were relatively simple of resolution. However, I can not say the same in respect to some of the language differences which occurred in the two bills. These differences posed very great problems for the conferees.

As you will recall, the Senate in acting on the House bill struck all after the enacting clause and substituted new language in the form of an amendment. Thus, the Senate technically had only one amendment to the House bill.

Included in that amendment were several provisions incorporating subject matter which, under the rules of the House and the Reorganization Act of 1970, were nongermane and therefore subject to possible points of order.

It was this consideration which prompted my colleague and distinguished ranking minority member of the Committee on Armed Services, Mr. ARENDS, to offer in the House a motion to instruct the conferees. This motion, which was made on October 19, 1971, would have required the conferees on the part of the House "not to agree to any portion of the text of the Senate amendment that is not germane to the House bill, H.R. 8687."

If the motion to instruct had carried, House conferees on H.R. 8687 would have had no problem since they could have, with appropriate and adequate justification, refused to consider any of the nongermane provisions of the Senate amendment. However, unfortunately, the motion to instruct was, as you know, voted down.

As a consequence of this official House action, the House conferees were, in effect, told by the House to consider the Senate provisions on their merits despite their being subject to a possible point of order.

The House conferees, therefore, in response to the apparent wishes of the House, did consider in conference the entire Senate amendment, including the so-called nongermane provisions and resolved them on their merits.

There were six specific provisions in the Senate amendment which, in my judgment, were nongermane and subject to possible points of order. These six provisions included three which, after a full discussion of the provisions on their merits, were completely rejected by the House conferees and the Senate receded thereon. These included:

First, section 507—relating to military operations and activities at the U.S. Naval Air Station, Los Alamitos, Calif.

Second, sections 701 through 704—which proposed an additional increase in military pay, and

Third, section 801—which would have authorized comparability adjustments of Federal pay for civilian and military personnel.

On the other hand, after a full discussion of the merits of the other three provisions of the Senate amendment, which were subject to a possible point of order, the House-Senate conferees agreed to accept each of these three amendments with some modification. These provisions in the Senate amendment are as follows:

First, section 503—relating to the importation of chrome from Rhodesia;

Second, section 505—relating to the ceiling on U.S. expenditures in Laos, and

Third, section 601—the so-called Mansfield amendment, establishing a final withdrawal date of our military forces from Indochina.

The conference report explains in very positive detail the effect of the action taken by the conferees on each of these last three provisions—that is, section 503, section 505, and section 601.

I believe that your House conferees have very diligently and faithfully reflected the views of this body in its conference with the Senate on this bill, H.R. 8687. Therefore, without qualification, I urge its approval.

The controversy we do now have on this conference report arises because of the failure of the House to support the motion to instruct previously made by Mr. ARENDS.

Before going to conference, both Mr. ARENDS and I were acutely aware of the difficulty we would have in conference with the Senate if we did not have a clear mandate from the House in respect to the latitude and action we could take on the nongermane provisions in the Senate amendment.

It was this consideration which prompted Mr. ARENDS to offer the simple solution to the problem: the motion to instruct conferees not to accept nongermane Senate provisions. The House refused to endorse that motion to instruct, and we therefore went to conference directed to confer and to resolve all of the provisions included in the Senate amendment.

We have today brought you that compromise as outlined in the conference report. However, unfortunately, there was no way in which the House conferees could bring you a compromise resolution of the differences in H.R. 8687 without including in those differences these specific provisions which, admittedly, are, under the House rules, subject to a possible point of order.

These are the facts surrounding the conference report and the action of your conferees.

It is legislation sorely needed by the Department of Defense. Therefore, I urge you, my colleagues, to support your conferees and adopt the conference report.

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

Mr. ARENDS. Mr. Speaker, I have no requests for time.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

FAVOR IMMEDIATE WITHDRAWAL FROM VIETNAM

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

Mr. HELSTOSKI. Mr. Speaker, in last week's election the citizens of the city of Englewood, N.J., had the opportunity to vote on a referendum calling for a cessation of all American involvement in Vietnam by December 31, 1971. I am happy to report that, by a margin of almost 2 to 1, the voters of Englewood supported the call for immediate withdrawal from Vietnam.

Yesterday, copies of the city council resolution incorporating the sentiments of the voters of Englewood were delivered personally to me by Councilman Ken King, a constituent and a good friend. I wish to congratulate Ken and his coworkers whose efforts in connection with the referendum led to such a resounding repudiation of our current Vietnam policy by the citizens of Englewood. And, Mr. Speaker, I would like to take this opportunity to assure the citizens of Englewood that my views on the war parallel theirs and that I will continue to vote against further funding of American involvement in Vietnam.

Mr. Speaker, I include at this point in the RECORD the documents from the Englewood City Council relating to the Vietnam referendum.

RESOLUTION

Whereas, the Council of the City of Englewood has been requested, both formally and informally, by citizens, residents and taxpayers of the City of Englewood to express to the federal government, as the elected representatives of the citizens, residents and taxpayers of the City of Englewood, the sentiment of said citizens, residents and taxpayers against the present American involvement in the war in southeast Asia; and

Whereas, the Council of the City of Englewood has from time to time adopted resolutions for the purpose of bringing the public sentiment of the City of Englewood on various public questions to the attention of the state and federal governments; and

Whereas, American involvement in the war in southeast Asia affects the citizens, residents and taxpayers of the City of Englewood in that they and their relatives and friends are required to serve a period of military service in southeast Asia, thereby disrupting their lives and the lives of their families in fulfilling a commitment which they believe to be in violation both of their consciences and the best interests of national policy; and

Whereas, all citizens, residents and taxpayers of the City of Englewood are affected by the American involvement in the war in southeast Asia by reason of the fact that substantial federal funds representing, in large part, federal revenue obtained from payment of federal income taxes are being diverted for the prosecution of said involvement from a multitude of urgent and high priority domestic needs; and

Whereas, the City of Englewood has many public and social problems, the solution of which require federal financial assistance; and

Whereas, the Council of the City of Englewood deems it appropriate that it should make no expression of municipal sentiment with respect to the continued American involvement in the war in southeast Asia with-

out first having determined the sentiments of a majority of the voters of the City of Englewood; and

Whereas, N.J.S.A. 19:37–1 et seq. provides a mechanism whereby the Council of the City of Englewood can determine public sentiment on the question of whether or not such an expression should be made by the governing body of the City of Englewood to the federal government; and

Whereas, the proponents of the point of view that American involvement in the war in southeast Asia should be terminated at the earliest possible time have requested the seeking of the expression of public sentiment on the question of whether or not all American troops should be withdrawn from southeast Asia and all federal appropriations for prosecuting American involvement in said war should cease no later than December 31, 1971

Now, therefore, be it resolved by the Council of the City of Englewood, pursuant to N.J.S.A. 19:37–1 et seq.:

That the Clerk of the County of Bergen is hereby requested to print upon the official ballot, to be used at the General Election to be held on November 2, 1971, in the City of Englewood, the following proposition:

"Shall the Council of the City of Englewood petition the United States Congress for the removal of all American troops from southeast Asia and for the termination of all appropriations for the prosecution of American involvement in the war in southeast Asia no later than December 31, 1971?"

JOSEPH T. CARNEY, *City Clerk.*

THE CITY OF ENGLEWOOD,
Englewood, N.J., November 8, 1971.

Re Public Referendum on ending American involvement in the war in southeast Asia.

HONORABLE SIR: Attached please find a copy of a Resolution which was unanimously adopted by the Council of the City of Englewood, County of Bergen, New Jersey, on November 4, 1971.

This is being sent to you in accordance with Section 4 thereof.

Sincerely yours,

JOSEPH T. CARNEY,
City Clerk.

RESOLUTION

Whereas, the Council of the City of Englewood, by resolution duly adopted on June 15, 1971, caused to be placed on the ballot for the General Election held on November 2, 1971, the following referendum question:

"Shall the Council of the City of Englewood petition the United States Congress for the removal of all American troops from southeast Asia and for the termination of all appropriations for the prosecution of American involvement in the war in southeast Asia no later than December 31, 1971?" and

Whereas, the official tally of the balloting on said question has been reported by the Clerk of the City of Englewood as: 4,573 in favor; 2,347, opposed.

Now, therefore, be it resolved by the Council of the City of Englewood, in accordance with the directive set forth in said adopted referendum question, as follows:

1. The City of Englewood by this Resolution hereby petitions the United States Congress for the removal of all American troops from Southeast Asia and for the termination of all appropriations for the prosecution of American involvement in the war in southeast Asia no later than December 31, 1971;

2. The Resolution adopted June 15, 1971, hereinabove referred to, directing the placement of the referendum question on the ballot, is hereby annexed hereto and made a part hereof by reference;

3. The Clerk of the City of Englewood shall forthwith transmit a certified copy of this Petition by Resolution, together with the Resolution amended, to United States Senators Harrison A. Williams, Jr., and Clifford P. Case, and to Representative Henry Helstoski, with the request to each of them that he spread this Petition and Resolution annexed hereto upon the Senate and House records respectively.

4. The Clerk of the City of Englewood shall forthwith transmit a copy of this Resolution to each United States Senator; to each member of the House of Representatives; to the President of the United States; and to each member of the Joint Chiefs of Staff of the United States of America.

JOSEPH T. CARNEY,
City Clerk.

BILL TO SUSPEND DUTIES ON FLUORSPAR

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

Mr. DUNCAN. Mr. Speaker, I have today introduced a bill to suspend the duties on fluorspar until the close of January 1, 1974.

The mineral fluorspar is essential, among others, to the aluminum and plastic industries; no other satisfactory substitutes are known. The three major uses of fluorspar are, as a fluxing agent in steel production, as a raw material in the manufacture of hydrofluric acid, which is used to make aluminum, and in making fluorcarbon chemicals, used in plastics. Demand has completely outpaced the production capacity of the domestic fluorspar industry with the result that U.S. self-sufficiency has declined from about 70 percent in 1950 to only 20 percent in 1970. Currently, the domestic producers can supply only 200,000 to 250,000 tons per year; consumption in 1969 was 1,357,000 tons.

Obviously, the American industries that must have fluorspar in their operations are dependent on imported ore. This dependence will increase in the future as demand is expected to continue to increase and the U.S. producers are lodged on a production plateau because of their limited, low-grade reserves.

In spite of the U.S. dependence on imported fluorspar, the tariff schedule applies duties ranging from $2.10 to $8.40 per long ton on imported fluorspar. The effect of the tariff is, of course, to increase the cost of fluorspar from overseas sources. This inflationary aspect of the Tariff Schedule appears to be clearly unnecessary as the U.S. fluorspar producers can sell every ton they produce at premium prices because of the freight advantage they enjoy in serving the domestic market.

Suspension of the customs duties on imported fluorspar would greatly aid domestic industries using this material, with resulting benefit to the Nation's economy generally. At the same time, the loss of revenue from the suspension would not be significant. Duties on fluorspar imports in 1969 totaled approximately $4,700,000.

RUSSIAN-BUILT AIRCRAFT LANDS AT NEW ORLEANS INTERNATIONAL AIRPORT WITHOUT PERMISSION

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

Mr. CAFFERY. Mr. Speaker, on Tuesday, October 26, 1971, a Russian-built aircraft, carrying 19 Cubans and a crew of three, landed without permission at the New Orleans International Airport. The 19 Cubans were ostensibly sugarcane technologists who were coming to New Orleans to attend a meeting of the International Society of Sugar Cane Technologists. In September the Cubans attempted to get visas to come into this country. In accordance with American policy and agreement of the Organization of American States, the Cubans were denied visas. The flight of this airplane from Havana to New Orleans and the mysterious events surrounding it constitute one of the more baffling international incidents in recent times. Many questions have been asked but no questions have been answered.

The scant information available is revealing. The facts show that a flight plan was sent by international teletype out of Havana on Tuesday morning, October 26, indicating a Cubana Airlines flight from Havana to New Orleans. The usual flight-plan information was included and, although the departure time was given as 9 a.m., no day of departure was given. Since regulations of the Federal Aviation Administration provide that 5 days notice must be given for flights of aircraft of Cuban registry, Havana was contacted concerning the day of departure. However, Havana would give no further information.

What events transpired after this is not known. What is known is that this Russian-built aircraft next appeared within the Air Defense Identification Zone without further warning or notice and, apparently, without interception.

The plane landed in New Orleans, and by all reports the Cubans received courteous and hospitable treatment during their stay in New Orleans. On Friday, November 5, the plane left New Orleans with the Cubans and returned to Havana.

While the question of whether the Cuban technologists should have been permitted to attend the New Orleans conference may be subject to debate—that is not the principal issue involved, and for purposes of this discussion it is not an issue at all. My concern is that despite the enormous amount of money this country spends on the military system, despite our supposedly advanced and up-to-the-minute detection equipment, a Russian-built plane flew into the United States on October 26 without interception. It is evident that when the message came over international teletype out of Havana on the morning of October 26, it was not known and there was no way of knowing whether the airplane in fact carried 19 Cubans and a crew of three to attend a sugar meeting, or whether it contained other things and for other purposes.

The event is over and it might be said no harm was done. But I think the American people have the right to know why this incident was permitted to occur and to receive a thorough accounting from all agencies of the U.S. Government, including the Department of Defense. I do not charge that there has been gross neglect

or dereliction of duty on the part of anyone or any agency. I do respectfully submit that the American people are entitled to nothing less than a full and lucid explanation.

THE POLITICS OF FOREIGN AID LEGISLATION

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

Mr. BRADEMAS. Mr. Speaker, because of the great attention which is presently being paid to the issue of foreign aid, I take this time to make the following analysis of what I should like to call "the politics of foreign aid legislation."

In offering this analysis, for whatever value it may be for my colleagues, I should note that it is almost entirely based on a paper I prepared for a conference on foreign policy held in May–June 1971.

Although I have made no effort to revise my analysis as a result of the recent vote of the Senate to kill the Foreign Assistance Authorization Act for fiscal 1972, I do not believe that I would in any way change the analysis.

THE POLITICS OF FOREIGN AID LEGISLATION

Mr. Speaker, foreign aid has become an outcast of American public policy. The politics of the passage of foreign aid legislation through Congress has become ritualized, with friends offering perfunctory support and enemies grudgingly accepting its inevitability. As early as 1965, Theodore H. White could describe the politics of foreign aid as "mechanical orthodoxy." Today, the Agency for International Development—AID—chief administrator of bilateral aid projects, maintains one of the lowest profiles in Washington. AID understands the meaning of "benign neglect."

The current condition of foreign aid is, for several reasons, embarrassing. First, the aid program is the heir of such proud ancestors as the Marshall Plan, Point Four, and the Alliance for Progress. This tradition, which once represented unique American leadership in the world, is slowly expiring from a general lack of interest.

Second, the decline of the U.S. foreign aid effort comes at the very time that a series of blue-ribbon commissions is urging the developed countries to allocate even more resources to the developing world. While varying in emphasis and coverage, all these reports conclude that the economic condition of most developing countries is getting worse. And all agree further that the rich countries have an obligation to do more to assist the poor countries.

Third, although the United States still contributes half the world's foreign aid, both its absolute contribution and its percentage of the world's contribution are declining. On the last day of 1970, Congress cleared a bill appropriating $1.94 billion in fiscal 1971 for foreign economic and military assistance, $200 million for foreign military credit sales and $394 million for other foreign assistance programs such as the Peace Corps and various international financial institutions. Almost simultaneously, the U.S. gross national product passed the trillion-dollar mark. The economic and military assistance figure represents only about 40 percent of the sums appropriated at the height of the Marshall plan. The United States gave over 2 percent of its gross national product for Marshall plan programs at a time when per capita income here was only 40 percent of its present level. The trends in most other donor countries are in the opposite direction. France already devotes a larger share of GNP to foreign aid than any other major country. Support for overseas development is growing significantly in West Germany, Japan, and, to a lesser degree, in the United Kingdom. In such smaller countries as the Netherlands, Canada, and the Scandinavian lands, the recent support for foreign aid has reached remarkable proportions.

The sharp contrast between the foreign aid commitments of the United States and those of other developed countries brings into focus the current political situation of the American foreign aid program. To some extent, the political difficulties of foreign aid are not of its own making. The war in Vietnam can hardly be overemphasized in this context. It dominates the foreign policy debate; absorbs the time and energies of top policymakers. At home, social unrest in the cities and other pressing domestic problems inspire a compelling urge to "put our own house in order first." These factors help explain why foreign aid is now regarded as a kind of sideshow—ignored by those normally concerned with foreign policy and disparaged by many of those dedicated to domestic reforms.

But not all the political problems of foreign aid can be attributed to external circumstances. The proponents of a substantial foreign aid commitment have failed in the past few years to develop a clear rationale and then to communicate it to a wider audience. It should occasion no surprise then that many in Congress now believe that AID is politically inept, the program ineffective, its underlying assumptions and implications basically unexamined and that nobody in the executive branch really cares much any longer about the future of foreign aid. Those of us who have traditionally supported foreign aid find ourselves increasingly ill at ease in justifying our positions. Indeed, our support is no longer automatic and, consequently, the politics of foreign aid has recently become an even more discouraging exercise for its friends. In attempting to explain why support for foreign aid has declined, I shall focus on the roles played by public opinion, pressure groups, the executive branch and the Congress.

PUBLIC OPINION

Mr. Speaker, both Congress and the executive branch perceive the American public, if not hostile to, certainly not enthusiastic for, foreign aid. This simple fact helps to explain why the aid program has recently been subjected to dozens of limiting amendments, blue-ribbon reviews, reorganizations and a series of rationales designed to appeal to differing political viewpoints.

Public opinion surveys show that only about two out of five adult Americans in recent years have said they have "heard or read" about our foreign aid program. Less than one adult out of ten has guessed within a billion dollars of the correct figure for the overall annual aid budget. Similarly, very few have known that foreign aid constitutes less than 5 percent of the Federal budget, or far less than 1 percent of the GNP in recent years. Majorities have grossly overestimated the real amount of resources devoted to foreign aid. Even smaller minorities—3 to 7 percent—know that most economic assistance in recent years has been in the form of loans rather than grants, or that it has been concentrated in relatively few recipient countries, or that most of it is provided in the form of American-made goods and services rendered by American experts. The surveys show that considerably fewer Americans hold personally significant opinions of foreign aid than on such domestic issues as race relations, inflation, medicare, and welfare.

On the whole, survey results have shown slight majorities in favor of aid as a general proposition. Small, but quite consistent, majorities of between 51 and 58 percent have on successive occasions since 1958 said they were "in general for foreign aid"; between 31 and 35 percent have replied that they were "against it." Above-average support for aid is found among professionals, white-collar workers, the better educated, and the higher salaried; in other words, those groups in society which are generally the most active and articulate in promoting their political views.

What these surveys suggest is the existence of a substantial incongruity between the reality of the public mood toward foreign aid and Washington's perception of it. Indeed, I would suspect very few Congressmen get much mail at all these days on foreign aid. Even as long ago as 1963, President Kennedy said:

> Contrary to repeated warnings, in the seventeen years since the Marshall Plan began, I have never heard of a single politician who lost his office by supporting foreign aid.

The importance of public opinion—or rather the lack of it—toward the issue of foreign aid is somewhat less puzzling; because the public is generally apathetic, its influence on the politics of foreign aid is negligible. With the public removed from the battle, the foreign aid struggle is largely confined to Washington.

PRESSURE GROUPS

Mr. Speaker, in the past, issue-oriented pressure groups were occasionally able to give significant support to the passage of foreign aid legislation. In general, however, these groups were organized with the tacit approval and direction of the White House. The National Conference on International Economic and Social Development, originally established in 1952 as the Point Four Information Service, operated during the late Eisenhower and early Kennedy years as a forum for those interested in improving

the foreign aid program. The Citizens' Committee for International Development was incorporated in the District of Columbia during the summer of 1961 with the sole purpose of securing the passage of that year's Foreign Assistance Act. Leaders of this group included former Senator Herbert H. Lehman and Oveta Culp Hobby, publisher of the Houston Post and first Secretary of Health, Education, and Welfare. Along with the usual range of lobbying activities, the Citizens' Committee held meetings which provided President Kennedy with the opportunity to make important speeches on foreign aid.

Today, pressure groups are remarkably passive factors in the political universe of foreign aid. To take just one indicator, there does not exist in the area of foreign aid—as there does in education—an umbrella lobbying organization that might be called the Emergency Committee for the Full Funding of Foreign Aid Programs. To the extent that proforeign aid pressure groups are active now, they seem to lack coordination and often work at cross purposes. Where lobbying takes place, it is likely to concern a particular aspect of the foreign aid bill which an interest group will want modified. Lobbying activity of this type is facilitated by the fact that Congress authorizes general programs and makes appropriations by function. Groups can thus support only those segments of the program in which they have a particular interest. Farm organizations can support food assistance, while business organizations can lobby for loans to exporters or investment guarantees. Such support, narrowly focused on one aspect of the legislation, has tended to be passive or even negative with respect to other parts of the program in which the organization has a lesser stake. One reason the functional rather than the country approach is taken is fear of uninhibited lobbying of Congress by representatives of developing nations.

Such groups as the League of Women Voters and some national church-related organizations have consistently supported the foreign aid program. The churches, in particular, have reflected the evangelical strain in the American character and have emphasized the moral imperatives of foreign aid, that is, the rich should help the poor. But the support from these kinds of groups tends to be uneven—both in intensity and in geographical distribution.

The national labor unions have long been identified with a strong pro-aid position. In testifying for the 1961 Foreign Assistance Act, Andrew J. Biemiller, chief lobbyist for the AFL–CIO, said that foreign aid funds should be considered "investments rather than expenditures" for the U.S. security. In a January 1971 policy statement, the AFL–CIO reaffirmed its support for "a substantial foreign aid program to help developing nations achieve decent conditions of life and labor and thus to help world peace and freedom." Labor's support, however, has lately been somewhat more rhetorical than real. Even this support has been largely based in the national leadership rather than in the rank-and-file local unions. A Congressman need not be overly clever to conclude that foreign aid is not a vital issue for labor.

Corporations with a direct economic self-interest in aid have recently been distracted by other issues, such as trade and the nationalization of foreign holdings which are felt to be more pressing concerns than foreign aid. It should be noted that American business reaps immediate economic benefits through the expenditure of foreign aid funds to purchase American-made goods. For example, AID recently informed me that Indiana manufacturers received AID-financed orders totaling almost $7.4 million during the last 6 months of 1970. During the same period, AID-financed purchases worth $287,459 in my own third congressional district.

Business leaders are now involved in a number of groups that give general support to foreign aid. The Committee for Economic Development is such a group, but it is known more perhaps for the quality of its research and educational activities than as a spokesman for business as an interest group. The Overseas Development Council, formed in 1969 and supported by the heads of powerful international corporations, is a similar group that brings together various individuals from Congress, business, law and the academic world for discussions on foreign aid. The so-called foreign policy establishment, made up largely of senior business people and academics, and epitomized by the membership of the prestigious Council on Foreign Relations, has been a positive constituency. But its central interests tend to be East-West and Atlantic relations, so that it has not, by and large, accumulated the development expertise necessary to weigh in heavily on operational questions. In any event, these groups are not organized in such fashion to assist Congress on programmatic issues.

The organizations which are most active in behalf of business, the Chamber of Commerce, and the National Association of Manufacturers, both support aid in principle, but that support is tempered by concern over the size of the Federal budget and philosophical opposition to "unnecessary Government spending." In short, fiscal policy takes precedence over foreign policy, and neither organization usually lobbies strenuously for an aid bill.

Finally, it should be noted that American universities have been traditional sources of support for foreign aid. Over the years, universities have received numerous grants to provide overseas technical assistance. They have also educated thousands of new leaders for the developing countries. But even more important, they have consistently supplied the liberal rationale for foreign aid. Liberal support now seems to be eroding and Vietnam is the chief catalyst in the process. A growing segment of the intellectual community views foreign aid as simply another variety of American imperialism. A smaller group questions the underlying assumption of foreign aid: that economic development is good per se.

To summarize, many organized groups still give nominal support to foreign aid. Yet both the making of policy and the relevant discussion and debate on policy come almost exclusively from the formal decisionmakers in Congress and the executive branch.

EXECUTIVE BRANCH

Mr. Speaker, President Nixon's Task Force on International Development—chaired by Rudolph Peterson, former president of the Bank of America—submitted its final report in March, 1970. It was the 14th such group since 1950. From the Marshall plan's Economic Cooperation Administration in 1948 to the establishment of AID in 1961, there have been eight successive foreign aid agencies and ten different aid administrators. Thus, President Nixon's proposal to split AID into smaller units is really little more than another chapter in an old story.

The reports and the reorganizations are partly responses to changing ideas as to how aid policy should be conducted. But they are also in large measure designed to indicate that the President and his advisers are keeping a close watch on the program. More generally, the periodic changes in the foreign aid apparatus are external manifestations of an ultimately more important factor in the politics of foreign aid: the central role played by presidential leadership. If he is willing to spend some of his political capital, a committed President can overcome the obstacles of public apathy, ineffective pressure groups and congressional deadlock in determining the final form, substance and direction of the foreign aid program.

Presidential rhetoric has remained remarkably constant since the end of the Second World War. Every post-war President has endorsed by principle of foreign aid. Presidents, of course, have a much broader constituency than do Members of Congress. A President must concern himself with other nations; a Congressman need not. Foreign aid is one of the many levers that Presidents can use to influence foreign policy, and thus they are usually reluctant to have foreign aid reduced or limited in any substantial way. Nevertheless, external circumstances have affected the degree of commitment and the effectiveness of Presidential leadership over the years. For example, Truman and Eisenhower had, generally speaking, a relatively easy time with Congress and the country on the issue. They enjoyed bipartisan support for their foreign policies, and the early success of the Marshall plan insured a period of goodwill for other foreign aid ventures. Johnson and Nixon, on the other hand, have been absorbed by the problems of Vietnam and social unrest. Thus, they have never really had the opportunity to exert full Presidential leadership on the foreign aid issue.

In retrospect, Kennedy's term stands out as an unusual period in which a President's personal sense of priorities coincided with the political needs of the foreign aid program. Kennedy monitored the creation and progress of AID. The two administration officials most closely identified with the early work on AID were among his inner circle of advisers and had ready access to the Oval Office—

a privilege that often gives a rough indication of a President's priorities. The President did not hesitate to make personal appeals to the pivotal Senators and Congressmen. Press briefings on foreign aid developments were frequent. Coalitions of pressure groups were organized through the White House. At critical points in the political process, Kennedy and his staff would seek out unusual political levers.

In 1961, for example, the congressional relations staff of the State Department requested the assistance of the Postmaster General's office in trying to secure support for the Foreign Assistance Act. It was thought that the lure of postmasterships might be enlisted in behalf of foreign aid. The Kennedy administration was also mindful of the Congressman's relations with his constituents. The White House requested considerably larger funds for foreign aid than it expected the Congress to provide. Such requests were founded on the theory that Congressmen would find it easier to explain votes for aid if they could tell constituents that they had voted for less than the executive branch sought. Such explorations into the realm of practical politics were common—and they paid off. Foreign aid funds reached post-Marshall plan highs, and morale at AID was at a commensurate level.

The favorable political atmosphere for aid soon turned sour. In 1965, the year of escalation in Vietnam and riots in Watts, President Johnson announced his "barebones" budget for foreign aid. This amounted to a reversal of the previous strategy of seeking far more money than Congress would probably allow. The new strategy was successful the first year: Congress cut the budget request only 6.9 percent. But in succeeding years, the old patterns of budget cutting reappeared, eventually reaching an alltime record of a 3.9 percent cut for fiscal 1969.

Despite this trend, Johnson and Nixon continued the strategy of asking for low foreign aid budgets. Without apology President Nixon described the 1970 foreign aid budget recommendations as "the lowest proposed since the program began." The lack of interest in foreign aid showed in other ways. President Johnson, the master arm-twister, failed to twist many arms in behalf of foreign aid after the watershed year of 1965. President Nixon's staff expert on foreign aid is reportedly an obscure official who works out of Henry Kissinger's basement. The current AID Administrator is seldom seen on Capitol Hill; indeed, he has been out of the country on occasions when Congress was considering important aspects of his agency's legislation. By way of contrast, many of us will recall numerous discussions on Capitol Hill during the early sixties with previous AID Administrators.

Friends of AID in Congress would actively counsel with the director of AID and his congressional relations staff on ways to win more votes. Yet another indication of the waning interest in foreign aid is the fact that President Nixon delayed commenting on the Peterson Report for over half a year after it landed on his desk. The conclusion seems inescapable: the rhetoric continues, but the excitement—and commitment—are gone.

CONGRESS

Mr. Speaker, the problems of foreign aid are greatly aggravated by the nature of the legislative struggle: an all-out annual confrontation, incorporating everything from basic philosophy to operating details, in which the proponents must be mustered and induced to declare themselves at a dozen distinct crisis points in the legislative process each year.

Yet somehow AID has managed to survive. The coalition in Congress supporting AID is composed, broadly speaking, of three parts: First, a few members of both Houses—perhaps 25 Congressmen and 20 Senators—who are relatively junior or of middle-level seniority and who have a thorough understanding and appreciation of aid programs; second, another small group, generally conservative, who still view economic aid as an effective short-term tool in worldwide confrontation with the Communist world; and third, a much larger group who do not know much about development but harbor vague humanitarian concerns about world poverty.

Steady erosion within this last group is causing many of foreign aid's present difficulties. The pull of domestic priorities—particularly the decline of the cities and the existence of crushing poverty within the borders of the United States—is felt strongly by the members of this group. They are also influenced by the "Fulbright Thesis," which holds that American economic aid has come to carry an implicit commitment of other forms of assistance, including direct military intervention, in times of emergency. Senator FULBRIGHT's ideas are particularly persuasive in the Senate, where he heads the Foreign Relations Committee. In addition, there is a growing feeling among the members of this largest group of aid supporters that foreign aid does not make much of a difference in determining the kind of world that is emerging. As the current situation in Pakistan seems to confirm, domestic tranquility in recipient countries is certainly not assured by massive doses of foreign aid.

The erosion is perhaps most evident in "liberal revolts," a new phenomenon in which traditional liberal supporters of foreign aid are found voting against the program. Philosophical disenchantment with the goals, costs and operations of aid plays a large part in the revolts. Many liberals are particularly upset by the mixing of economic and military assistance in the same legislative package. But political tactics also play a part. With a Republican President in office, liberal Democrats are in an excellent position to test the President's influence with congressional Republicans who have traditionally criticized liberal Democrats for supporting "foreign giveaways." Thus, on November 20, 1969, a foreign aid authorization bill passed the House by a vote of only 176–163.

The position of the liberal Democrats, who had always supported the bill in the past, was clearly dependent on the position of the Republican leadership. The intent of the liberals was to support the bill only if there was substantial Republican support. The Democratic liberals proceeded to withhold their votes and in many cases voted against final passage. All the while, they closely followed the votes of the Republican Members. When it became apparent that the bill was in grave danger of defeat, a sufficient number of Republicans finally changed their votes—and thereby attracted some of the dissident Democrats. It was a lesson to the Republican leaders: They could continue their ritual opposition to foreign aid only at the cost of embarrassing a Republican President. Indeed, many Republicans were forced to vote for the program for the first time.

I voted against final passage of that bill because I specifically objected to an amendment—which was attached on the House floor without any committee hearings whatsoever—adding $54.5 *million* for jets to Taiwan. This money was not originally budgeted by the President; the minority leader was openly in league with the amendment's sponsor, a conservative Southern Democrat; and the White House was silent on the matter. Those of us who had traditionally supported foreign aid resented the fact that our support was obviously being taken for granted.

More generally, I objected to the increasingly military coloration of the economic assistance program. My own position has changed substantially since my first term in Congress. In one of my first constituent newsletters, I proudly reproduced a letter to me from President Eisenhower thanking me for my efforts in rounding up 28 Democratic Congressmen to support his mutual security program. As an indication of how attitudes and circumstances change, there are now many who argue that it would be good politics for a Republican President to separate economic and military aid—as indeed President Nixon is proposing to do.

In a Democratic administration, where a Kennedy or Johnson has a core of some 150 liberal Democrats as supporters of foreign aid, and must pick up his additional votes from conservative Democrats and Republicans, it may be shrewd politics to combine military and economic aid. The military aid will attract the extra votes. But this tactic does not apply to an administration headed by a Republican who has only a moderate interest in foreign aid as a foreign policy tool. Such a President would attract for a separate economic bill his 150 progressive Democrats and he could add, for an overwhelming majority, the 80 to 100 Republicans who will vote on the basis of loyalty to their administration. For his military aid appropriation, he could rely on the traditional Republican-Southern Democrat coalition—again, a substantial majority. Combining military and economic aid endangers economic aid rather than helps its prospects, since the combination angers enough liberal Democrats to threaten foreign aid's precarious majority. The same pattern would hold true in the Senate, where Senator FULBRIGHT and his Democratic

colleagues are distressed by the military uses of economic assistance and the ways in which foreign aid to developing countries has been followed by U.S. military involvement in them.

The internal structure and processes of Congress also tend to work against foreign aid. Congress does much of its work through its committees and subcommittees. Consequently, expertise on specific issues is usually found among the members of the committees that handle each issue. Committee and subcommittee chairmen—by present definition those committee members who have the greatest seniority and exposure to the committee's area of jurisdiction—enjoy great prestige and power throughout the legislative process. Restraints on chairmen exist largely in the process of "anticipatory bargaining," or the possibility of being overridden on the floor.

The executive branch must also indulge in "anticipatory bargaining." Thus, the administration, in submitting the annual foreign aid bill, must calculate how large an authorization bill the House Foreign Affairs Committee and the Senate Foreign Relations Committee will accept, and how much the authorization will be cut by the Subcommittee on Foreign Relations of the House Appropriations Committee. Under the U.S. Constitution, the House originates all revenue bills. Thus, the Foreign Operations Subcommittee has first crack at the foreign aid appropriation bill. This subcommittee, under the chairmanship of Congressman OTTO PASSMAN of Louisiana, generally takes an adversary stance with regard to the foreign aid money bill. On the other hand, the two authorizing committees—House Foreign Affairs and Senate Foreign Relations—customarily serve as protagonists for foreign aid. The Senate Appropriations Committee is essentially an appellate body for decisions taken in the House. An examination of the amounts recommended by the House Foreign Affairs Committee and the House Appropriations Committee indicates that the latter almost invariably recommends a lower amount than the former. To cite just a few recent years: for fiscal year 1967 Foreign Affairs authorized $3.6 billion, but Appropriations cut the figure to $3.1 billion; for fiscal 1969 Foreign Affairs recommended $2.4 billion, but Appropriations allowed $2.3 billion. In both years, the final amount was closer to the lower figure.

The spring 1970 issue of the journal, Public Policy, carries an article entitled "The Price of Power: The Appropriations Process for Seventeen Foreign Affairs Agencies." The author, David Howard Davis, provides an overview of the appropriations process for various foreign affairs agencies during the years 1957–68. Davis' analysis ranks the agencies according to two characteristics—esteem and growth. Congressional esteem for an agency is a measure of the degree to which Congress supports the agency in its request for funds. Mr. Davis writes:

> It is a measure of the agency's good relationship with its subcommittee, cultivated through good liaison, responsiveness to subcommittee wishes, and the conservative, businesslike mode of operation so prized by Congress.

Growth is a measure of external support, a measure of the degree to which factors in the agency's environment act on Congress, creating demands for the services of that agency.

In order to establish the relative ranking of the 17 foreign affairs agencies in terms of congressional esteem, Davis averaged the percentages of the annual appropriations cuts over the 12-year period. He also averaged, over the same period, the annual percentage rate of increase in the agencies' final appropriation to arrive at a relative ranking of the agencies' growth. Davis found that AID ranked dead last in congressional esteem, averaging an annual appropriations cut of 19 percent. AID also ranked 15th out of the 17 foreign affairs agencies in the growth index, attaining only a 5.9 percent average annual rate of growth. This occurred in spite of the fact that AID enjoyed some of its best years during the same time span.

The highest esteem was accorded the three international banks, largely because they are more businesslike, are theoretically capable of making profits and thus fit more neatly into the prevailing scheme of congressional values. Congress is oriented toward the cost side of the governmental equation. The President, on the other hand, is usually more concerned about fulfilling needs and goals. This, in capsule form, is the essence of the tension between Congress and the President—and the final reason for the decline of foreign aid. Congress tends to demand hard indicators of success. AID can supply in the nature of its operations only soft rationales and vague faith. In the face of a multitude of competing forces, confidence in AID and its goals is slowly withering away.

OUTLOOK

Mr. Speaker, several months ago, President Nixon submitted a reorganization package that could have considerable long-range significance. The President wants to separate military assistance from economic aid. He proposed a limited "untying" of aid, which means that recipient countries could use our funds in the competitive world market instead of only in the United States. He also endorsed the concept of channeling more of our development resources through multilateral agencies. He further proposed to vest our remaining bilateral development aid in three new institutions that would replace AID: an International Development Corporation, which would be concerned primarily with the means of transferring capital resources; an International Development Institute, which would be concerned with the creation and transfer of technology and the application of new ideas in the developing world; and an Overseas Private Investment Corporation—established in 1970—which would assist in the channeling of private investment.

The President's desire to separate military assistance from economic aid is likely to become just as important an issue as the level of aid. The Senate Foreign Relations Committee, while generally in favor of separating military and economic aid, will undoubtedly be concerned about the President's failure to define more carefully the relationship between the two types of foreign assistance and the extent to which one type might or should substitute for the other. As Setting National Priorities: The 1972 Budget, a Brookings Institution publication authored by Charles L. Schultze and others, puts it:

> Either form of assistance would contribute resources that the—recipient—country could then use in accord with its own priorities. But the form of assistance is in fact not neutral. Military assistance is often designed to maximize domestic expenditures for defense, and economic assistance to maximize domestic expenditures for development. This means that our military and economic development programs can have competitive effects—which underlies the importance of reaching the right decision about the mixture of these kinds of aid.

The President's other proposals may—because the two major congressional authorizing committees are at loggerheads with each other on some of these issues—also encounter difficulties. Untying aid may please most of Senator FULBRIGHT'S Foreign Relations Committee, but will probably prove unpalatable to its House counterpart. The proposal for more multilateral aid will be received enthusiastically by the Senate committee, but Members of the House committee are reluctant to allow more aid funds to escape their jurisdiction. After all, foreign aid is one of the few pieces of major legislation that is considered by the House committee. This same committee is dubious about dividing AID into smaller units. It is particularly worried about coordination problems that might arise from such a split authority.

The President's proposals will not be addressed during the first session of the 92d Congress. Members of the House Foreign Affairs Committee say they need more time to consider the proposals than the waning fiscal year permits. The prevailing sentiment in both Houses is now heavily in favor of a simple 1-year extension of the existing foreign aid authorization. It would appear, then, that the foreign aid program will continue to muddle through the next year or so on the firm foundation of pure inertia.

NEW APPROACHES

Given the demoralized state of foreign aid politices, it is not surprising that aid proponents are now devoting a great deal of time and discussion to devising new means of stimulating interest in the program. For purposes of discussion, I submit that all conventional efforts to generate popular enthusiasm and form new pressure groups are doomed to failure for as long as the Vietnam war continues and domestic needs are left unsatisfied. Two recent approaches, however, deserve more than cursory attention.

First, Edward K. Hamilton, writing in the March 1970 World Affairs, develops the thesis that public and Congressional support for development aid is highly sensitive to the structures and criteria created to monitor and administer it. Hamilton would rely for support on the strength of the "long-term factors which tend to make internationalists of Americans." He believes that these factors will express themselves in a new wave of political support only if the U.S. Govern-

ment commits itself to "building an international aid system which provides reasonable assurance that development aid will be circumscribed, internationalized, and made clearly contingent on local efforts." To this end, Hamilton would internationalize everything in the foreign aid process: funds, decisionmaking, and implementing operations. Thus, the only rationale for foreign aid would be satisfying the needs of the recipient countries—and most emphatically not the short-term political objectives of the donor countries. Congress and the public would be spared the conflicting claims and rationales that undermine support for the program at the present time. Above all, the American commitment would be clearly labeled "long-term."

The second approach is authored by Samuel P. Huntington and it appears in the first two issues of the new journal, Foreign Policy. Huntington flatly rejects the notion that foreign aid is an end-in-itself or a good-in-itself. He writes:

> The discussion of policy, should be in terms of, first, the desirability and importance of the goals which may be served by foreign aid, and, then, the relative effectiveness of aid as against other means for achieving those goals. By focusing on these purposes, the supporters of foreign aid would shift the focus of attention from a means which has politically negative connotations to ends which are more likely to have positive appeal.

Huntington insists that the United States has real short-term goals of supporting certain governments, rewarding certain kinds of behavior and solving certain problems. Huntington emphasizes selectivity and believes that foreign aid should be the servant of American interests and not a remote concept that has little meaning for Congress or the public.

Mr. Speaker, although I have not attempted in these remarks to comment on the foreign aid legislation now under consideration in Congress, I hope that this analysis will be of some interest as Members of the House and Senate—and the administration—seek to shape a foreign aid program that will command the support of both Democrats and Republicans and serve the best purposes of the United States.

NOTE

In preparing this paper, I have relied heavily on Edward K. Hamilton's excellent article, "Toward Public Confidence in Foreign Aid," March 1970, World Affairs v. 132: 287–304. The following books and articles also proved useful:

Davis, David Howard. "The Price of Power: The Appropriations Process for Seventeen Foreign Affairs Agencies." *Public Policy*, v. 18, Spring 1970: 355–381.

Huntington, Samuel P. "Foreign Aid For What and For Whom." *Foreign Policy*, Number 1, Winter 1970–71: 161–189.

"Does Foreign Aid Have a Future." *Foreign Policy*, Number 2, Spring 1971: 114–134.

Kaplan, Jacob J. *The Challenge of Foreign Aid*. New York, Praeger, 1967.

Mikesell, Raymond. *The Economics of Foreign Aid*. Chicago, Aldine, 1968.

Niblock, Timothy C. "The Politics of Economic Aid: Motives and Objectives." *International Relations*, November 1969: 550–564.

O'Leary, Michael Kent. *The Politics of American Foreign Aid*. New York, Atherton Press, 1967.

Robinson, James A. *Congress and Foreign Policy-making*. Homewood, Illinois, The Dorsey Press, 1967.

Schultze, Charles L. and others. *Setting National Priorities:* The 1972 Budget, Washington, D.C., The Brookings Institution, 1971.

Thorp, Willard L. "Foreign Aid: A Report on the Reports." *Foreign Affairs*, v. 43, April 1970: 561–573.

CONCERN OVER DENIAL OF RIGHTS TO SOVIET JEWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 30 minutes.

Mr. KEMP. Mr. Speaker, from the earliest days of man's presence on this earth, he has been free to travel from one part of a continent to another and across the seas to another continent.

The great and small nations came into being by the migration of tribes, by the movement of the oppressed and dissatisfied who sought to express their particular beliefs and skills or to escape the tyranny of masters.

America, the Nation of greatest opportunity and greatest riches, was founded by emigrants. The countries of Southeast Asia abound with citizens of Chinese ancestry. And in this contemporary time, Jews from the corners of the globe are transforming the arid desert into the lush productive nation of Israel, a country where their ancestors had their beginning.

From Europe, the Russians have moved to Siberia where industrial centers now dot a former wasteland. Europeans have carved new nations across the face of South America. Since World War II, a whole new family of nations have sprung up in Africa.

Thus, in recent and modern times, the right to leave one's country and to seek a new life somewhere else has not only continued but has accelerated. And because distances have shrunk with advances in transportation, greater numbers of people not only leave but are able to return to countries of origin with greater ease and speed than ever before.

Historically and by law, then, the right to leave one's country and return is probably one of the more basic human rights aside from the right of life itself.

Viewed in this context, the refusal of the Soviet Union to allow its citizens, particularly the Jews, to emigrate, is contrary to the flow of history and the very tenets of the Soviet Constitution which legally, recognizes the right of all nationalities within the U.S.S.R. borders to cultural freedom and the concept of national determination.

In the United States, we strongly believe that the right to leave and to return is the constituent element of personal liberty, and thus all Americans—except those under some kinds of legal due process—may leave and may return for good reason or bad or no reason at all.

It is important to note that both authoritative world opinion and international law consider the right to leave and to return as a fundamental human right binding on all governments.

I do recognize that there are universal reasons for refusal to grant an exit visa or reentry. But it is significant that the Soviet Union has assumed binding and even contractual obligations under international law to fulfill the right to leave and to return.

It proclaims itself to be a strong adherent to the universal declaration of human rights. The Soviet Union also actively endorsed a 1963 U.N. Declaration on Racial Discrimination which called upon "every state" to observe "fully and faithfully" the provisions of the universal declaration of human rights.

It has also voted for and signed two binding international treaties which carry specific reference to the right to leave—the International Convention on the elimination of racial discrimination and the covenant on civil and political rights.

The Soviet Union has also obligated itself to observe the humanitarian principle that specific consideration be given to the reunion of families. In 1960, Mr. Khrushchev stated that:

> We do not object to the reunion of any persons if this is what they want.

In some instances, the Soviet Government goes beyond the principle of the reunion of families and endorses the principle of the reunion of entire ethnic groups. Spaniards, Russo-Poles, and Greeks have been allowed to emigrate.

It is regrettable, however, to note that while the Soviet Government has been sympathetically disposed to the principle of reunion of families and to some ethnic groups, it has made an exception in the case of Soviet Jews. This inconsistency between general policy and their position with regard to Soviet Jews is certainly a cause for embarrassment to the Soviet Union.

We have a situation, then, in which the Soviet Union has obligated itself in a variety of ways to international standards which require it to give effect to the right to leave and return; and, it has accorded recognition to the humanitarian principle of reunion of families and even ethnic groups. Hence, it appears that those who seek to emigrate to Israel and elsewhere are merely seeking implementation of this legal and moral right.

It has always struck one as the height of hypocrisy for the Soviet Union to profess, before the world, adherence to the United Nations Declaration of Human Rights and then systematically to harass and persecute Jewish minorities within the Soviet Union and to officially announce on October 6 that emigration is a privilege, a decision to be made by the state, not a right of the individual. This pronouncement reemphasized how far the Soviet Union has progressed in terms of spiritual and human progress.

As of last week, the flow of Jews from Russia to Israel, which was almost nonexistent, has now become steady. I feel that the moral outcry raised by those of us around the world who cherish freedom has been probably the greatest contributing factor to this new flow of Jewish emigrants from Russia.

However, we must not forget that many of these new arrivals have paid for their Soviet exit permit dearly, with several years of persistent effort, short jail terms

and forfeiture of much of their worldly goods.

Many of the emigrants in absorption centers in Israel live alongside American families who have brought with them, tax-free, virtually all the material comforts of home.

The difference in the respective situation of the new emigrants is striking.

Furthermore, the Russian Jews—unlike their western counterparts—know that they have made a final break and cannot return if they do not like Israel.

Not unlike other victims of the repressive Soviet policy is Mrs. Rita Gluzman, who testified today before the Europe Subcommittee of Foreign Affairs.

A former citizen of the Soviet Ukraine, she emigrated to Israel in February 1970.

Before that time, and since, she made repeated but unsuccessful efforts to win Russian permission for her husband, Yakov Gluzman, to emigrate from Russia to join her, and their infant son he has never seen, in Israel.

Mrs. Gluzman first brought her tragic problem to my attention during a trip I made to Israel late this past summer.

Since September 1969, more than 2 years ago, she and her husband have sought, to no avail, an exit visa for Mr. Gluzman.

At the beginning of those efforts, Soviet authorities hinted to her that, if she left Russia with her parents and sister, it would be easier for her husband to receive an emigration permit.

At the time she left the Soviet Union with her family, she was with child. On October 10, 1970, she gave birth in Tel Aviv to a son, Ilan.

Again, her application for Yakov to leave Russia was refused by Soviet authorities on August 6, 1971. On that occasion, Russian authorities explained the visa was refused because she had concealed her August 1969, marriage.

Yet, her marriage is noted on her passport, is officially registered in Russia and her husband gave officials his written consent for her emigration to Israel.

More recent attempts to obtain an exit visa for Mr. Gluzman have also been turned down.

In effect, the Soviets are denying the very basic right of a husband, his wife, and their child to live together.

How important is Mr. Gluzman to the Soviet Union? Although he is a university trained biologist, he is now working as a carpenter.

We can only guess how many human beings are tragic victims of such Soviet policy.

We do know that these victims are worthy of whatever help we and others in the world can provide them; that in the name of humanity, we must assist them.

Because the Soviet Union has not adhered to this basic and internationally recognized human right to leave one's country and return, it is my belief that this Nation's regretful actions should be brought to the attention of not only the people of the United States but to the whole world at the United Nations.

Hence, I have submitted a concurrent resolution which was drawn up with the concurrence of our Ambassador to the United Nations, George Bush. It presently has 48 cosponsors. If passed, it will be indicative of the attitude of the American people in clear terms toward this important moral issue and will express the unequivocal desire of the Congress to have this issue brought before the U.N. General Assembly by Mr. Bush.

Mr. Speaker, I will reintroduce my bill again next week and I invite all my colleagues to join me on this resolution which was endorsed today before the Europe Subcommittee by the American Jewish Conference on Soviet Jewry. I also testified before this subcommittee this morning and urged prompt action on my resolution in order that this issue be brought to the attention of the United Nations with the full knowledge that the U.S. Congress is vitally concerned.

At this point, I include a list of the cosponsors. I also think it is fitting to include the very scholarly report, "The Treatment of Jews in the Soviet Union," prepared by Barbara Mihalchenko of the Library of Congress.

LIST OF COSPONSORS TO HOUSE CONCURRENT RESOLUTION 426

Mr. Lent, Mr. Goldwater, Mr. McDade, Mr. Brasco, Mr. Addabbo, Mr. Whitehurst, Mr. Thompson of Georgia, Mr. Morse, Mr. Crane, Mr. Keating, Mr. Halpern, Mr. Thone, Mr. Young of Florida.

Mr. Frenzel, Mr. Koch, Mr. Rhodes, Mr. Eilberg, Mr. Rangel, Mr. Archer, Mr. Blackburn, Mr. Terry, Mr. Bob Wilson, Mr. Wyatt, Mr. Railsback.

Mr. Michel, Mr. Harrington, Mr. Derwinski, Mr. Baker, Mrs. Hicks, Mr. Forsythe, Mr. Ryan, Mr. Hogan, Mr. Buchanan, Mr. Coughlin, Mr. Rosenthal, Mr. Schwengel, Mr. Mazzoli.

Mr. Biaggi, Mr. Pike, Mr. Yates, Mr. Helstoski, Mr. McCloskey, Mr. St Germain, Mr. Denholm, Mr. Podell, Mr. Kuykendall, Mr. Steele Mr. Vander Jagt.

THE TREATMENT OF JEWS IN THE SOVIET UNION: A LOOK AT THE CURRENT SITUATION

(By Barbara Mihalchenko, Foreign Affairs Analyst)

I. INTRODUCTION

Discrimination against Jews continues in the Soviet Union, although more than fifty years have passed since the Bolshevik Revolution, with its promise to full equality for all citizens. The treatment of Jews in the Soviet Union must be considered within the framework of the Soviet nationalities policy. This policy, reflected in Communist Party directives, the Soviet Constitution, and public law, is based on the ideological acceptance of the concept of national self-determination, and on the legal recognition of the right of all nationalities within Soviet borders to cultural freedom. Actual Soviet policy clearly violates these principles, by denying certain ethnic-cultural rights to the Jews, generally accorded to other nationalities.

From the earliest times, Jews in Russia have been subjected to various pressures and forms of discrimination. In the hands of the Russian rulers, anti-semitism often proved to be a convenient instrument of policy. During the Tsarist era laws and crude, degrading police measures culminated in widespread pogroms directed towards the Jews and other national minorities, the ultimate goal being assimilation. Under the Tsars, Jewish life survived but the personal prejudice of the ruler also survived—culminating at the beginning of the twentieth century in events which foreshadowed Stalin's anti-Jewish campaign.

The printing and publication of the fabricated "Secret Protocols of the Elders of Zion," an anti-Jewish document which appeared in 1903, was not only another attempt to discredit the Jews, but at the same time was designed to justify the pogroms which had become a characteristic feature of Tsarist Russia in the late nineteenth and early twentieth centuries.

Anti-semitism continued to be a political tool with which the Tsars aimed to convince the uneducated Russian worker and peasant that the Jew, not the ruler, was the cause of all their problems. The turmoil and insecurity which the Russian state found itself in following the Tsar's downfall greatly contributed to the fact that anti-semitism almost entirely disappeared. As the Bolsheviks took power, they were confronted with a basic problem—the majority of the people were against them. In order successfully to take and maintain control, Lenin and his associates needed to mobilize the support, sympathy, and cooperation of all the national minorities. The majority of the Jews, as well as other national minorities, were reluctant at first to support the Communists. However, soon after the civil war broke out, attacks on the new regime by former Tsarist generals who mobilized armies to fight the Bolsheviks resulted in savage attacks and pogroms on Jews in the Ukraine and White Russia. Nearly a quarter of a million Jews were killed or maimed, events reminiscent of the worst days of Tsarist rule. As a result, more and more Jews turned to the Bolsheviks for protection.

II. DEVELOPMENT OF SOVIET POLICY TOWARD JEWS

The October Revolution brought emancipation and equality to most of the Jews. Restrictions to which Jews had been subjected for centuries under the Tsars had been removed from the Russian statute books by the Provisional Government after the February 1917 Revolution. After the October 1917 Revolution Lenin granted full citizenship rights to the Jewish minority and abolished close to 500 anti-Jewish laws and restrictions which had accumulated during the Tsarist years.[1] Political equality was also granted, with all offices in the Party and government open to Jews. Lenin's policies clearly offered new hope to the Jews, who energetically began to contribute to the building of the new society.

Within a few years of the Revolution, Soviet Jewry established an impressive network of Jewish schools and cultural institutions which became a valuable asset to the development of Jewish culture in the post-revolutionary period in Soviet Russia. However, the ultimate goal of the new system was basically the complete assimilation of all minorities, and the dream of a new life for the Jewish minority within the new economic and political framework was, in fact, doomed. The Jews, as well as all other nationalities, came to realize that to enjoy the new emancipation they would have to abandon most of their traditions, customs, and beliefs. The old patterns of Jewish life were particularly regarded as "bourgeois evils" with "counter-revolutionary influence."[2]

Although the official policy immediately after the Revolution was to counteract anti-semitism, it was in fact, half-heartedly carried out and was considered but a means to an end. The degeneration of the spirit of the Revolution and Lenin's death marked the beginning of a more difficult period for Soviet Jews.

Under Stalin the Soviet people suffered tremendously, yet the Jews, being a religious

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Footnotes at end of article.

as well as a national minority, appeared to fare even worse. After Stalin's abortive attempt in 1936 to resettle most Jews into an autonomous Siberian province, Biro-Bidjan, followed by the 1937–1939 purges of progressives in the Party who could have countered the discriminatory policies, Stalin turned specifically against the Jews. During World War II, when Stalin needed to rally the support of all segments of the population, the pressure was somewhat eased; however, it was again intensified during the post-war years. Stalin implemented his own solution to the Jewish problem during the post-war years by abolishing all Yiddish cultural institutions and executing or imprisoning Jewish leaders, in the expectation of accelerating the assimilation of the Jews. Stalin's death in 1953 marked yet another end of an era, yet the Jewish problem persisted and was inherited by the new Soviet leadership.

The Jewish problem in the Soviet Union is a dilemma for the leadership-politically and ideologically the Jewish minority does not fit into the socialist framework on which the Soviet system is based. Official recognition and/or acceptance of the problem would negate the very principles on which Soviet system professes to be based—hence, a vicious circle results. Forced assimilation of the Jews creates and promotes Jewish consciousness which in turn forces the leadership to intensify further its program of assimilation. Two alternatives appear obvious: mass emigration or successful assimilation. The former would again point to the failure of the "ideal" society, the latter appears impossible. Consequently, the current treatment of the 2.15 million Jews in the Soviet Union has taken a different, but not a new twist. The series of trials which began in December 1970, justified by accusations of attempted hijacking, were but a renewed attempt to deal with a basic, historical problem. However, the trials, reminiscent of the Stalinist show trials, have not had the effect desired by Moscow. Rather than solving the problem or silencing the Jewish voice within the Soviet Union, the trials and the publicity they received abroad have resulted in the embarrassment of the Soviet Union in the international sphere. International public outcry against the harsh sentences handed down in the December trial pressured the Soviet Union into commuting the death sentences. However, the mere fact that the Soviet Union is not insensitive to international public opinion has not necessarily alleviated the discrimination to which Soviet Jews are currently subjected.

The ban on emigration, which does exist despite Soviet insistence to the contrary and despite the April–May upsurge in emigration, is in fact not discriminatory. Non-Jewish citizens are also not allowed to leave the country. Consequently, emigration of Jews poses a dual problem—if Jews are allowed to leave, then others within the Soviet Union will demand the same right.

Although current discrimination against the Jewish population in the Soviet Union cannot be compared to the open persecution during the Tsarist or Stalinist periods, the extent to which anti-semitism is promoted and exploited by the state should be viewed with concern. However, it should also be viewed within the historical context and within the political-ideological framework of the Soviet system, rather than as blatant, indiscriminate persecution directed at a religious-cultural minority group.

III. CURRENT SITUATION: THE TRIALS

Officially promoted discrimination against the Jews has in recent months culminated in a series of trials which have, however, been justified by Soviet officials as being legitimate actions against individuals for attempted hijacking, for promoting anti-Soviet activities, and for various other crimes included in the Soviet Criminal Code.

The Leningrad case and those which subsequently followed were based on the alleged attempt by twelve persons to seize an airplane on June 15, 1970, at Leningrad's Smolny Airport. Initial reports by Western Jewish organizations indicated that on the date of the airport arrests, between 30 and 40 persons were also arrested in Leningrad, Moscow, Riga, Odessa, and Kishinev. Charged with banditry and treason under the Soviet Criminal Code, the twelve arrested at the airport were to go on trial on November 20, 1970. However, at that time the trial was postponed until December 15th for unknown reasons.

A. The December 1970 trial

Jewish sources claimed that the defendants were being prosecuted solely for their desire to go to Israel. A month after the arrests, Viktor Boguslavsky, a Russian Jew, accused the Soviet Secret Police (KGB) of concocting the plot in order to round up innocent Jews.[3] Mr. Boguslavsky made his charge in a letter sent on July 8th to the Procurator General of the Soviet Union. The following day he too was arrested by the KGB. The details of the arrests, compiled by Mr. Moshe Decter, director of the Jewish Minorities Research of Hadassah, offers the most comprehensive description of the incident. (See appendix A).

Although Soviet officials claimed that the trial was fair and just, foreign correspondents were not allowed at the trial and, consequently, information regarding details was rather sparse. However, the Washington Post reported on December 18, 1970, that most of the twelve defendants on trial had pleaded guilty and admitted to working for "international Zionism." Later reports indicated that only eleven persons were on trial in Leningrad, while the twelfth was understood to be a former army officer who would later stand court martial.

Mark Dymshits, Eduard Kuznetsov, Iosif Mendelevich, Silva Zalmanson, Izrael Zalmanson, Anatoli Atman, and Leib (Ayre) Khnokh were charged with committing crimes under Articles 64 (statutes 1–15), 93 (statutes 1–15), 70, and 72. Article 64 covers high treason, listed in the Soviet Criminal Code as the first of the "especially dangerous crimes against the State." The maximum penalty is death. Article 93 covers stealing state property, with a maximum penalty of death. Article 70 covers "anti-Soviet agitation and propaganda," another "especially dangerous crime against the State." Maximum penalty is seven years imprisonment plus five years of exile. Article 72 is "organizational activity directed to commission of especially dangerous crimes against the State and participation in anti-Soviet organizations," punishment in accordance with Articles 64–71.[4] (See appendix B for an account of the trial as compiled by the Washington Post).

Yuri Fyodorov, Alexei Murzhenko, Boris Penson, and Mendel Bodnia were charged with the violation of Articles 64 and 93, but not with 70 and 72. All of the defense lawyers were hired by relatives, except for Dymshits, whose lawyer was appointed according to Article 49 of the Criminal Code.

The beginning of the trial immediately generated public protest abroad which greatly increased when the sentences were announced on December 25, 1970. Eduard Kuznetsov and Mark Dymshits were given the death sentence while the other nine were sentenced to various terms of imprisonment. Under Soviet law the defendants were able to appeal the sentences to the Supreme Court of the Russian Federation.

B. World reaction and the appeals

Widespread foreign criticism of the death sentences was rejected by Tass, the Soviet news agency, which dismissed the protests as "another fit of anti-Soviet hysteria."[5] Tass charged that "Zionist circles in the U.S." were "interfering in Soviet judicial procedure." Furthermore, Tass maintained that the foreign protest was instigated by Israel in order to divert attention from its "sinister doings." However, although rejecting American and Israeli protest and criticism, Tass did not mention the criticism expressed by the French and British Communist parties.

Worldwide reaction and protest included appeals by the French and Belgian governments to have the death sentences commuted as well as a personal appeal by Secretary of State Rogers to Soviet Foreign Minister Andrei Gromyko, urging that the harsh sentences be reduced. Acting with unusual speed, the Soviet government scheduled a hearing for December 30th on appeals from the eleven defendants. Reports indicated that the speed-up in the procedure which normally takes 6-8 weeks was an attempt to end the worldwide furor which had been created.

Foreign newsmen were again barred from the hearing but Andrei Sakharov, founder of the Russian H-bomb and co-founder of a Committee for Human Rights, attended the hearing and appealed to President Nikolai Podgorny for clemency. Tass continued to publish articles vigorously defending the harsh verdicts. Daily World, the American Communist newspaper, published an editorial which said that evidence at the Leningrad trial points clearly to a widespread plot whose direction came from outside the Soviet Union. The eleven were recruited by Tel Aviv and the CIA not to fulfill their alleged yearnings for Israel but as cannon fodder in the war against the Soviet Union and socialism.[6]

The Supreme Court of the Russian Republic of the Soviet Union commuted the death sentences of Eduard Kuznetsov and Mark Dymshits on December 31st. The sentences of the two men were reduced to 15 years each, the maximum possible under Soviet law. Three other co-defendants had their sentences reduced. The decision came less than a day after Generalissimo Franco had commuted death sentences passed on six Basque nationalists. Tass said the court had taken into account that the hijacking had been averted in time, although previous commentaries had stressed that planning and committing a crime were one and the same under Soviet law. Kuznetsov was sentenced to serve under "especially strict" conditions, which means only one visit a year from relatives, a subsistence diet of approximately one-third the calories required to maintain good health, and no food parcels from outside his labor camp. Dymshits was sentenced to "strict regime" which is somewhat less severe than "especially strict."[7] The decision of the court was received with relief by leaders and concerned people throughout the world.

The court martial of Lt. Vulf Zalmanson, a Soviet officer and the twelfth person arrested at the Leningrad airport, reportedly began on January 5, 1971. He was charged with treason and desertion.

Usually reliable Jewish sources reported that the Leningrad military court had on January 7th sentenced Lt. Vulf Zalmanson to ten years in prison on charges of participating in the alleged June 15th hijacking attempt. No other details were available.

The second trial of nine Jews allegedly connected with the June 15th hijacking attempt which was to have begun on January 6th was suddenly halted ten minutes after it began. Court officials said the trial had been postponed because one of the defendants had influenza.[8] Western Communist correspondents suggested that Soviet authorities were seeking to avoid another outcry abroad which arose during the Leningrad trial. The nine defendants had reportedly been charged under Articles 70 and 72 of the Soviet Criminal Code.

Jewish sources in Leningrad reported that the defendants had criticized restrictions on Jewish cultural life and had sought to emi-

Footnotes at end of article.

grate and, consequently, were being tried for these "offenses." However, Soviet authorities charged the defendants with Zionist activities.

C. The Brussels Conference and Soviet reaction

The indefinite postponement of the trial, which had originally been scheduled to begin on January 6th, seemed, at the time, to indicate a softening or some uncertainty in Soviet policy regarding its Jewish minority. However, the Brussels Conference on Soviet Jews, scheduled for February 23–25, was vigorously attacked by Tass and Novosti, the two Soviet press services. Both charged that the Conference was but another anti-Soviet provocation. On February 19, 1971, the Soviet Union made a formal protest to the Belgian government for allowing the Jewish Congress to be held in Brussels.[9]

The Communist newspaper, Pravda, warned Soviet Jews that anyone espousing Zionist beliefs would automatically become an agent of international Zionism and hence an enemy of the Soviet people.[10]

The article, the last in a series, warned Soviet Jews who had criticized Soviet policy and who had openly agitated for emigration rights to curtail their activities.

Apparently frustrated by the charges of discrimination and the escalated campaign at home and abroad for emigration rights and cultural-religious freedom, the Soviet Union during March initiated a new strategy. While more Jews, particularly the activists, were allowed to leave, the harassment of Western correspondents was stepped up, and public attacks on world Zionism continued. The harassment of American newsmen was viewed essentially as retaliation for anti-Soviet activities of Jewish extremists such as the Jewish Defense League in the United States. However, Soviet authorities appeared to be using these circumstances as an occasion to intimidate foreign correspondents from contacts with members of the Soviet dissident political community.[11]

In an attempt to counteract the wave of protest abroad regarding Soviet policy towards its Jewish minority, Soviet authorities staged a one-day conference of Soviet Jewish congregations on March 23, 1971. The conference adopted a resolution reflecting official policy:

We decisively reject the claim of international Zionist circles and the rulers of Israel to speak in our name and to defend us against nonexistent wrongs or restrictions.[12]

D. The New Emigration Policy

Contrary to fears of an emigration crackdown following the 24th Party Congress, the Soviet Union continued to allow an unprecedented number of Jews to emigrate. Reliable Western sources announced that Soviet authorities had permitted more than 1300 Jews to emigrate to Israel in April. Although the exact figures were not officially disclosed, Western diplomats estimated that about 50 left in January, 130 in February and 1,000 in March. The total of 2,500 for the first four months of 1971 indicated a substantial increase when compared to the previous average of an estimated 1,000 per year. In 1969 an estimated 2,000 left; in 1970 an estimated 1,000 were allowed to emigrate.[13]

Recent reports based on U.N. sources quoting Israeli data, show that the number of Jews leaving the Soviet Union has declined somewhat from the April peak of 1,300 but continues at a comparatively high level. Different estimates showed that from 700 to 1,000 left in June, 300 to 500 in July, and 400 to 600 in August. The unofficial figures indicate that total arrivals in Israel for 1971 are already in the 5,100 to 5,700 range.[14] Western correspondents in Moscow give slightly lower figures based on diplomatic sources there. However, those figures reflected the number of exit visas rather than actual departures and may not have given an accurate picture of emigration from the Baltic states and the Ukraine.

E. The May 1971 Trials

The trial of nine Jews, which had been postponed since January, began on May 11th in Leningrad. Tass said that eight of the nine defendants, charged with organized anti-Soviet activity, were accomplices of the twelve hijackers convicted in December. The long-delayed trial was restricted to people with special passes and, again, foreign newsmen were not allowed to attend the court proceedings. Most of the defendants had been arrested around the middle of June. At the same time, nine Jews were awaiting trial in Kishinev and four in Riga on similar charges connected with the hijacking attempt.

Although not specifying the charges, Tass said two of the defendants, Gilya I. Butman and Mikhail L. Korenblit, were charged with treason under Article 64–A of the Soviet Criminal Code. According to Tass they were actively involved in preparing the seizure of the plane and had financed the hijacking operation. Tass later said that when Butman testified he admitted involvement in organizing the criminal group. Tass further quoted Butman as stating that the group used their contacts with foreign tourists for communication with Israeli authorities so as to coordinate with them the criminal actions.[15]

Tass identified the seven other defendants as: Vladimir O. Mogilever, Solomon G. Dreizner, Lassal S. Kaminsky, Lev N. Yagman, Viktor N. Boguslavsky, Viktor Shtilbans, and Lev L. Korenblit. Most of the defendants had actively pressed for Jewish cultural-religious rights and had expressed the desire to leave the Soviet Union.[16]

Tass's second day of trial coverage included charges of alleged Israeli involvement in the hijacking attempt. This report explicitly linked the on-going trial and the December trial with Israel and Zionism. On the fourth day of the trial Tass reported that four Soviet Jews (Mark Dymshits, Eduard Kuznetsov, Silva Zalmanson, and Iosif Mendelevich) convicted last December had taken the stand as witnesses. Reports from usually reliable Jewish sources in Moscow said that Mendelevich and Kuznetsov had actually refused to testify on the grounds that the trial was illegal.[17]

Reliable sources further reported that Dymshits told the Leningrad court that he was solely responsible for organizing the hijacking attempt and that the defendants on trial had nothing to do with the attempt. However, Tass in its report on the testimony implied that Dymshits actually implicated Butman and Korenblit in an earlier hijacking plan, although it did not in fact say that he had done so.[18]

On May 18th the New York Times reported that the Soviet prosecutor had asked for prison terms ranging from one to ten years for the nine defendants. According to Tass the length of the terms sought reflected the nature of the activities of the defendants, their personality, and the extent of their regret. The prosecutor summed up the case for the Government on May 17th after the last thirteen of a total of 46 prosecution witnesses had been called. The court expected to hear witnesses for the defense the following day. Tass reported that the prosecutor contended that Butman and Korenblit had recruited participants and supplied money for the preparation of the hijacking plot and that testimony in the five-day-old trial had supported these charges.

Defense lawyers asked for milder sentences than those demanded by the prosecutor and said one of the extenuating circumstances was that the nine "pleaded guilty of criminal offenses and felt repentance." [19] The Tass report quoted lawyer Yuri Buzinier as saying that all the defendants were "pawns in the speculative gamble" played by Israeli Zionists.

On May 20th the Leningrad court found the nine defendants guilty of organized anti-Soviet activity and sentenced them to prison camp terms ranging from one to ten years. The most severe sentences were given to Gilya I. Butman, ten years, and Mikhail L. Korenblit, seven years, who were charged with playing leading roles in the hijacking attempt. The other sentences were: Lassal S. Kaminsky, 5 years; Lev N. Yagman, 5 years; Vladimir O. Mogilever, 4 years; Solomon G. Dreizner, 3 years; Lev L. Korenblit (Mikhail's brother) 3 years; Viktor N. Boguslavsky, 3 years; and Viktor Shtilbans, 1 year. Tass said Dreizner, Korenblit, and Mogilever had received lesser sentences because of their "sincere repentance and the fact that they helped uncover the crime at the stage of preliminary investigation." [20]

On May 24th four Soviet Jews went on trial in Riga, the capital of Soviet Latvia. They were charged with organizing anti-Soviet activity, i.e., printing and circulating anti-Soviet material, and transmitting anti-Soviet propaganda to Israel. Unlike the Leningrad nine, the four in Riga were not charged with having participated in the June 15th hijacking plot. Tass said the four were accused of fabricating and circulating slanderous materials for subversive purposes and attempting to draw their acquaintances and colleagues into their activities hostile to the State.[21]

The indictment charged that the four defendants had taken part in anti-Soviet propagandizing together with those convicted in Leningrad. The defendants, facing sentences of up to seven years, were identified as Boris Maftser, Arkady Shpilberg, Mikhail Shepshelovich, and Ruth Aleksandrovich. Prior to the trial Jewish sources identified the four as Jewish activists who were extremely interested in Jewish culture and traditions and had sought, unsuccessfully, to emigrate to Israel.

On May 27 the Latvian Supreme Court found the four defendants guilty and sentenced them to prison camp terms ranging from one to three years. The sentences were: Arkady Shpilberg, 3 years; Mikhail Shepshelovich, 2 years; Boris Maftser and Ruth Aleksandrovich, one year. The sentences were milder than those handed down in the earlier trials, presumably because the Riga defendants had not been charged with participating or assisting in the June 15 hijacking plan.[22]

F. U.S. protests against the trials

Although the United States had thus far refrained from issuing a condemnatory statement regarding the series of trials, following the Riga trial State Department spokesman Charles W. Bray called the trials "abhorrent" and a violation of human rights. He said, ". . . the continued practice of trying people in secret is a matter of deep concern to us." [23] Bray noted that the court proceedings had been closed to impartial observers and that foreign newsmen had been refused admission to the court. Bray continued by saying:

"It would appear that the defendants were tried for an action or actions which are not even considered a crime in most countries. . .

We trust that the Soviet government realizes that Americans of every political persuasion and religious belief deplore the persecution of persons simply for studying a foreign language, in this case Hebrew, and for running materials off on a mimeograph machine, as seems to have been the case judging from Tass reporting of the Riga trial." [24]

Bray further stated—

These trials and previous trials at Leningrad are abhorrent on three grounds: the denial of the right to an open trial; persecution of people for their beliefs; the denial of the right of people freely to leave any country and to travel or reside abroad in the country of their choice." [25]

Footnotes at end of article.

The statement concluded—

"We deeply regret these deprivations of fundamental human rights, rights that should not be in question anywhere in the second half of the 20th century." [26]

The State Department statement prompted a response from the USSR Ministry of Foreign Affairs, which reprimanded the United States for interfering in the internal affairs of the Soviet Union.

The Soviet statement further maintained that the U.S. statement regarding Soviet justice encouraged the criminal activities of extremist elements which in no way aided the improvement of relations between the two countries. The statement concluded by saying that such acts, for which the United States was fully responsible, could only complicate these relations.

G. The June 1971 trial

On June 21st Jewish sources reported that nine Soviet Jews accused of anti-State activities went on trial in the Moldavian capital of Kishinev. The sources reported that all nine were charged with the violation of Article 70 of the Moldavian Criminal Code, which prohibits "agitation or propaganda carried on for the purpose of subverting or weakening Soviet authority." [27] The defendants were identified as David Chernoglaz, accused of being the ringleader; Anatoly Goldfeld, Hillel Shur, Alexsandr Galperin, Harry Kirshner, Arkady Voloshin, David Rabinovich, Abraham Trakhtenberg, and Semyon Levit.

On June 30th the Moldavian Supreme Court found all the defendants guilty of anti-Soviet actions and sentenced them to prison camp terms ranging from one to five years: Chernoglaz, 5 years; Goldfeld, 4 years; Galperin, 2½ years; Shur, Kirshner, Voloshin, Levit, and Trakhtenberg, 2 years; and Rabinovich, one year.[28] The Kishinev trial was believed to be the last in the series of trials which had begun with the December Leningrad case.

IV. CONCLUSION

Although the series of trials appears to have ended, for the present at least, the Jewish question continues to be an explosive problem for the Soviet leadership. Rather than silencing the Jewish voice within the USSR, the trials inspired a re-awakening of Jewish consciousness and determination. They have boldly petitioned for emigration rights, staged sit-ins, and publicly demonstrated for civil liberties. Soviet policy towards its Jewish minority appears, at present, to be clouded by confusion and uncertainty, yet the desire to keep things as quiet as possible remains prevalent.

Official suppression of the Jewish movement, or other forms of dissent which have increasingly become obvious, would involve a return to Stalinist methods, which could ultimately threaten the regime itself. It appears that the leadership prefers to use established legal procedures together with persuasion and coercion, not only to intimate Jewish activists, but to also justify its policies to the international community.

The most recent appeal by Soviet Jews was made by more than 900 Jews who signed an open letter to Soviet leaders and to the United Nations General Assembly. The appeal, representing Jews from 20 Soviet cities and towns, was believed to be the most widely coordinated signature-collection effort since the campaign for emigration rights began. The petition clearly expressed the frustration felt by a minority group which had been unable to affect a change through legitimate channels:

The issue of free emigration of Jews to Israel is not a new one and is becoming more acute with every passing day. More and more Jews realize and then openly proclaim that they do not want to assimilate with other peoples. This movement has its historical causes and cannot be stopped by administrative directive.

Here, in the USSR, where there is no Jewish culture or national life, where there are no Jewish schools or Jewish theaters, where there is no possibility of studying Yiddish or the culture and history of the Jewish people, where the unprecedently low percentage of Yiddish-speaking Jews is declining from day to day, in this country there is no future for us as Jews.[29]

Thus, despite official denial of a Jewish problem, the obviously unhappy situation continues. While other nationalities have schools and publications in their own languages, Yiddish and Hebrew are banned.

Anti-semitism as a historical problem has, over the centuries, become institutionalized within the Soviet system and, therefore, exploited and manipulated by the leadership. Soviet policy in the Middle East since the Six Day War of June 1967 could not fail to have repercussions on the nation's Jewish population. The anti-Israel campaign in the Soviet media quickly acquired anti-semitic overtones, although always being officially justified as anti-Zionist. As time went on, other uses were found for this reservoir of anti-semitism. It could conveniently be used as a weapon in the struggle against liberal forces at home and in the satellite countries, particularly Poland and Czechoslovakia. While suppression of Jewish culture and the intimidation of the Jewish minority has taken its toll over the years, recent events do offer hope not only to Soviet Jews, but to other dissident groups as well.

The fact that Jewish emigration is steadily continuing offers encouragement that Soviet-Israeli relations may be improving, and that international protest and criticism may have had an influence on Soviet leaders. However, despite persistent official denial the basic problem, complicated by historical circumstances, remains and the Soviet system and leadership continue to deny cultural-religious rights to the Soviet Jewish minority.

FOOTNOTES

[1] Cang, Joel. The Silent Millions. New York: Taplinger Publishing Company, 1969, p. 61.
[2] Ibid., p. 66.
[3] London Times, November 13, 1970.
[4] Washington Post, March 27, 1971.
[5] Washington Post, December 27, 1970.
[6] New York Times, December 31, 1970.
[7] Washington Post, January 1, 1971.
[8] Washington Post, January 7, 1971.
[9] New York Times, February 20, 1971.
[10] Ibid.
[11] Christian Science Monitor, March 4, 1971.
[12] New York Times, March 24, 1971.
[13] New York Times, May 1, 1971.
[14] Washington Post, September 11, 1971.
[15] New York Times, May 12, 1971.
[16] Ibid.
[17] New York Times, May 15, 1971.
[18] New York Times, May 17, 1971.
[19] Washington Post, May 19, 1971.
[20] New York Times, May 21, 1971.
[21] New York Times, May 25, 1971.
[22] New York Times, May 28, 1971.
[23] Washington Post, May 28, 1971.
[24] Ibid.
[25] Ibid.
[26] Ibid.
[27] New York Times, June 22, 1971.
[28] New York Times, July 1, 1971.
[29] New York Times, September 21, 1971.

[From the CONGRESSIONAL RECORD, vol. 116, pt. 29, pp. 39431–32]

APPENDIX A

ANTI-JEWISH ACTIVITY IN THE SOVIET UNION

(By Hon. WILLIAM G. WHITEHURST, of Virginia, Tuesday, December 1, 1970)

Mr. WHITEHURST. Mr. Speaker, recently, Mr. Paul Grob, cantor of the Gomley Chesed Synagogue in Portsmouth, Va., contacted me about the anti-Jewish activity which has been occurring in the Soviet Union. Mr. Speaker, news of this has appeared from time to time in our press, but I think that my colleagues would be interested in knowing some of the particulars. Therefore, I would like to insert in the RECORD a fact sheet prepared by Mr. Moshe Decter, director, Jewish Minorities Research of Hadassah. It is clear that the Soviet Government is pursuing anti-Semitic tactics all too familiar to those of us who remember what happened in Nazi Germany during the 1930's.

MOSHE DECTER, DIRECTOR, JEWISH MINORITIES RESEARCH

November 20 is the date set for the trial of thirty-one Soviet Jews, held incommuicado since their arrests within the past five months—in Leningrad, Riga. Kishinev and Thillsi. They face the imminent prospect of trials that can lead to life imprisonment, and even the death penalty.

Substantial circumstantial evidence, filtered out to the outside world by close relatives and friends, leaves no reasonable doubt that, regardless of the legal specifications that may be brought at the trials, the thrust will be anti-Jewish.

In the context of recent Soviet policy, it is clear that the immediate purpose of the arrests and trials is to crack down on the many Jews who persist in an overt struggle to leave the USSR for Israel in order to maintain their Jewish identity. The long-range objective is to crush the renascent Jewish national consciousness of scores of thousands of Soviet Jews.

All the available information leads inexorably to the conclusion that a high-level policy decision was made last spring to undertake a nationally coordinated, concerted KGB (secret police) action, employing entrapment and provocation and involving large-scale searches and seizures, confiscation of printed matter, interrogations and, ultimately, forced confessions that can be used as incriminating evidence in public trials.

THE KNOWN FACTS

At 8:30 A.M. on June 15, 1970, nine Riga Jews were apprehended at Leningrad's Smolny Airport as they were walking from the terminal to an airplane. That afternoon, *Vecherny Leningrad*, the main afternoon paper, carried a brief announcement of the action, indicating that the arrestees had planned to hijack the plane out of the country. The same item appeared the next day in *Leningradskaya Pravda*, the main morning newspaper.

The Soviet press, as a matter of policy, rarely publishes crime news. When it does, it is not until long after the event. The fact that these papers carried this report within less than twenty-four hours suggests that they were alerted in advance.

That the Jews were arrested while walking on the tarmac is a sure sign of the KGB's advance information and planning.

The probability of a meticulously coordinated police provocation is enhanced even further by virtually simultaneous actions that day.

At about the same hour of the arrests at Smolny Airport, eight Leningrad Jews were arrested in a wide variety of places: at work in the city; at home in the city or in the suburbs; on assignment some distance from the city; on vacation as far away as Odessa.

Later that same day, searches were carried out in dozens of homes in Moscow, Leningrad, Riga and Kharkov; scores of people were detained for questioning and then released. Since June there have been more arrests—in Tbilisi, Kishinev, Riga and again in Leningrad, brining the number of Jewish political prisoners to thirty-one.

The Man in Charge of the Leningrad case, involving at least the prisoners from Riga and Leningrad itself, is the chief city prosecutor, S. Ye. Soloviov, well known to the Jews there as an anti-Semille.

In 1961 he served as a judge in the city's criminal court and as such presided over two notorious trials involving Jews. In one case he handed down a series of death sentences

for alleged economic crimes to a group of Jews. In another, he sentenced Leningrad synagogue leaders, including an 84-year old, to lengthy prison terms on charges of subversion, which actually reflected their determined efforts in behalf of Jewish religious observances and their active contacts with synagogue leaders in other cities.

These arrests and the forthcoming trials must be understood within the context of official Soviet policy as reflected in the massive winter propaganda campaign during January-March 1970, against Israel. What began as a concerted nationwide chorus of condemnation of Israeli policies swiftly degenerated into a hysterical anti-Jewish campaign. Articles, editorials, pamphlets, letters to the editor, caricatures, publications in the thousands all over the country, assumed an anti-Semitic tone and character.

This campaign was an expanded, intensified version of the by-now common Soviet line that views Judaism as the ideological progenitor of Zionism, and Zionism as the equivalent of Nazism the whole amalgam being a key element in the doctrine of "International Zionism" as the Jewish ally and servant of Western imperialism—an updated and refurbished adaptation of the Tsarist "Protocols of the Elders of Zion."

A number of Jews, both prominent and obscure, were pressed into service in this campaign, to proclaim their undying loyalty, reiterate official apologetics about Soviet Jewry, sign attacks on Israel and world Jewry, and brand as betrayal the desire to leave for Israel. The crescendo was reached at a press conference in Moscow by fifty-two prominent Jews on March 4.

What must have shocked the authorities, however, was the instantaneous reaction of dozens of Soviet Jews, as individuals and in groups, in Moscow, Leningrad, Riga and elsewhere, repudiating the assertions of the "housebroken" Jews and their right to speak for all of Soviet Jewry. It was very likely in reaction to this unprecedented audacity that the regime decided to turn the screw.

Of course, the authorities have been aware for some time of the growing frustration and resentment of many Soviet Jews at the discrimination they face in higher education and employment, the anti-Jewish propaganda, the hostility they and their children frequently encounter in the streets, at school or at work, and, not least, at the deprivation of their cultural rights, foreclosing the possibility of perpetuating their heritage and maintaining their group identity.

Furious with official anti-Semitism and inspired by the spiritual self-regeneration which Israel represents to them, a rising generation of young Soviet Jews rejects this situation as intolerable. Tens of thousands have applied for exit permits to emigrate to Israel. With few exceptions, their applications have been turned down time and again.

Several hundred of the more daring have circulated appeals and open letters addressed to the Soviet leadership, to the UN Human Rights Commission, to Secretary General U Thant, the International Red Cross, President Nixon, Israel Premier Golda Meir—in effect, to the public opinion and conscience of the world. Such letters have been written by individuals and by groups in every major Soviet center.

This wholly unanticipated upsurge of pride and national consciousness has manifestly so upset the regime that it has resorted to severely repressive measures. The striving for Jewish National identity has begun to be treated like something criminal or anti-social, with procedures of intimidation used against many who applied for exit permits: interrogation by the KGB; expulsion from the Party; suspension from university; discharge from employment; general social hostility at work.

In order better to understand what may happen in the course of the forthcoming trials it must be borne in mind that there are basically two separate groups involved in what may be called the Leningrad case—the dozen Riga Jews arrested at the Leningrad airport, and the ten residents of Leningrad proper.

We know precious little about their fate. No indictment has been issued. The prisoners have been kept incommunicado. Relatives, friends and even potential defense counsel have been forbidden to visit them. They have evidently been under intensive interrogation. But we have no precise idea of how they will be charged. And it is only possible to speculate on the circumstances in which they will be tried and the penalties they are likely to incur.

About the Riga group, relatives and friends living abroad but in the closest feasible contact at home believe that the Riga Jews were entrapped by an informer planted in their midst. Privy to their passionate desire to emigrate to Israel and their repeatedly frustrated applications for exit permits, this informer gained their confidence by posing as a pilot offering to fly them out of the country in the airplane he claimed he was normally scheduled to pilot on a routine domestic flight.

About the Leningrad group, we have just learned in a letter from the wives, mothers and sisters of eight of them that police interrogators informed the women that the prisoners have confessed to anti-Soviet activity and attempted hijacking of a plane. The women make it clear that they believe these were forced confessions.

Conspiracy to hijack an airplane falls under the category of treason and is subject to the death penalty. Even knowledge of such a plan and failure to report it can be subsumed under a charge of anti-Soviet activity and entail life imprisonment. Attempted hijacking can be treated as a plot to damage or steal State property and may also entail the death penalty.

Forced confessions raise the ominous specter of show trials. Such staged trials, using forced confessions as decisive evidence are, tragically, no innovation in Soviet law and public life, even though they have been in disuse in the last few years. This sad tradition goes back to the early 1920s and culminates, of course, in Stalin's notorious Great Purges of 1936–40.

Directly relevant to our present concern is the case of Boris Kochubiyevsky, the first of the Soviet Jewish political prisoners—a 33-year-old electronics engineer of Kiev, in the Ukraine, Kochubiyevsky was arrested in December 1968, tried and sentenced to three years of forced labor for "anti-Soviet slander" at a trial in May 1969. His slander consisted of a public defense of Israel in June 1967, his assertion in September 1968 that Babi Yar, the ravine outside Kiev where the Nazis slaughtered scores of thousands of Jews in 1941, was a tragedy for the Jewish people, and his statements, in a letter to the Soviet leadership in November 1968, that it is impossible for him to live as a Jew in the USSR since there are no Jewish educational, cultural or communal institutions there—and consequently he wants to go to Israel.

The accusations against Kochublyevsky were in essence identical with the regime's real grievances against its present Jewish prisoners. His trial is a harbinger of gloom for the trials to come.

The Kochbiyevsky Case is documented in *Khronika,* the consistently reliable "Chronicle of Current Events" disseminated by the Soviet democratic underground, which brings segments of the trial transcript as well as reports by persons present at the trial. (All the documentation is available from the Conference on the Status of Soviet Jews. 16 East 85th Street, New York, New York 10028.) In brief, the following picture emerges:

Some prosecution witnesses were provocateurs; several repudiated the testimony they gave at the preliminary hearings; one admitted to having given his testimony while drunk; others said they testified under pressure from the KGB interrogators.

The general public was kept out of this "public" trial; friends and even relatives were not permitted inside the court room. At the same time, the KGB packed the court room with its own members, as well as with members of the "public" who were mobilized and instructed to act hostile to the defense. Witnesses were sent out of court immediately after their testimony, which is against Soviet legal procedures. The judge acted more like the prosecutor than the prosecutor himself, allowing himself to indulge in remarks that were hostile to the defense in both tone and substance and generally permitting anti-Semitic and hooligan behavior in his court. And the defense counsel assumed the role of assistant prosecutor, not only accepting the basic validity of the charges against his client but actually indicating his disbelief of Kochubiyevsky's own defense.

If this be a precedent, as well it might, it augurs ill for the Jewish prisoners of conscience.

It is, of course, entirely conceivable that the Soviet authorities will attempt to underplay or perhaps even avoid in any direct way the essentially anti-Jewish character of this case. Very likely apprenhensive about an outcry of protest in the outside world over a mass anti-Jewish trial *a la* Kochubiyevsky, they may skillfully seek to divert attention—through emphasis on forced confessions—to the narrow legal question of a hijacking plot. And this would serve them especially well at a period when much of the civilized world has just gone through a period of shock and disgust with airplane hijackings.

But regardless of how the trial is conducted and how Soviet propaganda handles it, the focus simply cannot be shifted away from the irreducible fact that people are on trial for their convictions, that Jews are being persecuted as Jews. They had no desire to criticize, attack, change, subvert or overthrow the Soviet system. On the contrary, their only desire was to leave that system alone—in fact, to leave it altogether, to exercise their elementary human right to leave the country and settle in Israel, which they regard as their ancestral homeland.

All the materials confiscated from all those interrogated and arrested all over the country demonstrate conclusively that this is a Jewish case. Hebrew grammars, Jewish history books, open letters of appeal for help to leave for Israel, postal cards from Israel, Jewish encyclopedias. In short, as some of them and their relatives have written: Everything with the words "Jew," "Jewish," "Judaism" was confiscated.

Within days after the June 15 KGB action, a young Leningrad Jew, Viktor Boguslavsky, wrote an impassioned letter to the Soviet Prosecutor-General, Rudenko, pleading the innocence of his arrested friends. He wrote:

"A lively interest in the fate of one's people and love for one's people cannot be considered an offense. Their only crime was that they were born Jews and they sought to remain Jews."

In July, Viktor Boguslavsky was arrested.

[From the Washington Post, Mar. 27, 1971]

APPENDIX B

This account of the Leningrad trial of December, 1970, was compiled by persons in Russia and translated from the Russian by The Washington Post. It is published nearly in full. Two kinds of material are omitted: certain sections of text which lacked sense or context, and the testimony of some witnesses which seemed to be repeti-

tive. All statements and reports attributed to the defendants are here. In some places, there are references to persons or events not otherwise identified; in those cases identification was not possible.

On December 15, 1970, at 9 a.m. the hearings at Leningrad began.

The court composition:

Chairman: Ermakov, chairman of the City Court.

Prosecutor: Solovev, procurator of Leningrad City.

Assistant prosecutor: Katukova, deputy procurator of Leningrad City.

Public prosecutor: Hero of the Soviet Union, air pilot Metanogov.

The People's Jurors: two (one in reserve).

The following persons are charged at the present court session with committing crimes under Articles 64 (statutes 1–15), 93 (statutes 1–15), 70 and 72.

Mark Dymshits, Eduard Kuznetsov, Iosif Mendelevich, Silva Zalmanson, Izrael Zalmanson, Anatoli Atman, Leib (Ayre) Khnokh.

[Editor's note: Article 64 covers high treason, listed in the Russian Criminal Code as the first of the "especially dangerous crimes against the State." The maximum penalty is death. Article 93 covers "Stealing of State property." Maximum penalty is death. Article 70 covers "Anti-Soviet agitation and propaganda," another "especially dangerous crime against the State." Maximum penalty is seven years imprisonment plus five years of exile. Article 72 is "Organizational activity directed to commission of especially dangerous crimes against the State and participation in anti-Soviet organizations—punishment in accordance with Articles 64–71.]

Charged with violation of Articles 64 and 93, but not 70 and 72, are:

Yuri Fyodorov, Alexei Murzhenko, Boris Penson, and Mendel Bodnia.

[Editor's note: The Russian text listed the last name of each defendant's lawyer.]

All of the defense lawyers were hired by relatives, except for Dymshits whose lawyer was appointed according to Article 49 of the Criminal Code.

Arrested on June 15, 1970, at 8:30 a.m. at the Smolnoye airport (at Leningrad) were Dymshits, Kuznetsov, Mendelevich, Izrael Zalmanson, Vulf Zamalson, Fyodorov, Murzhenko, Altman and Bodnia.

[Editor's note: Vulf Zalmanson, brother of Silva, was an officer on active duty and was tried and sentenced separately by a military tribunal.]

Also arrested at the airport were Dymshits' wife and his two daughters, age 18 and 15. They were released and not mentioned in the charges.

Arrested in a forest near Priozersk at 4 a.m. on the same day were Khnokn, Meri Khnokh (who was not tried at this proceeding), Silva Zalmanson and Penson.

On questioning by the bench, Dymshits and the Zalmansons, pleaded guilty. The others except for Fyodorov, pleaded partial guilt. Fyodorov denied he was guilty under the statutes cited.

The court chairman familiarized the defendants with the court's composition and asked if there were any objections. Mendelevich asked about the nationalities of the chairman and the people's jurors, and was told that there were three Russians and one Ukranian.

[Omitted here are a few paragraphs dealing with technicalities of court procedure largely concerning the order of interrogating defendants.]

DYMSHITS' TESTIMONY

The first to be interrogated was Dymshits (born in 1927). He related three motives for wishing to leave for Israel: (1) anti-semitism in the Soviet Union, (2) Soviet foreign policy in the Middle East, and (3) Soviet internal policy on the nationality problem concerning Jews.

The USSR supported the establishment of Israel in 1948, and when the war started, the Arabs were the aggressors. That war is continuing, and the aggressor cannot change. The question is only who violated the truce.

He was not allowed to work in his profession (as an engineer) in Leningrad (after the second world war), and worked instead as a pilot in Bukhara. He was a member of the Communist Party of the Soviet Union until his (earlier) arrest, when he was expelled by the Party.

He studied at the G.B. (state accounting) school, later at summer school, and he entered the Agricultural Institute after his service as a pilot, then finally worked as an engineer.

He came to the conclusion that he had to leave the USSR. He has never applied to the OVIR (emigration office).

He wanted to build a balloon, later to construct an airplane, in order to escape. But he realized that he would not be able to do it himself and he so started to search for helpers.

At this time, he began to study Hebrew.

All these plans ripened in the years 1967–68. In the autumn of 1969, he became acquainted with Butman (who was also arrested near Priozersk) and was introduced to the ulpan (a school for the study of Hebrew). Butman knew his plans and both started looking for people.

Dymshits's wife disagreed in the beginning, but he "created in the family an atmosphere of despotism and pressure" (the prosecutor's words), persuaded her and the children. The daughters were introduced to the plan of escaping.

There were three successive plans of escape:

PLAN NO. 1

Hijacking of the TU I24 (48–52 passenger plane) that followed the Leningrad-Murmansk route. This plan was called Operation Marriage. It was to take place on May 1–2, but was rejected in late April.

At that time, the Leningrad cell decided to ask the Israeli State for its opinion, and Dymshits was forbidden to act further until the reply was received.

In connection with this plan, Dymshits received from Butman 50 rubles, flew to Moscow, but had a free flight in the pilot's cabin (the pilot was one of his former coworkers in Bukhara). He became familiar with the handling of the plane. He returned 35 rubles to Butman, and spent 15 rubles on drinks. Butman did not know that he had flown free of charge.

Asked by the prosecutor what he would have done in Israel, Dymshits answered he would have served in civil aviation, or worked as a chauffeur or tractor driver.

PLAN NO. 2

Dymshits worked out this plan at the end of May, and asked Kuznetsov to come to Leningrad to check it. The plan was to hijacking an AN–2 (12-seat) airplane at night at the airport.

Dymshits, Kuznetsov, and Kuznetsov's wife, Silva Zalmanson, went at the end of May to the Smolnoye Airport, and decided that it would be impossible (because of watch dogs, searchlights, etc.)

Kuznetsov went to Riga, thinking all was lost. But on June 5, Dymshits phoned Kuznetsov in Riga saying he had another plan. Kuznetsov returned, asked Fyodorov to come to Leningrad, and on June 8 all three flew to Priozersk and scheduled the third plan for June 15.

PLAN NO. 3

This was to hijack an AN–2 at the Priozersk airport. The problem was that all the 12 passengers (Dymshits, Kuznetsov, Mendelevich, the Zalmansons, Dymshits' wife and daughters, Fyodorov, Murzhenko, Altman, Bodnia) had to fly to Priozersk.

After the plane's stopover in Priozersk, the pilot and co-pilot were to lie bound, without physical harm, and put into sleeping bags under a tent, the four passengers waiting in Priozersk—the Khonokhs, Silva Zalmanson and Penson were to be taken aboard and all were to fly to Sweden.

But the escape never began. The 12 were arrested at 8:30 a.m. at the Smolnoye Airport, and four near Priozersk at 3 a.m.

The only pistol in the group, found on Fyodorov, belonged to Dymshits. He had made it himself in Bukhara.

ZALMANSON'S TESTIMONY

She stated that she is a Zionist. Asked by the prosecutor if she knows that Zionism is hostile to the Marxist-Leninist ideology, she said that there were aspects of Zionism that are not hostile to our ideology, chiefly the reunion of Jews in one state. She applied to emigration office in 1968, was refused. In 1970, she received a visa for herself and her husband, Kuznetsov, but was refused the character references that a visa required.

In about the year 1968, in the absence of Shpilberg (who is one of the accused in a related trial in Riga) she printed Zionist materials. She used to bring to Leningrad, to a man named Drezner, a suitcase full of literature, whose contents she did not know.

When Butman and Dymshits came to Riga with the escape plan, she introduced Kuznetsov to them and others who wanted to escape.

Kuznetsov was a newcomer to Riga and did not know anyone.

She was very close to her younger brother, Izrael, but she and Izrael agreed to rely on Kuznetsov.

In May her second brother, Vulf, arrived and after a short discussion with her, he also agreed to escape.

Asked again if she recognized how hostile the Zionist ideology is to us, she replied that up to now she had not considered this and remains a Zionist.

In general, she spoke little and indistinctly, and mostly in response to questions. Asked what she would have done in Israel, she answered "Anything."

MENDELEVICH'S TESTIMONY

He said he grew up in a family where Jewish traditions were in great esteem. He has always been deeply interested in Jewish history and the fate of the Jewish nation, and he and his family have decided that Israel is their spiritual and historical fatherland.

He and his family had repeatedly received entry permits from Israel. They applied to the Soviet emigration office (OVIR), but were refused.

When he was told about the planned flight, his family had their documents in the OVIR and he decided that in case of another refusal, he would participate. The refusal was received in a few days.

He was a third-year student at the Polytechnical Institute, and he left, despite his longing for education, because he considered it amoral to study at Soviet expense.

He did not consider that a great sacrifice, because by submitting his application (for an exit permit) he expected to be expelled just the same.

He published the journal Iton (a Hebrew newsletter) in Riga, wrote articles, and kept a card index. He also wrote an explanatory pamphlet to be distributed in case their escape failed. This work is considered by the prosecutor as an anti-Soviet document full of lies.

Asked by the prosecutor if he considers himself "a person of Jewish nationality" or a Zionist, he replied: "I am a Jew." He said that he has no grudge against the USSR and that the state is of no interest to him. His only wish was to reach his fatherland.

The prosecutor replied that the Russian people had put aside Birobidjan (in Siberia) for them and he should go there.

Mendelevich replied, "please allow me to

decide what state, and not a province, appears to be my fatherland."

He replied to many brusque and rude questions by the prosecutor, and to the questions of the lawyers. He carried himself with great dignity, without excusing himself or accusing anybody.

Asked his motive for escaping, he answered, "My goal was to go to Israel. About the others I don't know." Asked what he would do in Israel, he said he had no financial interest, only that Israel was the only place he could live.

During the examination it was disclosed that he had been sent to Riga for one month during the investigations for psychological examination.

The court session of Dec. 16 began at 9 a.m. with the examination of defendant Kuznetsov (born 1939).

KUZNETSOV'S TESTIMONY

During the testimony, he was asked his nationality. He answered, "Jew."

The prosecutor noted that in his passport is written "Russian."

Kuznetsov answered, "You ask me not about my passport but about my nationality."

He tried to describe the circumstances of his arrest. His group wanted to cross the Finnish border, go to Sweden, and he talked about that plan.

"My views about (the indictment) have a universal human character. Many things led to the charges, among them the distribution of anti-Soviet literature. In connection with Litvinov's memoirs (known in the West as a forgery) I can say that the authorship has never been proved and I don't consider this document anti-Soviet . . . the document is no less accusing than the materials of the 20th Communist Party Congress.

Question: Where and in what circumstances and why have you made photocopies of (David) Shub's "Political Leaders of Russia?"

Answer: "I made a copy, having received a film from a friend, but I don't consider it especially interesting."

Question: "Do you consider it anti-Soviet?"

Answer: "Yes."

Question: "To whom did you give it in Leningrad?"

Answer: "To Abram Shifrin, who is now in Israel."

[Editor's note: A question about "casualties" at this point is not decipherable.] Kuznetsov continued:

"I didn't consider Butman as a representative of an organization but as an honest man. Sometimes his attitude was not very serious, but I agreed to travel to Leningrad in order to discuss the plan with him . . .

"The first plan was rejected because it was impossible to hijack a plane in the air. We didn't reject the concept. We started on the second plan, hijacking on an airfield at night. This plan also fell through. At that time we invited (the state of) Israel to comment on our plans and Israel asked us not to do it.

"At that time . . . we decided on the third plan. Dymshits telephoned on June 5 and I came to Leningrad. Three of us flew to Priozersk—Dymshits, I and Fyodorov. We picked the 15th of June. I convinced Fyodorov during late April and I asked him to call Murzhenko.

"What aroused me to do all this was that I considered myself a Jew. My father died in 1941. My mother 16 years ago persuaded me to register in the census as a Russian. At that time it was all the same to me. In the (labor) camp this problem for me arose for the first time. After leaving, I asked to register as a Jew, but was refused.

Question: "Do you consider yourself a Soviet citizen?"

Answer: "Formally."

Question: "During the pre-trial investigation, you said you don't consider yourself a Soviet citizen and don't want to live by the law of the land. Is this true?"

Answer: "In essence, yes."

Question: "But you have lived and worked in this country."

Answer: "Yes, I lived and worked and sat in jail! After the camp, I worked under constant surveillance in Strupino. I wanted to see my sick mother, but was refused.

"In January, 1970 I married Silva Zalmanson and went to Riga. Later I decided to take advantage of our Soviet Constitution and go abroad (but) the visa office refused to give the necessary character references to me and my wife. And so the right exists only on paper. It turned out that I was not the only martyr to the cause of wishing to emigrate to Israel."

He said that the charge that he sought to divulge Soviet military information abroad was incomprehensible to him because he had no information to impart. He said that the state's prestige, not its security, was the issue. An escape is a crime only in countries of the Socialist bloc. . . .

Regarding the charge (Article 93) of stealing state property, Kuznetsov said:

"You could have applied (this statute) to us if we had completed our deed, but we did not commit any crime. If a crime has not been committed, then there's no cause to bring that charge. An old Jewish law says: if there's no crime, there's no punishment.

"I want to discuss the statute about conducing anti-Soviet agitation and propaganda. This is nonsense. This is just what I used to discuss with my friends.

Question: "Did you serve in the army?"

Answer: "Yes."

Question: "Do you know your character references?"

Answer: "Yes."

Question: " 'No attendance at political meetings.' What do you think? Is this typical for a Soviet citizen?"

Answer: "I didn't try to be a typical citizen and I didn't like the barracks. I used to avoid political duties, because in the army they were conducted by illiterates."

Question: "What did you intend to do in Israel?"

Answer: "It didn't make any difference to me."

Question: "What can you say about packages you received from abroad?"

Answer: "We received some from my relatives in Israel, with whom we have sporadic contacts. I was surprised and I didn't know what to do with those packages."

Question by his lawyer: "You committed this crime for political motives?"

Answer: "No, I was lead by spiritual and moral considerations."

Lawyer: "Did you intend harm to the Soviet Union?"

Answer: "No, not at all."

Lawyer: "Did you worry that you were working as an enemy of the Soviet Union?"

Answer: "I'm not guilty and I don't aid enemies."

Lawyer: "You intended to organize a conference in Sweden?"

Answer: "Butman mentioned this, but I considered this a game and nothing concrete; there were no serious talks on it." . . .

Prosecutor: "Explain the meaning of Zionism."

Answer: "I don't agree with the general Marxist-Leninist definition that Zionism is an agency of imperialism."

Question: "Don't you think anti-Semitism originates in Zionism?"

Answer: "Zionism has existed only since the 19th Century, and anti-Semitism is eternal. You know it."

Question: "Where have you gotten legal instructions?"

Answer: "In Soviet literature. Let me cite it (He takes our notes)."

The prosecutor says, "Nothing has to be cited."

Kuznetsov replies: "I wanted to cite the Nuremberg Trial, Moscow, 1970, edited by Rudenko (the chief Soviet legal officer).

Prosecutor: "You are angry at the Soviet state. You were judged for crimes and you have not corrected them. Your character references from the jail report that you were lazy, didn't work, and therefore they put you in a special jail."

Kuznetsov: "I like to occupy myself with self-education. There are people who don't like that, and in jail there's a wonderful library and time to read."

[Editor's Note: There followed a brief discussion about a crude weapon found on the group and about why two non-Jews, Fyodorov and Murzhenko, had participated.]

IZRAEL ZALMANSON'S TESTIMONY

A 21-year-old student, he explained why, as a Jew, he wanted to go to Israel. His family had received exit permits in 1965 but his father decided not to go.

Izrael didn't think the escape would harm the Soviet Union, financially or otherwise, and he didn't see any other way to get out. The airplane would have been returned.

He tried to spare his sister Silva blame for printing literature and to spare Kuznetsov for his role.

MURZHENKO'S TESTIMONY

He began by blaming his participation on his instability, his lack of education, his bad family life. He said that after his release from labor camp, he had never distributed anti-Soviet literature.

He had never expressed anti-Soviet opinions. He did not write underground literature.

He denied that he acted from an anti-Soviet position—"My reasons were only personal." He said he was sure the plane would be returned.

"My unsuccessful attempts to establish my life after the labor camp were decisive in my decision to leave the Soviet Union," he said. "I received no instruction. When Kuznetsov gave me clubs (weapons), I asked him, 'What for?' and Kuznetsov answered, 'So that you'll be able to get around (in Priozersk).' "

The judge said that "it wasn't that," and Murzhenko replied, "but it was."

PENSION'S TESTIMONY

"I shall give my motives. My father, 72, is retired and ill, and his close relatives are in Israel. He dreams to be reunited with them before his death. My mother was born in a small Jewish town, speaks Russian very badly and can't assimilate or adopt to the climate of the Soviet Union.

"We applied several times to the emigration office but were rejected. I am the only one in my family who is young and healthy and the only support of the old people. Later, they would have been allowed to go out not me. At first I didn't agree to remain here in my fatherland and to let the old people go. But at the end of May and beginning of June I tried to join the Priozersk group, thinking that if I can leave with them, that would not harm anybody. I asked Izrael Zalmanson to sign me up."

Prosecutor: "Where did you get those two clubs which you put in your window, and what did you intend to do with them? You were not supposed to tell the court that Kuznetsov gave them to you."

Answer: "I probably put them in my rucksack by mistake thinking they were sausages, and wrapped them in a newspaper. All the time while we were in Priozersk in the forest I was afraid to leave because I was guarding the campfire."

He admitted his crime partially according to Article 64 (treason). In regard to Article 93 (stealing state property), he said that in

general there is no case at all: "Who can prove that we wanted to steal an airplane?"

BODNIA'S TESTIMONY

"In 1944 our family was dispersed, and my mother and brother disappeared. I stayed with my father, who remarried. My stepmother is a Russian woman whom I adore for her care and kindness, but all the time I looked for my mother and brother.

"In the 1950s we found out after a long search that they were in Israel. Since that time I have tried several times to submit an application for a permit to go to Israel and several times I was refused, the last time only recently."

He said that he was a metallurgical worker, an invalid in one eye and nearly blind in the other, retired on a pension of 35 rubles. He has many letters and recommendations for his years of work in the factory; he was chairman of the local sport club.

"I didn't want to exchange fatherlands but I wanted to be reunited with my mother," he said.

Court session of December 18, 1970.

FYODOROVA'S TESTIMONY

Pelgeya Fyodorova, mother of Yuri Fyodorova, said:

"After his first imprisonment Yuri was ill, he did not leave home, his sleep was disturbed, occasionally he would leave without reason (he travelled south to the sea), and he was complaining that he was being pursued on streets."

She said she thought that this fear was in part sickness but in part was founded in fact. She herself checked on this and saw that he was being followed in the streets. "A doctor at the psychiatric hospital where Yuri was hospitalized for more than a month, and where he was discharged with a diagnosis of mental disturbance (after camps this appears to be a norm), said that Yuri needed only peace and quiet" In connection with this she went to Lyublyanka and asked that her son be left in peace.

"He has a good character and he is inclined to busy himself with books."

Once, after she had been cleaning a fish and hitting it on the head, Yuri said that preparation of the fish was ugly and that he was not going to eat fish, meat, although he did not become a vegetarian.

Fyodorova requested that the court order a new psychiatric test. The court accepted her plea and her questions to the experts were:

1. Does he need a hospital test?
2. Is he psychologically ill and what is his illness?
3. Is he sane?

MRS. DYMSHITS' TESTIMONY

Alevtina Ivanovna Dymshits, of Leningrad, works as a laboratory technican. She talked a great deal about how her husband was trying to talk her into leaving, but she did not agree because she was "Russian and my fatherland is here."

"That was the reason for our separation," she said, adding she was always very happy with her husband (although he lived at Bukhara, and she in Leningrad).

Normally, such things don't happen, she admitted. "My husband loved his summer work very much," she said. She was afraid (of work), and wanted to "live on the earth and not in the air." On April 19 her husband came on her birthday (it's unclear whether by himself or whether she invited him) and she agreed to go with him "only in order to reestablish the family."

She told her daughters about the trip. She read in a book by (David) Shub and in (former Foreign Minister Maxim) Litvinov's memoirs, which she got from Kuznetsov, that Lenin talked about the nationality question.

Answering Kuznetsov's question, did he give her the book or was it otherwise, she said that "somehow he did not give it but he took it out of a briefcase and left it on the table when he went shopping" "and that I took a look to find out what kind of a book it was."

After her questioning there was much perplexity. Why all of a sudden she agreed to leave (Russia), why she was not arrested if she knew about the flight (compare with Mary Khnokh) and it's unclear why the prosecution needed her testimony when she didn't add anything to it. On question if she knew the route she said she knew—"we were flying to Priozersk."

Prosecutor: "But Priozersk is far from Israel?"

Witness: "Yet, it is far."

From her testimony it became clear that she and her husband were formally divorced and that her name was not Dymshits anymore.

OTHER WITNESSES

Elizabeth Dymshits, 19, who works as a seamstress, didn't add anything new, but said she knew about the flight.

Julia Dymshits, 15, high school student said she knew about the flight. She flew to Priozersk when asked by her father to make reservations for the flight and "to look over the situation."

Olya Kozlova, a friend of Julia, flew with her to Priozersk (she was not asked if she knew why, and it's not clear why she was called to testify since she was asked no questions).

A middle-aged man, identified as a teacher at the technical school where Dymshits studied, testified that he occasionally met Dymshits. Dymshits brought him two or three suitcases with various things in the spring and asked him to take care of them for a while since he was going to the south with his family.

"He was afraid to leave it at home—they live on the first floor," the witness said. He said Dymshits took from him a loan of 500 rubles in three per cent state bonds, saying that he needed money to buy a visa for Israel at Tiblisi (this was again unclear).

An unidentified middle-aged woman testified that she was an acquaintance of Bodnia. "He spent the night at my place, saying that he came to Leningrad on official business," she testified. On November 13 they walked around the city and dined together. About the flight he did not tell her anything (why was she called?)

PILOT'S TESTIMONY

The pilot of the AN–2 plane testified about technical data regarding the craft. The prosecutor then asked him to speak about "the issue."

Pilot: "About the issue? I prepared for the takeoff, and passengers were brought up to the plane and they were arrested inside the plane. That is everything." (Laughter in the hall.)

Prosecutor: "How would you like to be gagged?"

Pilot: "And would you?"

Kuznetsov: "I will put a more concrete question. Can you say when the second pilot comes out to meet or escort passengers, do the cabin doors remain open?"

Pilot: "That depends."

Q: "And according to your instructions?"

A: "They should be closed." (Reaction in the hall.)

In general the testimony of the pilot produced an impression that the defendants did not evoke in him any irritation while the prosecutor did, possibly because of the clumsiness of his questions. Also he answered to the question of the prosecutor that he thought it entirely possible that they would overcome him "without shedding blood, taking into account the factor of unexpectedness." (Earlier in the testimony of the defendants there was talk that if the door were closed they would call off the operation.)

ANOTHER PILOT

Another pilot who flew with Dymshits said nothing new, but gave testimony about Dymshits' being "a very good pilot." This assessment was based on their joint service in Bukhara.

The pilot said that when some aviation groups in Leningrad needed pilots, he went with Dymshits (to these groups) and "I can't understand why he was not accepted when there were other Jews who work in the field of aviation."

A girl who said she knew Dymshits for two weeks before Nov. 15 testified that Dymshits told her about the flight and invited her to join him. She turned him down. She said she liked Dymshits "because of his passion for aviation."

DENTIST'S TESTIMONY

Boris, identified as a dentist, about 26, was asked by the prosecutor: "Are you a member of an anti-Soviet organization?"

Boris: "I am a member of an educational organization whose goal is the study of language, history and culture of the Jewish people."

He said he met Dymshits at the end of 1969, knew what was being prepared but he did not intend to join him. At Dymshits' request he bought a starter's gun.

Prosecutor: "Lethal weapon?

Boris: "It was a starter's gun—that's sports equipment and can be as good a weapon as a stick."

Murzhenko's wife, Lyuba, testified she did not know about the flight.

She said she received a farewell letter after November 15 from Moscow.

On that same day the material evidence was introduced—several pieces of white rope and two gags. Pistols and other weapons were not shown.

FINAL PLEAS

The defendants said their last words:

DYMSHITS: (AGE 43)

"Obviously, every criminal considers his punishment too severe. However, I still wish to express my opinion concerning the proposed punishment. I think that what the prosecutor has asked is too cruel. The prosecutor often used the word 'if'. I think he has exhausted all his reserves of the most frightful suppositions. If we had landed in Finland . . . , what then? . . . If there has been passengers?

"I understand very well what struggle is. Such severe punishment is needed by you so that others should not want to do the same thing. I myself had proposed the first plan, but we ourselves had rejected it.

"Citizen Public Prosecutor spoke in the name of the pilots. It is a pity that next to him did not sit some of the people from the personnel department, to whom I had unsuccessfully applied for work. They would have been able to stop me, up to the autumn of 1969. After that date, I could be stopped only by the organs of the KGB.

"We, the group of defendants, are people different in character. Many of us made acquaintance with one another in the last days. It is good that here, too, we have not lost our human image. We have not started to bite one another like spiders in a jar. I thank the court organs for the humaneness shown to my wife and daughter. I ask the Court to treat me with justice and with humaneness."

SILVA ZALMANSON: (AGE 27)

"I am stunned by the terms that the prosecutor demands for us. The prosecutor has now suggested that heads be taken off for something that has not been done. If the court agrees, then such remarkable people as Dymshits and Kuznetsov will perish.

"I think that the Soviet law should not consider as treason someone's desire to live in another country, and I am convinced that in accordance with the law it is those who

unlawfully violate our right to live where we wish that should be brought to court.

"Let the court at least take into consideration the fact that had we been permitted to leave, this "criminal plot", which has caused us so much pain . . . and even more pain to our families, would not have existed. Israel is a country with which we Jews are tied spiritually and historically. I hope that the Government of the USSR will soon solve this question in a positive manner. The dream of uniting with our ancient homeland will never leave us.

"Some of us did not believe in the success of this plan, or believed very little in it. We noticed that we were being followed when we were still at the Finland Station (a railroad station in Leningrad). But we could no longer go back. To return to the past, to the waiting, to life with valises.

"Our dream of life in Israel could not be compared to the fear of the pain that could be caused to us. By our departure we were causing no harm to anyone. I wanted to live there with my family and to work. I would not have engaged in politics. My whole interest in politics is exhausted by my simple desire to go away.

"Now, too, I do not doubt for a minute that some day I shall still live in Israel. This dream, sanctified by 2000 years of hope, will never leave me. Next year in Jerusalem! And now I repeat:

"If I forget thee, O Jerusalem,

"May my right hand wither!"

(She repeats these words in Hebrew. The prosecutor interrupts her).

"I have finished."

MENDELEVICH: (AGE 23)

"I would like to tell you once more that I admit that my actions, directed towards the hijacking of the plane and the violation of the state border, were criminal. But my guilt lies also in the fact that I had permitted myself to become careless in the methods to attain my dream. These six months have taught me that emotions should be controlled by reason. I understand that I should be punished, and I call upon the Court to show mercy to my comrades."

KUZNETSOV: (AGE 31)

"The State prosecutor proceeds from the supposition that abroad I would have engaged in activities hostile towards the Soviet Union. But in this he proceeds from my allegedly anti-Soviet convictions that I, however, had never expressed to anyone. I had no intention of causing harm to the Soviet Union. All I wanted was to live in Israel.

"A possible request for political refuge was not considered by me as a hostile political act. This is stated incorrectly in the charge sheet. I did not express a desire to speak anywhere at a press conference and did not discuss this matter with anyone.

"Without going into other reasons for the absence of such intentions on my part, I shall only say that my ironical turn of mind has effectively insured me for such political appearances. I sincerely regret that I agreed to take part in this matter, and I consider myself as only partly guilty according to Article 64 and Article 72 of the Criminal Code. I ask the Court for leniency for my wife Silva Zamanson. I also ask for justice for myself. After all, one lives but once."

ISRAEL ZALMANSON: (AGE 21)

"The only thing that has driven me to this was the desire to live and to work in the State of Israel, my spiritual fatherland. This desire has become the chief aim of my life. During the investigation, I understood the error of my act. I wish to assure you that in the future no circumstances will ever force me to violate the law."

MURZHENKO: (AGE 28, A UKRAINIAN)

"Before talking about myself, I ask the court for leniency for Kuznetsov and Dymshits.

"I fully agree with my lawyer. The prosecutor asserts that I am anti-Soviet and that this was the reason for my taking part in this action. But this is wrong.

"My first conviction has been the reason that my life has been totally unsettled. And my taking part in this undertaking is the result of my inexperience in life. My life is 8 years of Suvorov's school, 6 years of camp for political prisoners, and only two years of freedom. Living in the wilderness, I had no opportunity for using my knowledge and I had to bury it.

"You are deciding my fate, my life. The 14 years of imprisonment that the prosecutor demands means that I am considered incorrigible and that it has been decided to cross me off. I had never followed criminal aims. I ask the Court to give me a term of punishment that would leave me hope for happiness, hope for my future and for that of my family."

FYDORV: (AGE 27, A RUSSIAN)

"Thinking over what we have done, I have become convinced that we had only one aim—to leave the USSR. None of us had any intention of harming the USSR. I think that we had taken all the necessary measures to ensure the life of the pilots.

"I admit only that I am guilty of the attempt to violate the state border and I am ready to bear responsibility for this. However, in truth I don't consider myself guilty. I didn't do anything.

"The prosecutor was not sparing of terms of punishment, but does he know what even three years in a camp mean.

"The speech of the public prosecutor is directed against the hijacking of planes, and one can agree with it. As for the pistol, it had been taken in case of the Finnish version. I parted with anti-Soviet convictions when I was still in the camp.

"When we went to hijack the plane, we did not suspect that one of us is more guilty and one is less so. Everyone did what he could. Suddenly, it transpired that in this action Dymshits and Kuznetsov are more guilty than the others. Dymshits at least intended to pilot the plane, but I cannot understand why it transpired that Kuznetsov is more guilty than the rest of us.

"As for the possible results, I can say that as long as the action did not take place, there is no sense in making guesses as to what would have happened. I ask the court to show mercy to Kuznetsov and to Dymshits. I want to stress that I myself insisted on taking part and that Murzhenko had been drawn in by me even contrary to Kuznetsov's wishes."

ALTMAN: (AGE 28)

"Citizens Judges, I appeal to you with the request to preserve the life of Kuznetsov and Dymshits and to give the minimum punishment to the only woman among us, Silva Zalmanson. I express my deep regret. I sincerely regret that my comrades and I have found ourselves in this dock. I hope that the Court will find it possible not to punish us too severely.

"I have no possibility of avoiding punishment for taking part in a crime, but one circumstance confuses me. The thing is that in 1969 I made an application for departure to Israel; that, is, I wanted to change my homeland. At that time, my desire brought scorn on me and that is all. But this time it brought me to trial.

"My confusion is not idle, because it is the matter of isolation, of deprivation of freedom and of the pain caused to our near ones. I was born in Soviet times and all my life I spent in the Soviet country. I have had no time to study the class essence of Zionism, but I know very well that peoples and countries at various times pass through various political stages and do not become better or worse because of that.

"Today, on the day when my fate is decided, my heart is both elated and heavy. I express the hope that there will be peace in Israel. And today, I am sending you my wishes for this, my land, Sholom Aleichem! Peace to you, the land of Israel!"

KHNOKH: (AGE 25)

"Citizens Judges, I ask you to show mercy to two of our comrades and leniency to the only woman among us. I can only say once more that my actions had not been directed against the state security of the USSR. My only aim was to live in the State of Israel, which I have long considered my native country, the country where my people had once appeared as a nation, where there had been and is now developing the Jewish State, the Jewish culture, where my native language is spoken, and where my near and dear ones live. I have no anti-Soviet views. Two witnesses have incorrectly interpreted my views. They evidently live in those regions of the USSR where Jews do not apply to the OVIR (the emigration office). Both of them told the Court that I had not touched upon the essence of the socialist system. My only aim was to live in Israel, the true fatherland of the Jews."

PENSON: (AGE 23)

"In the process of the entire investigation I testified about my intentions, and it is in vain that the citizen prosecutor asserts that I have allegedly changed them. This is not so. It is simply that in the first days I gave no testimony at all, and after giving them I did not change them.

"I doubted all the time the success of the action and I doubted whether it was worthwhile to do such a thing in general. But my desire to make my family happy was great, and I did not understand the degree of risk and so I decided to do it. However, when I found myself in the forest, I decided to go away. But it was too late, we were arrested.

"I ask the Court to take into consideration the fact that I repent my actions. I should have endeavoured to achieved departure in a lawful manner, even though the organization that is in charge of this leaves no hope for emigration to Israel. I am ready to bear responsibility for what I have done. I beg the Court to take into account that my parents are very old. I ask the Court for leniency for Silva Zalmanson and for mercy for Kuznetsov and Dymshits."

BODNIA: (AGE 23)

"I ask the Court for mercy and leniency. I only wanted to see my mother. I ask the Court to take into consideration the fact that I have promised never to violate the law in the future."

The Judicial Board of the Leningrad City Court has sentenced:

Dymshits, M. Yu., to the supreme punishment—death—with confiscation of property.

Kuznetsov, E. S., to the supreme punishment—death—without confiscation of property because of the absence of such. To be recognized as an especially dangerous recidivist.

Mendelevich, I. M., to 15 years of strict regime without confiscation of property, in the absence of such. ("Regime" refers to limitations on diet, visiting hours, recreation and receipt of parcels during imprisonment.)

Fedorov, Yu. P., to 15 years of special regime without confiscation of property in the absence of such. To be recognized as an especially dangerous recidivist.

Murzhenko, A. G., to 14 years of special regime without confiscation of property in the absence of such. To recognize as an especially dangerous recidivist.

Khnokh, L. G., to 13 years of strict regime without confiscation of property in the absence of such.

Altman, A. A., to 12 years of strict regime without confiscation of property in the absence of such.

Zalmanson, S. I., to 10 years of strict re-

gime without confiscation of property in the absence of such.

Penson, B. S., to 10 years of strict regime without confiscation of property. (At the very beginning of the preliminary investigation all Penson's pictures, etudes and drawings were confiscated from him as his personal property.)

Zalmanson, I. I., to 8 years of strict regime without confiscation of property in the absence of such.

Bodnia, M. A., to 4 years of intensified regime without confiscation of property in the absence of such.

After the proclamation of the sentence there were heard applause from the "public" and shouts from the relatives: "Fascists! How dare you applaud death sentences!" "Good fellows!", "Hold on!", "We are with you!", "We are waiting for you!", "We shall be in Israel!". After this the applause stopped.

APPENDIX C

[From the New York Times, Feb. 26, 1971]

BRUSSELS DECLARATION ON SOVIET JEWS

BRUSSELS, Feb. 25—*Following is the text of a declaration issued in English today by the World Conference of Jewish Communities on Soviet Jewry:*

We, the delegates of this conference, coming from Jewish communities throughout the world, solemnly declare our solidarity with our Jewish brothers in the Soviet Union.

We want them to know that—and they will take encouragement from this knowledge—that we are at one with them, totally identified with their heroic struggle for the safeguarding of their national identity and for their natural and inalienable right to return to their historic homeland, the land of Israel.

Profoundly concerned with their fate and future, we denounce the policy pursued by the Government of the Soviet Union of suppressing the historic Jewish cultural and religious heritage. This constitutes a flagrant violation of human rights which the Soviet Constitution pledges to uphold and which is enshrined in the Universal Declaration of Human Rights. To cut them off from the rest of the Jewish people, as the Soviet authorities are attempting to do, is a crime against humanity.

Soviet spokesmen claim that there is no need for Jewish culture and education, that there is no Jewish problem in the Soviet Union and there is no anti-Semitism. These assertions have been proven false by the Soviet Jews themselves. The entire world has heard their protests.

Tens of thousands of Jews have petitioned the Soviet authorities for the rights to settle in Israel and raise their children in the Jewish tradition and culture. Letters, messages and petitions, sent at the signatories' peril from the Soviet Union to individuals, to governments, to the United Nations and other international organizations, all demand recognition of these rights.

The reaction of the Soviet authorities to this Jewish awakening has been to mount a campaign of harassment, arrests and virulent anti-Jewish propaganda. The Leningrad trial, shocking to the world, was but one manifestation of such persecution. Far from being crushed by such intimidation, Soviet Jews today demand their rights with ever greater courage and determination.

This conference urgently calls upon the civilized world to join with us and with the Jews of the Soviet Union in urging the Soviet authorities:

¶To recognize the right of Jews who so desire to return to their historic homeland in Israel and to insure the unhindered exercise of this right.

¶To enable the Jews in the Soviet Union to exercise fully their right to live in accord with the Jewish cultural and religious heritage and freely to raise their children in this heritage.

¶To put an end to the defamation of the Jewish people and of Zionism, reminiscent of the evil anti-Semitism which has caused so much suffering to the Jewish people and to the world.

We, assembled in this conference, commit ourselves by unceasing efforts to insure that the plight of Soviet Jewry is kept before the conscience of the world until the justice of their cause prevails.

We will continue to mobilize the energies of all Jewish communities. We will work through the parliaments and governments of our countries, through United Nations and other international bodies, and through every agency of public opinion.

We will not rest until the Jews of the Soviet Union are free to choose their own destiny.

Let my people go!

YOUTH APPRECIATION WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana (Mr. SHOUP), is recognized for 5 minutes.

Mr. SHOUP. Mr. Speaker, I wish to join the President in recognizing the youth of this great Nation in the proclaiming of November 8–14, 1971, as "Youth Appreciation Week."

Our young Americans have frequently heard persons in my age group say that they are the future leaders and, therefore, they should act accordingly. While I recognize they are, indeed, our future leaders, I also believe they should be given credit now for their many diverse interests and predominantly helpful efforts throughout our society.

I call on this body and the Nation to be more appreciative of such efforts as the local newspaper boy or girl, the babysitters, and those youth who assist with recycling centers for bottles and paper, and the providing of important information on drugs and other problems to needy young people through hotline type programs.

Most, if not all, the Members of the House of Representatives and the Senate, owe their election to the volunteer help from our young Americans.

In addition each Congress, each year, is blessed with many young citizens in the summer, coming to Washington, D.C., to work in the summer intern programs and in some cases volunteer for work in both Washington, D.C., and individual congressional district offices.

I am principally directing my personal appreciation to the girls and boys who are under the newly authorized voting age. I do this because they have not been greatly recognized like their older brothers, sisters, and friends.

Since I have a 13-year-old daughter still at home, I believe I can speak with some authority.

Mr. Speaker, let me summarize by saying: God bless all our young Americans.

LEGISLATION TO DELAY ALASKA PIPELINE DECISION 1 YEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, today I have introduced in the House a joint resolution that would both delay Federal approval of an Alaska pipeline until at least January 1, 1973, and would require the Interior Department to conduct a comprehensive study of a Canadian pipeline as an alternative to the proposed trans-Alaska line.

Construction of a Canadian pipeline would mean savings of $4 billion per year to Midwest and east coast consumers in lower fuel costs. The savings in oil costs for residents of my State of Wisconsin, for example, would be $49.5 million per year. That would result in savings of $49 per year in lower fuel costs for the average family of four in Wisconsin. Consumers and businesses in Wisconsin, for example, would save almost four times as much in lower oil costs as the State would receive from a 12-percent increase in the State corporate income tax rates.

I believe that the evidence is clear that the final environmental impact statement, which the Interior Department is expected to issue before 1972, will not contain a truly thorough and honest evalution of a Canadian pipeline as an alternative to the trans-Alaska pipeline. In fact, it would be impossible for Interior to include a thorough environmental study of a Canadian alternative in its final environmental impact statement for the simple reason that research now being conducted in Canada on a Canadian pipeline is not expected to be completed until sometime next year.

The evidence now available, however, clearly leads to the conclusion that a Canadian pipeline would be both economically and ecologically superior to the trans-Alaska pipeline. The economic benefits to Wisconsin consumers from a Canadian pipeline, which I just talked about, are pretty typical of the benefits that would accrue to consumers and businesses in other Midwestern and Eastern States and, I believe, many Congressmen from those States are beginning to realize both the viability of constructing a Canadian pipeline and the enormous economic benefits that such a pipeline would mean for their States.

As you know, Mr. Speaker, the proposed 780-mile trans-Alaska pipeline, if approved, would run from Alaska's North Slope to Valdez, a southern Alaska port. The oil would then be tankered from Valdez to west coast ports for consumption there. A Canadian pipeline, which would terminate near Chicago, would route the oil totally overland. Oil from it would service both Midwest and east coast consumers.

A Canadian pipeline would make economic sense because it would bring oil into the Midwest and East where the price of oil is much higher at present than on the west coast. The following chart shows the present prices of oil in the West, Midwest, and East and what will happen to those prices if the Alaska pipeline is built, or if the Canadian pipeline is built.

Where should the North Slope oil go?

(Prices per barrel)

Prices now:

West coast	$3.17
Midwest	[1]3.82
East coast	4.07

Prices if Alaska pipeline is built:

West coast	2.40
Midwest	[1] 3.82
East coast	4.07

Prices if Canadian pipeline is built:

West coast	$3.17
Midwest	[1] [2] 3.40
East coast	[2] 3.60

[1] Prices in the Midwest should be normally 20¢ per barrel higher than the west and east coast because of increased transportation costs.

[2] This assumes that half the oil from the North Slope—one million barrels per day—would be shipped to the east coast.

Ecologically, the evidence is very strong that a Canadian pipeline would do much less damage than a trans-Alaska pipeline primarily because it would avoid large earthquake zones and would not require the use of tankers, as would the trans-Alaska pipeline. It is certainly noteworthy that the Canadian Government itself, as well as every environmental organization involved in the issue, prefer a Canadian pipeline over the trans-Alaska pipeline for environmental reasons.

I want to emphasize that the legislation that I am introducing today calls only for a thorough and independent study of a Canadian pipeline to be conducted before a decision is reached on development of the North Slope oil. Support of this legislation would not indicate either opposition to or support of the proposed trans-Alaska pipeline; it would simply assure that an adequate study is made of a highly feasible alternative to the Alaska line.

With your permission, Mr. Speaker, I would like to include in the RECORD, following these remarks, a copy of a New York Times editorial of September 27, 1971 which states in part that:

No one argues that oil from the North Slope is vital to this country's welfare this year, next year or even in the next decade. The armed forces have raised no question of national security.

The decision on whether an Alaskan or a Canadian pipeline will be built will have enormous impact, both economically and ecologically, not only for Alaska, but for the rest of the United States as well. A Canadian pipeline alternative must receive more than superficial and reluctant consideration by the Interior Department. This legislation is designed to insure that.

Mr. Speaker, with your permission, I would like to include at this point the full text of the resolution I introduced today, followed by the text of the New York Times editorial of September 27.

JOINT RESOLUTION DIRECTING THAT NO FURTHER ACTION BE TAKEN WITH RESPECT TO THE DEVELOPMENT OF THE TRANS-ALASKA PIPELINE UNTIL A COMPREHENSIVE AND INDEPENDENT STUDY IS MADE OF THE ECONOMIC AND ECOLOGICAL ASPECTS OF A TRANS-CANADA PIPELINE

Whereas, construction of a Canadian pipeline, as an alternative to the proposed trans-Alaska pipeline, would save Eastern and Midwestern consumers a total of about $4 billion per year in lower fuel costs, and

Whereas, the present price of oil on the West Coast, where much or all of the oil from the trans-Alaska pipeline would be shipped, is already substantially lower than the present price of oil in the Midwest and East, and

Whereas, construction of the trans-Alaska pipeline will further sharply increase the disparity between what West Coast consumers pay for oil as opposed to what Midwest and Eastern consumers pay for oil, and

Whereas, the decision as to how Alaska's North Slope oil will be developed is an important decision affecting the Nation's future energy policies, and

Whereas, many independent economists believe that construction of a Canadian pipeline as an alternative to the trans-Alaska pipeline would be in the country's best economic interests, and

Whereas, virtually every major environmental organization concerned with the Alaska pipeline believes that a Canadian pipeline would be ecologically superior to the trans-Alaska pipeline, and

Whereas, the Department of the Interior has not undertaken a comprehensive and independent study of a Canadian pipeline, and, in fact, could not as yet do so because the research being conducted in Canada on the Canadian pipeline is not expected to be completed until 1972, and

Whereas, a delay of one year in the development of the North Slope oil would not in any significant way adversely affect either the energy policies or the national security of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That no permit which is related to the development of Alaska's North Slope oil shall be issued by the Department of the Interior until after December 31, 1972. Before any such permit may be issued after December 31, 1972, the Department of the Interior shall first have completed and made available to Congress and the public a comprehensive and independent study of both the ecological and economic aspects of a Canadian pipeline as an alternative to the proposed trans-Alaska pipeline.

THE OIL CAN WAIT

President Nixon's recent statement in Anchorage about the proposed trans-Alaskan oil pipeline had the ring of a comment designed to mollify some of the local citizens, in haste to get on with that project, rather than to indicate a final commitment on his part to the building of the line. It promised to reconcile the exploitation of natural resources and protection of the environment without quite saying that this could be done with a pipeline carrying oil from Prudhoe Bay in the Arctic to Valdez on Alaska's southern coast.

What offered hope that Mr. Nixon's mind is still open on the subject was his reference to "alternative means for the movement of Arctic oil"—and, even more, the emphasis on such an alternative in a U.S. News & World Report interview with Secretary of the Interior Rogers C. B. Morton. The possibility the Secretary dwelt on was the suggested route from Alaska's North Slope, up the Mackenzie River valley in Canada, all the way south to Edmonton, Alberta, whence some of the oil would move in pipelines, to the Pacific Northwest and some to refineries in the Midwest.

The advantages of such a line would be the complete elimination of overwater hazards and the fact that a pipeline is almost sure to be built in the Mackenzie Valley in any case in order to carry natural gas from the North Slope. As Mr. Morton suggests, "that raises the question: Why not bring the oil out that way, too?"

The answer to that question requires time. The Canadian route *could* endanger the Wildlife Refuge in northeastern Alaska and it could prove a hazard to the Canadian terrain, although that land is considerably less subject to the kind of seismic disturbances that add so greatly to the risks of the trans-Alaskan scheme.

President Nixon's statement did pledge that *if* a pipeline is built from Prudhoe Bay to Valdez the job would be done with the greatest concern for the environment, but opponents of the trans-Alaskan line can take little comfort in such a prospect. Even if the pipe could be guaranteed against the kind of rupture that would pour oil over miles of tundra, there would be no assurance against spills and leaks in the beautiful waters of King William Sound, where the oil would have to be transferred to tankers—or along the scenic coasts of British Columbia en route to Pacific Coast refineries.

All of which raises once again the question of timing. No one argues that oil from the North Slope is vital to this country's welfare this year, next year or even in the next decade. And the armed forces have raised no question of national security.

On this major aspect of the matter there is less cause for cheer in the President's suggestion of a decision this fall than in Secretary Morton's disinclination to act until he is "sure that the total spirit of the Environmental Policy Act has been complied with" and that there are no alternatives that would better serve this country's interest.

OEO'S MIGRANT FARMWORKERS DIVISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. DAVIS) is recognized for 10 minutes.

Mr. DAVIS of South Carolina. Mr. Speaker, I wish to point out a problem people of South Carolina are facing as they try to deal with the OEO's migrant farmworkers division. Apparently, they feel that South Carolinians are not worthy of their time and effort. As previously mentioned, we are not being put off, we are being ignored.

I am not sure if the OEO's migrant division is planning to acknowledge there are migrant farmworkers in South Carolina let alone aid them. Goodness knows they act like we have some terrible disease and they are staying as far away from South Carolina as possible. Even when we have been fortunate enough to gain an audience with these noble bureaucrats, the meetings have been strained. I have been worrying about my hospitality because I have repeatedly tried to get someone, anyone, from the OEO to meet with me at my office. No dice. I have even gone as far as to send directions on how to get here in the event they did not know.

Quite frankly, Mr. Speaker, I have begun to harbor serious doubts about the competence of this outfit. South Carolina depends upon agriculture to a great extent. We must use the migrant farmworkers to harvest the crops. We use as many if not more than a lot of other States. The migrant farmworker is a vital cog in the machinery that runs the State and its economy. South Carolina, with it's pleasant autumns, has several growing seasons. The migrants spend a goodly number of months in the State. Now I ask, with a background like this, why is the OEO so reluctant to deal with the people of South Carolina. I seriously believe the only word Mr. Richard Anderson has ever learned in his whole life is "no." At least that is the only word I

have ever heard him use. Really, Mr. Speaker, I sometimes believe Mr. Anderson feels he is funding the program for the migrant workers out of his own pocket instead of the taxpayers of South Carolina and the Nation—taxpayers who, I might add, are keeping him in work. I would be interested to know if Mr. Anderson ever worked with the circus—and Emmett Kelly.

Mr. Speaker, we still have not had any satisfaction. The people of the First District are growing restless and concerned. I might add, so am I. Some of the people affected by the OEO's migrant division in South Carolina are growing hungry because this tight-knit band of brainstormers has not even sent money for payrolls. They have even gone as far as to violate the law of the land in rescinding a letter of credit without due process.

Mr. Speaker, we have on our hands a mindless monster—a negative monster, I might add—who is about to devour the entire South Carolina operation for the relief of poor, innocent men, women, and children. Migrants are perhaps the easiest people in the world to please. They have never had much—going through life scratching out a bare existence—just living from day to day. Finally, with the migrant division, the programs of the OEO, some thought the light could be seen at the end of the tunnel. Apparently, the southeast migrant division is intent on extinguishing that light—at least that is the impression they give me. Until something happens to change my mind, I have only one recourse, and that is to fight to kill the monster and replace it with a fresh organization.

The problem is not only in the First District, but throughout South Carolina. I feel it is time to begin slapping hands. I say we should not let the awesome bureaucratic machine chew away at this program and destroy many good people in the process. I say the time has come to take a stand. I have told my people in the First District that that is what we are going to do.

SPEECH BY THE COMMISSIONER OF COMMERCE FOR MASSACHUSETTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to take this opportunity to insert in the RECORD the excellent speech delivered by the commissioner of commerce for the Commonwealth of Massachusetts, Mr. Carroll P. Sheehan, at Boston College in October. Commissioner Sheehan speaks of the need for a balanced view of environmental protection in Massachusetts and I am sure that all assembled here will benefit from the viewpoint expressed therein. I commend his remarks to the attention of my colleagues:

A BALANCED VIEW OF ENVIRONMENTAL PROTECTION WITHIN THE COMMONWEALTH OF MASSACHUSETTS

(By Commissioner Carroll P. Sheehan)

I appreciate the opportunity which has been extended to me today to come before you and discuss the need for a balanced program of environmental controls for our society. My colleagues in government speaking here today have specific responsibilities defined by law which they must carry out to the best of their ability. I, too, have a responsibility under the law which must be carried out.

As Commissioner of the Department of Commerce and Development, I accept the need for environmental control in this most complex society. Today I would like to review with you my experience with environmental control and attempt, if possible, to bring about a marriage between environmental control and the other needs of our society, such as the maintenance and growth of a healthy economy.

I share the fear of many of those engaged in the field of environmental control, both in and out of government, that in some instances we are bordering upon environmental control overkill with our economic well-being as the victim. I am interested in making certain that a credibility gap does not become a reality between the general public and those interested in the protection of the environment.

You who are so vitally interested in the environment must understand that the most basic parts of any man's environment, more basic even than clean air and clean water, are man's ability to feed his family and provide adequate shelter for them. It is, therefore, imperative in the equation of environmental control that the economic impact upon the individual be part of that equation. It would be tragic indeed if all of the environmentalists in our nation were eventually faced with a hostile public scorning their efforts because of their failure to take into consideration the economic impact of environmental regulations.

This does not have to be the case, but we are already seeing examples of job loss through the lack of cost efficiency methods being applied to the science of ecology.

In the case of air pollution regulations here in the Commonwealth there is no direct relationship between air quality control and the use of low sulphur fuels by the consumer. Without a program of cost efficiency being applied to air quality standards, we have brought unnecessary costs to industry, the government and the general consumer. Those with the responsibility for air pollution control within the state government have made it clear that, except in certain specific areas of the state, the standards set by the national government for SO_2 pollutants have been met prior to the imposition of new lower sulphur content in fuels beginning October 1. In spite of the overwhelming evidence to the contrary, the Massachusetts Public Health Council, without regard for the total needs of our economy, have imposed strict regulations in this matter. What are the results of this action?

In increased fuel costs alone, we in the Department of Commerce and Development say that, in the coming year in Massachusetts, consumers, whether a public utility, an industrial user of fuel or the general consumer, will bear an increased cost of more than seventy million dollars. The imposition of a 1% sulphur content outside the greater Boston area, where much of the state's industrial potential is located, has caused power companies to abandon established fuel purchase contracts, thus causing them to pay a higher price for fuel. It is estimated that power company costs passed along to the consumer will increase electrical energy bills to the consumer between 15% and 20%. These increased costs to an already overburdened industrial community will cause a number of companies to close or to remove their operation from our state.

As part of my responsibility to the people of Massachusetts, I must say that in all candor a good part of this loss of industrial employment is unnecessary. To be specific, some of the largest employers in the state have informed me that a number of their operations will be curtailed or removed from Massachusetts to areas not only in other states but throughout the world. It is a sad fact that in air quality control, without cost efficiency being applied, the greater degree of enforcement overkill which is applied the less the desired results are obtained.

I would like to cite one particular example of one industry in our state which for more than 75 years has employed upwards of 7,000 people in one location. Its present employment is 2,200. It is located in an area which for ten miles around has very little industrial activity. If we keep in mind that the desired result is to bring down the SO_2 content in the air to managable levels, then it does not make any sense to take one industry in a very isolated area and cause mechanical compliance having nothing to do with the air pollution in the area. The cost to this company for mechanical compliance is approximately a half million dollars.

This same company has a newer and more efficient foundary unit in a southern state which can do the work being done presently in Massachusetts. The management informs me that they are coming very close to a decision which will cost the loss of jobs to 600 people employed in this Massachusetts foundary. If we multiply these 600 jobs by the thousands of others who will be affected by job losses, it will not be long before favorable public opinion is lost for the desired portions of environmental air pollution standards.

Let us consider the matter of water pollution control. I have had occasion to work very closely with the water pollution control personnel of our state government. We have considered the plight of many companies and their employees related to the enforcement of water pollution control standards. With their cooperation and that of the Legislature, we caused to have passed a twenty-five million dollar bond issue so that loans could be made to Massachusetts companies unable to finance the cost of water pollution control equipment. It is unfortunate that this legislation was found to be unconstitutional. We hope that other legislation may be passed to bring relief to some of those companies and therefore save jobs within Massachusetts.

A very important aspect of water pollution control is the regulation being established for the use of sewers in the state. It is my opinion that in the promulgation of these regulations, particularly by the MDC, inadequate consultation was held between the MDC and industry. The end result is open-ended regulations more stringent than any in the country, but more important leaving Massachusetts industry in the position where what are adequate standards today may not be tomorrow. Again we run into the problem of cost inefficiency being applied to the enforcement of water purity standards in the state.

I would like to speak for a moment about the manufacture of power within our state. Seventy percent of all the power manufactured in the United States is produced through the use of oil. It is my opinion that we in Massachusetts, being a high energy intensity state, related to industry and general consumer use have been victimized by the major oil companies of the nation. We control the level of electrical energy on both the state and national levels, and yet seventy percent of the fuel used to make that power is controlled by no one.

I note with interest a move by certain people in the environmental field to prevent the opening of atomic power energy plants in New England. At the same time there is opposition to the continued use of fossil fuels by the electrical energy business. We must agree on some form of energy which is presently available to do the job. New England, in order to

remain competitive, must have oil refinery facilities. It is time that we realized the complexity of our society demands immediate decisions concerning the growth of the electrical energy business in New England.

I should like to conclude by making certain points of fact which should be obvious to all who wish to give thought to the problems of our total environment.

It is desirable that we have clean air and clean water in this nation. In this regard it is desirable that cost efficiency methods be determined prior to the enforcement of regulations. It is basic to a man's environment that he have bread on the table and a roof over his head. The most efficient method found for giving him these goods in a complex environment is his employment at the highest level of his ability in the industrial community of our state.

Based on studies and interviews with those who manage industries in Massachusetts, they will not continue to function in Massachusetts if their operations become unprofitable due, not to compliance with reasonable cost efficiency regulations in the environment, but to thoughtless actions taken by those in a position to promulgate and enforce environmental regulations. As long as industry has the right to close, move or transfer its operations to any other state or throughout the world, the bottom line of the annual statement of such companies must show a profit or they will cease to provide employment in the state.

In conclusion, I believe it is desirable that we have clean air and clean water. My reasons are very practical reasons. During the next ten to twenty years those who make decisions related to locating industrial operations will not locate in areas where clean air and clean water are not important. No responsible industrialist in this state does not desire to comply with reasonable cost efficient standards of air and water pollution standards, but he must be convinced that government, the press and the general public are treating him and his stockholders with fairness, intelligence and equity.

To me the frontier of today is not in some wilderness or in space. The frontier is all of us in government, in industry and the general public working together to solve the environmental problems which have grown so quickly in our complex society. In every crusade such as that for a clean environment there is a fringe involved in the cause which is not concerned with the just solution to problems, but in the chaos which can be created through an unintelligent approach to the problem. It is time for those who have given so much of their lives to the desire for a better environment to disassociate themselves from those who wish no solutions other than the total breakdown of our complex society.

I would ask you all who have engaged in this environmental crusade to act wisely during the period immediately ahead and to preserve the credibility of your effort until it has accomplished its goal.

NIXON'S PAY BOARD PENALIZES LABOR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 5 minutes.

Mrs. ABZUG. Mr. Speaker, President Nixon's Pay Board has predictably come up with a phase 2 attack on the living standards of working people. I say predictably because the so-called public members of the tripartite board chosen by President Nixon are about as detached as are his selections for the U.S. Supreme Court. Whether in university gowns or judicial robes, these are men of deeply conservative orientation whom the President knows he can count on to share his views and industry's. They are usually one and the same.

In the Pay Board's ruling on November 8, the "public" members lined up with industry members in a decision to limit wage increases, on the whole, to 5.5 percent a year after the expiration of the wage freeze next week. The board also ruled out retroactive payment of wage increases lost during the freeze, with some minor exceptions.

AFL-CIO President George Meany's initial reaction was that the board's action had "abrogated our contracts." Other representatives of organized labor have also reacted bitterly, as well they might.

The board's virtual ban on retroactive payment of wage increases due to working people during the August 14–November 15 period means a staggering loss of income for workingmen and women. Congress must not allow this injustice to be visited upon workingmen and women, who have been consistently singled out by the President as sacrificial victims of his misguided and discriminatory economic policies.

Accordingly, I introduce yesterday a bill (H.R. 11634) to amend the Economic Stabilization Act of 1970 to permit the maintenance of wages and salaries at levels contracted for prior to August 15, 1971. The intent of my bill is to restore the integrity of labor contracts duly negotiated and signed prior to the beginning of the freeze.

In New York City, where residents have to contend with the highest cost of living in the continental United States, it has been estimated that hundreds of thousands of workers have lost millions of dollars in pay increases to which they were entitled under their contracts. These increases must be restored to them.

Tens of thousands of teachers, postal workers, hospital and nursing home employees, cotton garment workers, city employees, retail employees, and workers in the commercial printing industry were among those cheated of their contractual wage and salary increases.

Teachers, for example, would have received $7 million in pay increases this fall, had it not been for the freeze. Recently, a delegation of members of the United Federation of Teachers, led by Legislative Representative Alice F. Marsh, met with me in my New York office to protest the denial of retroactive pay. Under a 3-year contract entered into in 1969, the city's teachers were due to get an increase of $950 on October 1 of this year. An increase in the contribution to the welfare fund in order to implement a dental plan was also agreed to.

A contract for UFT paraprofessional employees, who work as teacher's aides and perform other auxiliary duties, is scheduled to raise their pay 30 to 55 cents an hour in January 1972. If the 5.5-percent pay increase ceiling is allowed to stand, the paraprofessionals, who now are paid between $2.80 and $4.50 an hour, will be seriously affected; their welfare fund benefits have already been impaired.

Other unions such as District Council 37, American Federation of State, County, and Municipal Employees, District 65, Distributive Workers of America, and Hospital and Drug Employees Local 1199 report that denial of retroactive pay means severe hardship for their members.

More than 8,000 hospital and nursing home workers lost out on 10-percent increases due October 1, and 8,000 retail and distributive workers have been deprived of wage and cost of living increases.

Twenty-thousand workers in the cotton garment, retail, neckwear, and other industries were scheduled to receive a 12½-percent increase September 1 under terms of contracts negotiated last year. In a statement issued by President Jacob S. Potofsky and Secretary-Treasurer Frank Rosenblum of the Amalgamated Clothing Workers, the union pointed out:

> Losing these weeks of a previously negotiated increase will make life just that much harder for workers who have already suffered from the effects of inflation.

Mr. Speaker, although the Nixon administration has tried to place the blame for inflation on working people and to make them bear the major burden of his so-called cure, the fact is that most working people are just barely getting by. In New York City, 25 percent of the work force earns less than $100 a week, and thousands of others earn much less than the $6,950 a year which the Bureau of Labor statistics says is the minimum budget needed by an urban family of four. To deprive men and women in such low wage categories of retroactive pay or of substantial pay increases in the future is to condemn them to mere subsistence living while the big corporations and banks get the high sign from the Nixon administration to profiteer.

The unfairness of the wage freeze is compounded by the Nixon administration's decision to leave profits, mortgage, and interest rates uncontrolled and to make only the slightest pretext at controlling prices. Indeed, the so-called price freeze has proved to be such a farce that unions and consumers have set up their own "price watch" teams to monitor prices.

They have found, not surprisingly, that prices have been going up steadily. In New York, members of District Council 37 carried out a 1-day lightning check of Manhattan supermarkets. They discovered hundreds of instances of prices being raised despite the freeze. They also discovered that 98 of 102 stores had failed to make pricelists available to the public. Although this was in flagrant violation of the law, none of the stores were being prosecuted by Federal agencies that are supposed to be supervising prices. In any case, the Nixon administration has now told businesses that they do not have to post pricelists. If a customer asks for a list so that she can compare prices while shopping, the store management can now simply tell her, "We will mail you one." This is what passes for a price freeze.

It has been my position since the President announced his new economic pro-

gram in mid-August that there was no national emergency of any kind that would justify President Nixon's authoritarian wage freeze. I intend to vote against extension of the Economic Stabilization Act, particularly if the boards which the President has set up continue to show bias against working people and consumers.

As I said in my testimony before the House Ways and Means Committee on September 16, I would support controls only if "voluntary controls on wages, prices, profits, interest rates and dividends were instituted as part of a great national effort to redirect our priorities away from military spending and toward the real needs of our people—if this Congress addressed itself to the question of curbing monopoly or so-called managed pricing which costs American consumers over $45 billion a year—and—if an effort were made to correct the maldistribution of income in our economy, which now sees the top 20 percent of all U.S. families cornering 41 percent of the income while rising numbers of Americans are forced on to the jobless or welfare rolls."

Instead of denying workers retroactive pay and limiting wage increases to 5.5 percent, which has the effect of freezing inequities, the Government, and we in the Congress, should be concerned with ending the war in Vietnam, which has been a major cause of inflation, strengthening the purchasing power of the poor and lower middle classes, and creating programs to rebuild our cities, provide jobs for the unemployed, and meet the demand for low-cost mass transit facilities, housing, antipollution facilities, and drug rehabilitation.

President Nixon is asking millions of Americans to make unnecessary sacrifices to sustain a war-oriented economy. It is time that the Pentagon, the banks and corporate profiteers be asked to make some sacrifices. For more than 25 years they have been plundering the wealth of our country while the urgent needs of our people have been neglected. I suggest that the Members of Congress reject President Nixon's economic policies and help lead our Nation toward peaceful priorities and an economy in which the people who make our Nation work can share equitably in the wealth they create.

I include the text of H.R. 11634 in the RECORD at this point:

H.R. 11634

A bill to amend the Economic Stabilization Act of 1970 to permit the maintenance of wages and salaries at levels contracted for prior to August 15, 1971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of the Economic Stabilization Act of 1970 is amended by adding at the end thereof the following new subsection:

"(c) Effective November 14, 1971, the authority conferred on the President by this section shall not be exercised to limit the level of any wage or salary (including any fringe benefit offered in connection with an employment contract) to a level below that which has been agreed to in a contract which (1) relates to such wage or salary, as the case may be, and (2) has been executed prior to August 15, 1971."

SPOT ZONING OF PROVIDENCE HOSPITAL SITE WOULD BLOCK VIEW OF CAPITOL—AMENDMENT TO DISTRICT OF COLUMBIA REVENUE BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, tomorrow when the House considers H.R. 11341, the District of Columbia Revenue Act of 1971, I shall offer an amendment to eliminate section 708. The text of the amendment follows:

Page 15, strike out lines 12 through 18.

SEC. 708 should be eliminated because it is an unwise effort to have Congress overrule the Zoning Commission of the District of Columbia and force upon a residential area Commercial zoning to permit a 90 foot high-rise building rather than the present Residential zoning which is limited to town-house type buildings of 3 stories or 40 feet.

The National Capital Planning Commission opposes section 708.

The District of Columbia Zoning Commission has refused to make this change on four different occasions.

The Architect of the Capitol, George M. White, opposes section 708. As Mr. White says:

My primary concern, of course is not only for the preservation of the historic dignity of the Capitol in terms of the general vista surrounding it, but also the long-range development of Capitol Hill which should be accomplished in the best interests of the Congress.

I hope that Members of the House will vote against the committee amendment to section 708 and support my amendment to strike section 708 when it comes to the floor Thursday.

DANIELSON CALLS FOR PRISON REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, the need for prison reform throughout our country has existed for a long time, but it has not become the subject of great public interest until recently. My concern is that Congress take action with all possible haste—hopefully before the close of the 92d Congress.

Uprisings in prisons from California to New York have focused public consciousness on a number of the problems in our penal system and on the urgent need for solutions. The public has been outraged by the turmoil existing in many prisons. People are alarmed and angered by the very fact that rebellions take place within our prisons, they are worried about the safety of prison guards and concerned that our prisons are not truly rehabilitating the prisoners.

More than 20 bills have been introduced in this session of Congress proposing various kinds of penal reform. The majority of these measures have been referred to the Committee on the Judiciary, of which I am a member. A Judiciary subcommittee has begun hearings on this subject and further hearings will be held during the months to come.

Legislation for penal reform will need to maintain protection for society while assuring that confinement does not destroy the capacity of an inmate to find a place in society when he is released after serving his term.

We constantly hear the statement that the purpose of prisons is the rehabilitation and correction of criminals. In California we have even named our prison department "The Department of Correction." This is an ironic misnomer and I am afraid we are deluding ourselves, for very few convicts are "rehabilitated" and in very few instances are we successful in "correcting" their antisocial behavior patterns.

One of the greatest problems in criminal justice is recidivism, which is the technical word used to describe the fact that many convicts become "repeaters." Seventy percent of all inmates are repeaters, and 80 percent of all serious crimes are committed by former prisoners. Thus, it is clear that while imprisonment punishes the criminal, it often does not correct or rehabilitate him. The Bureau of Prisons estimates that more than 95 percent of imprisoned persons are eventually released and returned to society. If we are to have any success in preventing these people from returning to a life of crime we must make it possible for them to find jobs, so that they can earn a living and find some kind of an acceptable place in society.

Another area needing attention is the jail system. The Law Enforcement Assistance Administration conducted a census of 4,000 jails and reported a daily average number of 160,000 persons in jail. More than half of this number have not been convicted of any crime; they have only been arrested and are awaiting trial, some have not even been formally charged with a criminal offense. Many of these will eventually be found to be not guilty, and will be released. Meanwhile, they will have been forced to spend weeks, sometimes months, in the miserable and often degrading confines of a jail.

Proposals pending before Congress cover various aspects of the problem. To strengthen penal and correctional systems, there are bills providing for creation of innovative programs of vocational training, job placement, and on-the-job counseling; development of specialized curriculums; training of educational personnel; and construction and modernization of correctional institutions. One proposal provides that 60 percent of the earnings of the Federal prison industries shall be used for vocational and rehabilitation training of prisoners.

Other bills would strengthen supervision over persons released on bail, probation or parole; encourage States to

adopt special probation services; and make specific provisions for rehabilitation of drug dependent Federal offenders.

Some measures would strengthen police protection; require accreditation of law enforcement agencies; improve prosecution of offenders; and expedite overcrowded court criminal calendars.

Let us hope that out of these proposals we may be able to bring about changes in our prison system which will help it to more nearly serve its purpose.

THE CANNIKIN PAPERS

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, all of us who opposed the Cannikin nuclear test in Alaska are glad that there was no immediate disaster.

The test took place on Saturday following the Supreme Court, 4 to 3, decision not to permit environmentalists a few days to present their legal arguments against Cannikin. The explosion demonstrates again the inexhorable momentum of weapons development under governmental secrecy.

We should not take at face value the administration's pious claims that there never was any danger. The fact that no disaster took place does not lessen the argument that Cannikin should not have been conducted.

There was never a belief that earthquakes, tidal waves, and other effects were probable. Our contention was that they were possible. It was a matter of the odds for or against a disaster, and the nuclear dice turned up favorable this time. They could just as easily have had other results.

The point of the opposition to Cannikin was that it was a gamble—the administration and the Atomic Energy Commission were unable to make a definite, positive statement that no disaster would take place. All they said was that it was unlikely.

Despite the good fortune on the gamble, the fact remains that the administration did tamper recklessly with the environment. There was no military need to, but the administration chose to put the lives and property of our people, and those of other nations, on the luck of its wager.

So the administration must be denounced for placing us in jeopardy no matter what the results.

As evidence that there were serious questions among reputable scientists, we have the Cannikin papers—a group of documents which the administration savagely fought to keep secret from the Congress and the American public. The administration had good reason to fear the wrath of our people if the dangers of this misdeed could be fully disclosed.

Authority and funds for Cannikin were obtained from Congress while information on its potential effects was cynically withheld. Nevertheless, the administration had in its possession at the time secret documents which proclaimed the vast destructive dangers of this immense nuclear explosion.

It was necessary to seek the release of this information by court decree, so that the Congress and the American people could be informed of the possible consequences of Cannikin. Fortunately, we have been able to obtain at least some of the Cannikin papers.

While these portions of the Cannikin papers which have been released by court mandate are probably not the most revealing of the papers, they do disclose that the opponents of Cannikin have strong support in the administration.

Chairman Russell E. Train of the Council on Environmental Quality, the highest environmental adviser to the President, warned of the dangers of Cannikin in a memorandum on December 2, 1970—but only released nearly a year later after diligent legal efforts. The memorandum was prepared for Mr. John N. Irwin II, Under Secretary of State, who was acting as chairman of the Under Secretaries Committee of the National Security Council. The committee is the body that prepared the Cannikin papers as the basis for advising the President whether to proceed with Cannikin.

Mr. Train warned of effects from the Cannikin blast that "would raise the probability of triggering a large earthquake." He further stated that a tidal wave, or tsunami, could thus be generated, and reminded Mr. Irwin that such giant waves can travel thousands of miles over the ocean as the one in 1946 that killed 159 people in Hawaii.

Another portion of the Cannikin papers is a study by M. L. Merritt describing the leakage of radioactive tritium into the sea around Amchitka Island. A statement by Mr. J. W. Hadley describes the possibility of a major earthquake as "remote, but real." Dr. William G. Van Dorn discusses "Probability of Tsunami Generation in Connection with Cannikin."

Because of wide congressional and public interest in these papers which the Nixon administration has sought to withhold from public disclosure, I am inserting them at this point in the RECORD. Additional portions of the Cannikin papers released by court action will be inserted later, and I will continue my legal efforts to obtain full disclosure of all the Cannikin papers. I am also including a memorandum by Mr. Irwin providing a description of the Cannikin papers. The memorandum was prepared as part of the administration's defense in the U.S. District Court for the District of Columbia to prevent release of the Cannikin papers.

The material follows:

MEMORANDUM FOR THE HONORABLE JOHN N. IRWIN II: POTENTIAL ENVIRONMENTAL HAZARDS ASSOCIATED WITH CANNIKIN

Earthquake Generation. The mechanism of an earthquake is still a matter of some speculation. In brief, the earth's crust is thought to be made up of numbers of rigid blocks generally of continental dimensions bounded by regions in which seismic activity is high. The blocks move relative to each other, but the cause of the motion is unknown. The scraping of one block against another leads to a concentration of energy in the form of elastic strain energy. The regions between blocks are characterized by fault or tears in the crust. An earthquake occurs when the strains in the crust build up to such an extent that the frictional forces along the faults are overcome. A large amount of strain energy is released and this produces the damage, though probably only a small fraction of the stored energy is tapped even in the great earthquakes.

Recent studies of both the Chilean earthquake of 1960 and the Alaskan earthquake of 1964 suggest that great earthquakes consist of a superposition of smaller quakes. The smaller quakes trigger each other like a line of falling dominoes, the combined effect being that of a great earthquake. The individual earthquakes making up a large earthquake have a magnitude of six to seven on a logarithmic scale. In the great earthquakes, having a magnitude intensity of eight, motion along the fault extends as far as a thousand kilometers. The energy released in the largest earthquakes is equivalent to several hundred megatons while the energy released in the postulated smaller component earthquakes is on the order of one to ten megatons.

Because of the vast energies involved in earthquakes, it had been thought until recently that man could not artificially produce an earthquake. Now there are three well-documented ways in which man is known to have triggered earthquakes.

A series of earthquakes were observed near Denver in a region that had previously been aseismic. The best interpretation of this phenomena is that waste fluids from the Rocky Mountain arsenal were pumped deep into the earth and lubricated a previously existing fault. Slippage along the fault was thus possible and strain that had previously accumulated in the adjacent rock over ecologic time was liberated in the form of earthquakes.

A second example is found in the case of earthquakes associated with large lakes or reservoirs. As a result of loading of the earth's crust by these large bodies of water or by the modification of the groundwater flow or for some other reason not yet understood, substantial earthquakes have been associated with construction of large artificial lakes. A recent earthquake near Koyna Dam in India located in an area that is not normally seismic killed about 200 people. Similarly, many small earthquakes occurred when Lake Mead was filled.

A third example and one most relevant to Cannikin is the triggering of earthquakes by motion along known faults in Nevada by large underground nuclear explosions. Fault scarps over six feet in maximum height and several miles in length have resulted from fault movements initiated by underground explosions. The evidence is strong that natural strain energy stored in the earth has been released in the Nevada test site by the underground explosions.

An underground explosion can affect the strain field within the crust in a number of ways. The large amplitude surface waves generated by the underground explosion can dynamically overload near surface breaks or fractures within the crust and bring about a strain adjustment. The creation of a large cavity together with a later collapse of the chimney produces permanent changes in the strain field. Observations in Nevada of the Benham event of about a megaton produced strain changes of sufficient magnitude to trigger an earthquake along previously existing faults of a distance of about 15 kilometers. However, the strain field resulting from an underground explosion cannot be calculated with any precision because of the dependence of the field on the detailed geology which is largely unknown at any given location.

In addition to the direct effects of the blast

on the strain field, the explosion will alter the pressure regime in the groundwater. The water pressure in the rocks interstices will increase due to the compaction of the ground around the cavity. This overpressure might be as large as 10 bars at a radius of 18 km. This increase in the fluid pressure will reduce the friction between fracture separated blocks. The effect would be greatest on faults oriented parallel to the residual compressive stresses resulting from the test explosion. Thus, it is possible that the mechanism involved in the Denver earthquake would raise the probability of triggering a large earthquake.

All the earthquakes triggered by underground explosions in the various Nevada tests released substantially less energy than the explosion itself. If one could establish that this is a necessary condition then there would be no apprehension with regard to the Cannikin event. Unfortunately, this is not the case. The magnitude of the triggered earthquakes will depend on the state of strain in the crust in the general region at which the underground explosion is set off. Extrapolation from the Nevada experience is uncertain because of the fundamentally different geologic setting between Nevada and the Aleutians. Further, experience with Milrow does not provide a sure basis for extrapolation. In the highly nonlinear phenomena involved in earthquake generation, there may be a threshold value of the strain that must be exceeded prior to initiation of a large earthquake. The suggested explanation of the Chilean and Alaskan earthquakes in terms of a succession of smaller earthquakes would support this interpretation. In this model a number of lock points stabilize a fault. Once one lock point is broken, sufficient energy may be released to break other lock points. If the stored strain energy is large, then the triggered earthquake could be of much greater magnitude than the triggering event. The underground explosion could serve as the first domino of the row of dominoes leading to a major earthquake. The major fault in the general region of Amchitka is thought to be some 40 km. beneath the test shot. This strain field will certainly be altered at this depth by the underground explosion. Observations on the Benham event showed strains exceeding tidal strains at 29 km.

Potential Effects of a Triggered Earthquake. The population density in the Aleutian area is very low so even a major earthquake would cause little damage and little loss of life as a result of the direct impact of the earthquake itself. This would not be true if the generated earthquake were so large as to extend towards mainland Alaska. While this is improbable since the largest known earthquakes have extended along the faults on the order of a thousand kilometers but not two thousand kilometers, there are uncertainties with regard to fault lengths associated with earthquakes.

The real danger from the triggering of a large earthquake by the nuclear explosion is in a tidal wave or tsunami. Tsunamis generated in the Eastern Aleutians by earthquakes have had damaging effects at great distance. For example, a tsunami in 1946 killed 159 people in Hawaii and was observed in Peru. The potential long-range effect emphasized by the fact that the Chilean earthquake of 1960 caused loss of life in Japan. The mechanism by which a tsunami is generated is still uncertain; tsunamis are probably due to movements of the sea floor associated with fault motion. Large earthquakes in the near vicinity of Amchitka have not caused destructive tsunamis in the past. However, as in the case of earthquakes it is not possible at this time to assess quantitatively the probability of a tsunami following the explosion.

Effects of Explosion on Groundwater Movement. The explosion resulting in a cavity, followed by a collapse of the overlying rock forming a rubble chimney will affect the groundwater flow in several ways. The initial shock wave and accompanying water overpressure may open up new fractures which could alter rates of flow.

The formation of the chimney will probably lead to a saucer-like depression even though the true rubble chimney does not extend to the surface. Since the groundwater level almost reaches the surface the depression will fill with water.

The chimney itself will be relatively permeable to water movement and there will be a tendency for the warm water near the cavity to move upward through the rubble. In this way radioactive nuclides, principally tritium, can be mixed throughout the chimney. The time scale for such mixing is not known but could be as short as a few years or less.

Water in the chimney would move to the sea at a rate dependent on the hydraulic head, the permeability of existing aquifers and permeability of any new fractures opened up by the explosion. USGS calculations indicate a time for such movement might be as short as one to two years. These are short times and are inconsistent with estimates made by AEC that tritium will be discharged into the ocean only 145 years after the explosion. At that time the concentration of tritium in the groundwater is expected to be at a level close to the maximum permissible concentration for water. If the shorter times (5 to 10 years) postulated above are correct then the level of radioactivity in the groundwater entering the ocean would be in excess of ten thousand to one hundred thousand maximum permissible concentration for water.

Effects of Groundwater Relase of Radioactivity into the Ocean. The waters adjacent to Amchitka hold rich fisheries. Pacific salmon that migrate through the area are important commercially. Japanese, Soviet and American fishermen take salmon, ocean perch and limited amounts of king crab.

The tritium released through groundwater motion will be diluted by the ocean currents. Even if the dilution is as great as a hundred thousand, there is the possibility of concentration of tritium well above background levels in various steps of the food chain. The detailed behavior of tritium in the food chain is uncertain though it is not generally thought to be concentrated. However, the possibility remains of fish being caught having higher than the background levels of radioactivity.

RUSSELL E. TRAIN,
Chairman,
Council on Environmental Quality.

THE GROUND WATER PROBLEM AT AMCHITKA

(By M. L. Merritt)

Let us stipulate at the beginning that ground water will be able to get to the radioactive material formed by the Cannikin explosion, and that essentially all the tritium and noble gas isotopes so formed will be available for the transport in that ground water. This is because the underground cavity formed by the explosion will collapse and form a chimney which will probably reach the surface, there manifesting itself as a collapse sink. Other isotopes, such as ^{90}Sr and ^{137}Cs, will be in part tied up in resolidified rock glass, and in case will travel much more slowly than the ground water because of chemical and physical ad- and absorption.

The natural ground water flow on a long narrow island such as Amchitka is one driven by rainwater. A small fraction (one to ten percent) of the precipitation infiltrates the surface and flows downward and outward to the sea, forming a fresh water lens over salt water, and flowing more quickly near the surface than at depth. Hydrological measurements at the Cannikin sites imply that the fresh-salt water interface is at a depth of about 1200 m (4000 ft) below the surface, or 4–600 m (1300–2000 ft) above the shot point and the initial position of the radioactivity. It might also be noted that ground water flow is slow by many standards. A sample of water taken from 1000 m depth in the test hole had a carbon-14 date of 10,000 years, meaning it had left the surface that long ago. Pre-shot flow velocities at shot depth are estimated at 15 m/year. On the other hand, it must also be admitted, and this is the basis for the Council on Environmental Quality's comments on Cannikin, that the rubble chimney constitutes a highly permeable vertical short circuit of the ground water system, and that the hydrological measurements indicate zones of fairly permeable rock higher in the section. In particular at a depth of 760 m (2500 ft) there appears to be such a zone.

After the chimney forms—probably a matter of days at most—ground water and surface water will pour into it. Calculations of flow indicate an equilibrium will be reached at a depth of 60 ft. Thus it is improbable that there will be a residual surface pool of water, provided the collapse sink is broad and shallow as at Milrow, rather than deep as at Bonham. The filling may take anywhere from 3 to 18 months; Milrow, it might be interjected, now seems to be full as indicated by stream flow measurements.

When the chimney is full, ground water flow will tend to resume its pre-shot pattern, except within a very few radii of the chimney where measurements on Hardhat and Piledriver indicate increased permeability as a result of the disturbance. The shot point is, as we have seen, below the basic flow pattern, though it may be in a fluctuating boundary region and hence be influenced by that flow. Therefore the basic and probable flow is outwards to the sea in a slow and tortuous path, one estimated to take a century or more.

Nevertheless the worrisome suggestion is made that there may be mixing back up the chimney, a mixing driven by the fact that the rock around the shot point will be hot, and that warm water is less dense than cold and therefore tends to rise in colder water. But salt water is 2–3% more dense than fresh water, and if even half the energy of the explosion (5×10^{14} calories/mt) went to heating water (4×10^{12} gm/mt) the temperature rise would only be enough to overcome this difference in density. Even then in rising it would tend to heat the rock of the rubble through which it would be rising, and thus lose buoyance in the process. Altogether it is quite unlikely that there would be appreciable mixing up the chimney to the more permeable zones 1000 m above.

Nevertheless if tritiated water did mix up even in part, what then? *If* this zone is continuous out to and up to the sea, and *if* its permeability is all or largely due to fracture porosity (this is important because the thing measured in hydraulic tests is the ability to take water, and lower porosity means faster flow), then tritiated water would reach the sea very rapidly. However, in no case can the concentration there be greater than at the source or about 2.5 μ Ci/cm^3 (from 7–10,000 curies/kt of fusion and 4×10^{12} cm^3 water/mt), which is to say 2500 times the Radiation Concentration Guide for human drinking water. But there is no potential for this water to be used for drinking water; and moreover, it is easy to show that dilution in the ocean is in the order of 10^5 or greater. Then too, fish move about, so that different fish would be exposed at different times, and the time scale for fish to throw off any tritium taken in is of the order of hours or days. Finally, biological systems do not concentrate tritium as they do isotopes such as ^{65}Zn or ^{55}Fe whose sizable equivalents are scarce in sea water. This latter point is now only an as-

sertion from chemical and biological principles but a point confirmed experimentally as a by-product of several studies of tritium toxicology in marine organisms.

In conclusion, I believe that the probable fate of the tritium remaining after the Cannikin explosion is slow migration to the sea, where it will arrive late, and be so quickly diluted as to be undetectable. The worry over mixing up the chimney and flow to the sea through "aquifers" near the surface is worry over a very improbable train of circumstances.

STATEMENT BY J. W. HADLEY AT CANNIKIN BRIEFING, NSC UNDER SECRETARIES COMMITTEE, DECEMBER 15, 1970

The triggering of a major earthquake by the Cannikin test has been posed as a possibility. This earthquake in turn is considered as the potential source of a destructive tsunami (giant sea wave). I will review briefly the information in hand which bears on the triggered earthquake, and will state the conclusions which have been drawn without trying to justify them in detail in the short time available here. Dr. Van Dorn, following, will review the tsunami issue.

NATURE OF THE EFFECTS

An underground explosion produces more than one kind of ground motion. First, a strong vibration of the earth results directly from the explosive forces. This effect, which for a one-megaton test resembles the motion of a magnitude 6 earthquake, always occurs and can reliably be calculated. The "triggering" hazard refers to a postulated secondary effect, stimulation of a large "natural" earthquake which might cause substantially more damage than the direct effects of the explosion would. Such an event would probably involve random processes, and the likelihood of its occurrence is not subject to exact calculation. It has never happened in connection with any previous underground test, and it is not expected to happen following Cannikin, although in principal it could. While a numerical figure for the probability of that occurrence cannot now be determined, the scientific community agrees that the probability is very small, and that it relates only to premature stimulation of a latent quake in the western Aleutians which would be expected to occur in natural course even without Cannikin.

Smaller triggered earthquakes regularly follow large underground tests, sometimes in very large number and extending over a period of weeks or months after the test. These occur within a ten-mile radius or so, and the largest of them releases no more than about one percent of the energy of the associated test. In addition, some evidence indicates that local fault slip within a few seconds time interval and a few miles distance from large tests may have taken place, and this could be described as a variety of triggered earthquake. Neither of these very local effects involve any hazard. They can be regarded as "caused" by the explosion, since they would not have been expected to occur otherwise; a large and destructive quake could only be a "triggered" event—not a "caused" one.

MECHANISM FOR ALEUTIAN EARTHQUAKE GENERATION

Figure 1 shows the position of the Amchitka Island test site toward the western end of the Aleutian chain. This island chain appears in the world map of Figure 2 as the northern boundary of the Pacific Ocean. Locations of earthquakes occurring between 1961 and 1969 are shown as dots, and their concentration in a narrow belt running around the shores of the Pacific is quite apparent. A general explanation for this pattern lies in a model now generally accepted by geophysicists: To describe this model in the simplest terms, new rock constantly rises from a system of mid-oceanic ridges through the south and eastern part of the Pacific and then moves as a rigid plate across the ocean floor toward the northwest, at a rate of about an inch per year.

Arriving at island arcs there, the plate turns downward and plunges back into the earth. The process of impaction of the plate along the Aleutians results in the buildup of high stresses. When these become sufficiently great in a particular region, slippage takes place and an earthquake is generated. The process proceeds rather erratically, and slippage at a given time seems always to be confined to a zone of limited extent along the island chain. Zones in which major releases have taken place appear as block-like patterns of dots in the Aleutians, each corresponding to the region of principal influence of one major quake. The zone including Amchitka is the westernmost, and is separated by two or three other zones from the Alaskan mainland. If a large quake were to be triggered by Cannikin, it would be near Amchitka. The only populations exposed to the resulting strong ground motion would be those of the U.S. Naval stations at Shemya and Adak Islands, and neither injury nor significant damage would be expected.

OTHER TRIGGERING EXPERIENCE

We know that triggering of earthquakes does occur. The easiest instances to identify are those where some definite action by man has been followed by quakes in a region where they previously had not occurred, or had occurred only very infrequently. Examples are series of tremors following the filling of Lake Mead on the Colorado River, and following the injection of fluids into the ground at the Rocky Mountain Arsenal and at the Rangely oil field in Colorado. Small local aftershocks from underground tests were mentioned before.

Cases of triggering of earthquakes by other earthquakes are more difficult to identify, since there is no sure way to discover whether a particular quake is truly triggered by another quake or merely happened to occur near it in time and location, or if they both followed from a common cause. Some cases can be cited that do have the appearance of triggering. The stimulation of a fault slip in Southern California at a distance of 70 kilometers from an earthquake epicenter should be included in this category.

A published analysis of seismic data from the 1964 Good Friday earthquake in Alaska identifies a number of successive epicenters along the zone of rupture, indicating that the breaking of a succession of "lock points" was involved. This has been cited from time to time as evidence for triggering as a sort of falling-domino process. We do not believe that this interpretation should be extended to imply an important triggering risk from Cannikin, however. The effect of an initial fault break on further motion of the same fault would be quite different from the effect of an explosion at a different location.

IMPLICATION OF HIGH NATURAL SEISMICITY

Earthquakes occur very frequently in the Aleutians. There have been 4 quakes of Richter magnitude greater than 7½ within a distance of 100 miles or so from Amchitka since the start of reliable records in 1905. These are very large as earthquakes go. The number of smaller quakes is much greater: for every decrease of one unit of magnitude, about ten times as many quakes occur in a given period, so that events of magnitude 5 and greater are commonplace.

On first thought, this suggests that the risk of triggering in the Aleutians would be high. After more careful consideration, though, the risk appears lower, and indeed there is reason to believe that the risk of triggering a damaging quake may be lower at Amchitka than if the proposed test were conducted in some less seismically active regions.

The steady incidence of earthquakes in the Aleutians means that accumulated stress energy is regularly being released. The system is in a kind of dynamic equilibrium, and should be rather insensitive to outside disturbance. Seismologists have pointed out the significance of the magnitude-frequency relationship to this issue: Some physical process works to maintain a fixed distribution of the sizes of quanta in which energy is released. These observations apply in a probabilistic sense, and must be used with caution in speaking of a single event, but they do lend weight to the expectation that no dangerous triggering will result from Cannikin. To state these ideas in a somewhat different way, even if triggering can play an important role in the release of earthquakes in the Aleutians, the effect produced by the Cannikin explosion will be a relatively slight disturbance in comparison with the steady background of disturbances provided by natural quakes.

The high natural frequency of Aleutian earthquakes has another important significance to the Cannikin test. Whether or not it takes place, earthquakes will continue along the island chain and indeed, all around the shores of the Pacific. There could well be a large and damaging quake soon after Cannikin, and since no quake is labeled as to the manner of its origin, there would surely be a tendency to assign responsibility to Cannikin.

RESULTS AND IMPLICATIONS OF MILROW

The Milrow test was conducted on Amchitka, October 2, 1969, at a yield of about one megaton.

Observation of the local and regional rate of occurrence of earthquakes before and after Milrow showed no change between the two periods. Some small aftershocks occurred within a three-mile radius of the test location, but they were fewer in number than the expectation based on Nevada experience. Patterns of change in earth crustal strain on the island were consistent with observations after Nevada tests. There was no indication of any kind of an increased sensitivity to earthquake triggering compared with the Nevada Test Site.

This result is very encouraging and is consistent with our expectations for Milrow and with the expectation that Cannikin will not result in seismic damage. It cannot be used in a calculational sense for extrapolation to determine Cannikin results, though, because the required theoretical basis has not yet been developed. We do not have the necessary information to identify a yield which might represent a "threshold" for triggering.

Admitted inability to calculate a numerical probability of triggering a large quake by Cannikin should not be taken to imply that the subject is inaccessible to scientific understanding. The nature of the processes that would be involved in a triggering occurrence is fairly well known, and physical laws can be applied in a general way to distinguish a range of likely behavior. The reasoning applied to the Cannikin earthquake triggering issue is based on knowledge of the structure of the Aleutian chain, of the history of seismicity there, experience with many underground tests in Nevada, and on the consistency of Milrow results with expectations. It leads to a confident conclusion that the likelihood of hazard is very low.

PUBLIC AND SCIENTIFIC EXPOSURE

At one time responsible concern was expressed that information on seismic hazards of underground testing was inaccessible to the public, and that there was insufficient participation by the scientific community at large in judging the degree of such hazards. Indeed until about two years ago, very little broad discussion of the issue had taken place either within or outside of AEC test circles. At that time a number of experimental and analytical programs were started to identify and interpret triggering and re-

lated phenomena. Since then an increasing number of scientific workers, both independent and under AEC and other government sponsorship, have become active in this area. Many published articles and papers delivered at professional meetings have described the results of these studies, and there can no longer be any doubt that the information is accessible.

Qualified scientific opinion is in good agreement that the possibility of triggering a large earthquake by Cannikin is remote, but real, and that this quake, if it took place, would be one which would have appeared later in the natural course of events, on a nearby fault, even without Cannikin. Variation of technical opinion from this position is minor. Because of the remoteness of Amchitka, the triggered quake would not cause important direct damage, but the possibility of its generating a tsunami must be considered.

The advice of scientists as to whether or not the seismic hazards of Cannikin are acceptable has been somewhat more diverse, largely as a result of their varying assessment of what constitutes acceptability.

SOVIET TEST

A large Soviet test fired on October 16, 1970, at Novaya Zemlya, with a yield announced by the AEC as 6 megatons, has attracted questions as to its possible implications toward the triggering issue. No aftershocks have been seen by the World-Wide Network of Standard Seismic Stations, which has a detection threshold at Richter magnitude about 4.5 for the Novaya Zemlya region.

The fact that no large quake was triggered is simply another piece of somewhat negative evidence. Natural quakes do not normally occur in the Novaya Zemlya region nor within a range of hundreds of miles from it. Small aftershocks of the kind that usually occur within a few miles of the largest Nevada tests (and Milrow) may or may not have taken place; that none should be large enough to exceed the detection threshold would cause no surprise.

PROBABILITY OF TSUNAMI GENERATION IN CONNECTION WITH CANNIKIN

(By Dr. William G. Van Dorn, Scripps Institution of Oceanography, University of California, San Diego, December 15, 1970)

Gentlemen, a good fraction of my scientific career has been concerned with tsunamis—both natural and man-made. I was responsible for measuring and evaluating the hazard from water wave effects for nearly all of the Pacific nuclear tests, and for many subsequent related studies. My investigation of natural tsunamis have led to a number of recommendations for improving public safety, only a few of which have been adopted.

I would like to emphasize here that I am as deeply concerned with the safety aspects of underground testing at Amchitka as the well-qualified geophysicists whose opinions are represented by the recent Train memorandum.

However, there are certain mitigating circumstances not mentioned in this memorandum which suggest that the risk of a destructive tsunami being generated in association with the proposed Cannikin test is not as great as implied. These circumstances have emerged fairly recently, as a result of studies initiated by the AEC, acting on recommendations of the Panel of Consultants, of which I am a member.

In order to properly qualify them, I would like to give you a perspective of what tsunamis are like, what factors combine to produce a destructive tsunami, and to what extent the probability that such a combination might occur in conjunction with Cannikin can reasonably be assessed.

A tsunami can be defined as any localized, impulsive deformation of the free ocean surface, whether produced by a volcanic or artificial explosion, a submarine landslide, or (most commonly) a sea floor dislocation accompanying an earthquake. Tsunamis come in all sizes, limited only by water depth and available energy, but we are concerned here only with potentially dangerous events.

However generated, the initial disturbance propagates radially away from its source region as a system of free gravity waves. A good example of a miniature tsunami is the familiar pattern of concentric rings of waves produced by dropping a pebble into a pond: the waves are highest and shortest near the source, and become lower and longer as they travel outward, somewhat like the extension of an accordion bellows. Upon entering shallow water near shore, this process is reversed; the waves grow higher and shorter again, until they eventually run up against the shoreline and are partially reflected—or scattered—back out to sea.

Most of the damage from destructive tsunamis occurs during the first 5 or 6 hours after the first waves reach shore, although diminishing activity ensues for several days. The severity of local wave effects at a remote place depends in a complicated way upon several factors: the height and shape of the initial deformation, the distance the waves have traveled, and the local coastal topography. Irrespective of other factors, there is a relatively sharp distinction between damage and no damage, depending upon whether or not local runup heights exceed the normal wave and tide range.

Owing to their complexity, most of these effects were long thought not to be realistically calculable on a deterministic basis. Within the past several years, however, significant advances have been made. First, extensive, post-event geophysical surveys after the great earthquake of March 28, 1964, in Alaska, have for the first time permitted a fairly complete picture of the source characteristics of a large tsunami. Second, comparative seismological, tectonic, and/or hydrodynamic data from Alaska, and the tsunamis of 1946 and 1957 (Aleutians), and 1960 (Chile) suggest that large tsunamis originating along the Pacific trench system have common generic features. Third, AEC and DOD-sponsored studies have resulted in the development of hydrodynamic computer codes for the deterministic calculation of wave systems produced by known sources, their propagation across the ocean, and the local wave response at remote points.

These codes are necessarily complex, fairly expensive to run, and are still incomplete; but present results include a convincing reconstruction of the generation of the Alaskan tsunami. Although the calculations covered an area only ten times that of the source, simplified geometric extrapolations to greater distances give wave heights that agree with observations at small islands within a factor of two. The calculations are now being extended to arbitrary distances on a spherical ocean, and the critical response factors will be computed at one or two more complex locations where comparative wave observations are available. These studies should be completed within three or four months.

As a result of these and previous studies, the present status of tsunami phenomenology might be summarized as follows.

1. Tsunamis seem principally to originate from elongate sources that parallel the trench systems ringing the Pacific Basin. These trenches are considered to be zones of crustal plate abutment, whose relative motions accumulate strain that is discontinuously released in the form of earthquakes. These zones are also characterized by volcanic activity and a long geologic history of large-scale accumulative dislocations. Only zones of vertical dislocation appear to be productive of tsunamis.

2. Historically, an average of 100 detectible tsunamis per country has occurred in the Pacific Basin, of which roughly 10 percent might be classed as widely destructive. Of the latter, eight have occurred since 1900, and five since 1945. According to recent statistics, a rough classification relating tsunamis to Richter earthquake magnitude is:

Richter $M<6.0$ non-detectible.
$6.0<M<6.5$ barely detectible.
$6.5<M<7.5$ moderate.
$M>7.5$ severe.[1]

In all the above classes, the majority of earthquakes in tsunamigenic regions have *not* produced tsunamis.

3. The Alaskan earthquake involved a vertical seafloor uplift of from 6–30 ft over 40,000 square miles; the potential energy of the deformed water surface was 1–3 megatons, or roughly an equal percentage of the strain energy released during the parent quake. Fragmentary uplift data from Chile, and the above-cited similarities in aftershock patterns and tide-gage records, suggest that the 1946, 1957, and 1960 tsunamis involved similar volumetric displacements.

4. Two geometrical effects govern the radial flux of wave energy. Elongate sources are somewhat directional. For Alaska, the aspect ratio (length:breadth) was about 4:1, and, although the wave pattern reconstruction was almost circular in midocean, the wave heights were twice as high normal to the longer axis of the source than parallel to it. Secondly, the radial attenuation of wave height with distance is the product of two factors: radial stretching and lateral spreading. The former persists at all distances, but the latter reaches a minimum at one-quarter of the earth's circumference and again increases; their product has a minimum at about 8000 miles. Thus, wave heights actually increase at greater distances, which accounts, in part, for the severity of damage in Japan from Chilean tsunamis, and conversely.

With respect to the probability of tsunami generation in association with the proposed Cannikin test, the following statements apply:

I. DIRECT EFFECTS

During the Milrow test, surface doming due to cavity expansion produced a maximum of 8 inches of uplift along less than a mile of shoreline, and no measurable offshore fault displacements were observed. No anomalous waves were recorded by an array of bottom-mounted sensors within 5–15 miles of the shot point, and having a threshold resolution of about 1 cm. Thus the maximum volumetric sea surface displacement during this event was substantially less than one-millionth of that accredited to large tsunamis. No significant alteration of these circumstances is implied by the Cannikin test, or any nominal extrapolation thereof.

II. INDIRECT EFFECTS

Principal public and scientific attention has been directed toward the possibility that a Cannikin-triggered earthquake might generate a destructive tsunami. This would require the coincidence of two apparently unprecedented events: the triggering of an earthquake along the Amchitka fault block west of Amchitka Pass having a Richter magnitude of at least 7.3, and whose vertical dislocation is six feet or larger. The first possibility has been discussed by Dr. Hadley, and I will address my remarks to the latter problem

Despite the fact that there are no recognizable dissimilarities in the frequency or intensity of seismic activity along the Aleutian Arc, or in tectonic structure and incidence of vulcanism, there is no historical record of a destructive tsunami having been generated west of Amchitka Pass.

Since 1900, there have been about 60 earth-

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[1] The large 1946 Aleutian tsunami was anomalously low at M7.3.

quakes of magnitudes 6.75<M<7.5, and 14 of magnitude 7.5 or larger. Three of the latter events have generated destructive tsunamis. Their rupture zones—as defined by the after shock perimeters of their parent earthquakes—lie elbow to elbow, and encompass the entire Aleutian Arc from Prince William Sound to Amchitka Pass. Aside from the above-cited directional differences, remote wave effects from these three tsunamis were statistically indistinguishable.

The Rat Island Quake of February 4, 1965, had a magnitude of 7.5, an aftershock perimeter comparable to the above three tsunamigenic earthquakes, and encompassed the bulk of the Aleutian Arc west of Amchitka Pass. This earthquake generated a "moderate" tsunami, in that local tide gage heights of 8–10 feet, and extreme runup heights of 6–50 [2] feet, were reported within the epicentral region, but no significant remote waves were observed.

Taken together, these factors imply that vertical dislocations associated with large Aleutian earthquakes west of Amchitka Pass are inherently smaller than those to the east. This view is also suggested by the directions of crustal plate movement in the North Pacific, which normally abut the eastern portion of the Aleutian Arc, but trend more tangentially in the western sector, such that lateral shear forces—rather than normal forces—can be expected to prevail.

To further explore these implied differences, the U.S. Geological Survey has recently conducted a field survey of the Island groups on both sides of Amchitka Pass, looking for specific evidence that might confirm or deny the hypothesis of relatively long-term vertical stability of the Amchitka sector. The following—still incomplete and unreported—results tend to support this hypothesis.[3]

1. There is a general concordance of the levels of the submarine and sea level terraces within and between the islands of the Rat Islands group and the Delarof Islands group. A 10- to 15-foot uplift in the last 3,000 to 4,000 years of the Delarof group (east of Amchitka Pass) is indicated by the fact that sea cliffs are inactive and above wave action and the modern sea-level terrace is emergent, whereas in the Rat group (west of Amchitka Pass) sea cliffs are being actively eroded.

2. The elevations with respect to sea level of these marine terraces in the west-central Aleutian Islands roughly correlate with world-wide sea-level changes during the past 240,000 years postulated by Fairbridge.

3. A 1200-foot-wide block-slump of about 100 feet near South Bight, Amchitka Island, postdates older, transcurrent faults. This slump comprises unconsolidated, multilayer, fossiliferohs sediments that show no evidence of susbequent fractures. Two proactinium dates of about 130,000 years from this slump place an upper limit on significant fault activity on Amchitka.

4. There is no evidence of fault displacement of any of the marine terraces.

5. Local recent faulting was observed on some of the active volcanoes; this appears to be restricted to the volcanoes and is inferred to be unrelated to regional tectonic processes.

6. It is safe to conclude that the west-central Aleutians have not undergone isostatic adjustments within the past 2,000,000 years at the magnitude or frequency seen to the east in the coastlines of the islands and mainland in the Gulf of Alaska.

Further evidence regarding the timescale of prehistoric changes in the geomorphology of this region should be provided by 35 samples currently being processed for radioactive dates. Additionally, a 4 station-array of sensitive wave recorders is currently being installed on Western Pacific Islands, with the object of monitoring small or moderate tsunamis from the Aleutian group. These stations, combined with siesmic data should provide data whereby Aleutian tsuanami sources can be defined and compared for regional differences—if any.

Convincing differences between the long-term vertical stability of the geologic structure east and west of Amchitka Pass can be demonstrated, this evidence and the historical lack of destructive tsunamis from the western sector would provide considerable support to the arguments against significant tsunami risk in conjunction with Cannikin —whether or not a larger earthquake might be causatively imputed to this test.

It would be highly desirable to extend the field surveys to the central Aleutian Arc, so far unstudied, looking for specific evidence of recent vertical dislocations of 6–16 feet, as implied from the tsunami-producing earthquakes of 1946 and 1957.

[U.S. District Court for the District of Columbia Civil Action No. 1614–71]

AFFIDAVIT OF JOHN N. IRWIN II

(Patsy T. Mink, et al., Plaintiffs, v. Environmental Protection Agency, et al. Defendants.)

I, John N. Irwin II, being duly sworn, do depose and state as follows:

1. I am the Under Secretary of State of the Department of State. The facts stated in his affidavit have come to my knowledge in my official capacity.

2. President Richard M. Nixon established on January 20, 1969, a Committee of which the Under Secretary of the Department of State was appointed Chairman by virtue of his position. This Committee is known as the Under Secretaries Committee and is a constituent part of the National Security Council system. This system was shaped in its present form by the President so that he could use it as an instrument for obtaining advice on important questions relating to our national security. Excerpts from a report to the Congress by the President, dated February 18, 1970, describing the National Security Council system are attached hereto as Exhibit A. By a further report to the Congress dated February 25, 1971, excerpts of which are attached as Exhibit B, the President informed Congress that the Under Secretaries Committee, of which I am currently Chairman, "links the process of policy formulation to the operations of the Government."

3. On June 27, 1969, the President directed the Under Secretaries Committee to review the annual underground nuclear test program and to encompass within this review requests for authorization of specific scheduled tests. He directed that the Committee consider the policy and technical justification for the proposed tests to determine whether they are consistent with the requirements of national security and foreign policy. He requested that the results of the Committee's review of the underground nuclear tests programs and its recommendations be transmited to him in time to allow him to give them full consideration before the scheduled events.

4. On August 12, 1970, the Under Secretaries Committee sent its review of the fiscal year 1971 underground test program to the President and pointed out that it would begin early consideration of the proposed Cannikin underground test proposed for the 1972 fiscal year.

5. In accordance with the foregoing directions from the President, the Under Secretaries Committee has prepared a report upon the proposed underground nuclear test known as Cannikin consisting of the following:

A. A memorandum prepared by me to the President dated July 17, 1971. This memorandum is classified as Top Secret and as Restricted Data.

B. Attached to that memorandum to the President was a report of the Under Secretaries Committee on the proposed Cannikin test. This report is classified Top Secret and as Restricted Data. The following documents were attached to this report:

1. A letter from the Chairman of the Atomic Energy Commission to the Chairman of the Under Secretaries Committee, myself. This letter is separately classified Secret and separately as Restricted Data.

2. A report of the Defense Program Review Committee, the Chairman of which is Dr. Henry Kissinger. This report is separately classified as Top Secret and separately as Restricted Data.

3. The Environmental Statement Cannikin, dated June 1971, by the United States Atomic Energy Commission. This document is publicly available and a copy is attached as Exhibit C.

4. A transcript of a briefing by the Atomic Energy Commission on Cannikin given orally to the Under Secretaries Committee. This document is separately classified as Secret and separately as Restricted Data; and

5. A memorandum to me from the Council on Environmental Quality. This memorandum is an attachment to the classified report and is separately unclassified.

C. In addition, letters containing recommendations were transmitted to me regarding the proposed test known as Cannikin by Mr. William D. Ruckelshaus for the Environmental Protection Agency, by Mr. Russell Train, for the Council on Environmental Quality and by Dr. Edward E. David, Jr., for the Office of Science and Technology. Each of these three letters is classified Top Secret and a Restricted Data.

The documents described in this paragraph, except for item B3 above, were prepared solely for the purpose of giving advice to the President and involve, except for item B5 above, highly sensitive matter that is vital to our national defense and foreign policy. They were prepared and used solely for transmittal to the President as advice and recommendations and set forth the views and opinions of the individuals and agencies preparing the documents so that the President might be fully apprised of varying viewpoints and have been used for no other purpose.

6. The documents described in the preceding paragraph as Top Secret and Secret are and have been classified pursuant to Executive Order No. 10501, and the documents described as Restricted Data are and have been classified pursuant to the Atomic Energy Act of 1954, as amended, (42 USC 2014(Y), 2161 and 2162). The classified documents so described make use of data which have been identified by the Atomic Energy Commission as Restricted Data and of data classified by other agencies as Top Secret and Secret. Only persons with a "Q" clearance, or a comparable Department of Defense clearance, may have access to information which is Restricted Data. Attached as Exhibit D is an Atomic Energy Commission pamphlet which applies to State Department employees and others and details the handling of Restricted Data. I am advised that the Atomic Energy Commission is reviewing the relevant documents to determine whether or not the Restricted Data classification can now be removed.

7. As Chairman of the Under Secretaries Committee, I sought to make publicly available as much information as possible consistent with the needs of national defense and foreign policy. For instance, by letter dated January 8, 1971, attached as Exhibit E, I sought to have certain information declassified. The Defense Department subsequently agreed and the information referred to in my January 8, 1970 letter has been made

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[2] Single observation at Shemya.

[3] Notes from discussions of 12/8/70 between U.S.G.S. representatives and Dr. W. G. Van Dorn.

public. The information in the documents described in this affadivit which is not public necessarily is held in strict confidence by the Government in order to prevent grave damage to our national defense and foreign policy interests.

PUBLIC BROADCASTING UNDER FIRE

(Mr. VAN DEERLIN asked and was given permission to extend his remarks at this point in the RECORD to include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, the time has come for a clearing of the air, here in Congress, on the problems of public broadcasting.

Of late, the news media—the general circulation as well as broadcast trade press—have been carrying frequent reports of an impending rift between the President's Office of Telecommunications Policy—OTP—and the Corporation for Public Broadcasting—CPB—the entity established by Congress to guide and promote the growth of noncommercial radio and television.

Dr. Clay T. Whitehead, the energetic and able young OTP Director, has made known his concern that CPB may be trying too hard to ape the commercial networks while depriving local educational stations of both initiative and no-strings funding.

Top officials of the CPB, meanwhile, have interpreted Whitehead's moves and statements as the possible beginning of an administration campaign to force public broadcasters to knuckle under.

The first apparent casualty of this dispute have been the legislative proposals, long promised by the administration, to provide long-range financing for the Corporation for Public Broadcasting.

More than 9 months ago, in its budget message to Congress, the administration pledged that "legislation will be proposed to establish improved financing arrangements for the Corporation."

This is a goal we could all wholeheartedly support, to end the dangerous dependency of CPB on annual authorizations and appropriations from Congress.

But what has happened? Nothing. Drafts of bills have been moving in the maze of the White House-Budget Bureau bureaucracy, but so far none of these has made it through all the filters for introduction, with administration blessing, in House or Senate.

In all of this, Congress, which set up the CPB in the first place, seems to have been largely igonored. Able and articulate as he is, Dr. Whitehead seems at times to forget that Congress is, or at least should be, in this act too. It is possible, in fact, that Congress will not be willing to wait forever for the administration to make up its mind on the type of long-term financing to be recommended.

Likewise, I am certain that Congress will not countenance even the suggestion that any official of the Government may be trying to intimidate or otherwise erode the integrity of the corporation.

This is not to say that I disagree with everything Dr. Whitehead has been saying about public broadcasting. As I see them, many of his points are well taken. I, too, feel most strongly that local nonprofit broadcasters should retain a full measure of initiative in creating programing tailored to serve their own communities. But Congress clearly intended CPB to have a major role also, in shaping policies and providing network services, and not merely to act as a conduit for the dispersal of Federal funds to educational stations.

As a former broadcaster, as a present member of the Commerce Subcommittee on Communications, and as an original sponsor of the 1967 act which established the corporation, I have enjoyed a cordial and generally productive relationship with this promising new entity.

But at times, even one's best friends can be exasperating.

For several weeks now, I have tried unsuccessfully to learn the salaries of newsmen hired by the National Public Affairs Center for Television (NPACT), a CPB offshoot for news and public affairs services.

I have asked CPB to verify reports from a trusted broadcast industry source that Sander Vanocur and Robert MacNeil, the top reporters for NPACT, are each under contract for about $70,000 a year.

CPB, maintaining that NPACT is a separate corporate entity, has been unable or unwilling, thus far, to comply with my request. According to a report in the Washington Post this morning, CPB was similarly uncommunicative with a reporter from that newspaper who tried to ascertain Mr. Vanocur's salary.

Mr. Speaker, I assume many of our colleagues would also like to know how much these men are paid. Their pay, after all, comes in part from appropriated funds. And there is no reason I can see for CPB having to compete with the commercial networks in the salary department. They are not in a ratings war with CBS or NBC, fighting for the sponsor's dollar.

Why the secrecy?

In balance, though, the Corporation for Public Broadcasting has done a superior job, and I would like to include at this point an excellent article from the current issue of "Broadcasting" magazine on the first 4 years of the embattled organization. The article, which follows, was written by Steve Millard, Washington-based associate editor of the publication.

THE STORY OF PUBLIC BROADCASTING

Four years into its modern history, public broadcasting has come up against the facts of life. Hard.

The new medium—and a new medium it indeed is—was assigned the destiny of becoming a powerful source of alternative programing, something never before attempted on a major scale in this country, and put under a spotlight of attention and prestige appropriate to that role. It assumed the mantle with many of its leading players acting, speaking and presumably thinking they could somehow please everybody—as though the very name "public" and an obvious attempt to do something worthwhile and different in broadcasting would be enough to induce a warm glow in the nation's collective soul.

Their reward—and the medium's—has been the discovery that it doesn't work that way. If public broadcasting draws large audiences, it is attacked for seeking the masses; if it programs for small, select groups, it is damned as an insufferable snob. If it tackles a tough issue, it is trendy, leftwing, unrepresentative and misusing the taxpayers' money; if it presents fine drama and stimulating discussion, it is aloof and uninvolved. If it moves toward centralization, the specter of autocracy is raised; if it does not, there is the accusation that it is frittering away its public money without seizing the chance to make an impact on the national consciousness. Anything it does, in any realm, is sure to be attacked by someone as contrary to the spirit of the Carnegie Commission report or the Public Broadcasting Act—both of which mean many different things to many different people. Meanwhile, the struggle for federal funding limps along: federal appropriations increase, but freedom from annual accounting does not.

In television and radio, there *is* no way to be both a Good Guy and a tough, visible force. Whether or not all of public broadcasting's leaders have recognized that truth, the choice has been made. Public broadcasting—identity crisis, critics and all—has crashed upon the American scene as a major force in television and radio. It has produced and distributed programs that matter, both for their quality and for their influence, while simultaneously attempting to carve out a structure unlike any other in world broadcasting. Now it is learning to live on a height that is also a precipice.

"We're pioneering in an institutional sense," says Ward Chamberlin, executive vice president of New York's Educational Broadcasting Corp. "There's never been even a remote analogy." That is undeniable: There is no precedent for the structure of the Corporation for Public Broadcasting, or for the Public Broadcasting Service with its production centers and its federated elements. But institutional innovation is a means, not an end. "You can't just let the general idea of 'public broadcasting' or 'educational broadcasting' lie there," says Robert Larson, general manager of WGBH-TV Boston. "You have to make it work."

The real story of the medium in 1971 is not the occasional wrath it generates at one end or another of the political spectrum, but what public broadcasters themselves are doing to "make it work"—to evolve their unique system into an effective program vehicle. The noncommercial medium is not torn to shreds by strife, as some reports might indicate, or whipped into submission by external pressures, as others suggest. There is even—surprisingly enough—something approaching a broad consensus within the medium on what its components ought to be doing and where they ought to be headed. There are, however, honest disagreements among practitioners and the resolution of these basic issues is the key to the medium's present and immediate future.

These exchanges are typical.

"There should be a direct line in terms of program contact between the various centers that make up the production centers and the stations themselves," says Alvin H. Perlmutter, executive producer of *The Great American Dream Machine*.

"In the long run," says James Day, president of the Educational Broadcasting Corp., "television programs require that one person lay his talents on the line."

"There are people in the system who think the Public Broadcasting Service is supposed to be a mail drop for producers' programs," says PBS President Hartford Gunn. "But somebody's got to make choices. Somebody's got to say: 'This goes, and that doesn't go.'"

That is one kind of debate: argument over program control, over centralization, whether it should exist and what form it should take.

"Is it you [station managers] or PBS who has been taking the networks' approach and measuring your success in rating points and audience?" asks Clay T. (Tom) Whitehead, director of the Office of Telecommunications

Policy, as prelude to an accusation. "You check the Harris poll and ARB survey and point to increases in viewership. Once you're in the rating game, you want to win. You become a supplement to the commercial networks and do *their* things a bit better in order to attract the audience that wants more quality in program content."

"It doesn't do any good to be different," says EBC's Ward Chamberlin, "if you don't get a substantial number of people looking in. And being so goddam deadly serious in programing isn't going to do it."

David Ives, president of WGBH-TV responds with one word when asked how he would react if that station suddenly found itself ranked second in its market; "Yippeeee!"

That is another kind of debate: What audience should public broadcasting seek, and what specific programing mission should it set for itself in contrast or complement to the commercial networks?

"We're running on a budget of $600,000, yet we need everything a commercial station needs," says Charles Vaughan, president and general manager of WCET(TV) Cincinnati. "You say, 'Well, what about the sales staff?' We have a development division for precisely the same purpose. Sooner or later, we have to drive home the fact that it takes every bit as much money and talent to operate a noncommercial station successfully as it does to operate a commercial one."

THE PROBLEM OF FUNDING

"We have three legislative charges," notes John Witherspoon, director of television activities for the Corporation for Public Broadcasting, "diversifying and expanding national production, interconnection, and expansion of stations. There is no predetermined order of importance there—but two of the three are off/on. Either you're going to have a PBS, or you're not. Either you're just going to add a little bit of programing to NET [National Educational Television], or you're going to diversify. We've made headway in those areas, and our principal commitment now is to raise the level of support for local stations."

That, of course, has to do with the oldest and still strongest debate: money—where it is to come from, how it is to be used. It is less a debate than a continuing process of communication; Charlie Vaughan and John Witherspoon are certainly not in constant disagreement the way that, say, Hartford Gunn and Jim Day are. Everyone agrees that the time has come to pump money into the stations; the questions now are when it will happen and what the mechanism will be. But the questions remain.

Thus the basic issues—structure, audience, money. They cannot be neatly separated; there is, for example, no sensible way to part the question of how money is to be used from the problem of structure. But they are the problems that must be faced—by people inside the medium, not outside. They are the issues that underlie a lot of sloganeering about "the fourth network," "the Eastern elite" and the "bedrock of localism."

The existence of these problems in their present forms is itself evidence of public broadcasting's new influence. Without the presence of a going network, feeding national programs of some substance, there would be no debate over the possible dangers of centralization. Without programs that draw, not just the elite that once kept "educational" television alive, but a consistently larger and more diverse audience, there would be no debate over the merits or demerits of going after the "masses." And although there have been money problems ever since there was educational broadcasting, they now attract national attention and acquire a sense of urgency because of the widespread perception that something of special, major significance is being *done* with the money.

To identify these as the principal problems is automatically to eliminate two others: programing and politics. If there is a "programing" problem, it is a function of these more fundamental issues: The character of programing on public stations is determined by the structures through which it passes, the audiences for which the media are reaching and the money available for programs. (It is also determined by the presence of creative talent, which is not so much a problem to be solved as a gift to be nurtured.)

As for politics, it is not an "issue" to which someone in public broadcasting might say Yes or No. It is the very fabric of the business. And to understand that point, it is necessary to distinguish the internal and external "politics" of public broadcasting.

Of all the words that have been said about internal politicking in public television, few have been very specific, and most have been worded as if to throw a cloak of intrigue over the subject. In reality, politics is public broadcasting's substitute for the marketplace. There is no impersonal economic process in public television, nothing that even pretends to be an Invisible Hand. All the hands are giving or reaching for available money of one kind or another, and all are quite visible and personal. In the absence of commercial economic mechanisms, there are only two possible paths for public broadcasting: autocracy, in which centralized controllers dole the funds and dictate the programing; or something resembling democracy, in which the various factions seek their share of money and influence. Public broadcasting—the statements of administration spokesmen to the contrary notwithstanding—is still far closer to the democratic model than to the autocratic one.

External politics—the relationship of public broadcasting to Congress and the executive branch—is a different story altogether: It is the long-range attempt of public broadcasters to use politics to transcend politics. By obtaining through the government, some day in the probably distant future, a means of permanent financing, public broadcasters hope to insulate themselves once and for all from the vagaries of political life. At this stage in public broadcasting's history, internal politics is (up to a point) a sign of health; external politics is the mark of a job unfinished.

Most of the attention goes to external politics, usually on the assumption that every unkind murmur from a government official sends public broadcasting into frenzied terror. The reality is somewhat different: that the medium is still struggling to find the combination of money, target audience and workable structure that will permit it to function as an independent system.

OTP Director Whitehead had his finger on a portion of that struggle when he spoke to the National Association of Educational Broadcasters' convention last month (BROADCASTING, Oct. 25). He charged public television, in particular, with becoming a "centralized national network" and with adopting the commercial networks' concern for "rating points and audience." There are station people who would agree with that analysis to some extent, but its significance to them pales by comparison with what he left out. There was not a specific word in his speech about a funding bill, long-range or otherwise. The message was unmistakable, although Mr. Whitehead never made it explicit: If you expect a satisfactory funding bill from this administration, *watch it.*

Does this mean that public broadcasters will now stumble all over themselves in an effort to get the money they need so desperately? "Look at it this way," responds a CPB spokesman. "Suppose we said: 'Let's do it. Let's pattern ourselves along these lines, because we, by God, need the money.' Then what happens? Then you get another administration in office—Ed Muskie, John Lindsay, whoever—and that administration says: 'Hey, guys, we want it done *another* way.' Once you get started along that road, you become like a ping-pong ball, and there's just no end to it."

This does not mean that public broadcasting's leaders belong on the pages of "Profiles in Courage," nor does it mean that there have been no instances of apparent buckling under political pressure. It does mean that there is a set of serious, sometimes undramatic core issues that *must* be resolved if public television is to flourish, and that these issues exist independently of whatever political winds may be blowing.

The noncommercial media have traveled a long road to confront problems and opportunities of such magnitude.

IT USED TO BE DULL

Remember educational television? Before there was public television, there was educational television—impoverished, noble and often deadly dull. It was heavily tied, formally and in spirit, to educational institutions and/or an intellectual elite. The results were sometimes an intriguing contrast to commercial fare, often a numbing series of pedantic duds, and always cursed with negligible audiences.

Whatever else it was or was not, however, educational television was at least a potential alternative to the commercial networks. The existence of that alternative and the efforts of NAEB contributed to the creation of the Carnegie Commission on Educational Television. Arthur L. Singer Jr., who was instrumental in establishing the Carnegie Commission, recalls conditions of that time. "Irresistibly one could see, in prime-time television, a vacuum that commercial TV was not designed to fill, and had moreover no desire to fill, and in educational television an instrument that could be shaped to fill that vacuum."

In a sense, the Carnegie Commission report was an attempt to help "educational" broadcasting overcome its own past. The local stations were licensed almost exclusively to educational institutions, state school systems or school boards, and their purposes were correspondingly educational in nature: to expand or enrich the classroom experience. (Many of the stations had stumbled into areas other than instructional programing almost by inadvertence, when the Ford Foundation—the earliest and best friend the educational system ever had—began diverting some of its money out of instructional programing and into more general material.) More important, their presentation smacked of the classroom rather than the broadcast media: The "performers" were usually print-oriented educators with little feel for the special possibilities of television and radio. One fair measure of public broadcasting's development is the considerable distance between Miss Pringle's second-grade reading class and *The Electric Company,* which serves the same purpose in an incredibly different way.

The commission felt it necessary to note this problem. "Education is not always somber or laborious," it said. "It is co-extensive with the full range of human experience and includes joy and gaiety as well as hard intellectual endeavor." And, of course, it was the Carnegie Commission that rejected the very name "educational broadcasting" as too suggestive of classrooms and other things not likely to compete successfully with *Bonanza*—or, for that matter, with *My Mother, the Car.* It divided the field into "instructional" programing, which is what the name says it is, and "public" broadcasting, which is everything else.

But the point to remember about the Carnegie Commission is that it was not striving only for a stronger system founded upon

the "bedrock of localism," although it went to great lengths to drive that point home. It was not simply proposing the replacement of poor local stations with rich local stations. The central conclusion of the commission which is not exactly buried in its report (the statement turns up in the first sentence, is this: "A well-financed and well-directed system, substantially larger and far more pervasive and effective than that which now exists in the United States, must be brought into being if the full needs of the American public are to be served." Whatever else the Carnegie report may have been—and it was something a little different to almost everyone who read it—the report was first of all a conclusion that the system it christened "public" broadcasting should become high-powered enterprise of national significance, and that the first requirement in reaching that goal was to develop at least some national leadership.

The Carnegie Commission made its report public and disappeared into the sunset, but its recommendations (expanded to include radio) were central to the Public Broadcasting Act of 1967, which marks the beginning of the medium modern history. As CPB's Mr. Witherspoon noted earlier, two of the three legislative directions to the corporation were national and go, no go in significance: It was to provide interconnection and to develop outlets for national programing. A third and equal responsibility, but only one of three, was to increase the support given to local stations.

CPB was created by law late in 1967, but did not acquire a chairman (Frank Pace, a former secretary of the army and business executive, now head of the International Executive Service Corps) and a board of directors until early in 1968 and did not find a president until February of 1969 (John W. Macy Jr., who had been chairman of the Civil Service Commission for eight years under Presidents Kennedy and Johnson). Shortly thereafter, CPB announced its plan to establish a Public Broadcasting Service to manage the interconnection. That service did not become operational until 18 months later, in October of 1970. The establishment of production centers became a reality with the launching of PBS. National Public Radio, a noncommercial radio interconnection service—which, unlike PBS, produces some of its own programs—came into being in May 1971.

As it crossed each major divide, public broadcasting came face to face with its own diversity; many of the fiercely independent local operators, expressed reservations about the effect these new organizations might have on "local autonomy." When CPB was first formed, there were rumblings from the ranks about the dangers of centralized control by an "Eastern establishment." These gradually subsided, and the debates became centered on specific policies rather than on the institution itself. Then PBS came along, and the old feelings were expressed again. "We are really concerned with the erosion in local production and control," one said. "We must watch that centralization of control in Washington doesn't happen," said another. That was the majority view at the time (BROADCASTING, April 14, 1969).

Time altered these difficulties, although it never erased them. The fundamental disagreements no longer involve the findings of goblins at the national level, but rather the search for a balance that will make the system work—of locating the right mix of central and federated control, determining the appropriate audience, and obtaining enough no-strings-attached funding.

The debate over centralization has centered on the creation and operation of the two networks, PBS and National Public Radio.

TO AVOID A CONFLICT

When the Public Broadcasting Service was created, the question was not whether interconnection should exist, but what form it should take. National Educational Television, which for years had been the principal supplier of programs, argued that it should continue to serve as a principal production center while at the same time exercising control over the distribution of programs, but the idea at the time was that such a division of functions would create a hopeless conflict of interest.

The decisive fact was that NET was not a membership-governed organization. For years, it had been the almost exclusive supplier of whatever national programing public television had commanded. At the same time, it had been the source of enormous discontent among station people in public broadcasting, both because it was an Eastern-oriented, liberal outlet and because stations had felt no voice in the programing process. Donald Quayle, now president of National Public Radio and previously a consultant to CPB while PBS was being formed, says: "If NET had been a membership organization, there might never have been a PBS. That's all speculation, but its possible."

That was a large part of why PBS came into being. It was not just that public television people wanted a strong interconnection service; they wanted a service they could reasonably expect to control. They got it.

As it was created and now exists, PBS is unlike any other national broadcasting network. It is far more federated, far more loosely organized. The programs it distributes are produced by the major centers and funneled through the network, but the final responsibility for clearance and scheduling still rests with the local stations. To facilitate that process, PBS is organized so as to permit screening of programs by local stations before they go on the air.

Most important, the governing body of PBS is a board of directors that is dominated by station types. The network's policy is made by that organization. And no other network president but PBS's Hartford N. Gunn Jr. would be likely to tell a business meeting: "Do not entrust more power to [the network] than is absolutely necessary."

So where is the tension between PBS and its affiliates? It does not come principally from the medium and smaller-sized stations; they control the board, and whatever specific disagreements they may have, they generally like the idea of PBS as it now exists. When confronted with the notion that PBS might compensate its stations for carrying programs as a means of encouraging greater carriage, a broadcaster such as Robert Ellis—director of broadcasting and general manager for Arizona State University's noncommercial KAET-(TV) Phoenix—will reply. "I'm already compensated. Where else can a local station get programs like *Sesame Street?*"

The real dispute is between PBS and NET. PBS is the incumbent, the national network that must select and distribute programs to a nationwide group of stations. NET is the displaced king; once the pre-eminent leader in providing national programs for educational television and still the principal source of prime-time evening programing, it is no longer the heart of the national system. It is one of several production centers that supply programs for national distribution.

There are two lines of dispute—one largely fading from view, the other very much alive. The first has already been mentioned: NET felt, as an experienced source of programing, that it should be both a center of production and a source of distribution—a national center of expertise. It has not been permitted to assume that role, and although EBC President James Day still makes the argument academically, he no longer presses it as an important live issue. The more important question is whether NET, or any other production center, should enjoy a direct line of access to the stations. It is the view of Jim Day and the people who work for him that it should—that, once a program has been produced and cleared by management, it should be fed through PBS without interference, leaving the individual stations to decide whether or not they will run it. The opposing position, as laid out by PBS's Hartford Gunn, goes this way:

"I certainly agree that the final decision rests with the stations, as to whether or not they should run it. But there are very real problems; a number of our stations, probably 20 to 30 stations on the average, cannot see a preview prior to broadcast, because they get the signal off air by their relay system. It's a technical problem. In effect, there are a number of stations that are not directly interconnected at the time we can preview programs . . . and so they have to look to PBS to provide them with some guidance.

"The second reason is that it's purely one of our mandates from our own board of directors, the majority of whom are station managers." At one of their board meetings, the managers adopted their position: "Adherence to standards of fairness, objectivity and balance must be a joint process by the producing agencies such as NET and PBS, with the former having the initial responsibility, and PBS having final responsibility for the program service."

That is the essence of the difference between PBS and a commercial network. The former is far more subject to the decisions of its managers about what programs it will run, what times it will run them, and what programs will be transmitted in the first place, because the members have a large voice in managing the network, and because there is no economic penalty for anything.

What about radio? The answer is that National Public Radio, the newest noncommercial organization, is more like PBS than unlike it. Both are membership organizations managed by the members; both draw from local sources in their programing. There are two basic differences. The first is that NPR produces a 90-minute daily newsmagazine program, *All Things Considered* (for which some of the material is drawn from local stations), and is planning two other programs of its own; PBS itself produces nothing. The second involves the method of getting local programs. PBS draws from local stations, particularly the specified production centers, which get their national programing funds principally and directly from CPB. National Public Radio gets its basic funding from CPB, then contracts out with local stations for the specific programs to be carried on the network. The results, in terms of centralization, are not that much different; both are far more decentralized than any commercial counterpart.

At one point, it was proposed that PBS manage the radio interconnection as well as the television one, but the differences between the two media led to the scuttling of that idea. As NPR President Quayle puts it, "Radio is much more a series and a process than a group of neatly packaged programs. You can't operate it on television principles."

MACY'S THANKLESS JOB

There is one problem that both networks, all stations and everyone else in public broadcasting share, and they will confront it as long as any funding system other than an impersonal mechanism exists. One top broadcaster expressed it this way. "When there's a crisis in the system, like the *Dream Machine* dispute, people outside the system don't think that Hartford Gunn did that or the PBS board did that. People think: John Macy did that." Another leader in the system says, "John Macy has the most thankless, grueling job in the United States, bar none. Hartford Gunn isn't too far behind, but Hartford can please some of the people some of the time. John can't please *anybody*."

That is both a slight exaggeration and an

excellent point. Hartford Gunn and Don Quayle, for all their assorted problems, are providing a free service, under guidelines established through a painfully democratic process and directly involves the stations themselves. John Macy and CPB are (1) providing money, of which there is never enough to satisfy everybody, and (2) involved in granting funds for programming, which immediately raises the specter of benevolent despotism. Let one person say, "even the production centers are onto the fact that they're being told what to produce," and all the denials in the world never seem to obliterate the stigma.

The problem is not simply one of influence, but of the appearance of influence, and it does not begin and end with CPB, which is acutely conscious of its own delicate situation. It is axiomatic that strings are attached to money, no matter who gives it away. CPB does not "tell" people what to produce, but it consults with every production center about program plans before awarding money. It has to; the corporation can't spin a roulette wheel or pick a figure out of a hat. But, having talked about programming, it has by definition placed itself in the business of setting priorities.

So it is with the Ford Foundation, which has always had a thorough centralist bias that only added to some local managers' distaste for anything associated with New York. So it is also with school boards, which by definition are first of all in the business of instruction, or with state governments, which are generally rather conservative funding sources. (At times in the history of the medium, idealistic station staffs have collided with station managers who answered to more conservative boards of directors and funding sources; it is said that Boston, New York, Los Angeles and Pittsburgh have at one time or another seen such upheaval, unseating boards or unseating station managers.) About the only no-strings-attached funding to be obtained comes from station "auctions" (a popular public fund-raising device), which exist more to keep stations alive than to help them grow rich and prosperous.

However, CPB's money is relatively free of ideological strings, simply because the corporation operates under those specific legislative mandates. There are certain things it must do and must not do under the law. Those requirements make CPB different from any broadcast organization anywhere on the globe. It was established by the government, but it is an independent, private corporation that draws funds from both federal and nonfederal sources. It was to pave the way for interconnection, but not to operate the network. It was to encourage the diversity of program sources and increase support to local stations, but it was not to engage in any programing ventures of its own.

The corporation has what initially appears to be a lot of money to distribute. After struggling into existence in 1967 with slightly more than $2 million in grants from private sources, it reached the $40 million mark in this fiscal year. Nearly all of that amount goes back out. (The largest single chunk of that amount goes to PBS—$9 million.) The more revealing figures, however, are yielded in a breakdown by station of the approximately $7.5 million CPB is doling out in general station support—aside from the national program production. Spread that across the spectrum of public broadcasting, and nobody gets too much. A typical example is WKNO–TV Memphis, which operates on a budget of $450,000, and which received $22,500 in general support money from CPB—5% of its total operating costs. Across the board, CPB contributes only about 18% of its total funds to general support for stations. The pressure is on to raise that figure dramatically.

CPB's John Witherspoon, who recently talked with nearly all of the nation's public television managers in a series of meetings, says there is hardly any point in constructing a hierarchy of concerns at the local level: Money overshadows everything else. There is no need to invoke the Carnegie Commission; it is simply that the people need money, they know where to find it, and they want more.

In fiscal 1970, the most recent year for which comprehensive figures are available, the largest single source of funding for local stations in the system was state governments, which pumped in over $19 million. Behind them were local schools and boards of education ($17.5 million), state boards of education ($10.7 million), and, in fourth place, "intra-industry sources"—principally CPB—which contributed $8.2 million.

FORD FOUNDATION MONEY

The Ford Foundation, which over a 15-year period has poured over $200 million into the noncommercial media, is also the principal reason that NET exists at all. Even today with CPB a going concern, Ford is the largest contributor to the New York production center; its $6 million still surpasses the $4 million delivered by CPB—and the latter figure represents CPB's largest single contribution to any station or national production center.

The other principal source of funding is the Office of Education, which in this fiscal year has $13 million in federal money to distribute in the form of facilities grants. OE also contributes $7 million to the Children's Television Workshop, and is looking around for other instructional projects to fund.

There are assorted other sources of income: underwriting by private corporations, auctions, subscriptions from listeners and viewers—none of which can do more than help keep individual stations afloat while they await the big national paymasters.

Until they arrive, public broadcasting will have to cope with image-killers like the recent flap over a segment of *The Great American Dream Machine*. NET came up with a 12-minute piece in which the FBI was accused of encouraging or actually instigating violence within radical organizations. To simplify a long and already told story, PBS suspended broadcast of the segment, contending that it was insufficiently documented and too brief to carry such sensitive charges. NET, of course, stood by the piece and maintained that PBS had no business making editorial decisions. Ultimately, the network ran a two-hour discussion of the entire incident, during which the original piece and a later, revised version were shown.

The problem was that, while PBS and NET were agonizing over the film, FBI Director J. Edgar Hoover wrote a letter to NET. Based upon his understanding of the piece, Mr. Hoover said, it was "totally inaccurate." (Mysteriously, Mr. Hoover wrote the letter on stationery marked "Department of Justice," to inform NET that he had "referred the matter to the Justice Department." "Maybe Mr. Hoover has taken to talking to himself," Hartford Gunn mused at a PBS business meeting.) Since the suspension—it was not an outright cancellation—followed close behind receipt of the letter, there was an immediate suspicion that someone had been intimidated. As it happened, the matter had been a source of internal dispute for days before that letter was received, and Mr. Gunn was still insisting, two days after the event, that he had not even seen the letter. Apparently, nobody involved heard anything from John Macy, who is understandably wary of appearing to have any connection with such a dispute. Before the *Dream Machine* dispute was anything else, it was one of those internal disagreements that are the stuff of public broadcasting's existence. Nevertheless, the widespread suspicion persists, and will continue to persist at least until permanent financing is produced.

The most widely discussed proposal toward that end is still the Carnegie Commission's plan for an excise tax on the sale of television sets. But, as John Macy points out, "this isn't exactly the ideal time to talk about adding a new excise tax, with the government repealing excise taxes." The interim proposals that have been kicked around by OTP provide for much more money than the medium now receives, but they are not a permanent, insulated approach. The administration, which at the NAEB convention measured public broadcasting by the standards of the Carnegie Commission report, still is not ready to implement the funding recommendations that were central to that report. And public broadcasting is still dangling from all those strings.

DEVOTED 4-YEAR-OLDS

The one structurally independent programing organization associated with public broadcasting is the Children's Television Workshop, producer of *Sesame Street* and *The Electric Company*. CTW is sometimes listed as an "eighth production center," but is actually a nonprofit corporation with no ties to anybody except in the area of funding (CPB, the U.S. Office of Education and the Ford Foundation contribute much of its money). If the entire noncommercial broadcasting establishment were to go up in flames tomorrow morning, CTW is the one organization that might survive the wreckage. It is distributing foreign-language children's programs, conducting research into further programing, looking into the future-film market, and exploring the possibility of gaining control of cable franchises in major cities.

But if CTW never made another contribution to public broadcasting, it would be remembered as the organization that brought the first flood of audience and recognition to public television. It was not just that the medium suddenly acquired a devoted band of 4-year-old viewers (and a devoted group of adults who thrilled to the Cookie Monster on the sly); there was also as CTW President Joan Ganz Cooney remembers it, "a flood of grateful letters from parents, many of whom sent in a lot of money" and many of whom gained a new perception of the fare on their educational channel. (In the spring of 1970, after *Sesame Street* had made its big splash, spokesmen for the noncommercial media went to Capitol Hill for their annual hat-in-hand ritual, and sold the program's virtues so often and so hard that House Communications Subcommittee Chairman Torbert H. Macdonald (D-Mass.)—a strong advocate of long-range funding—finally threw up his hands in despair and groaned: "One program does not a network make. . . . I'm *tired* of hearing about *Sesame Street*.")

That one children's program brought public television's audience problem into sharp focus, because nothing else on the schedule has yet matched its impact. And the programs that have have only made the dilemma more apparent. Small audiences mean small impact; larger ones means visibility and a large political problem.

That such a problem may already have arrived is demonstrated by the Nixon administration's displeasure over the formation of a news and public affairs center in Washington, the National Public Affairs Center for Television—the medium's first attempt to mount "major news coverage," although its approach to news is expected to differ from that of the commercial networks.

Moreover, the nature of public television has led it to adopt a special measuring stick. What public television uses to gauge its success is not standard ratings (which would still be an embarrassment, comparatively speaking), but the number of people who

watch public television at least once a week. At last count, the number had reached 39 million, although the average weekly viewing time was only 1.9 hours. In part, this reflects a conviction that any system as varied as public television can succeed only by drawing different sets of people to different kinds of programs. Devoted, all-evening viewers are generally regarded as both unobtainable and probably undesirable. "The [traditional] assumption," says WGBH's David Ives, "is that the ideal person is someone who has his television set on 18 hours a day. We don't buy that."

In order to draw such an audience, however, public television needs to overcome such mundane problems as accumulated habit—people still think of the commercial networks as "television"—and its own image. The approach has been to mount a vigorous promotional campaign, stretching all the way to the commercial networks, and to place a lot of emphasis on polish. Absolutely everybody in public broadcasting comments on the latter point—the quest for smoothness of production is at opposite poles from the old the-world's-the-thing approach.

There is, in fact, no evidence at all to support the popular conclusion that people in public television associate virtue with small audiences. The trick is to win those audiences without sacrificing the commitment to a distinctive and varied breed of programing. Perhaps the best illustration of how complicated that quest can be is the success of *The Six Wives of Henry VIII*—on CBS. The program not only won critical acclaim; it cleaned up in the summer ratings in a way that was impressive even by commercial standards, and dwarfed any audience ever attracted by public television. Yet the program itself was just the kind normally associated with public television. Quite apart from the question of quality or singularity, there is a conditioning problem to be overcome, and the solution may take years.

The ultimate answer, if there is one, may be provided as much by technology as by programing. When NAEB President William G. Harley proposed earlier this year that public broadcasting stations begin planning to become "telecommunications centers," employing all available means of distribution, he was not speaking entirely without precedent, nor was he merely marching along with fashionable discussions about tomorrow's hardware. He was articulating what may be a key to the effective survival of local public television. If the real mission of public stations is programing, and if the costs of being a station operator cut too deeply into the quality of that programing, then station operators will ultimately have to concentrate their energies on being programers and leave management of the technology to others. That is an extreme version of the case, but not an unthinkable one.

The recognition of this problem is not confined to station operators and their representatives. It is also expressed by people like Lloyd Morrisett, president of the John and Mary R. Markle Foundation. That organization, which until recently poured all its resources into medical causes, has shifted entirely into communications, and now distributes about $2 million to communications research. Action for Children's Television and, most recently, into programing: a series of media criticism, *Behind the Lines*, on New York's WNET(TV). Its principal interest, however, is in cable television, which Mr. Morrisett sees as the key to public television's future. "I don't see much prospect of long-term insulated federal financing," he says. That to him makes cable all the more important, as a bridge between public programing and the audience. "The public broadcaster," Mr. Morrisett says, "simply doesn't *need* to operate a facility."

It cannot be said that cable and other developing technologies are perceived by station people as part of their immediate future. In other quarters, however, there is almost a sense of urgency about the subject. Michael Dann, who left CBS last year as chief of television programing to become vice president and assistant to the president of Children's Television Workshop, speaks as if the question were beyond debate. "Obviously," he says, "from 1978 to 1983 we will move into a wired society, with a corresponding fragmentation of the audience"—which can only benefit public broadcasting. Then, with a glance downtown toward the CBS building, he reads signs in the present:

"When CBS moves its base from the 60-second to the 30-second spot; when there is no regular documentary series in prime time; when the basic profits are from daytime programing; when you're almost *glad* that the FCC saved your skins by cutting back a half-hour of prime time; when there's not a single new live variety show; when William S. Paley, perhaps the most professional broadcaster in the history of broadcasting, picks a new president with no broadcast background—then you can be certain that these changes are already under way."

Not everyone is as certain as Mr. Dann, but there is widespread agreement with his general scenario, and growing realization of its implications for public broadcasting. In the meantime, the medium waves its flag and shouts its name in an attempt to change the viewing pattern of 20 years.

TOUGHEST TASK EVER

The managerial task here is the toughest I've ever faced," says EBC's Ward Chamberlin, whose background includes private business. "We're technically in a noncommercial business—but it's commercial in every way except the sources of funds. You're in a business that devours money, where cost control is terribly difficult—and without the ruthlessness that's inherent in the commercial system."

That kind of talk is heard more and more frequently as public broadcasting grows away from its origins and assumes new forms. The attempt to program conspicuously and well for different audiences, to evolve a complicated system into something both workable and democratic, and to amass enough money to do anything at all, does indeed have more in common with big business than might be suspected. Less and less audible are the voices of people like Vernon Bronson, winner of this year's NAEB Distinguished Service Award and an instructional pioneer with 30 years of experience, who two years ago told this magazine. "We spent a decade getting the educational community together for ETV channels. And we got them for education—not social causes or culture." Today, the more widely accepted notion is that instructional programing (funded principally by educational organizations) can co-exist quite legitimately with a far wider range of programing (funded principally by national organizations).

There are other broad areas of agreement. It is generally conceded that anything so big and increasingly powerful must stay democratic or die. There is recognition that more national money must be funneled to the stations. There is virtually unanimous agreement that the quest for larger audiences—not as large as the commercial networks, but larger than public broadcasting is accustomed to—is legitimate and necessary, so long as that growth is coupled with both diversity and the exercise of independent standards. The differences involve the precise balances to be struck in each area.

But what about "localism"? What about that element in the Carnegie report, so important to many station people and so prominent in the Whitehead speech to NAEB? The answer depends on your use of the word. "Localism" may mean: Give the stations a hefty cut of available funds, don't tell them what to do, increase their options, and give them a powerful voice in whatever national organizations may be developed. In this sense, "localism" is the opposite of centralization, and is a part of the blueprint for American public broadcasting.

There is another use of the word, however, and it is more dangerous. There are times when the call for localism, whether it comes from inside or outside the media, sounds dismayingly like an attempt to keep the idea of national service at arm's length. When Tom Whitehead called PBS an emergent "centralized, national network," he used the words almost as synonyms. Nobody has taken exception to the idea.

They are not the same thing at all, and must not be confused. Centralization is a way of operating, a structure; it was clearly unacceptable to those who framed public broadcasting's charter. National service, on the other hand, defines a kind of reach and impact; it is absolutely fundamental to the goals those who initiated this new medium hoped it would reach.

Whether or not the present configuration of public broadcasting happens to align in all respects with the Carnegie report may not be the most important of all criteria. Whether that configuration points the medium toward its assigned role is critical.

Public broadcasting will not suffer in the long run because its critics shoot from more than one direction, or because one administration is made nervous by Sander Vanocur. It will betray the dream only if it forgets one inescapable mandate: that it make a difference.

ADDRESS OF CONGRESSMAN BRADEMAS

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, on November 6, 1971, I had the privilege of addressing the 11th National Conference of the Central Opera Service, sponsored by the Metropolitan Opera National Council. The conference was held at the John F. Kennedy Center for the Performing Arts in Washington, D.C.

Mr. Speaker, I insert at this point in the RECORD the text of my remarks on this occasion:

ADDRESS OF CONGRESSMAN JOHN BRADEMAS

I count it an honor to have been invited to address the 11th National Convention of the Central Opera Service, and I am especially pleased to be with you here in the John F. Kennedy Center for the Performing Arts.

It was, I remind you, ten years ago that President John Kennedy spoke at the ground breaking for this building. On that occasion he spoke of the role of the Arts in a free society and the role of government in the Arts; and he gave us a history lesson. He said:

"Aeschylus and Plato are remembered today long after the triumphs of imperial Athens are gone. Dante outlived the ambitions of 13th Century Florence. Goethe stands serenely above the politics of Germany, and I am certain that after the dust of centuries has passed over our cities, we too will be remembered not for victories or defeats in battle or politics, but for our contribution to the human spirit."

It is ironic that we meet today in a monument to the man who spoke those words, and that we may in time recall John Kennedy not for his "victories or defeats in battle or politics" but for the stimulus he gave to the cultural life of this Nation.

And I must here not fail to pay tribute to my distinguished colleagues in Congress whose inspiration and leadership there

helped make possible the Kennedy Center, Senator J. William Fulbright of Arkansas and Congressman Frank Thompson of New Jersey.

Already this Center has contributed to the life of the Nation's Capital and if the building in which we meet does little to heighten one's regard for some of American architecture, I am none the less greatly impressed by what is going on within these walls.

For it is no minor advance in this town that within the coming days one may see Cat Stevens, the New Orleans Jazz and Ragtime Festival, the B Minor Mass, Tony Bennett, Rudolf Serkin, and Roberta Peters, and I have not mentioned Claire Bloom or Wingy Manone.

THE VITALITY OF THE ARTS

I have been invited to address you, the nation's top leaders in opera, not because I am an expert on opera, for I am not, but because I am a politician who shares with you a concern for the vitality of the arts in our society.

As you know, the education subcommittee I have the honor to chair has jurisdiction over the programs of the National Arts and Humanities Foundation—but I must tell you that my subcommittee handles a variety of other legislative areas as well.

We also write bills touching on educational technology, child day care and preschool programs, drug abuse education, educational research, public libraries, education of the handicapped, and the older Americans programs.

And it has been enormously fascinating to me to see the ways in which what we do in one area dovetails with our legislative activities in others.

So it will not perhaps surprise you when I tell you that in the last Congress, when several of my colleagues and I decided to write legislation providing funds for elementary and secondary schools for offering courses about the environment, I picked up the phone in Washington and called Robert Motherwell to ask him to be a witness on the first day of our hearings.

He said, "Why do you want me to testify on environmental education; I'm a painter."

I said, "Because we want to establish at the outset that in discussing the environmental crisis, we are talking about far more than clean air, land and water. We are talking about the fundamental values of human life."

Motherwell said, "I'll come," and his eloquent testimony that day provides the text for my sermon to you here.

Said Motherwell, "I speak only as an artist, but to speak as an artist is no small thing. Most people ignorantly suppose that artists are the decorators of our human existence, the esthetes to whom the cultivated may turn when the real business of the day is done. But actually what an artist is, is a person skilled in expressing human feeling."

Motherwell went on to demonstrate his own skill in expressing human feeling when he voiced his horror at what we have made of much of our environment:

"One's mind reels at what men without an aesthetic sensibility have been capable of. Far from being merely decorative, the artists' awareness, with his sense of proportion and harmony, is one of the few guardians of the inherent sanity and equilibrium of the human spirit that we have."

It is to help assure that we do not lose—indeed that we expand—the efforts of these guardians of the human spirit that we meet here today.

THE ECONOMICS OF THE ARTS

So I want, from my perspective as a legislator, to talk to you today about some of the efforts of the Federal Government in the arts, including the art of opera, that deserve our attention and concern.

First, I want to talk to you about money.

Unfortunately the activities through which artists live and communicate tend to be left behind by our society. The dance and music, opera, drama, sculpture and the new realms of multi-media work tend to miss out in the progress of our economy.

A brief descent into economics will indicate why this is so.

First, the arts are labor-intensive. A sculptor's time and thought and imagination are the main ingredients in his work, and no breakthroughs in the price of rock will make his output cheaper or more efficient.

Clive Barnes of the New York Times has said that in the dance, one of the arts in which America is clearly ceded international leadership, world acclaimed figures may earn as little as $5,600 a year. Juniors in a major company may take home *only* $4,200. Yet even on these wages the pay of dancers will make up 30% to half of a company's budget.

The same kind of situation confronts the opera. According to a study by the *Twentieth Century Fund*, 41¢ of every opera dollar goes to performers, but is spread unevenly. A few stars on top command up to $10,000 a performance, while professional cast members at a lower level may barely make a subsistence living.

But while labor intensive, the arts are not amenable to increases in productivity. A 45-minute Schubert string quartet still takes three man-hours to play, someone recently observed, the same as it did 150 years ago.

Finally, the arts can rarely take advantage of the economies of scale. There is a size beyond which no auditorium can convey the experience of opera or theater.

While modern techniques of reproduction can to some extent take painting to wider audiences, graphic art remains intimate and personal, not something to be appreciated by vast audiences at once.

Thus even without inflation, the economic structure of the arts is such that their costs would stay constant while increasing productivity in other fields made the price of enjoying them seem high. So in a dynamic or inflationary economy, inflation strikes hardest at the arts, ever widening the gap between costs and income.

Typically, according to Amyas Ames of the Lincoln Center, the cost of operating any enterprise in the arts rises by about 10% a year. For a $40 million operaton like the Lincoln Center, this means expenses this year will be $4 million more than last. Even on a small budgetary base, such a proportionate increase is hard to bear in El Paso or Indianapolis.

While statisticians can have a field day estimating what goes into expenditure on the arts nationwide, a conservative estimate of $2 billion a year suggests that the climb in expenses every year must reach a frightening $200 million *without the provision of any new performances.*

And we know that new performances must be added in all the arts to meet the demands of increasing leisure, the desire for the arts in education, and to meet the need for cultural expression among America's minority groups.

Indeed, I might take advantage of this forum to tell you that my friend and distinguished colleague, and the ranking minority member of my subcommittee, Congressman Ogden Reid of New York, and I have tentatively decided to take our subcommittee to New York City sometime in the Spring of 1972 to spend several days touring institutions of art there—big institutions and small ones, established ones and experimental ones—in order to learn as much as we can about the situation of the arts in the capital of the arts and in order as well to dramatize to the general public the rising awareness in Congress of the role of the arts in the American Society.

THE ROLE OF BUSINESS, FOUNDATIONS, AND GOVERNMENT

What is to be done about the economic plight of the arts in America?

Here are a few observations: In the first place, it seems obvious to me that American business and industry can do far better than they have done to nourish the arts; and I say this without in any way denigrating the support they have so far given. Since only 5% of corporate contributions go to the arts, however, there is surely room for improvement here.

I do want to pay particular tribute to some of the private foundations in our country; they clearly deserve it.

In particular, I must commend the Ford Foundation and its able Vice President for Humanities and the Arts, W. McNeil Lowry, for the imagination and economic horse sense they have employed in support of the arts in recent years.

You all know, of course, of the 1966 Ford Grant in excess of $80 million to symphonies, and I am sure you join me in applauding the announcement last month by the Ford Foundation of a series of new grants to theaters, dance companies and opera companies.

As a Member of Congress hungry for accurate information about the arts, may I say that I am also looking forward with intense interest to the results of a Ford Foundation study of the economic needs of the Performing arts. When the study is published in March of next year, I am sure it will enable my colleagues in both the House and the Senate to be able to legislate more thoughtfully and effectively for the arts.

Yet you and I know that the combined efforts of business and the foundations—even if greatly expanded—will not be adequate to meet even a ballpark estimate of the needs of the arts in contemporary America.

We have therefore in recent years come more and more to realize that it is both appropriate and wise for the National government to lend its support to the arts.

Now, as some of you may know, I am a Democrat, and I find little difficulty in restraining my enthusiasm for the works of this Administration.

But I am pleased indeed to praise President Nixon for his budget request this past year of the full $60 million Congress authorized for the Arts and Humanities Foundation—$30 million for each field.

And I am equally pleased to say that Congress appropriated the money. One reason, let me here take a moment to say, that I believe Congressional support for the National Arts Endowment will continue is the effective leadership that Nancy Hanks is bringing to it.

Now let me here observe that I believe it is most important that the goal of full funding for the arts was reached this year. It is important not only because the money will be put to good use all over the country; but also because reaching that goal was necessary groundwork for a more ambitious objective. If—and I cite this only by way of example—we were to adopt the target of Amyas Ames and his Partnership for the Arts we will aim for $200 million annually in government support for the arts, about one federal dollar per capita.

But with $30 million a year for the arts, or even $200 million, we must still consider the question of what is to be done with the money we generate, public and private. And this is in some ways a still more fundamental question.

Let me then pass from a discussion of the economics of the arts to talk about this other problem.

EDUCATING AUDIENCES FOR THE ARTS

And let me here confess the prejudice of a Congressman concerned with education. For

while I favor greater support of education at every level, I also favor far more attention to the education of audiences for the arts—and I believe, in respect of the particular art form you represent, that we should do a far better job than we have done to educate an audience for the opera.

It was, you will recall, Walt Whitman who said that "To have great poets, there must be great audiences, too."

Few of you, I think, would disagree that great audiences are educated, not born. But how to educate people for the arts? Surely, it seems to me, the beginning of wisdom here is the realization that, as the Calvinists say of sound religion, art must be related to every dimension of man's—and woman's—existence.

Let me illustrate what I am trying to say by telling you of some of the other areas of which the Select Education Subcommittee is concerned; and I think you can then begin to imagine how the arts can be brought to bear on each of these areas.

For example, Congress will shortly take final action on a major child day care and preschool bill initiated in my subcommittee. What ought to be the role of the arts in the development of children in their earliest years? Have music, and painting and poetry anything to say to children in their preschool years, and, for that matter, to their parents?

One year ago last month Congress passed the Environmental Education Act, written in my subcommittee, a measure aimed at stimulating ecological education for elementary and secondary school students. Is there not a role for the arts in sensitizing both children and adults to the environment of which they are a part?

And I remind you that the Environmental Education Act also provides support for developing materials through which the mass media can teach about the environment.

Let me turn to another area in which we are now working, the problems of older Americans, and put to you this rhetorical question: How can the arts, how can music, and how can opera play a role in the lives of the older citizens of our society? Have you thought about that?

We have also in my subcommittee the job of writing vocational rehabilitation legislation and other measures that touch upon the lives of the handicapped. Have you given much systematic and imaginative thought to the meaning of the arts to those who are mentally or physically afflicted?

I cite another field of burgeoning concern wherein members of my subcommittee have sought to provide some modest leadership—the increasing problem of drug addiction in modern America. Some months ago we sent to the President the Drug Abuse Education Act, which has two aims: producing scientifically objective teaching materials concerning the dangers of drug abuse, and encouraging drug abuse education programs in our school systems. Has not so powerful a vehicle for human expression as the arts nothing to contribute to communicating with humans scarred by addiction?

To this litany of opportunities with which I am seeking to challenge your imagination I will add the men and women in the prisons of this land. What can the arts do to make their lives more humane and, hopefully, enhance the prospect of their living lives more sane once free?

This week the House of Representatives passed another bill, of which I am a sponsor, to establish a National Institute of Education, to support research and development at every level of education, preschool through postgraduate school, in formal institutions of learning and outside them. Surely, it seems to me, the place of the arts, not only as a subject of, but as a vehicle for, teaching and learning, ought to be part of the research agenda of the new Institute.

And next year, my subcommittee will resume consideration of legislation in the field of educational technology. We know that Robert Rauschenberg, Claes Oldenberg and Billy Kluver are working on marrying the resources of American technology to the visual arts. Is there not a frontier here for opera as well?

In all these areas, then we in Congress earnestly solicit your ideas, your suggestions, and indeed your exhortations.

Of course, we in Congress who are champions of the arts want you who labor in the vineyards of the arts to be vigorous workers for increased financial support of the National Arts Endowment.

But we hope you will do more than lobby for more money from the government.

We seek as well the fruits of your thinking, your training, your experience and your imagination.

Earlier I said we must do more to educate audiences for the arts, specifically for opera. I have given you a number of areas to which, I have suggested, we need to bring the arts as a new dimension.

EDUCATING AN AUDIENCE FOR OPERA

I want now to focus some comments on the field which brings us all together in Washington this weekend—the opera.

When asked to make this speech by my good friend, Eva Popper of the Metropolitan Opera, I thought immediately of a book that I found in my grandfather's library in a small town in Indiana over 35 years ago, *The Victor Book of the Opera*.

I recall still those marvelous photographs of Martinelli and Caruso as Rhadames, of Galli-Curci as Rosina, of Chaliapin as Boris Gudonov, and I read the summaries and looked at the photos of the stage sets of Rigoletto, Othello, and Der Rheingold.

So my education in the opera, though modest and fitful, began at a fairly early age.

As a Congressman who is a rigorous advocate of Federal support for the arts and as a democrat with a little "d" (as well as a big one) I must tell you that I strongly disagree with those who hold that opera is solely for an elite. I believe they are mistaken, for there is a vast potential audience for opera today and, as with other major art forms—theater, dance, symphony, painting—we must help make it possible for all our citizens who wish to do so to have access to them.

The National Arts Endowment and a number of private foundations have been pioneering in this respect.

But we have a long way yet to go to insure, in the world's wealthiest democracy, that access to art is not for the affluent alone. Building an audience for art through the nation's schools, colleges and universities and through community education is one way for us to begin.

SOME EXAMPLES OF EDUCATING FOR OPERA

Let me assert then that we must educate not only the singers, the stage directors, and conductors of opera; we must begin to pay more attention to creating educated audiences for opera, especially among young people. Let me offer a few illustrations of how, it seems to me, we can bring an opportunity to know opera to many persons now denied access to it.

I give you but three examples. We should it seems to me,

Encourage opera companies to increase their public service performances both in their home communities and on tour to other communities where live opera is not available. School children and college students as well as senior citizens should be enabled to attend and, where possible, speakers and demonstrations should be provided.

We should develop video tapes and films of live opera for use in schools and colleges and the general community.

And we should provide financial help for increasing both the number of operas produced and the number of performances.

A concrete instance of the kind of effort I am here urging is a program sponsored by the San Diego, California, Opera Guild and the San Diego school system which, with a $50,000 grant from the National Arts Endowment, is providing classroom instruction in opera combined wtih student attendance at live performances.

I hope very much that some of the leadership for educating an audience for opera in America will come from the National Opera Institute, which was created in 1970, with support from the National Arts Endowment, to increase the growth of opera in this country.

With the appointment of George London as new executive director, I hope the Institute will begin to contribute significantly in the areas it has marked out for itself: (1) supplementing production costs of new or unproduced works; (2) commissioning new operas; (3) studying the best methods of developing opera for television, aimed at broadening the audience for opera; (4) bringing professional opera to sections of the country that would not ordinarily have this exposure; and (5) providing a limited number of individual grants to outstanding young singers.

And I must also note, by the way, that since 1965 the Arts Endowment has given a total of $3.1 million to opera activities. Opera grants for fiscal '72, I understand, are expected to approach $1.5 million, almost triple that of the year before.

A SUMMARY

Let me summarize what I have tried to say to you.

I have spoken of the economic condition of the arts in America today, and I have told you of the increasingly significant role that the Federal government is playing in supporting them.

I have urged you to exercise your imagination and your experience in relating the arts, including opera, to a wide variety of persons and problems—from preschool children to older Americans, from the challenges of the environment and drug abuse and of prisons and modern technology.

And I have pressed upon you the responsibility to help educate new audiences for the arts and especially for opera.

Your mission is, I believe, a most enviable one. Again to quote President Kennedy:

Behind the storm of daily conflict and crisis, the dramatic confrontations, the tumult of political struggle, the poet, the artist, the musician, continues the quiet work of centuries, building bridges of experiences between peoples, reminding man of the universality of his feelings and desires and despairs, and reminding him that the forces that unite are deeper than those that divide.

In a time in which the forces that divide are perhaps as strong as ever before, both at home and abroad, in such a time, I say, we need all the more the work of the poets, the painters and the singers.

For, to return to the text of my sermon, "To speak as an artist is no small thing."

Let me here add how pleased I was to learn here today from the distinguished new general manager of the Metropolitan Opera Association, Mr. Göran Gentele, of his own deep interest in and commitment to the work of educating a wider audience for opera in the United States.

MESS IN FOGGY BOTTOM

(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, there is some faint and outrageously belated evidence that the pompous bureaucrats who run the Department of State are showing signs of making changes in some areas of their dictatorial personnel policies—policies which have too often been brutal, totally one-sided and unfair.

For far too long the Department has subjected its employees to almost criminally inadequate grievance and appeals procedures, presided over by men who had no more judicial bent than a jackrabbit and who took pains to favor the Department in almost every instance.

Two recent articles serve to point up the deporable situation in this Department. One is by Clark Mollenhoff, bureau chief of the Des Moines, Iowa Register and the other appears in the November 15 issue of Time. I include them for insertion in the RECORD at this point.

[From the Des Moines Register, Nov. 8, 1971]

DELAYS ACTION ON ENVOY POST

WASHINGTON, D.C.—The Senate Foreign Relations Committee last week passed over President Nixon's nomination of Howard Mace as ambassador to Sierra Leone pending completion of an investigation of charges that he gave false and inaccurate testimony before the Senate Committee.

Indications are that Chairman J. William Fulbright (Dem., Ark.) considers the charges to be of considerable importance.

Mace, former director of personnel for the State Department, was nominated by President Nixon as ambassador to Sierra Leone in July on the recommendation of deputy undersecretary of state William P. Macomber. They had worked together at the State Department for more than 12 years.

The State Department and White House have been told that the Mace nomination probably will die in the Foreign Relations Committee unless it is withdrawn by President Nixon.

There are charges that under Mace's direction the State Department personnel division has engaged in manipulation of rating boards, engaged in forgery and other falsification of personnel records, and permitted perjury in State Department and Civil Service Commission grievance hearings to go unchallenged.

In the Mace hearings, Macomber, who is in charge of State Department administration, has been forced to admit that a large number of cases resulted in injustices, but he has argued that Mace should not be held accountable for the faults in the system.

But critics say a review of four of the most publicized cases indicate some allegations of direct responsibility for Mace as well as Macomber:

Alison Palmer, a 39-year-old foreign service officer reportedly was discriminated against because of her sex. Now, Mace admits sex discrimination exists on assignments, but denies that he had any role in the illegal discrimination found by an Equal Employment Opportunities (EEO) board. The recommendations of that EEO board was held out of the file by Mace despite a specific recommendation that it be made a part of the file.

Miss Palmer says the story Mace told the Senate Foreign Relations Committee is untrue on a number of points. She said Mace had an active role in discrimination against her, and that she had personal conversations with him in connection with his decision to refuse to sign the findings of the EEO recommendations, and the refusal to make those recommendations part of her file.

John Hemenway, a 46-year old honor graduate of Annapolis and a Rhodes scholar, currently is involved in the only State Department grievance hearing permitted by Mace to challenge the decision to fire Hemenway. Hemenway contends that Mace gave untruthful and inaccurate testimony in connection with the handling of his case.

He charges Mace acted illegally to remove two members of the three-man panel that had indicated a willingness to permit Hemenway to call State Department witnesses over the objection of Mace's office.

Stephen Koczak, a 54-year-old former foreign service officer now employed by the American Federation of Government Employees, was denied a grievance hearing, but was subject to a special panel made secret to former Secretary of State Dean Rusk. Koczak was barred from having an open hearing, cross examining witnesses, or even communicating with other State Department employes during the hearing.

A letter he wrote to the panel pointing out some of the discrepancies in his file was not entered into the official record. Mace reportedly has continued to refuse Koczak access to his hearing record and reportedly has permitted forged and post-dated documents to be made a part of his record.

Charles W. Thomas, 47-year-old foreign service officer, killed himself last April as a result of his frustration in seeking a hearing. He had no promotion in eight years and was refused a hearing by Mace despite admissions that a highly laudatory report by an inspector general was misfiled under another Charles Thomas.

This report recommended immediate promotion for Thomas and assignment to the National War College, in line with the opinions of two ambassadors under whom Thomas had served.

The Thomas case has raised the greatest number of problems for Mace and raises some of the most serious questions about the inconsistency of the rulings that have been revealed in the personnel division while Mace and Macomber have been in charge.

Action on Mace's nomination to the ambassadorial post will await an investigation by the Senate Foreign Relations Committee.

THE STATE DEPARTMENT

UNDIPLOMATIC REFORMS

Charles W. Thomas was a desperate man. A lawyer and a career diplomat, Thomas, 45, had been "selected out" of the Foreign Service. Reason: he had not been promoted from the Class 4 level to Class 3 within the mandatory eight years. He was dismissed with only one year's salary and $323 a month (money he had himself put into a retirement fund) to support a wife and two children. In nearly three dispiriting years Thomas endured nearly 2,000 job rejection letters; he was "too old" or "too qualified," and anyway, he had been fired by the State Department. Finally on an April afternoon in Washington, Charles Thomas took up a gun and shot himself to death.

There is a Kafkaesque cast to the Thomas tragedy. Try as he might, Thomas could not get his day in court to determine whether his selection-out was based on the fact that he had received poor performance ratings or that the State Department had somehow failed to consider his highly favorable ratings. In fact, it was the latter. Thomas had carved a distinguished career in posts such as Tangier, Port-au-Prince and Mexico City, where he became a specialist in Mexican radical politics. Indeed, he had high marks from his superiors and colleagues alike; the explicit blemish on his record was an observation by a Mexico City superior that Thomas did not exercise proper "control" over his secretary.

In contrast, a laudatory report from the Foreign Service Inspector, Ambassador Robert McClintock, was accidentally misfiled under the name of another Charles W. Thomas, then Consul General in Antwerp. The report was eventually logged into its proper place, two days after Thomas had been turned down by the promotion board. The board deemed it too much bother to reopen the case.

FANG AND CLAW

The Thomas affair is certainly the most shocking to occur within the labyrinth of Foggy Bottom personnel practices, but it is by no means the only one of its kind. Willard Brown, a class 2 officer, discovered after his selection-out that the State Department had lost all of his personnel records and that consequently his name had not been considered for promotion for several years. Nor are good men being passed over just for clerical errors. The section process in the department has traditionally been the last word in Darwinistic elitism. McClintock, although a highly regarded professional, had a reputation for sending overly favorable reports on many officers. With little negative to go on, promotion boards used the tiniest criticisms as justification for passing over a candidate. Hence Thomas' dismissal.

There are 3,000 field officers and aides serving in the Foreign Service, and around 100 are weeded out every year. Two hundred more resign annually. The process follows a fundamental Government pattern. Every man is rated at least once a year by his superior, who then passes his reports on to a departmental reviewing officer, who in turn presents his recommendations to the reviewing boards. While no one in the department argues that incompetents should not be winnowed out, the feeling is that the rating system has deteriorated into an endless round of pettifoggeries and petty jealousies, where too frequently the men who do not play up to their superiors' vanities wind upon the short end.

This fang-and-claw attitude has prompted a thorough reappraisal of the State Department's personnel system. Rather belatedly, Deputy Under Secretary William Macomber Jr., the department's top administrative officer, called in Thomas' widow Cynthia and offered her virtually any job she wanted. More broadly, the selection-out rules have been changed to prevent the flagrant injustice in the systems. Now an officer who achieves Class 5 cannot be fired until he has reached age 50 or served 20 years. This way, at least, he is entitled to retirement pay.

Scornful. Further, the State Department has set up new, formidably titled Interim Grievance Procedures, the first major amendment to the Foreign Service Act since it was passed in 1946. These procedures are to last until employee-management relations are reformed under a plan projected by President Nixon. However, many officers are scornful of Macomber's new measures, since they stipulate that an employee must first take up his grievance with his superior—against whom the grievance is usually brought in the first place—and can only appeal to a board picked by the department. Says one legal official at State: "I don't care if a grievance panel is headed by Charles Evans Hughes or Jesus Christ, it still remains an in-house procedure without any chance of outside appeal."

Help is forthcoming from the outside. The Senate Foreign Relations Committee last week refused to report the confirmation of Howard P. Mace, 55, as U.S. Ambassador to Sierra Leone, which is tantamount to defeat of his nomination. As director of personnel for four years. Mace was the source of much of the department's interior turbulence. He was known behind his back as the "executioner," the man primarily responsible for the selecting-out process. Officers also noted that under his aegis men with high diplomatic potential were often bypassed for plush jobs in favor of men little experienced

in diplomacy from his department. Congress is also taking more direct measures. There are two bills pending before Congress that would overhaul and codify the grievance system.

Concerned DOS officers are seizing their own initiative. A group has banded together to launch a class action against the Secretary of State; to raise money for this expensive exercise, they have instituted the Charles W. Thomas Fund. One junior officer invoked a more primitive grievance procedure. Furious over what he considered an unfair performance rating, he stopped his superior in a corridor of the State Department and cut loose a smacking right cross to the nose.

TALE OF TWO FACES

(Mr. BLANTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BLANTON. Mr. Speaker, this is the tale of two faces.

The two faces of the Nixon administration in busing.

We are all aware of the President's recent statements that there should be only "minimum busing necessary" to achieve racial desegregation in public schools. The President's press secretary told the national news media that the Nixon administration expected to summarily dismiss Federal employees who exceeded the "minimum necessary" policy.

Mr. Speaker, a situation in my district in Tennessee only points out what I, and most of my colleagues in this body have long known. What the Nixon administration says is not what it does when it comes to busing. It wears two faces—one face vigorously prosecuting desegregation cases with an eye on massive busing, the other trying to convince the people that it is apalled at the use of busing.

I am afraid the Nixon administration has been caught with its pants down in Memphis, Tenn., and I want to share with you the inside story on how the administration works its will.

The Memphis city school system has been a defendant in a desegregation case in the U.S. District Court for west Tennessee. Last July, Federal District Court Judge Robert McRae ordered the school board to secure Federal consultants to assist it in drawing plans for desegregating their schools.

Under court order, the school board requested the Division of Equal Education Opportunity in the Office of Education, Department of Health, Education, and Welfare for consultants.

Dr. Jesse Jordan, Deputy Director of the Office of Education in charge of the EEO office, appointed a seven member team of consultants to assist the school board. Named to head the consulting group was Dr. Josiah Calvin Hall, a professor at the University of Miami, and a member of the staff of the university's center for desegregation.

The center received a Federal contract from HEW for $610,732 for fiscal year 1971, under sections 403–404 of title 4 of the Civil Rights Act of 1964.

The staff members of the center receive funds from this Federal appropriation when they are working on desegregation matters. About 20 percent of the funds, or roughly $125,000, is used as salaries for consultants.

In a pretrial conference last week in Memphis, a sworn deposition from Josiah Calvin Hall indicated that "a minimum of 40,000 students will have to be bused," in Memphis. Dr. Hall also said that upon his appointment, he was told by Dr. Jordan that the Memphis study should be as thorough and complete as possible, for it could be used as a model for desegregation cases in northern cities.

On Monday, November 8, Representative DAN KUYKENDALL, who represents Memphis in this body, issued a public statement to the news media, and said it was issued on his behalf and his two Republican Senator colleagues, Senators HOWARD BAKER and WILLIAM BROCK. The statement was, according to press accounts of the story, "cleared and has the approval of HEW Secretary Elliot Richardson.

The statement reads:

An unfortunate and erroneous impression has developed in regard to the participation by the Department of Health, Education and Welfare in the Memphis desegregation plan.

It should be clearly understood that the City of Memphis has not been selected by any official of the Department of Health, Education and Welfare as a model for desegregation for any other schools system.

No two cities are exactly alike. Consequently, no city could be a model for another to follow.

In his press statement, Congressman Kuykendall also disavowed the consultants as federal employees, and emphasized that they were "independent consultants."

Mr. Speaker, this only indicates the politics of the Republican administration in regard to busing. While the administration agencies are working tooth and nail to bus our children as much as possible, their spokesmen are out trying to leave the public with an erroneous impression. In Tennessee, a highly controversial busing plan in Nashville, Tenn., has gotten the Republican administration in deep trouble in Davidson County. The Memphis Republicans do not want the same situation in our State's largest city—and that is why the Monday statement was issued.

It is clear to me that Congressman KUYKENDALL called and talked with HEW Secretary Richardson about this matter—not the center for desegregation. They all march to the same drummer.

Now about this center for desegregation.

I directed my staff to do some investigation. The results were stunning.

The director of this federally funded center is Dr. Gordon Foster. Dr. Foster was in Memphis only last week. He happens to be the expert witness for the NAACP's Legal Defense Fund—the plaintiffs in the Memphis desegregation case. His assistant, Dr. Josiah Calvin Hall, is the consultant for the Memphis School Board, appointed by HEW. The school board is the defendant.

Mr. Speaker, this is a direct conflict of interest.

I submit that these federally funded desegregation experts are working on both sides of this case—and the case then is prejudiced by this conflict of interest. I believe this shows to the American public why these city schools systems around the country cannot seem to win their court cases in busing matters. Because the Federal Government appoints consultants to work with the defendants, and yet the plaintiffs are getting assistance from the same sources.

It is interesting to note that Dr. Hall, the federally appointed consultant for the Memphis school system, is the same consultant who helped draw up the controversial Nashville busing plan, and the Mobile plan. Dr. Hall is the Nixon administration's Johnny Appleseed of busing plans.

Mr. Speaker, Dr. Gordon Foster told my staff assistant by telephone this morning that the center obliges the Federal Government in supplying "consultants" because, and I quote him:

The Justice Department called me last year and said that since we fund the center, the center is obligated to provide this type of assistance.

Again I assert that the Memphis School Board is under court order to accept these consultants, and the Federal Government, through the HEW, knowingly appointed a consultant who is the assistant to the plaintiff's chief expert.

Dr. Gordon Foster admitted to my staff assistant that "the question of a conflict of interest is a legitimate one, and I am now considering not testifying for the plaintiff."

The Federal Government, in my view, has been a willful and knowing partner to a fraud on the courts of this country. I demand an explanation from Secretary Richardson. I demand to know how many other incidents like this have occurred throughout the South where these "consultants" have been used, and their fellow workers have been assisting the opposing parties in the suits.

I believe this is a matter the Justice Department should investigate, and also an appropriate congressional committee.

Mr. Speaker, this is how the Federal executive branch works on busing. The public statements by the President and his spokesmen have been shams. They have been outright deceitful statements. The real story lies within HEW, how they "make sure" that busing plans will be made. The courts, unknowingly, have been used by the administration. For the very people who advise the school boards have conflicts of interest.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

The average potato caloric consumption per day for the U.S. citizen is 107 calories per day as compared to six calories per day for the resident of El Salvador and seven for the country of Iran.

COMMUNITY SCHOOL CENTER DEVELOPMENT ACT

(Mr. RIEGLE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RIEGLE. Mr. Speaker, today, I have introduced the Community School Center Development Act. This will serve as the House version of the same act recently introduced in the Senate by Senators CHURCH and WILLIAMS. I congratulate them for their initiative in this matter.

The crisis in our schools is an acknowledged fact, particularly in our city schools and schools in low-income and rural areas. The problems are manifold—outdated curriculum and teaching materials, inability to attract and keep good teachers, lack of public support and willingness to pay for improvements, the dilemma of community participation and control, inadequate tax base, the unfair financing reliance on property taxes, educational experience not adequately personalized to the needs and potential of individual children, and so forth.

In short, the relationship between the school and the individuals and groups who make up the community around the school is confused and inadequate for the needs of our time. As a result, not enough young people are realizing the potential they must if they are to be productive and involved citizens in the 1970's, 1980's and 1990's. Another widely documented condition in today's society is the loss of a sense of community. The forces which fragment and divide a community are greater than those which bring people together to participate and share in larger common interests. This problem can and must be overcome.

One encouraging response to these problems is the community school concept—where the school becomes a fully utilized, decentralized community center, open from early in the morning until late at night, 6 of 7 days a week. The community school concept was pioneered and developed in Flint, Mich., over 30 years ago under the leadership and direction of Charles Stewart Mott and the Mott Foundation. Mr. Frank Manley, of Flint, first organized the concept which the Mott Foundation carried forward.

Under the community school program, the school becomes a neighborhood facility serving not only schoolchildren but adults, senior citizens, community groups and the like with a full array of services: educational, social, recreational, health, local government, public safety, vocational and, in general, whatever the community wants and needs. Everybody in the community gives something to the effort and everybody gets something.

Although there is no pat formula which can be uniformly applied to all communities, there are some battle-tested ways of helping communities to establish their own particular kind of community education as a function of their own special needs, problems, and resources. There is good evidence that this approach can help to make education more responsive to the community, more meaningful to both children and adults, and in the process give a neighborhood a rallying point around which to form a new sense of mission and involvement which cuts across age and interest groups.

The Community School Center Development Act which I have introduced today is aimed at expanding the community school program nationally. It will provide every community throughout the United States with the opportunity to become a part of an educational program which has not only demonstrated its success in over 600 school districts across the United States, but also has unique cost effective benefits which make it attractive to our taxpayers and school systems which are already financially strapped. We have found for example that we can increase facility utilization by 150 percent with a 5-percent increase in operating expenses. This is a bargain that the country desperately needs.

This act is designed to promote the expansion of the community school program in several ways: First, it authorizes Federal grants to be made to colleges and universities interested in developing or expanding community education centers for the training of community school directors. Second, it will make Federal funds available to school districts wanting to establish new community school programs—or expand ongoing programs. These grants may also help cover the cost to communities or school districts for the training and salaries of community school directors.

In order to promote the adoption of community school programs across the Nation, the Commissioner of Education is authorized to distribute information on these programs to local communities as well as appoint up to 25 fourman teams to assist interested communities in program development. Finally, a Community School Advisory Council will be appointed to advise the Commissioner of Education on policy matters relating to community schools.

As a product of the Flint community school system, I have long supported this concept and have worked jointly with the Mott Foundation to encourage its development. Since coming to Congress in 1967, we have worked to acquaint Members of Congress as well as various Federal officials with the unique advantages of this program. While a member of the District of Columbia Subcommittee on the Appropriations Committee—in September of 1967—the Mott Foundation—working together with our District of Columbia Subcommittee of Appropriations, its Chairman WILLIAM NATCHER, and District of Columbia school officials for a pilot project involving two District of Columbia schools—an elementary and a junior high school. More important than the financial support, the Mott Foundation and the Flint school people shared their experiences, technical assistance and expertise with District of Columbia citizens, educators, and students to see if this concept could work in a major urban center. The results have been so positive that the program has grown to 13 community schools with further plans for expansion. The evidence takes the form of such things as:

Overall increase in average daily attendance.

Improved attendance at PTA meetings.

Window breakage decreased and illegal entries into the school was reduced.

Library book circulation increased.

Elementary school children's reading score levels improved.

Recently, a group of District of Columbia senior citizens and blind people—who attend adult education classes sponsored by the District of Columbia Community School program—visited the White House to explain to President and Mrs. Nixon how Flint schools and the Mott Foundation have helped District of Columbia start its own community school program—and how this type of program could help other cities and other senior citizen groups around the country.

In addition, we have discussed the community school concept with HEW Secretary Elliot Richardson who indicated his support for the concept and stated that—

> We are assessing ways in which the Federal Government might contribute to strengthening the community school concept.

Both the Economic Opportunity Act and the Elementary and Secondary Education Act have identified the community school concept as an integral part of any community action program designed to help a disadvantaged area. However, I feel very strongly that the time has come for the Federal Government to go beyond passively applauding the merits of the community school program and actively contribute to its further growth and expansion.

In addition to the many social and educational advantages stemming from the community school program, there are a number of unique economic advantages worth mentioning:

In Flint alone—which has a population of approximately 200,000, 92,000 people use our schools after school hours; 80,000 adults are presently enrolled in 1,200 adult education classes; a millage election has not been defeated since 1950; no community school program involves expenditures of more than 5 percent of the school's total operating budget—and utilization of the facility is increased by 150 percent; 4,200 adults are now enrolled in high school credit classes—aimed toward graduation; and 230 adults graduated from the adult high school in 1971.

In conclusion, the reasons and advantages for the Federal Government to undertake leadership in encouraging the community school program include the fact that: it attacks multiple community-related problems; it uses existing systems and facilities and thereby avoids duplication; remains flexible and reflects the needs and wants of the local area each of which are different; it is a cost-effective investment; and it helps build a sense of neighborhood and community which is so badly needed in today's fragmented society.

Education is not a partisan issue—and

I would like to urge all of my colleagues here in the House to join in supporting the Community School Center Development Act. I am hopeful that we will see the same kind of enthusiastic support for this program here in Congress as has been shown in so many communities throughout the United States.

I attach the bill so that it can be printed in full at this point in the RECORD.

H.R. 11709

A bill to promote development and expansion of community schools throughout the United States

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Community School Center Development Act".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to provide recreational, educational, and a variety of other community and social services through the establishment of the community school as a center for such activities in cooperation with other community groups.

DEFINITIONS

SEC. 3. As used in this Act the term—

(1) "Commissioner" means the Commissioner of Education;

(2) "State" includes, in addition to the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(3) "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of State elementary and secondary education or if there is no such officer or agency, an officer or agency designated by the Governor or State law;

(4) "Council" means the Community Schools Advisory Council;

(5) "institution of higher education" means an educational institution in any State which (A) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (B) is legally authorized within such State to provide a program of education beyond secondary education, (C) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (D) is a public or other nonprofit institution, and (E) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provision of clauses (A), (B), (D), and (E). For purpose of this subsection, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered;

(6) "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts of counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school; and

(7) "community school program" means a program in which a public elementary or secondary school is utilized as a community center operated in cooperation with other groups in the community to provide recreational, educational, and a variety of other community and social services for the community that center serves.

TITLE I—COMMUNITY EDUCATION CENTER GRANTS

SEC. 101. (a) The Commissioner shall make grants to institutions of higher education to develop and establish programs in community education which will train people as community school directors.

(b) Where an institution of higher learning has such a program presently in existence, such grant may be made to expand the program.

APPLICATIONS

SEC. 102. A grant under this title may be made to any institution of higher education upon application to the Commissioner at such time, in such manner, and containing and accompanied by such information as the Commissioner deems necessary. Each such application shall—

(1) provide that the programs and activities for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) describe with particularity the programs and activities for which such assistance is sought;

(3) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(4) provide for making such reasonable reports in such form and containing such information as the Commissioner may reasonably require.

AUTHORIZATION OF APPROPRIATIONS

SEC. 103. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE II—GRANTS FOR COMMUNITY SCHOOLS

SEC. 201. (a) The Commissioner may, upon proper application, make grants to local educational agencies for the establishment of new community school programs and the expansion of existing ones.

(b) Grants shall be available for the training and salaries of community school directors as well as actual and administrative and operating expenses connected with such programs.

APPORTIONMENT

SEC. 202. (a) The number of project grants available to each State, subject to uniform criteria established by the Commissioner, shall be as follows:

(1) States with a population of less than five million shall receive not more than four projects;

(2) States with a population of more than five million but less than ten million shall receive not more than six projects;

(3) States with a population of more than ten million but less than fifteen million shall receive not more than eight projects; and

(4) States with a population of more than fifteen million shall receive not more than ten projects.

(b) Grants shall be made to the respective State educational agencies for payment to the appropriate local educational agencies.

CONSULTATION WITH STATE EDUCATIONAL AGENCY

SEC. 203. In determining the recipients of project grants the Commissioner shall consult with each State educational agency to assure support of a program particularly suitable to that State and providing adequate experience in the operation of community schools.

PAYMENTS

SEC. 204. Payments under this title shall be made from a State's apportionment to any State educational agency which has been selected by the Commissioner in accordance with section 203.

AUTHORIZATION OF APPROPRIATIONS

SEC. 205. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE III—COMMUNITY SCHOOL PROMOTION

PROMOTION

SEC. 301. In order to promote the adoption of community school programs throughout the United States the Commissioner shall—

(1) accumulate and disseminate pertinent information to local communities;

(2) appoint twenty-five teams, consisting of not more than four individuals on each team, to assist communities contemplating the adoption of a community school program; and

(3) establish a program of permanent liaison between the community school district and the Commissioner.

ADVISORY COUNCIL

SEC. 302. (a) There is hereby established in the office of the Commissioner a Community Schools Advisory Council to be composed of seven members appointed by the President for terms of two years without regard to the provisions of title 5, United States Code.

(b) The Council shall select its own Chairman and Vice Chairman and shall meet at the call of the Chairman, but not less than four times a year. Members shall be appointed for two-year terms, except that of the members first appointed four shall be appointed for a term of one year and three shall be appointed for a term of two years as designated by the President at the time of appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office. A vacancy in the Council shall not affect its activities and four members thereof shall constitute a quorum. The Commissioner shall be an ex officio member of the Council. A member of the Council who is an officer or employee of the Federal Government shall serve without additional compensation.

(c) The Commissioner shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

FUNCTIONS OF THE COUNCIL

SEC. 303. The Council shall advise the Commissioner on policy matters relating to the interests of community schools.

COMPENSATION OF MEMBERS

SEC. 304. Each member of the Council appointed pursuant to section 302 shall re-

ceive $50 a day, including traveltime, for each day he is engaged in the actual performance of his duties as a member of the Council. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

AUTHORIZATION OF APPROPRIATIONS

SEC. 305. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE IV—MISCELLANEOUS

PROHIBITIONS AND LIMITATIONS

SEC. 401. (a) Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

(b) Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for the construction of facilities as a place of worship or religious instruction.

JUDICIAL REVIEW

SEC. 402. (a) If any State or local educational agency is dissatisfied with the Commissioner's final action with respect to the approval of applications submitted under title II, or with his final action under section 405, such State or local educational agency may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such agency is located a petition for review of that action. A copy of that petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner shall file promptly in the court the record of the proceedings on which he based his action, as provided for in section 2112 of title 28, United States Code.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

ADMINISTRATION

SEC. 403. (a) The Commissioner may delegate any of his functions under this Act, except the making of regulations, to any officer or employee of the Office of Education.

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

PAYMENTS

SEC. 404. Payments to a State under this Act may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment, and may be made directly to a State or to one or more public agencies designated for this purpose by the State, or both.

WITHHOLDING

SEC. 405. Whenever the Commissioner, after giving reasonable notice and opportunity for hearing to a grant recipient under this Act, finds—

(1) that the program or activity for which such grant was made has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or activity there is failure to comply substantially with any such provision;

the Commissioner shall notify in writing such recipient of his findings and no further payments may be made to such recipient by the Commissioner until he is satisfied that such noncompliance has been, or will promptly be, corrected. The Commissioner may authorize the continuance of payments with respect to any programs or activities pursuant to this Act which are being carried out by such recipient and which are not involved in the noncompliance.

AUDIT AND REVIEW

SEC. 406. The Commissioner and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination, to any books, documents, papers, and records of a grantee, under this Act, that are pertinent to the grant received.

REPORTS TO THE CONGRESS

SEC. 407. The Commissioner shall transmit to the President and to the Congress annually a report of activities under this Act, including the name of each applicant, a brief description of the facts in each case, and the number and amount of grants.

DISCRIMINATION AGAINST WOMEN IN FEDERAL EMPLOYEE INSURANCE COVERAGE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I would like to bring to the attention of Federal employees the fact that there is a decided difference in terms of the coverage they will have when they choose between two medical plans offered to them by the Federal Government. A Federal employee may now choose between the Blue Cross and Blue Shield Federal employee program and the governmentwide indemnity benefit plan offered by the Aetna Co. A constituent brought to my attention the fact that the Aetna Co. discriminates against women in the scope of its coverage by not covering the costs of a breast prosthesis for women after radical mastectomy. This is an allowable expense under the provision of the Blue Cross plan. Before releasing the correspondence which is appended, I urged the Aetna Co. to change its policy and have been advised by its most recent letter that it does not intend to do so. Federal employees have an option and should consider a company's attitude when they make their decision as to which company they will choose for the purposes of medical coverage.

The correspondence follows:

DEAR CONGRESSMAN KOCH: I would like to bring to your attention a case, that I feel, to be blatant discrimination against women by the U.S. Government!

My husband is a chemist, employed by the government. As such, under the medical plans given, he chose the Government-Wide Indemnity Benefit Plan, by the Aetna Company.

The various items given coverages are all listed in a booklet distributed to members. I am covered as his spouse. But, I have had cancer surgery, and had to have a breast removed (radical mastestom). Now, I must wear an artificial breast (prosthetic device). This is vital both to my physical and psychology health.

The medical coverage will not pay for these needed prosthetic devices. They will pay for arms, legs, and neck braces, for eyes, hearing aids, etc. All the items they include are applicable to men. But, the one item that is for women—is not covered!

Where does a woman fit into this scheme? Women are under the plan as employees or spouses. Yet, a vital need is not covered.

I have written to the Civil Service Commission Policy Division, and was told that prosthetic devices for breast surgery are not covered. Now, this is a flaw in the plan. This is a flaw against women. This is an outright case of discrimination.

I am writing to you, as your constituent, and hope that action can be taken to correct this matter.

Yours truly,

Mrs. X.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 30, 1971.

CONGRESSIONAL LIAISON,
CIVIL SERVICE COMMISSION,
Washington, D.C.

DEAR SIR: I am writing to you about a matter brought to my attention by Mrs. X.

I have received the enclosed letter from Mrs. X concerning the fact that prosthetic devices for breast surgery are not covered under the Government-Wide Indemnity Plan. Subject to your existing procedures, I would appreciate receiving your comments on this matter and informing me if this policy will be revised to give this type of coverage.

Thank you for your interest in this matter.

Sincerely,

EDWARD I. KOCH.

U.S. CIVIL SERVICE COMMISSION,
BUREAU OF RETIREMENT, INSURANCE,
AND OCCUPATIONAL HEALTH,
Washington, D.C., September 2, 1971.

HON. EDWARD I. KOCH,
House of Representatives

DEAR MR. KOCH: This is in reply to your letter of August 30, 1971, in behalf of Mrs. X, New York, New York.

The Indemnity Benefit Plan contract covers "Prosthetic devices . . . which replace all or part of an internal body organ . . ." The contract also covers "Leg, arm, back, and neck braces, and artificial legs, arms and eyes . . ." A breast prosthesis is neither a replacement for an internal body organ, nor a brace, nor an artificial limb or eye, and the contract does not therefore cover breast prostheses. We do not anticipate that the contract will be amended, at least for 1972, not to cover such devices.

We do not understand Mrs. X's conclusion that arm, leg, back, and neck braces and artificial eyes are items applicable only to men. There are many women who use braces and artificial eyes and limbs, too.

If you have more questions about this matter, feel free to call on us.

Sincerely yours,

ANDREW E. RUDDOCK,
Director.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 14, 1971.

ANDREW E. RUDDOCK,
Director, Bureau of Retirement, Insurance, and Occupational Health, Civil Service Commission, Washington, D.C.

DEAR MR. RUDDOCK: I have received your letter of September 2 concerning my inquiry on behalf of Mrs. ———.

I am most distressed with the decision of the Civil Service Commission in this matter. Obviously, as your letter states, "A breast prosthesis is neither a replacement for an internal body organ, nor a brace, nor an artificial limb or eye." Yet the breast is a glandular organ and the point of my inquiry was to ascertain if such breast prosthesis might be considered for coverage by the insurance contract. Since many prosthetic devices are covered by the policy, and a prosthesis is by definition an artificial device to replace a missing part of the body, it seems to me that serious consideration should be given to this matter.

I am sure Mrs. ——— realizes as I do that braces and artificial eyes and limbs are applicable to women as well as men. The issue is rather that breast prosthesis which are used solely by women are not covered by the policy which is consequently discriminatory to women who are in need of such devices.

I would appreciate your informing me if this problem might be taken up for consideration as soon as possible to see if the contract might be amended to include the coverage of breast prosthesis. Thank you for your interest in this matter.

Sincerely,

EDWARD I. KOCH.

UNITED STATES CIVIL SERVICE COMMISSION, BUREAU OF RETIREMENT, INSURANCE, AND OCCUPATIONAL HEALTH,
Washington, D.C., September 20, 1971.

Hon. EDWARD I. KOCH,
House of Representatives.

DEAR MR. KOCH: This is in reply to your letter of September 14, 1971, in behalf of Mrs. X, New York, New York.

The breast prosthesis could not be allowed as a covered expense under the Indemnity Benefit Plan contract as presently written because it is not listed as one of the covered expenses. We will, I assure you, take up the matter of coverage of breast prostheses with the Aetna Life and Casualty during our next contract negotiations. Any contract amendment would be prospective in its effective date and could not be applied retroactively to permit coverage of Mrs. X's breast prosthesis.

If you have more questions about this matter, feel free to call on us.

Sincerely yours,

ANDREW E. RUDDOCK,
Director.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 14, 1971.

OLCOTT D. SMITH,
Aetna Life and Casualty,
Hartford, Conn.

DEAR MR. SMITH: It has been called to my attention by a constituent that the indemnity insurance provisions of your coverage to government employee does not include furnishing an artificial breast (prosthetic device) whereas the policy will pay for other prosthetic devices such as arms, legs, eyes and for items including neck braces and hearing aids.

The constituent takes the position and I think it is clearly correct that anyone undergoing a radical mastectomy suffers both physical and psychological damage which is reduced to some extent by the use of the prosthetic device. It is inconceivable to me that you would exclude such a device from coverage where you include other prosthetic devices as detailed above.

The constituent makes the point that your practice is discriminatory against women and I believe that in a sense she is right although you may undoubtedly never have intended it that way. I suggest to you that the policies be changed so as to cover this prosthetic need and would appreciate having your comments on whether you will accede to that request.

Sincerely,

EDWARD I. KOCH.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 14, 1971.

WALTER MCNERNEY,
President, Blue Cross
Washington, D.C.

DEAR MR. MCNERNEY: It has been called to my attention by a constituent that the insurance provisions of your coverage to government employees does not include furnishing an artificial breast (prosthetic device) whereas the policy will pay for other prosthetic devices such as arms, legs, eyes and for items including neck braces and hearing aids.

The constituent takes the position and I think it is clearly correct that anyone undergoing a radical mastectomy suffers both physical and psychological damage which is reduced to some extent by the use of the prosthetic device. It is inconceivable to me that you would exclude such a device from coverage where you include other prosthetic devices as detailed above.

The constituent makes the point that your practice is discriminatory against women and I believe that in a sense she is right although you may undoubtedly never have intended it that way. I suggest to you that the policies be changed so as to cover this prosthetic need and would appreciate having your comments on whether you will accede to that request.

Sincerely,

EDWARD I. KOCH.

BLUE CROSS ASSOCIATION,
Washington, D.C., October 8, 1971.

Hon. EDWARD I. KOCH,
1134 Longworth Office Building,
Washington, D.C.

DEAR MR. KOCH: In order to expedite our reply, Walter McNerney has asked me to respond to your recent letter concerning one of your constituents who complained that the Federal Employee Program does not cover the provision of a breast prothesis following a radical masectomy. I have discussed this question with the National Office of the Federal Employee Program and they have provided the following information.

The Blue Cross and Blue Shield Federal Employee Program operates under the following guidelines with respect to prosthetic devices:

1. *Benefits Are Provided—*

a. For those which restore function (such as an artificial arm or leg), or

b. For those which prevent or retard further physical deterioration (such as insertion of an artificial eye into a vacant eye socket).

2. *Benefits Are Not Provided*—For those items considered to be primarily cosmetic (such as a wig).

Technically, the breast prothesis is primarily cosmetic. However, several years ago because of the same considerations listed in your letter, the Program made an exception to permit extending benefits for the purchase of a breast prosthesis. This also includes fitting and construction of the prosthesis, and the insertion into the appropriate undergarments (including alterations). The undergarment itself is not a covered supply since this would be required with or without a prosthesis. Within reason, there is no limit on the number of such prosthesis which can be provided.

Although we don't have full details on the particular case that came to your attention, it appears likely an error was made in the handling of your constituent's claim. We suggest she contact our National FEP Office (address shown below) and they will be happy to investigate the case.

We can assure you that within the terms and intent of our Contract for Federal Employees, we make every effort to establish reasonable guidelines, both as to the delivery of benefits and the administration of the limitations and exclusions. If you have additional comments or questions, please let us know. We welcome your interest.

Very truly yours,

GEORGE J. KELLEY,
Vice President,
Washington Representative.

SEPTEMBER 24, 1971.

Re government-wide indemnity benefit plan.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR SIR: Your recent letter addressed to the Chairman, Mr. Olcott D. Smith, has been referred to me since claims administration for this Plan falls within my area of responsibility.

The provisions of the Government-Wide Indemnity Benefit Plan are contained in the U.S. Civil Service Commission brochure BRI 41-24. For your convenience I am enclosing a copy.

The specific basis of denial for the particular type of claim cited in your letter can be found on Page 14 under the caption "Charges for Services and Supplies" which states as follows:

"Not reasonably necessary for treatment of pregnancy, illness, or injury, or to improve the functioning of a malformed body member."

An artificial breast is not functional and is not required for the treatment of an illness or injury, therefore, has never been included as a covered expense under this Plan. Other types of prosthetic devices as specifically enumerated in the brochure, i.e., leg, arm, back and neck braces and artificial arms, legs, and eyes, are devices which are either necessary for the treatment of an illness or for the improvement of the functioning of a malformed body member. Our basis of not including an artificial breast as a covered expense under this Plan is consistent with the majority of other health insurance plans including Medicare. While we certainly understand an individual's desire to wear this type of prosthesis, the majority are used for cosmetic reasons and are not covered under health insurance contracts as stated above.

Mr. Malcolm J. McIntyre, located at the Commerce Building, 1700 "K" Street, North West, Washington, D.C. 20006, Telephone 296-3700, is our Coordinator of the Indemnity Plan. If you desire further clarification, please feel free to contact Mr. McIntyre.

I regret that our reply is not favorable.

Sincerely yours,

C. DEAN KREBS,
Assistant Secretary, Group Health Division, Claim Department.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 14, 1971.

MALCOLM J. MCINTYRE,
Coordinator, Indemnity Plan, Aetna Life and Casualty, Washington, D.C.

DEAR MR. MCINTYRE: I have received the enclosed letter from Aetna Life and Casualty Assistant Secretary C. Dean Krebs. This was in response to my inquiry on behalf of a constituent who complained that the Indemnity Benefit Plan does not cover the cost of a breast prosthesis following a radical mastectomy. I was also in touch with the Blue Cross Association regarding this matter. I quote from their letter:

Technically, the breast prosthesis is primarily cosmetic. However, several years ago because of the same considerations listed in your letter, the Program made an exception to permit extending benefits for the purchase of a breast prosthesis. This also includes fitting and construction of the prosthesis, and the insertion into the appropriate

undergarments (including alterations). The undergarment itself is not a covered supply since this would be required with or without a prosthesis. Within reason, there is no limit on the number of such prosthesis which can be provided.

I would appreciate your informing me whether Aetna will consider revising its policy. If not, it is my intention to alert government employees of the differences in the benefits available from these two government policies.

I appreciate your attention to this matter.

Sincerely,

EDWARD I. KOCH.

AETNA CASUALTY & SURETY DIVISION,
Washington, D.C., October 19, 1971.

Hon. EDWARD I. KOCH,
1134 Longworth Office Building,
Washington, D.C.

Re Government-Wide Indemnity Benefit Plan.

DEAR CONGRESSMAN KOCH: Thank you for your letter of October 14, 1971 relative to our not considering as an allowable expense the cost of a breast prosthesis following a radical mastectomy, and providing us with the reply you received from the Blue Cross Association concerning this matter.

As outlined in Assistant Secretary C. Dean Krebs' letter of September 24, 1971, we cannot consider such a prosthesis as an allowable expense under the provisions of this Plan. At this time, we are not able to revise the Plan's provisions to provide coverage for such a prosthesis.

I am sorry that my reply could not be more favorable; however, if I may be of further assistance to you, please do not hesitate to contact me.

Sincerely yours,

MALCOLM MCINTYRE, Jr.,
Coordinator.

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, there are proposals now being advanced in New York City to legalize the dispensing of heroin on a test basis. I am distressed to see that the city administration is giving support to these proposals by creating a committee to advance them. I am opposed to the legalization of heroin. Legalization in effect means that we are throwing in the towel and saying to the estimated 200,000 addicts in New York City "you can go on ruining your lives and the lives of your families and we the public will help you do exactly that." Not me.

I have been in communication with Dr. Vincent P. Dole who is the originator with his wife, Dr. Marie Nyswander of the methadone program and I have asked his opinion on the advisability of the proposed free heroin test program advocated by New York City's administration. For the interest and information of our colleagues, I am appending the correspondence with Dr. Dole.

Mr. Speaker, a board of education report in New York City shows that more than 25,000 youngsters are on heroin and I find it indefensible that anyone would suggest that we follow that habit.

The correspondence follows:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., June 30, 1971.

Dr. VINCENT DOLE,
Beth Israel Hospital,
New York, N.Y.

DEAR DR. DOLE: I hope you will recall that we met when I was in the City Council. At that time, I requested your assistance in obtaining a methadone bed for a young man who desperately wanted to go into your program. My recollection is that at the time you had 43 such beds. He was fortunate and went into the program in, as I recall, 1968.

About a month ago, I was standing at a subway at 8th Avenue and 57th Street handing out reports to my constituents. This young man came out of the subway and introduced himself to me and told me how his whole life had been changed. He has since married and is now working in the building construction trade. He is doing very well and is still, of course, on methadone maintenance.

I have taken a position in opposition to the Mayor's Committee which has proposed heroin maintenance. Aside from every other argument which one might use in opposition to heroin maintenance, my major argument is that there are thousands of heroin addicts who are standing in line waiting to get into the methadone program. And before we begin a heroin program, we ought to at least give to everyone eligible for methadone that opportunity.

I would appreciate your advising me as to how many methadone beds now exist, how many people are waiting to get into the program and how long one must wait before he or she is accepted. Whatever else you might give me by way of information in support of extending and funding the methadone program would be very much appreciated.

With the thought it might be of interest, I am enclosing a recent statement I made on the subject of drug addiction.

Sincerely,

EDWARD I. KOCH.

THE ROCKEFELLER UNIVERSITY,
New York, N.Y., August 17, 1971.

DEAR CONGRESSMAN KOCH: I am very glad that you are taking a position in opposition to the Mayor's Committee on the issue of heroin maintenance. This proposition is wholly unjustified in terms of social need or scientific merit. There are at least five thousand heroin addicts who have applied for methadone maintenance and are forced to remain on the street as heroin addicts for lack of facilities. Basically, this means lack of about $1,000 per man-year to provide maintenance treatment and the essential minimum of social supports.

As you probably know, I have been working in the Detention Prisons for the past five months. Here we have started an interview system to enable prisoners, while still in detention, to apply for aftercare in a treatment program of their choice. The great majority of these criminal addicts have asked for methadone maintenance treatment. All that we can do at present is to put their names on a list and assure them that we are trying to expand facilities to provide treatment in the future. If adequate facilities were available to meet the needs of every criminal addict who applied to us for treatment, I believe that within a two year period we could make a substantial impact on the problem of criminal addiction.

Scientifically, the only justification offered by proponents of heroin maintenance is that it is an experiment. This label is hardly justification for doing something foolish. What we know from past experience is that it is not possible to stabilize an addict on heroin. With this drug he requires several injections per day and his need for the drug constantly increases. If he is not given increasing doses, he feels symptoms of abstinence and, of course, will go back to the street to seek supplementary drug. Moreover, it would be necessary to give large amounts of heroin and needles and syringes to addicts to take home to the neighborhoods. Experience in England has left no doubt that this procedure leads to a spread of heroin addiction.

I do not see any merit in distributing heroin, but if any competent professional feels that more pharmacological studies of heroin maintenance are indicated, the way is open to him now, and he need only follow normal procedure for research on human beings: He prepares a careful protocol of the proposed experiment, submits it to his institutional review group and then, with their support, makes application to a medical granting health agency, such as New York City's Health Research Council, or the National Institutes of Health. These agencies again subject the application to review, and if it meets their standards, funds and support are forthcoming. This is the procedure that I followed when, in a quiet, unpublicized series of experiments at Rockefeller University Hospital, I actually tested the effect of administering narcotic drugs in different doses and by different routes to volunteer addict subjects. It was clear to me from these experiments, as it has been clear to previous investigators at the Lexington Hospital in Kentucky, that heroin maintenance has no promise as an answer to our social problem of heroin addiction. I am afraid that the proposals generated by the Mayor's Council were more political than scientific.

I do indeed remember our first meeting when you were in the City Council and have followed with interest your career in the House of Representatives. It is good to know that you are there and although it has not been necessary to put the matter to test, I have always felt confident that you were there as a strength if I needed you.

With best wishes.

Sincerely yours,

VINCENT P. DOLE, M.D.
Professor and Senior Physician to the Hospital.

SECRETARY MORTON OUTLINES ENVIRONMENTAL PROBLEMS FACING NATION, IN PRINCETON UNIVERSITY ADDRESS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, an outstanding address was made recently by the Honorable Rogers C. B. Morton, Secretary of the Interior, for the distinguished lecture series at Princeton University.

Secretary Morton, in his impassioned discourse upon the environmental challenges facing the Nation, says that all the indicators point to a new era of conservation and environmental conscience in this country. He states his optimism over the trend and change and discusses some of the steps necessary if we are to successfully manage our natural resources and protect and preserve our environment.

I commend to the attention of all our colleagues in the Congress and to the public the penetrating commentary of Secretary Morton in his address at Princeton University.

The full text of the address follows:

ADDRESS BY THE HONORABLE ROGERS C. B. MORTON, SECRETARY OF THE INTERIOR

In early May of 1967, in the primeval forest along Lost Man Creek in the Coast Range of California, a lumbering crew laid its chain saws to the bark of a magnificent tree. As the roaring machines chewed into a trunk

broader than the encircling arms of five men, they spat out the chips and the dust of three thousands years growth. This cutting marked the end of a long and bitter struggle, by man for the life of a unique natural asset found nowhere else in the world.

The heap of sawdust at the foot of the stump was more than the debris of a few minutes' work, more even than the symbol of defeat for those who had fought to save the tree. It was the transect of three millennia through which man has steadfastly and passionately wrestled with nature for supremacy . . . and it was an exemplary instance in the never-ending tug-of-war between civilized man and the natural resources which support his civilization.

In the beginning, the steps of man were very soft upon the Earth. Early man was a hunter. He filled his belly by stalking animals and gathering wild plants. He was brighter than most of the species but for two million years he created no more impact upon his environment than did other animals, probably less than herds of elephants or towns of prairie dogs. He drew his milk from the great breast of nature. Though most of the secrets of the Earth were a mystery to him, he lived in the knowledge that he was dependent upon them for survival.

The changes that man has wrought, to secure comfort, pleasure, and wealth for himself since that primordial era are incredible. From the flint and shards of the stone age, we have leapt to the labs and reactors of the computer age. The productivity of our time is immense, bringing its wonders and benefits to more of our people than ever before. Its ingenuity is acute, delivering us plastics and lasers, contact lenses, and TV dinners, nuclear spectre, and man on the moon . . . and, above all else . . . speed, fantastic speed, in its many forms.

But our chart and graphs can certainly be elusive. They often make the net gains seem greater than they actually are. For they fail to take into account the environmental costs which have accumulated unpaid. The leeched-out farmland, the smog and the sludge, the enormous piles of waste, the cacophony of noises, and th darkening of our waters. These are the exhausts of 20th century technology. They are the effluent of our affluence.

To put all this into perspective, will you go back with me now to the day that a small timid band of pilgrims first glimpsed the bleak shoreline of Cape Cod. On the other side of this new, foreboding continent, the venerable redwood was looking down on 2000 years of its own biography.

The new colonists feared the mystery and darkness of the new world but their vitality was challenged by its gargantuan stores of natural resources, and their own hope for riches . . . the wilderness was for the plucking and its dismemberment began almost immediately.

The same marvelous abundance had always been a fact of life for the primitive peoples of North America who predated the colonists for thousands of years. But the Earth developed few scars from the Indian, who had no conception of Anglo-Saxon private ownership, but felt he was merely one part of a vast land-nature equation into which he was woven. His life style was interlocked with his world in a struggle for existence and his only riches were his skill and his strength.

As soon as the beachhead of American life became established, the eyes of those first citizens turned to the West. Sodbuster, trapper, prospector, and trader and buffalo hunter, pioneer, explorer and lumberman . . . all immediately began to extend the boundaries of the Nation ever westward . . . this was manifest destiny.

The new government assumed the role of promoter and in 1803 we acquired our first great piece of real estate . . . The Louisiana Purchase.

In 1804, President Jefferson sent Lewis and Clark up the Missouri River to report first hand what lay to the northwest.

Then . . . Texas and Oregon were acquired in 1846;

California in 1848;

The Gadsden Purchase in 1853;

Alaska in 1867;

And Hawaii in 1898;

So that by the end of the 19th century, geographic expansion of the Nation was essentially complete. Now, there is no more land to buy.

Masses of sodbusters and homesteaders migrated to the grasslands and prairies of Middle America with plows in their hands and wheat in their dreams. The Homestead Act of 1862 had traded them title to quarter sections of ground in exchange for the promise to plow and to farm . . . but there was no contract to preserve it from the wind and the erosion which it brought.

As the prairie states opened, were fenced, and then plowed; the West was opened by the new attraction of gold. Within two years following the 1848 Gold Strike at Sutter's Mill in California, the population of that state jumped from 14,000 to a quarter of a million.

Again, Washington took an active role and the Mining Law of 1872 was established. This act provided that prospectors had free access to search for minerals on the public lands . . . it established the doctrine of finders-keepers. If valuable mineral deposits were found, they became the private property of the prospector. In many cases, this law has allowed the mineral industry to go in, excavate thousands of acres of land . . . and then abandon the hole to the government . . . to the people . . . unreclaimed.

We have progressed, through the 60's, in the spirit of this early legislation. We have been living as if the sun would burn out in 2071 . . . using our resources as if they were going out of style . . . leaving no need for conservation. But if we continue to attack the stock piles of nature with no thought for the future, we will come to a screeching halt in far less time than it took us to get here from the day we declared our independence.

This is not to say that human life, in some numbers will not survive in the biosphere, but rather that the dynamics upon which cultural expansion depends, will have eroded away.

In spite of this bleak record . . . I am optimistic.

In my view, all the indicators point to a new era of conservation and environmental preservation. The signs of a dawning enviromental conscience are appearing. Its seeds are being sown throughout the land . . . in government . . . in industry . . . in the universities . . . in the home . . . everyone is an environmentalist.

Very few of us know what to do with our new conscience, but the motivation for change is with us. It is electrifying. It is gratifying.

My optimism is well-founded. In the last three years we have made more progress toward controlling the geometrically escalating degradation than in all our past political history.

But the methods by which we have hacked our civilization out of the wilderness have established strong and hard-to-change patterns. Reform will not come easily. We will experience some discomfort in the land. New values must be accepted. New self-discipline must be a part of our life-style.

The new values will be based on the sum of what man is paying for the conversion of natural resources and what the environment is paying. If the environment is to remain qualitatively constant, man must pay the entire bill. We can no longer allow the quantitative progress which we achieve in meeting the material demands of a higher civilization to eclipse the qualitative values of the environment . . . and the very spirit of man.

To begin, we must have orderliness. Orderliness in the use of our land is foreign to us. If we are going to stabilize the environment, we can no longer proceed without a sense of order in how we lay out our occupancy of the land. Where the critical factor has always been a quick buck, it must now be environmental quality . . . and conservation of resources.

I am convinced that land use planning and positive implementation is paramount not only to environmental management but also to the development of a higher social order and a broader cultural opportunity.

The President has initiated a concept of land use policy which includes methods for power plant siting; . . . for strip mine reclamation; . . . for the protection and management of the public lands on the basis of multiple use and sustained yield; . . . and for repeal of the 1872 Mining Act, substituting procedures which will eliminate indiscriminate mining practices and ensure environmental control.

Our system of government is now facing the great test. The Congress will prove whether it is partisan or responsive. I have always believed that partisan politics are a secondary consideration . . . but if Congress does not act on these proposals, the truth will out.

Man's environment in the world is an ecological system. It is the sum of all of the living and nonliving. Its components support the chain of life. Some natural resources have been depleted, and foreign sources of supply have become less plentiful and more insecure. Thus the environmental problems become more evident. The Nation suddenly has become aware of the full importance and significance of the need for the conservation. Management of natural resources and the protection and preservation of the environment are instituted not only to sustain and provide for continued social and economic growth and the quality of life, but for man's well-being and survival.

The natural resource and related environmental challenges facing the Nation are:

To extend the life of our finite resources through more efficient development, secondary recovery, prudent use, and recycling.

To efficiently manage our renewable resources through multiple use and sustained yield.

And to preserve natural assets for the sake of preserving them . . . for posterity rather than material gain.

In short, we must begin to appreciate the blinding speed at which our civilization and its works are now developing. We must not fail to proceed with caution for quality * * * in spite of our velocity * * * a velocity which often seems overwhelming.

If the redwood tree, during whose lifetime most of the important history of the world has transpired, could somehow momentarily blink its eyes, it would miss more than it had witnessed in all of the previous years of its existence. For the biography of the redwood has centuries for pages. It is a chronicle whose inscriptions were engraved by nature. Man and machine took her pen for their own and wrote a new evolution which compressed the courses of millennia into a single century and begat both the marvels and the horrors of our technic age.

The redwood is actually a symbol of our

time. It is the old man of the biosphere, threatened by machines, the love children of the technosphere. The truth of the redwood has eluded us in the past. Our faith in the machine has tricked us into the belief that we are free of natural law. We now are aware that this is simply not the case, for a world with no room for its redwoods is a world that will return to the sands.

NEW IDEAS FOR BETTER SCHOOLS

(Mr. BELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BELL. I insert in the RECORD the text of an interview with our eminent commissioner of education, the Honorable Sidney P. Marland, which recently appeared in U.S. News & World Report.

Commissioner Marland makes several points which are extremely significant for every Member of the House of Representatives. I single out as particularly relevant his recommendation for expanded career education opportunities for those young people who do not elect to pursue the 4-year, degree-granting program that has become, as he terms it, "a kind of folklore."

His discussion of this as well as various other aspects of our educational system deserves more than a cursory examination.

NEW IDEAS FOR BETTER SCHOOLS—INTERVIEW WITH THE U.S. COMMISSIONER OF EDUCATION

Q. Commissioner Marland, how would you describe the state of American education today?

A. One could be very pessimistic about education in this country today. There are many grave problems surrounding it. But I am not among the doomsayers.

I think that this is perhaps the beginning of the most exciting period in the history of education in this country. I say that after 34 years in which I've viewed the schools from the inside—as a schoolteacher and as a school administrator. Never before have I seen the spirit of reform so high among the practitioners, among young people and, indeed, in our society as it looks at its schools.

We are ready, as never before, for major improvements in education. So I am optimistic.

Q. Is teaching in the public schools better or worse than it was, say, 10 years ago?

A. Without any hesitation, I say it's far better. Teachers are better trained and classes are smaller. Resources for supporting the teacher are better. By this I mean psychological services, medical and dental services for children, reading specialists, science consultants, equipment for teaching. While we're far from utilizing all of the technology that we might, the fact remains that teachers are better trained and they're doing a better job.

And notwithstanding some of the ugly statistics which continue to embarrass us, the great majority of young people in America are learning better than they ever have. There are facts that demonstrate this. For example, there is the need to upgrade constantly our standardized achievement tests to stay abreast of the increased performance of young people, and the need to reform the college curriculum—the freshman courses particularly—to accommodate the increased effectiveness, scope and quality of high-school teaching.

Q. What are some of the ugly statistics to which you refer?

A. We're failing to meet the needs of perhaps 18 to 20 per cent of the young people in this country.

Q. Is that a larger percentage than in the past?

A. It's a larger percentage of those attending school than has been true in the past. Our great persuasion as a people to "stay in school" has served to keep in the classroom, as we should, a great many young people who in the past dropped out for one reason or another and were no longer a responsibility of the school. Therefore the statistics show embarrassingly larger numbers of failures, since larger numbers of high-risk boys and girls are in school. Sometimes in the past they were pushed out, but more often they chose to opt out.

There are still too many young people leaving school because the schools simply are not providing a satisfactory experience for them. So we see clearly the unhappy statistics surrounding the dropout, the ugliness of drug abuse in our schools, the children from disadvantaged backgrounds who are failing to learn adequately, and the young people who just become disenchanted with the institution of education. I can't give you hard statistics, but I can assure you that not only young people from disadvantaged environments or from minority groups are asking more of the schools than we're giving them. This is part of my concern as I speak favorably of the other side of the coin—the side that shines—the side that shows we're doing a pretty good job for the great majority of our young.

Q. Is there anything that can be done about these young people who have become disenchanted with formal schooling?

A. I recommend a very substantial reform in education. I call it "career education." It's only the beginning of an idea now, but it's an idea for which the time may have come.

From the extraordinary vantage point that I have in Washington, I see ways in which the Federal Government—through its initiative, through its leadership, through the modest amount of leverage that we have with federal funds—may be able to change the universe of education in favorable ways to respond to this challenge.

Q. What do you mean by career education? Is that a euphemism for vocational training?

A. An emphatic "No!" This is anything but a trading of names, although I would be quick to say that vocational and technical education has a very large part to play in career education. But let me tell you a little bit more about the idea:

To begin with, our society has developed a kind of folklore that says to be good you must go to college—to be somebody you must have at least an A.B. degree. For many years, that was a very appropriate goal, and it served as a world model to increase the intellectual, social and economic level of our country.

But we have come to the point where a kind of self-hypnosis has set in. People are convinced that this is the only way to glory. And I hold that it is not true. I'm not talking only about differences in intellect. I'm talking about differences in aspiration, in goals; differences in human needs and what people want to do with their lives. I think there is a false set of values surrounding the whole theme of vocational-technical education that says, "That's for the other people, but my children are going to go to college."

REPLACING USELESS COURSES

Q. Grease education, it used to be called—

A. Yes, the dirty-hands school. That's the idea that s been held by many people. And if anything can come of my time of service in Washington, I hope it will be to correct that.

At present, about 54 per cent of high-school graduates go on to higher education. And if you look closely at the average high-school graduating class, you will see that no more than about 10 to 12 per cent studied vocational-technical programs leading directly to salable skills. And in between for all the rest of the young people there is that dubious euphemism, the general curriculum—which is a put-on. It doesn't lead to anything.

I hold that we should do away with the general curriculum, which young people in our high schools now find to be a put-on. It contains no intrinsic motives, no tangible goals. It does not lead to college, and it does not lead to satisfying and rewarding employment.

In talking about career education, I'm not trying to discourage young people from going to college—quite the contrary. What we must do is create social value and prestige in a wholly different kind of education for the nearly 50 per cent of young people who choose not to enter college, and for the much larger percentage which includes those who enter but soon exit. I want to give exposure to what the world of work is all about to all children.

You see, a career is something that you and I were trained for one way or another, just as did your doctor and your architect and your attorney and the man who prints your magazine. Many of us have come upon it accidentally, without very much planning and without very much information on which to make very important life choices, and, by chance or by the grace of the Almighty, we found ourselves where we are.

Now, that's a haphazard way to go about planning a life, notwithstanding the Almighty's wisdom. I hold that along about fifth, sixth or seventh grade, along about age 12 or 13, there ought to be some systematically planned information made available to young people through the curriculum so they can have a hand in shaping their own lives in a thoughtful and informed way.

Q. Do you have a plan to accomplish this?

A. We're now developing in the Office of Education 15 clusters-of-work categories—or curricular systems. One cluster, for example, is the health sciences, ranging all the way from the hospital orderly up to and including a highly specialized surgeon.

Then there is the electronic cluster. That has to do with everything from how to put in an electric socket to the construction and operation of a very sophisticated computer.

Those are just two examples. All the way through career education there must be the underlying academic learning that supports the specific or the generalized cluster of jobs.

This idea is far from jelled. It would be a mistake for me or for anybody in Washington to declare it as a fixed or final concept, although there is considerable enthusiasm for the idea across the country, as we explore the possibilities with school leaders, teachers and citizens at large.

Q. How would career education work in actual practice?

A. The concept is that the student should be ready when he leaves school—I didn't say graduate, necessarily—either to enter postsecondary education or to go directly into the world of work with pride, satisfaction and competence. He may want to be a service station attendant at age 15, and leave school to do that. A year later he may want to come back and study about transmissions; he becomes a transmission expert for his community. Then perhaps he comes back again for some business courses. By the time he is 30 or 35 years old, he owns a garage and has become a businessman as well as a skilled craftsman.

In career education, the school system is constant, and students spin off from it and spin back onto it.

A young woman at age 14 or 15 may begin to think seriously about the health sciences. She graduates from high school and has, let's say, a year in community college and becomes a licensed practical nurse. After three or four years of earning money and finding satisfaction, she says, "I think I'll go back." So back into the system she goes and becomes a two-year or a four-year graduate nurse.

The point is that the system is always there supporting her or him.

I believe that one of the very important aspects of career education is that we will suddenly and finally begin to motivate young people with perfectly good minds who are not now learning effectively in school. As an educator—a teacher—that is one of my overriding hopes for the future, as I try to lend the power and influence of my office toward better schools for America.

Q. Dr. Marland, do you think, as some critics charge, that Americans have lost confidence in public education?

A. We're going through a period of serious soul-searching about education, both inside and outside the system. But I don't think our people have lost confidence in education—no.

There are serious questions being asked about what the schools should be doing right now. The many bond issues and tax referenda that have failed of passage in the past 2 or 3 or 4 years are increasing testimony—not necessarily that the people are opposed to education, but that they're asking us to give a better accounting of how we're using their money and how we are serving society's needs and how we are justifying the very swiftly rising costs of education.

A few years ago, typically 75 to 85 percent of local school-bond issues passed; last year only 48 percent passed. This is, in part, a reflection of discontent with education, but it should not be overemphasized as a measure of public feeling toward education. We must remember that the local real estate tax is about the only tax left to the discretion of the weary taxpayer. He is probably declaring his frustration toward taxes altogether—not only those for the schools.

At the same time, I can tell you that the people of our country are looking to the schools to fill a much larger role than they have in the past. Within the past five or 10 years, the expectations for education have increased by leaps and bounds.

We're expected now to resolve some of the great social issues of our time. Racial equality is now an essential burden of the schools. The problems of unemployment and underemployment now rest upon the schools. The schools are expected to deal with mental health, family relationships and child nutrition. A very real responsibility of many schools is to see that a child has a full stomach when he arrives at the classroom.

Q. Are these responsibilities that families have shrugged off to some extent? In other words, are people asking too much of their schools?

A. In many places the schools are not ready to accept and to respond quickly and productively to all of the things that society is expecting of them. But I think most are willing to try, even though it is going to take some time to solve these problems.

Take, for example, the matter of racial integration. The schools have no ready answers. In spite of the best efforts of men of good will, black and white, the solution eludes us in many parts of the country, North and South.

Now, one can say: "The schools have been asked to do too much." I have to answer that it is a credit to the education system in this country that the people have turned to the schools in times of dire social stress. But society must be a little more patient in letting us work out the solutions. And I must add that we must have more resources than we now have to work them out.

CITY SCHOOLS: "IN GRAVE TROUBLE"

Q. Some educators told President Nixon recently that so many problems are being piled on inner-city schools that they are in danger of complete collapse—

A. Our urban schools are in very grave trouble. I started teaching in 1937. In those years we looked to the big cities as the lighthouses of educational excellence—New York City, Chicago, Pittsburgh—and indeed they were. The resources were there: the great universities, the money, the citizen leadership. That is no longer true.

Now the other burdens of the city—health and sanitation, drug abuse, welfare, crime—preoccupy its officials, both in terms of its social concerns and in terms of demand for funds. Now fully two thirds or more of the average big-city budget has to go for non-educational things.

At the same time, across the city line in a relatively exclusive suburb, you find the exact reverse. Two thirds of the money from that favored environment is available for education while only one third is needed for other services.

Q. The city has lost its more affluent citizens to the suburbs—is that the problem?

A. It is certainly a large part of it. Some call this the flight of the white. It is more accurately the flight of the favored. Black and white and other races are a part of this trend. We must reverse it, and I would say that it can be reversed.

Q. How?

A. We must bring such excellence to the inner-city environment and schools that our cities will be restored to the great places that they have always been throughout civilization. We must provide enrichment in the cities that can't be found in the suburbs, in terms of opportunities for young people to grow and to learn to live in a new kind of society, where people with children of different races and different economic circumstances will learn to work and live together because that is the way the world is. And that is the way the valid life of the future will unfold.

Q. Will this require rather large amounts of money?

A. I'm sure that we are going to have to find ways greatly to increase the dollars for our cities. I have been there. I know what it is like to try to raise money for schools in a city such as Pittsburgh, with the same municipal overburden that I described a moment ago, where two thirds of the resources of the city are required for maintaining basic services—whereas just across the river, in a very-favored environment of residential homes, two thirds of the money from the real estate tax base is available for the schools.

Now, that cannot continue, and that is what the California supreme court said in the recent decision in that State. I applaud that decision: The court found that the system of inequities in the funding of education in the State of California is totally inequitable.

Q. The California court held that relying on property taxes to finance schools is discriminatory because it enables affluent communities to spend more money on education than poor communities. Is that decision going to lead to a reshaping of the way education is financed in this country?

A. I think it will. Certainly the California decision, if sustained by the U.S. Supreme Court, will point the way to general fiscal and revenue reform within all of our States. And I think that the so-called equalization formula—which each State has in one form or another—will have to be completely reworked to comply with this court order.

Q. In Maryland, the State has taken over all financing of school construction. Now there is pressure for the State to take over the whole business of financing education. Is this likely to happen in other States?

A. I think it is quite feasible. A number of States have explored it. Hawaii has this system now. And, of course, the California ruling will tend to tip things that way, too. There is only so much taxpayer money, whether you collect it at the drugstore counter with a sales tax or whether you collect it at the county clerk's office for your real estate or whether you collect it as income tax at State or Federal level.

UNIQUE WISDOM OF LOCAL BOARDS

Q. What rights and responsibilities will be left to local communities if States take over financing of schools?

A. I would expect that the whole business of curriculum, of faculty selection, of program planning within the resources provided by the State—indeed, the whole substance of teaching—would still be left to local discretion. I would hope so.

In my home town of Danielson, Conn., a small town, the board of education has unique wisdom concerning the life and needs of the children in that community, and a corresponding wisdom exists in New Haven, Conn., a big city. But these boards operate under quite different circumstances, and I don't think that the State—and certainly not the Federal Government—should attempt to pre-empt or prescribe the circumstances of learning in such widely different communities, even in the same State.

Q. Would this result in a leveling of support for education? In other words, will communities that now are taxing themselves heavily for school funds be forbidden to spend more than a certain amount?

A. I have thought about that question since the California ruling, and I am not sure how it will work out. But the California ruling presumes that there will be an equal base for all. It may be $800 a year per child or $1,000 a year per child or some other figure determined by competent State authority. But whatever the sum, it is presumed by this ruling that money will be made available on that basis for all children.

That raises the question: Taking California as an example, can San Mateo raise another $100 per child if it wants to, while San Francisco has only $800? Can Berkeley or Los Angeles do something different through their own initiative? Will this ultimately bring back the inequities that now prevail?

I would guess that some court, in all of its wisdom, will say that a community may, by an amount not to exceed a certain figure, increase some aspects of its educational offering. I think it would be quite unlikely in America to forbid a community to tax itself to educate its children.

This remains a sticky feature of the California case that must be faced.

AS COSTS AND PROBLEMS MOUNT

Q. Dr. Marland, the cost of education has gone up tremendously in terms of dollars. Has it also increased as a percentage of the nation's total income?

A. In terms of the gross national product, we are now spending 8 per cent annually on education—a greater proportion of our national income than formerly.

Q. And yet the problems seem to proliferate. Where is this going to lead in the long run?

A. If education were expected to do only what it used to, our schools would be doing much better than they used to do—and probably would be doing it for much less than we are now spending on education. But we come right back to the fact that Americans have increased expectations for their schools. The complexities of our society are mounting, and the schools mirror these complexities.

Q. Meanwhile there are charges that children can't be taught to read——

A. A very small percentage of our children are not being taught adequately to read. The great majority of our children are reading better, with greater comprehension and speed than they ever have. And the success of our reading program, as a nation, is very significant.

The fact remains, much to my embarrassment as a schoolteacher, that there are significant numbers of illiterate adults in this country—that significant numbers of children are reading far below the expectations for their age, and are indeed graduating from high school with very marginal literacy.

This is bad. But please don't make the assumption that we aren't teaching reading. We are teaching reading very well to the great majority of our young people. And I would guess that those whom we were talking about—dreadful as the numbers are—are somewhere in the neighborhood of 10 to 15 per cent.

It is inexcusable in our society, with the resources we have, with the teachers and the technology we have, that significant numbers of children are not reading successfully. But I would say that reading and writing are not an end in themselves. They are the tools with which one becomes a fulfilled human being. And the fulfillment of a human being, to me, is a larger and more fundamental purpose of education than reading and writing.

Today we are talking about a wide range of human beings, from the humblest, with an I.Q. of 80, to the most able.

In our inner-city schools we have concentrations of children, many of whom have migrated to the cities over the past 10 years. They are often from minority groups, from quite different cultures. They come from families in desperate economic conditions who are reproducing themselves as they are and continuing in a cycle of poverty. And we must find some way of breaking this cycle, of breaking the sequence of generations of children in poverty, facing the ugliness and despair of life in the "ghetto."

Q. Are the schools having any success in doing this?

A. It is difficult, but some progress is being made. We find teachers who in all deep commitment go to teach in the inner city, pour out their concern and their talent, and become frustrated and discouraged and sometimes quite deeply shaken. We must work harder. We must increase the resources, both human and material. But let me say, we are having some success on this.

The Teacher Corps, now in its sixth year, engages just such young people who have committed themselves either to the inner city and its problems or to equally depressing circumstances in rural areas. Our retention rate among those young people is tremendous. It is higher than the retention rate of conventional teachers in conventional situations. We have also found that the paraprofessional—the devoted man or woman from the local environment working as a companion to the inner-city teacher—is also making a difference.

It shows that someone is concerned about "little Harry," and Harry begins to perceive himself as a valuable person. A valid and honest concern for the learner—I call it love—must underlie all good teaching. It must especially be believable and real. It is an inescapable part of the inner-city teacher's character if he or she is to succeed.

Q. What you have been discussing here—is this what is known as compensatory education for the inner-city children?

A. In part, yes. We have as a nation poured out more effort, more money, and I hope more expertise in working with the disadvantaged child. Compensatory means "more than equal."

That, of course, has been going on since the Elementary and Secondary Education Act of 1965 was passed by Congress, and has had great beneficial effect. But many of its effects are still not measurable in the inner city. Well over a billion dollars a year has been spent in compensatory education, but by the time this gets to the child in poverty in a "ghetto" classroom, it is about $140 extra per year, or perhaps 18 to 20 per cent.

Maybe we can add the time of a paraprofessional to that classroom with that added money. Maybe we can add a few more appropriate teaching tools. Maybe we can add breakfast in the program, so that the child starts his day's work without hunger. But we have not had, in spite of the large sums, sufficient money to concentrate on the disadvantaged in depth. In some situations around the country where the added funds amount to not just 18 or 20 per cent, as it typically is, but 100 per cent, we can see real progress.

The case can be made, in terms of national values, for doubling the cost of educating the child in poverty, to break that cycle, and to take him out of dependency at age 14 and 15 and 16, rather than to continue another cycle of dependency with all of the implicit costs to society.

Q. How can this be done if the rule laid down by the California supreme court is adopted nationwide, and there has to be equal spending in every school?

A. I would hope that Congress will be able to legislate so that those schools that need more resources to provide compensatory education can have them, apart from the equalization feature. Remember, I said "more than equal" for the disadvantaged.

Q. Should big-city schools be nationalized—taken over by the Federal Government? Mark Shedd, superintendent of Philadelphia schools, has proposed that to Congress and to President Nixon——

A. Well, I sympathize with Mark—and at times I have felt that way as a big-city school superintendent. But I'm sure he would be the first to say that we should preserve the historic foundations of American education, which establishes the schools as a product of their immediate environment—that they should serve the people close at hand and be governed by the people close at hand.

While we look for ways to increase the fiscal support from the Federal Government, we know that if that support increases, the controls will very likely increase. This would go dead against the history and philosophy of American education. Schools are a property of the people, and the more they are removed from the people, I'm afraid, the more we destroy the greatness of what has so far been America's principal asset among nations—namely, a free-public-school system for all.

The secret to unlock here is how to increase federal financial support without relinquishing local control.

BUSING OUT OF THE NEIGHBORHOOD

Q. Does busing to achieve integration destroy this idea of schools? Can you have compensatory education, involving the family of the child, when he is bused out of the neighborhood where he lives?

A. There is no simple answer to that. But we must ask ourselves: What is the mission of the schools?

The mission is to bring this nation forward, through education, to a more just and effective and whole life for everybody. And the evidence shows us that so long as we segregate races, then that life is something less than just and effective and whole for all of those children. You have to make trade-offs, and you have to decide what the transcending values are in the American ideal. You can't necessarily pursue all those values at the same time.

In our nation the courts, the Administration, the Congress have said, "Let us find ways to bring about genuine opportunities for children to live together and grow up together and understand each other in ways that heretofore, since the beginning of this country, we have not done."

That means redefining some of our traditional beliefs. The neighborhood school in which I grew up calls up a very happy memory. But what is a neighborhood today? Need it be racially and economically isolated? Are we going to have the convenience of parents being physically close to the school and enjoy all of those good, nostalgic things which we recall in a small neighborhood territory when time and space factors have markedly changed? Or are we going to find ways to capture the best of both worlds and reach out and invent new ways to engage parents with their schools—to invent new ways for communities to be larger geographically but smaller in terms of the spirit of that community?

A neighborhood needs more than geographic proximity to achieve neighborliness, and that has to do with our feelings and beliefs as a people. That is where the schools come in, as we search for ways to reach out for true brotherhood not only down the street, but across our land and throughout the world.

We don't yet have all the answers, but we must, as President Nixon has stated, achieve "a system in which education throughout the nation is both equal and excellent, and in which racial barriers cease to exist."

Q. Mr. Commissioner, what future do you see for parochial schools, many of which are finding it difficult to survive?

A. I am very concerned about the parochial schools because they are an important educational arm—serving 10 or 11 per cent of our young people in elementary and secondary schools in the United States. And I think that they should be sustained, but not in such a way as to breach the law. The law says that there will not be federal funds furnished to nonpublic schools. I think that's a good law. And, therefore, my position is that we must find ways to better the things that the law permits us to do.

For example, the Elementary and Secondary Education Act of 1965 mandated the provision of services to disadvantaged children in nonpublic schools from the public treasury as long as those services were provided for the disadvantaged in forms that were distinct from dollars. We've not done as well as we should have done in the public schools with the opportunities under that law. We've done quite well under Title II, which has to do with the distribution of textbooks and library books. Books are loaned to the nonpublic schools, and they have the right to choose their books from master lists that are so liberal as to impose virtually no constraint on them. This is working well.

The second approach is through Title III of that Act, which provides funds for reform and renewal in education. On that we've done fairly well, sharing at the local level with curriculum development, experimentation, and planning jointly between the nonpublic and the public schools at the local level. And one could say that about 50 per cent effectiveness has been attained in this as compared with 100 per cent on the book side.

But in the area that perhaps has the most money and the most opportunity for helping poor children in the nonpublic schools, we still have a long distance to go, and that's the Title I part of the law. This title provides increased services to children who meet the eligibility terms for compensatory education. Both public and nonpublic schoolchildren are supposed to share equitably in such benefits as teacher aides, smaller classes, supporting services and improved material resources. And while people of good will have been searching for ways of delivering such services to nonpublic schoolchildren on the same scale as to public schoolchildren, practical obstacles have been a deterrent to getting this part of the law implemented fully.

And in this connection, I will be convening a meeting of public-school leaders from the 40 largest cities of the United States—the cities of over 300,000 population—this autumn for three days. We'll go off out of town somewhere and get into a quiet environment and live and work together with the 40 counterpart leaders of

the key nonpublic schools in those same communities.

Many of those participants, of course, will be the parochial-school leaders—very often a priest or a bishop—together with the other nonpublic schools, who are also in many cases having serious problems. The public-school spokesmen will be local school superintendents.

Q. Will the so-called "independent" schools be included?

A. Yes. And we'll spend two or three days together trying to find ways to increase the opportunities for the public schools in the 40 largest cities to extend themselves through collaboration with the nonpublic schools within the law and within the rulings of the courts to provide and improve the circumstances for some of those dangerously threatened nonpublic schools.

VALUE OF A YEAR-ROUND PROGRAM

Q. Many school systems are now experimenting with year-round operations. Is that a good idea?

A. The original school year was essentially the product of an agricultural economy, allowing young people to be available for work in the fields during the growing season. It no longer has relevance for the great majority of our society. Nonetheless, the habits and traditions of family living continue to impose a substantial overlay of "summer vacation."

There is clear evidence that many school systems are conducting successful summer programs for large numbers of children, particularly those with learning difficulties and those with exceptional talent.

Further, the implicit freedom of a summer program—that is, its optional nature—tends to produce an affirmative effect on the attitudes of teachers and learners.

There is no question that substantial improvements in efficiency can derive from the 12-month year, particularly in the utilization of facilities. The administrative problems are cumbersome, but they are surmountable. Faculty attitudes must be considered, particularly attitudes of teachers who, like many of our citizens, are accustomed to the summer holiday for physical renewal, for continued professional study, travel and the recharging of batteries. There are good arguments on the side of the *status quo*, but I hope we can find better arguments for installing change.

I would add that not only can the 12-month school year greatly loosen up the system of education with perhaps scattered periods of holiday and optional school attendance, but the school day itself has much to offer in the way of freeing up all concerned. The school day should have no particular beginning or end. The schoolhouse is there—the laboratories, classrooms, libraries, auditoriums are there, as well as the playing fields and gymnasiums. A system of coming and going, both for faculty and students, would free the schools from the implications of a lock-step, five-hour compulsiveness that we may have outlived as an unnecessary formalization of the learning process.

PROMISES AND PITFALLS OF NEW IDEAS

Q. Do you see any value in a voucher system that would let parents "buy" their children's education at any public or private school they might choose?

A. The voucher system may have some attractions, particularly in the form of stimulating new methods and materials in the interest of profit-making or in the interests of developing alternate choices for parents and young people. I have serious misgivings about the system, however, if it implies that ultimately all children would have the option throughout all parts of our nation to choose between the public-school system and something else. While the "something else" may here and there pop up, either in a profit or non-profit context, and even be successful for the limited scope of programs and people it can accommodate, I see little promise of this being capable of extension in sufficient capacity to be a truly viable option.

I must therefore say that for experimental purposes, for the discovery of new methods and materials, the voucher plan may be useful. As a universal enterprise, I'm afraid it would be another put-on, especially for the poor and the disadvantaged. We may give them a check with no place to cash it.

I might add that the voucher system is only a fractional part of a wide variety of revolutionary forces at work, many of which are sponsored and initiated by the Office of Education.

I would suggest that such enterprises as experimental schools, Right to Read, career-education models, the many educational research labs and centers which are sponsored by the Office of Education—not to mention the exciting forthcoming National Institute of Education—are developing and will develop many other alternatives than those implicit in vouchers.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. ADAMS, for November 11 to 15, on account of official business.

Mr. KAZEN, after 4:15 today and tomorrow, November 11, on account of death in the family.

Mr. CHAPPELL (at the request of Mr. BOGGS), from 3 p.m. today, through Monday, November 15, 1971, on account of official business.

Mr. PATMAN (at the request of Mr. BOGGS), for today, on account of official business.

Mr. PIRNIE (at the request of Mr. GERALD R. FORD), from 7 p.m. today, and the balance of the week, on account of death in family.

Mr. KEE (at the request of Mr. BOGGS), for today, 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:

(The following Members (at the request of Mr. MIZELL) to revise and extend their remarks and include extraneous matter:)

Mr. VEYSEY, for 10 minutes, today.

Mr. KEMP, for 30 minutes, today.

Mr. SHOUP, for 5 minutes, today.

(The following Members (at the request of Mr. DENHOLM) to revise and extend their remarks and include extraneous matter:)

Mr. ASPIN, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. DAVIS of South Carolina, for 10 minutes, today.

Mr. BURKE of Massachusetts, for 10 minutes, today.

Mrs. ABZUG, for 10 minutes, today.

Mr. FRASER, for 5 minutes, today.

Mr. DANIELSON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HELSTOSKI.

Mr. BINGHAM to revise and extend his remarks prior to vote on Seiberling amendment.

Mr. ROUSH to extend his remarks following those of Mr. DENT, today during debate on the conference report on H.R. 8687.

(The following Members (at the request of Mr. MIZELL) and to include extraneous matter:)

Mr. QUILLEN.

Mr. GUDE.

Mr. HOSMER in two instances.

Mr. GROVER.

Mr. BIESTER.

Mr. PETTIS.

Mr. MCDADE.

Mr. SCHMITZ in two instances.

Mr. BAKER.

Mr. FISH.

Mr. BROTZMAN in two instances.

Mr. VEYSEY in two instances.

Mr. ASHBROOK in three instances.

Mr. MICHEL in five instances.

Mr. BROYHILL of Virginia in two instances.

Mr. DERWINSKI in two instances.

Mr. ROUSSELOT in two instances.

Mr. COUGHLIN.

Mr. MORSE.

Mr. BELL.

Mr. GERALD R. FORD in two instances.

Mrs. HECKLER of Massachusetts.

Mr. NELSEN.

Mr. COLLINS of Texas in six instances.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. EDWARDS of California.

Mr. GONZALEZ in two instances.

Mr. RARICK in three instances.

Mr. ROGERS in five instances.

Mr. HAGAN in three instances.

Mr. RODINO in two instances.

Mr. DINGELL in two instances.

Mr. FOUNTAIN in two instances.

Mr. KLUCZYNSKI in three instances.

Mr. LINK.

Mr. DANIEL of Virginia in two instances.

Mr. BARING.

Mr. MURPHY of New York.

Mr. JACOBS in two instances.

Mr. CORMAN.

Mr. DULSKI in six instances.

Mr DOWNING in two instances

Mr. ANNUNZIO.

Mr. ANDERSON of California in two instances.

Mrs. ABZUG in 10 instances.

Mr. MINISH.

Mr. DENT in two instances.

Mr. JAMES V. STANTON in two instances.

Mrs. SULLIVAN in two instances.

Mr. BROOKS.

Mr. FAUNTROY in five instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 583. An act to increase the authorization for the appropriation of funds to complete the International Peace Garden, North Dakota; to the committee on Interior and Insular Affairs.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the

President, for his approval, bills of the House of the following titles:

H.R. 8629. An act to amend title VII of the Public Health Service Act to provide increased manpower for the health professions, and for other purposes.

H.R. 8630. An act to amend title VIII of the Public Health Service Act to provide for training increased numbers of nurses.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Thursday, November 11, 1971, 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:

1277. A letter from the Secretary of State, transmitting the 19th report on the extent and disposition of U.S. contributions to international organizations, covering fiscal year 1970, pursuant to section 2 of Public Law 806, 81st Congress (H. Doc. No. 92–173); to the Committee on Foreign Affairs and ordered to be printed.

1278. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report for the first quarter of fiscal year 1972 on various support furnished from military functions appropriations; to the Committee on Appropriations.

1279. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on contracts negotiated by NASA during the 6 months ended June 30, 1971, for property or services determined to be for experimental, development, or research work, or for making or furnishing property for experiment, test, development, or research, under 10 U.S.C. 2304 (a) (11), and a report that no contracts were entered into during that period under the authority of 10 U.S.C. 2304(a)(16), pursuant to 10 U.S.C. 2304(e); to the Committee on Science and Astronautics.

RECEIVED FROM THE COMPTROLLER GENERAL

1280. A letter from the Comptroller General of the United States, transmitting a report on the opportunity for savings in providing war risk insurance for contractor property and employees, Departments of Defense, State, and Commerce; to the Committee on Government Operations.

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:

Mr. TEAGUE of Texas: Committee on Veteran's Affairs. H.R. 11651. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension, and for other purposes (Rept. No. 92–656). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 11652. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of dependency and indemnity compensation (Rept. No. 92–657). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 11302. A bill to amend the Public Health Service Act so as to strengthen the National Cancer Institute and the National Institutes of Health in order to conquer cancer as soon as possible; with amendments (Rept. No. 92–659). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURKE of Massachusetts: Committee on Ways and Means. H.R. 3544. A bill to amend section 5701(a)(2) of the Internal Revenue Code of 1954 so as to adjust the rates of tax on cigars; with an amendment (Rept. No. 92–660). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 3599. A bill to modify ammunition recordkeeping requirements; with an amendment (Rept. No. 92–661). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 11080. A bill relating to the income tax treatment of just compensation received from the United States with respect to property taken under the act of the Congress which established the Redwood National Park; with an amendment (Rept. No. 92–662). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture: S. 2559. An act to amend the Consolidated Farmers Home Administration Act of 1961 to authorize insured emergency loans; with an amendment (Rept. No. 92–663). Referred to the Committee of the Whole House on the State of the Union.

Mr. SIKES: Committee of conference. Conference report on H.R. 11418. (Rept. No. 92–664). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE 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:

Mr. MAYNE: Committee on Veterans' Affairs. H.R. 8540. A bill for the relief of Elenora G. Mpolakis; with an amendment (Rept. No. 92–658). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN:

H.R. 11681. A bill to amend the Fair Packaging and Labeling Act to provide that the commodity label required by that act must disclose the manufacturer's name and place of business, and packer's name and place of business if different from the manufacturer; to the Committee on Interstate and Foreign Commerce.

By Mr. BROTZMAN:

H.R. 11682. A bill to change the name of the Department of Commerce Laboratories in Boulder, Colo., to the Dwight David Eisenhower Laboratories; to the Committee on Interstate and Foreign Commerce.

By Mr. BURLISON of Missouri (for himself, Mr. ALEXANDER, Mr. ANDERSON of Tennessee, Mr. BEVILL, Mr. BRINKLEY, Mr. CAFFERY, Mr. DORN, Mr. EDWARDS of Louisiana, Mr. FLOWERS, Mr. GETTYS, Mr. HAGAN, Mr. JONES of Tennessee, Mr. MATHIS of Georgia, Mr. MILLS of Arkansas, Mr. NICHOLS, Mr. PICKLE, Mr. PURCELL, Mr. RARICK, Mr. RUNNELS, Mr. STEIGER of Arizona, Mr. TEAGUE of Texas, and Mr. WAGGONNER):

H.R. 11683. A bill to require the Secretary of Agriculture, in the event of a natural disaster, to make adjustments in payment yields for producers of cotton; to the Committee on Agriculture.

By Mr. CARTER:

H.R. 11684. A bill to amend the Public Health Service Act to support research and training in diseases of the digestive tract, including the liver and pancreas, and diseases of nutrition, and aid the States in the development of community programs for the control of these diseases, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK:

H.R. 11685. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil service.

By Mr. DENT:

H.R. 11686. A bill to require the Secretary of Labor to collect and disseminate employment information regarding local law enforcement agencies; to the Committee on Education and Labor.

By Mr. DULSKI:

H.R. 11687. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; to the Committee on Public Works.

By Mr. ESCH (for himself, Mr. STEIGER of Wisconsin, Mr. FORSYTHE, and Mr. FINDLEY):

H.R. 11688. A bill to assure an opportunity for employment to every American seeking work and to make available the education and training needs by any person to qualify for employment consistent with his highest potential and capability, and for other purposes; to the Committee on Education and Labor.

By Mr. LENT (for himself, Mr. BYRON, Mr. ADDABBO, Mr. HECHLER of West Virginia, Mr. ROSENTHAL, Mr. HALPERN, Mr. OBEY, Mr. FORSYTHE, Mr. BRASCO, Mr. HELSTOSKI, Mrs. GRASSO, Mr. BIAGGI, Mr. BOLAND, Mr. PODELL, Mr. RANGEL, Mr. BURKE of Massachusetts, Mr. MORSE, Mrs. ABZUG, Mrs. HICKS of Massachusetts, Mr. CAREY of New York, Mr. O'NEILL, Mr. BIESTER, Mr. GUDE, Mr. BADILLO and Mr. WOLFF):

H.R. 11689. A bill to amend the Outer Continental Shelf Lands Act, to establish a National Marine Mineral Resources Trust, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. LENT (for himself, Mr. PIKE, Mr. MITCHELL, Mr. FISH, Mr. PEYSER, Mr. KEMP, Mrs. CHISHOLM, Mr. WIDNALL, Mr. SCHEUER, Mr. GROVER, Mr. SAYLOR, Mr. GALLAGHER, Mr. KOCH, Mr. DELANEY, Mr. TERRY, Mr. HASTINGS, Mr. TIERNAN, Mr. BINGHAM, Mr. MCKINNEY, Mr. HORTON, Mr. STEELE, Mr. SARBANES, Mr. ROE, Mr. DU PONT, and Mr. ST GERMAIN):

H.R. 11690. A bill to amend the Outer Continental Shelf Lands Act, to establish a National Marine Mineral Resources Trust, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. LENT (for himself, Mr. COTTER, Mr. KYROS, Mr. MURPHY of New York, and Mr. HATHAWAY):

H.R. 11691. A bill to amend the Outer Continental Shelf Land Act, to establish a National Marine Resources Trust, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MCCLURE:

H.R. 11692. A bill to permit the Secretary of the Treasury to purchase mined silver at such prices as he may deem appropriate; to the Committee on Banking and Currency.

By Mr. RODINO:

H.R. 11693. A bill to amend the National Flood Insurance Act of 1968 to increase flood insurance coverage of certain properties, to

authorize the acquisition of certain properties, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROONEY of Pennsylvania:

H.R. 11694. A bill to restore and maintain a healthy transportation system, to provide financial assistance, to improve competitive equity among surface transportation modes, to improve the process of Government regulation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11695. A bill to encourage national development by providing incentives for the establishment of new or expanded job-producing and job-training industrial and commercial facilities in rural areas having high proportions of persons with low incomes or which have experienced or face a substantial loss of population because of migration, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHNEEBELI:

H.R. 11696. A bill to suspend the duties on fluorspar until the close of January 1, 1974; to the Committee on Ways and Means.

By Mr. THOMPSON of New Jersey:

H.R. 11697. A bill to amend the National Flood Insurance Act of 1968 to increase flood insurance coverage of certain properties, to authorize the acquisition of certain properties, and for other purposes; to the Committee on Banking and Currency.

By Mr. ZWACH:

H.R. 11698. A bill to amend sections 9 and 11 of the Clayton Act, as amended, to provide for the continuance of the family farm and to prevent monopoly and for other purposes; to the Committee on the Judiciary.

By Mrs. ABZUG:

H.R. 11699. A bill to amend the U.S. Housing Act of 1937 to provide for grants to local public housing agencies to assist in financing security arrangements designed to prevent crimes and otherwise insure the safety and well-being of low-rent-housing tenants; to the Committee on Banking and Currency.

H.R. 11700. A bill to provide for police and security protection for persons living in low-rent housing; to the Committee on Banking and Currency.

By Mr. CAREY of New York (for himself, Mr. ADAMS, Mr. ANNUNZIO, Mr. BEVILL, Mr. BINGHAM, Mr. CELLER, Mr. BEGICH, Mr. EILBERG, Mrs. GREEN of Oregon, Mrs. HANSEN of Washington, Mr. LEGGETT, Mr. MANN, Mr. NIX, Mr. PRICE of Illinois, Mr. RODINO, Mr. STEPHENS, Mr. ST GERMAIN, Mr. THOMPSON of New Jersey, Mr. RANGEL, Mr. VAN DEERLIN, and Mr. CHARLES H. WILSON):

H.R. 11701. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax to a taxpayer who pays the tuition and certain related items of a student at an institution of higher education, where the taxpayer and the student agree to repay the credit (with interest) to the United States after the education is completed; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 11702. A bill to amend the act of August 6, 1958, 72 Stat. 497, relating to service as chief judge of a U.S. district court; to the Committee on the Judiciary.

H.R. 11703. A bill to authorize additional judgeships for the U.S. courts of appeals; to the Committee on the Judiciary.

By Mr. CHAPPELL:

H.R. 11704. A bill to amend the Economic Stabilization Act of 1970; to the Committee on Banking and Currency.

By Mr. FLOOD:

H.R. 11705. A bill to amend title 5, United States Code, with respect to the creditable service of Members of Congress for civil service retirement purposes; to the Committee on Post Office and Civil Service.

By Mr. PURCELL:

H.R. 11706. A bill to require the Secretary of Agriculture, in the event of a natural disaster, to make adjustments in payment yields for producers of cotton; to the Committee on Agriculture.

By Mr. QUILLEN:

H.R. 11707. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11708. A bill to increase the contribution of the Federal Government to the costs of employees' health benefits insurance; to the Committee on Post Office and Civil Service.

By Mr. RIEGLE:

H.R. 11709. A bill to promote development and expansion of community schools throughout the United States; to the Committee on Education and Labor.

By Mr. CHARLES H. WILSON:

H.R. 11710. A bill to permit suits to adjudicate disputed titles to lands in which the United States claims an interest; to the Committee on the Judiciary.

By Mr. ABBITT:

H.R. 11711. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to specify that emergency loans for annual operating expenses may be payable for periods up to 7 years; to the Committee on Agriculture.

By Mr. ASPIN:

H.J. Res. 956. Joint resolution directing that no further action be taken with respect to the development of the trans-Alaska pipeline until a comprehensive and independent study is made of the economic and ecological aspects of a trans-Canada pipeline; to the Committee on Interior and Insular Affairs.

By Mr. DENNIS (for himself, Mr. WIGGINS, Mr. MAYNE, and Mr. BETTS):

H.J. Res. 957. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary

By Mr. FOLEY (for himself, Mr. POAGE, Mr. ABERNETHY, Mr. BELCHER, and Mr. TEAGUE of California):

H.J. Res. 958. Joint resolution to amend the Sugar Act of 1948, as amended; to the Committee on Agriculture.

By Mr. ASPIN:

H. Res. 700. Resolution calling for the shipment of Phantom F–4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

By Mr. MURPHY of Illinois:

H. Res. 701. Resolution calling for the shipment of Phantom F–4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

By Mr. CAREY of New York (for himself, Mr. DANIELS of New Jersey, Mr. GARMATZ, Mr. RODINO, Mr. HAWKINS, and Mr. EILBERG):

H. Res. 702. Resolution calling for peace in northern Ireland and the establishment of a united Ireland; to the Committee on Foreign Affairs.

By Mr. McCLORY:

H. Res. 703. Resolution calling for the shipment of Phantom F–4 aircraft to Israel in order to maintain the arms balance in the Middle East; 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. BEVILL:

H.R. 11712. A bill for the relief of Hassan Abai, Mehri Abai, Abrahim Abai, Afshin Abai, Mehran Abai and Mohammad-Hussein Abai; to the Committee on the Judiciary.

By Mr. BYRON:

H.R. 11713. A bill for the relief of Kenneth R. Etson; to the Committee on the Judiciary.

By Mr. McCULLOCH:

H.R. 11714. A bill for the relief of Alazine Ferris; to the Committee on the Judiciary.

By Mr. ROBISON of New York:

H.R. 11715. A bill for the relief of Cpl. Paul C. Amedeo, U.S. Marine Corps Reserve; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

A FREE-NATION WORLD ORGANIZATION

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, November 10, 1971

Mr. THURMOND. Mr. President, in the Sunday, October 31, 1971, State newspaper, of Columbia, S.C., contains a timely editorial entitled "Free Nations Should Form One World Organization."

In view of the deterioration of the U.N. into a Communist-influenced, anti-American gathering place, the suggestion in this editorial deserves serious consideration. The U.N. has been effective as a world problem solver, and with the increasing influx of Communist domination, it has become less and less the representative of peace and independence.

Mr. President, the U.N. has as its pledge the goal of establishing the independence of nations and peace on earth. The stated goal of communism is world domination. Thus, with the change in the U.N. comes the fear that the U.N. will become a tool for the spread of international communism.

Two-thirds of the world's population and 60 nations still believe in the freedom of man. The time has come when these free nations must band together to preserve this freedom and stand up to communism. An organization of free nations deserves the consideration of Congress. I have long favored this.

Mr. President, I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

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

FREE NATIONS SHOULD FORM ONE WORLD ORGANIZATION

The time has come for the people of the United States to recall the sage advice of the late President Herbert Hoover and contemplate a world organization of free, non-Communist nations.

As long ago as 1950, Mr. Hoover realized that Communist involvement and obstruc-