Beach to areas all over the world with the USO to entertain servicemen. Turkey, Japan, Greece, Italy, Germany, and Okinawa are the names of just a few countries where the troupe appeared—often as volunteers, receiving only their transportation and expenses.

Grady Williamson died when the bus which carried his troupe was struck by a truck. He had stayed with the disabled bus because of the troupe's equipment.

Daytona Beach will surely miss the abilities and civic spirit of Grady. Having acted as chairman of the March of Dimes many times, he was awarded the Distinguished Service Award in 1967 by the Daytona Beach Jaycees. He enriched the lives of many people; he brought a fine measure of lightness to the lives of many thousands more; and finally he gave his life for a cause in which he deeply believed. I know Grady Williamson will live on and on in the hearts of all who knew him.

HOUSE OF REPRESENTATIVES—*Friday, November 5, 1971*

The House met at 12 o'clock noon.

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

May the God of hope fill you with joy and peace in your faith, that by the power of the Holy Spirit, your whole life and outlook may be radiant with hope.—Romans 15: 13. (Phillips).

Eternal God, our Father, we lift our hearts unto Thee in prayer for our country, for all who in State, church, and school are shaping the future of our fair land and especially for this House of Representatives as it faces the trying tasks of this troubled time. Give to all these leaders courage, faith, and wisdom that the programs planned, the decisions made, and the work done may be in accordance with Thy will for the good of our Republic.

Grant unto us light for dark days, strength for weak moments, rest for weary hours, and a will to play our full part in the drama of this age. Through it all may the benediction of Thy presence be upon us.

In the spirit of the Master 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 with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 5060. An act to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft.

H.R. 11423. An act to extend the Federal Water Pollution Control Act until January 31, 1972.

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

S. 1977. An act to establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes.

S. 2781. An act to amend section 404(g) of the National Housing Act.

PRIVILEGES OF THE HOUSE IN THE MATTER OF UNITED STATES OF AMERICA V. JOHN DOWDY, ET AL.

The SPEAKER laid before the House the following communication from the Clerk of the House:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., November 4, 1971.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: On this date, I have been served with a subpoena duces tecum that was issued by the United States District Court for the District of Maryland. This subpoena is in connection with the case of the United States of America v. John Dowdy, et al.

The subpoena commands the Clerk of the House to appear in the said United States District Court for the District of Maryland, Baltimore, Maryland on the 8th day of November 1971 at 9:30 o'clock A.M., and requests certain House records that are outlined in the subpoena itself, which is attached hereto.

The rules and practices of the House of Representatives indicate that no official of the House may, either voluntarily or in obedience to a subpoena duces tecum, produce such papers without the consent of the House being first obtained. It is further indicated that he may not supply copies of certain of the documents and papers requested without such consent.

The subpoena in question is herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Sincerely,

W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

Subpoena to Produce Document or Object.

United States District Court for the District of Maryland. No. 70-0123—criminal docket.

United States of America v.
John Dowdy, et al.

To: Clerk, United States House of Representatives, Washington, D.C.

You are hereby commanded to appear in the United States District Court for the District of Maryland at Room 325, U.S. Post Office Building, Calvert and Fayette Streets in the city of Baltimore, on the 8th day of November, 1971 at 9:30 o'clock A.M. to testify in the case of United States v. John Dowdy, et al. and bring with you all original roll call records of the United States House of Representatives for September 27, 28, 29, and 30, 1965.

This subpoena is issued upon application of the United States.

October 26, 1971, John G. Sakellaris, Asst. U.S. Attorney, Stephen H. Sachs, Special Asst. U.S. Attorney, 325 U.S. Post Office Bldg., Balto., Md. 21202, Area Code 301, 962-2043.

PAUL R. SCHLITZ,
Clerk.

CHARLOTTE WILLIAMS,
Deputy Clerk.

Mr. BOGGS. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 690

Whereas in the case of the United States of America against John Dowdy, et. al. (criminal action numbered 70-0123), pending in the United States District Court for the District of Maryland, a subpena duces tecum was issued by the said court and addressed to W. Pat Jennings, Clerk of the House of Representatives, directing him to appear as a witness before the said court at 9:30 antemeridian on the 8th day of November, 1971, and to bring with him certain documents in the possession and under the control of the House of Representatives: Therefore be it

Resolved, That by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the ends of justice consistently with the privileges and rights of this House; be it further

Resolved, That W. Pat Jennings, Clerk of the House, or any officer or employee in his office whom he may designate, be authorized to appear at the place and before the court in the subpena duces tecum beforementioned, but shall not take with him any papers or documents on file in his office or under his control or in possession of the House of Representatives; be it further

Resolved, That when the said court determines upon the materiality and the relevancy of the papers and documents called for in the subpena duces tecum, then the said court, through any of its officers or agents, be authorized to attend with all proper parties to the proceeding and then always at any place under the orders and control of this House, and take copies of those requested papers and documents which are in possession or control of the said Clerk; and the Clerk is authorized to supply certified copies of such documents or papers in his possession or control that the court has found to be material and relevant and which the court or other proper officer thereof shall desire, so as, however, the possession of said documents and papers by the said Clerk shall not be disturbed, or the same shall not be removed from their place of file or custody under the said Clerk; and be it further

Resolved, That as a respectful answer to the subpenas duces tecum a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Commitee on Rules may have until midnight tonight to file certain privileged reports.

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

There was no objection.

AUTHORIZING ADDITIONAL INVESTIGATIVE AUTHORITY TO THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. BOLLING, from the Committee on Rules, reported the following privileged resolution (H. Res. 676, Rept. No. 92–613), which was referred to the House Calendar and ordered to be printed:

H. RES. 676

Resolved, That, notwithstanding the provisions of H. Res. 18, Ninety-second Congress, the Committee on Interior and Insular Affairs is authorized to send not more than three members of such committee and not more than one staff assistant to attend the Fifteenth Session of the International Lead and Zinc Study Group in Malaga, Spain, during the period November 1 through 6, 1971.

Notwithstanding the provisions of H. Res. 18 of the Ninety-second Congress, first session, local currencies owned by the United States shall be made available to the members of the Committee on Interior and Insular Affairs of the House of Representatives and one staff assistant engaged in carrying out their official duties pursuant to the authority to travel outside the United States as set forth in this resolution. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by the members and the employee of the committee, the following conditions shall apply with respect to their use of such currencies:

(1) No member or employee of such committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(2) No member or employee of such committee shall receive or expend an amount of local currencies for transportation in excess of actual transportation costs.

(3) No appropriated funds shall be expended for the purpose of defraying expenses of members of such committee or its employees in any country where local currencies are available for this purpose.

(4) Each member or employee of such committee shall make to the chairman of such committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or, if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Commitee on House Administration and shall be open to public inspection.

(5) Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of differences in time zones.

Mr. BOLLING. Mr. Speaker, I call up House Resolution 676 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

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

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

Mr. GROSS. Mr. Speaker, I would ask the gentleman from Missouri if we might have a brief explanation of this resolution.

Mr. BOLLING The gentleman from Missouri will say to the gentleman from Iowa that the situation is a most unusual one. We are asking the House to pass a resolution to provide and make possible for three members and one staff member of the Committee on Interior and Insular Affairs to receive their subsistence expenses, and so on, through counterpart funds.

It is an unusual situation in that they are already there in Spain. They were invited by the Department of State to attend this meeting. It was thought by the Committee on Interior and Insular Affairs that they would be able to use counterpart funds, but it was discovered that they could not without the passage of this resolution. This is merely an attempt to save a few dollars by using counterpart funds for the expenses of these three Members, and one staff member presently in Spain.

They are going to be starting back not too long after we get the resolution through. They will be coming back about November 6.

Mr. GROSS. Is the gentleman from Missouri saying that there are no counterpart funds in Spain?

Mr. BOLLING. The gentleman from Missouri is saying that the Committee on Interior and Insular Affairs and the State Department discovered that without this resolution counterpart funds could not be used for the payment of some or all of the expenses of this group. That is the reason that I say that we are in effect saving some American dollars by this resolution.

It requires a two-thirds vote to pass this resolution today because it was just filed a moment ago.

Mr. GROSS. Mr. Speaker, if it will save any money I am perfectly willing to let it go through on a majority vote, but I have my doubts about whether it will save any money.

The SPEAKER. The question is, Will the House now consider House Resolution 676?

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 676.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING COMMITTEE ON WAYS AND MEANS TO MAKE STUDIES AND INVESTIGATIONS WITHIN ITS JURISDICTION

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 597 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 597

Resolved, That, effective January 3, 1971, the Committee on Ways and Means, acting as a whole or by subcommittee, is authorized to conduct full and complete studies and investigations and make inquires within its jurisdiction as set forth in clause 21 of rule XI of the Rules of the House of Representatives. However, the committee shall not undertake any investigation of any subject which is being investigated for the same purpose by any other committee of the House.

SEC. 2. (a) For the purpose of making such investigations and studies, the committee or any subcommittee thereof is authorized to sit and act, subject to clause 31 of rule XI of the Rules of the House of Representatives, during the present Congress at such times and places within or without the United States, whether the House is meeting, has recessed, or has adjourned and to hold such hearings and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued over the signature of the chairman of the committee or any member designated by him and may be served by any person designated by such chairman or member. The chairman of the committee, or any member designated by him, may administer oaths to any witness.

(b) Pursuant to clause 28 of rule XI of the Rules of the House of Representatives, the committee shall submit to the House, not later than January 2, 1973, a report on the activities of that committee during the Congress ending at noon on January 3, 1973.

SEC. 3. (a) Funds authorized are for expenses incurred in the commtitee's activities within the United States; however, local currencies owned by the United States shall be made available to the Committee on Ways and Means of the House of Representatives and employees engaged in carrying out their official duties for the purposes of carrying out the committee's authority, as set forth in this resolution, to travel outside the United States. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by members and employees of the committee, the following conditions shall apply with respect to their use of such currencies:

(1) No member or employee of such committee shall recieve or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(2) No member or employee of such committee shall receive or expend an amount of local currencies for transportation in excess of actual transportation costs.

(3) No appropriated funds shall be expended for the purpose of defraying expenses of members of such committee or its employees in any country where local currencies are available for this purpose.

(4) Each member or employee of such committee shall make to the chairman of such committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transporation if furnished by public carrier, or if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

(b) Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of differences in time zones.

Mr. HALL (during the reading). Mr. Speaker, I ask unanimous consent that House Resolution 597 be considered as read. We have had it in our hands since October 19.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) and pending that yield myself such time as I may consume.

Mr. Speaker, this resolution is unusual too, but in a very different way from the one that was just passed. This is up in the normal procedure. The resolution has been around quite some time. The thing that is unusual about it is that for the first time in a great many years the Committee on Ways and Means is asking for such a resolution.

As I understand, the initial request was made in connection with a conference which some members of the Committee on Ways and Means and their staff were going to attend this month. But that conference has been postponed.

There is a possibility that the Committee on Ways and Means at a later date will send a delegation to a meeting which I believe the chairman of the Committee on Ways and Means is prepared to describe.

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

Mr. BOLLING. I am glad to yield to the gentleman.

Mr. MILLS. Mr. Speaker, in all fairness to the membership of the House, this idea did not originate with the committee. We do not want to take credit for it.

We were asked by the Commissioners of the European Common Market through an official invitation to visit some sessions of the European Common Market in order to discuss problems of trade between the European Common Market and the United States. This was, we thought, a matter that we could not treat lightly. We discussed it in committee. I think the committee was unanimous in its feeling that we should at least consider the invitation. It was not possible for us, because of the schedule of the committee, to avail ourselves of the opportunity to go at the time first suggested by the commissioners. That was the first week of November of this year—this week, in fact.

Now they are asking us to consider the possibility of being there for some 3 or 4 days sometime during the month of January. No decision has yet been made, and in all frankness, I am not certain yet that the committee or a part of the committee will actually go. But in the event we do go, it is necessary for us to have this permission from the House in order to do so.

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

Mr. BOLLING. I am glad to yield to the gentleman.

Mr. BYRNES of Wisconsin. Mr. Speaker, I think it should be distinctly understood as we consider this resolution that this should not be taken as a commitment one way or the other to go or not to go to this particular meeting. I should say to the House that this is still a matter that is being discussed in the committee. There are other problems which we feel we have in being away during any time when the Congress is in session and might have business, since our business schedule is very full.

So the passage of this resolution, I would hope, would not necessarily be a judgment as to whether we will or will not take advantage of the invitation and the urging that is being pressed on us to go.

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

Mr. BOLLING. I am glad to yield to the gentleman.

Mr. GROSS. Thinking in terms of the election campaign next year, I wonder if so many committees and the chairmen of committees will be traveling to various places in the world.

But I am disappointed on two counts. In the first place, I am disappointed that the Committee on Ways and Means with its tremendous power over finances is not going over to Europe before the end of this month, because as I understand it, the Europeans are saying that the U.S. must devalue the dollar before the end of the month. The committee might have some influence in saving the dollar.

The other count on which I find disappointment is that I would like to have heard that going somewhere to investigate coffee prices. This resolution is a fitting prelude to what is to come and I would suggest the committee go somewhere and find out why the American coffee consumers have to be soaked for the benefit of coffee producers overseas.

I am disappointed that the committee is not taking a trip in behalf of the the American consumers in this instance.

Mr. Speaker, I thank the gentleman for yielding.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I am very much in favor of this resolution. I believe the Ways and Means Committee can do the country a tremendous service in going to Europe and talking to some of the countries there, particularly those in the Common Market. We knew long ago that the Common Market countries would set up a real barrier to American-made products. I think it is high time that we had some real horse traders to go over and discuss some of their trade barriers with them. We have had trade barrier after trade barrier erected against U.S. products and up until now, we have accepted them without erecting any of our own. We have a new trade situation in the world today. Every nation is looking after its own trade interests. We must look after ours. I would hope that when this committee gets over there they will do exactly that.

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

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

Mr. HALL. I agree with the gentleman, and I would like to associate myself with his comments. I believe that the architects that supervise the construction should be wary lest inferior products are used in the edifice. In that connection, maybe it would have been better if we had passed this resolution on October 19 and got them over there before John Bull decided to join the European Common Market. Does the gentleman think that this may have been an act of prevention that would have been worth more than a pound of cure, in fighting off and staving off further advocates of the Kennedy round, variable tariffs, currency exchange controls, and all the techniques that are used against us as we "free-trade" more and more, in spite of higher production costs?

Mr. LATTA. In answer to the gentleman's question, I would have to honestly say that I do not believe we could have talked Great Britain out of joining the Common Market, but I think it is high time that we started looking after Uncle Sam instead of acting like Uncle Sap. I have no further requests for time.

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.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE A REPORT ON H.R. 11589

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries have until midnight Friday night to file a report on H.R. 11589, to authorize the foreign sale of certain passenger vessels.

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

There was no objection.

AMENDING THE FISH AND WILDLIFE ACT OF 1956 TO PROVIDE A CRIMINAL PENALTY FOR SHOOTING AT CERTAIN BIRDS, FISH, AND OTHER ANIMALS FROM AN AIRCRAFT

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5060), a bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 10, after "crops" insert: , and each such person so operating under a license or permit shall report to the applicable issuing authority each calendar quarter the number and type of animals so taken

Page 2, line 21, strike out "and"

Page 2, after line 21, insert:

"(C) the number and type of animals taken by such person to whom a permit was issued; and

Page 2, line 22, strike out "(C) and insert: "(D)

The SPEAKER. Is there objection of the gentleman from Michigan?

Mr. GROSS. Mr. Speaker, reserving the right to object, may I ask the gentleman if there are any "other body sleepers" in this bill, ungermane sleepers?

Mr. DINGELL. I will give the gentleman absolute assurance that there are no sleepers anywhere in this bill. I will tell the gentleman that the Senate amendments are mostly inconsequential and require a little more reporting than what was required in the House bill.

Mr. GROSS. I thank the gentleman. I withdraw my reservation.

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

Mr. RONCALIO. Mr. Speaker, reserving the right to object, I should like to propound a question to the gentleman. Did the conferees come back with any changes regarding helicopters or criminal penalties for killing buzzards?

Mr. DINGELL. If the gentleman from Wyoming will yield, this is not a unanimous consent for consideration of a conference report. It is a unanimous-consent request to recede and concur in Senate amendments. The amendments do not distinguish between helicopters and fixed-wing aircraft. The only changes in the bill made by the Senate are to require a little oftener reporting in cases where permits are issued for the taking of predatory species by the staff.

Mr. RONCALIO. I have no objection, Mr. Speaker.

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

SCHOOL BUSING

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

Mr. DORN. Mr. Speaker, I rise today to make my position crystal clear on the Higher Education Act which passed the House at 2 a.m. this morning. This bill contains many urgently needed provisions to assist both the students and the institutions of higher education. It authorizes a total of $24.3 billion in Federal assistance, including a new $5 billion program of grants to institutions of higher education. These programs will be of tremendous assistance to our colleges and universities caught by the squeeze of rising prices and recession. It provides in addition important new assistance to occupational education. Mr. Speaker, this bill recognizes what we have long argued: That our Nation must assign the highest priority to education.

Mr. Speaker, throughout the week beginning Monday with the emergency education bill I consistently supported Federal funds for those school districts already busing under court orders and those school districts busing under the decree of the U.S. Department of Health, Education, and Welfare. Two thousand school districts across the country are presently under court order to bus children. Those school districts, including those in Charlotte, Greensboro, Jacksonville, and, yes, Detroit, should be aided by the Federal Government if they are going to be forced by the same Federal Government to bus schoolchildren. Likewise I believe that my own school district which obeyed the Court decisions and started busing under agreements with HEW should not be penalized and discriminated against. We should receive Federal financial aid which would greatly aid us in promoting quality education. Mr. Speaker, neither is it fair to reward those areas where buses have been burned and destroyed at the expense of my people who believe in obeying the law as interpreted by the Courts. The objective of many busing amendments last night will be to reward violence and de facto school practices in some areas while my people who were first under the gun continue to bus and uphold the law.

Mr. Speaker, I maintain that in my area of the country with a comparatively low per capita income and where busing is in effect we should not be placed under a position of raising taxes to support orders and decrees of the Federal Government. That cost should be shared by the Federal Government.

SCHOOL BUSING

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

Mr. SYMINGTON. Mr. Speaker, the votes cast yesterday and in the small hours of this morning reflected the overwhelming and decisive reaction of this House to the national experience with schoolbusing as a means of achieving racial ratios. Certainly, in too many instances court-enforced plans which require busing and which were promulgated under the authority of the *Brown* decision have failed rather than contributed to the cause of education. Their impact has ranged from baffling to agonizing. But I do not feel entitled to assume that in no school district in this whole broad land has busing for this purpose contributed to the cause not only of education but of social and community harmony without which education is so irreparably distorted.

I very much favor neighborhood schools as the schools of first and best result, and busing, if any between contiguous communities where interaction between neighborhoods already invites and, in fact, requires the closer understandings that joint schooling can confer. I oppose the long ride where its primary justification is to achieve racial balance. I find it no more conducive to education when it is used to promote integration than when it was used to promote segregation.

But we were given, if you will, the chance to "discriminate" in this matter. The opportunity to endorse Federal assistance to busing where it best answers the educational needs of the children involved was not given us. We were obliged to issue a draconian ban on all Government assisted busing, or to decline to do so. The ban was issued, I take it, in response to the conclusion that no future judgments of Federal officials, including the President, no struggling school authorities, and no courts could be trusted to invest with prudence one dime of Federal funds for the named constitutionally required purpose. Even the Gallup polls, so frequently referred to, could not be so interpreted.

In any event, I could not join in that assumption because I deemed it to be an unwarranted prohibition against the exercise of executive and judicial discretion, abused in the past no doubt, but nevertheless essential for the future under our form of Government.

PELLY OPPOSES PRAYER AMENDMENT

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

Mr. PELLY. Mr. Speaker, an official leave of absence next week will prevent me from being here to vote on House Joint Resolution 191, the so-called prayer amendment.

This has been a matter that has caused me great concern. At first, I was inclined to vote in favor of this amendment, but consequent study has reversed my thinking.

Mr. Speaker, I cannot support any move at this time to tinker with our Bill of Rights. I am paired against the amendment, and were I present, I would vote against this proposed constitutional change to permit prayers in schools.

PERSONAL EXPLANATION

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

Mr. CHAMBERLAIN. Mr. Speaker, on Monday of this week it was necessary for me to be absent, and I find that I missed several rollcall votes. I would like to state that had I been present, I would have voted on these several issues as follows:

On rollcall 329 I would have voted "nay."

On rollcall 330 I would have voted "yea."

On rollcall 331 I would have voted "yea."

On rollcall 332 I would have voted "yea."

On rollcall 333 I would have voted "yea."

On rollcall 335 I would have voted "yea."

On rollcall 336 I would have voted "yea."

On rollcall 338 I would have voted "nay."

On rollcall 341 I would have voted "nay."

CALL OF THE HOUSE

Mr. HALL. 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. 362]

Abernethy	Gallagher	Passman
Abourezk	Gaydos	Patman
Alexander	Gettys	Pike
Anderson, Tenn.	Grasso	Pirnie
Aspin	Griffiths	Poage
Aspinall	Gubser	Price, Tex.
Badillo	Hagan	Pryor, Ark.
Baker	Halpern	Pucinski
Baring	Hanley	Purcell
Barrett	Hansen, Idaho	Rees
Belcher	Hansen, Wash.	Riegle
Bell	Hastings	Roberts
Bingham	Hawkins	Rooney, N.Y.
Blanton	Hébert	Rostenkowski
Broyhill, Va.	Heckler, Mass.	Roy
Cabell	Henderson	Ruppe
Carey, N.Y.	Holifield	Ruth
Carney	Horton	Ryan
Celler	Hosmer	St Germain
Chisholm	Jarman	Saylor
Clark	Johnson, Calif.	Scheuer
Clausen, Don H.	Karth	Scott
Clay	Kee	Sebelius
Collins, Ill.	King	Sikes
Conte	Kluczynski	Sisk
Conyers	Koch	Skubitz
Cotter	Lennon	Staggers
Coughlin	Lent	Stanton, J. William
Culver	Link	Steed
Dellums	Lloyd	Steele
Denholm	Long, La.	Stephens
Dennis	Lujan	Stuckey
Dent	McClory	Sullivan
Derwinski	McCloskey	Taylor
Diggs	McClure	Teague, Calif.
Dwyer	McCormack	Thone
Edmondson	McCulloch	Udall
Edwards, La.	McKevitt	Ullman
Esch	Madden	Ware
Findley	Martin	White
Fish	Metcalfe	Whitten
Ford, William D.	Mikva	Wiggins
Fraser	Mitchell	Wilson, Bob
Fulton, Tenn.	Mollohan	Wright
Fuqua	Montgomery	Wyatt
Galifianakis	Morgan	Wylie
	Morhead	Zion
	Nichols	
	O'Hara	

The SPEAKER. On this rollcall 288 Members have answered to their names, a quorum.

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

CONTINUATION OF THE INTERNATIONAL COFFEE AGREEMENT ACT OF 1968

Mr. MILLS of Arkansas. 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. 8293) to continue until the close of September 30, 1973, the International Coffee Agreement Act of 1968.

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

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. 8293, with Mr. GRAY 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 Arkansas (Mr. MILLS) will be recognized for 1 hour, and the gentleman from Wisconsin (Mr. BYRNES) will be recognized for 1 hour.

The Chair recognizes the gentleman from Arkansas (Mr. MILLS).

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the purpose of H.R. 8293 is to continue to October 1, 1973, the authority of the President to carry out the obligations of the United States under the International Coffee Agreemen of 1968. This authority is contained in title III of Public Law 90–634, the International Coffee Agreement Act of 1968. The President's authority under this law expired on July 1, 1971.

I would stress that all that is involved in this bill is an extension of the President's authority for the life of the International Coffee Agreement which will terminate on October 1, 1973. Members will recall that it was only last December that the Committee on Ways and Means reported a bill to extend title III of Public Law 90–634 to July 1 of this year. At that time, the committee expressed grave concern about the continued discriminatory practice of Brazil in favoring its exports of soluble coffee. This practice, which placed at a serious disadvantage soluble coffee manufacturers in this country, is prohibited under the International Coffee Agreement. It was the committee's feeling at that time that if no solution to this problem was found, the committee would not consider any further proposal to extend the President's authority to carry out U.S. obligations under the Coffee Agreement.

As required by the legislation last December—Public Law 91–694—the President has now reported to the Congress on an accord on soluble coffee reached between the United States and Brazil. Basically, this accord provides that Brazil will make available to soluble coffee manufacturers in this country 560,000 bags of coffee which will be free of the Brazilian contribution quota tax. Based on the information presented to the committee, it is believed that this action by Brazil will remove the disadvantage faced by domestic soluble coffee manufacturers under the agreement.

The committee did receive objections to the United States-Brazil accord on soluble coffee from a small number of coffee roasters who do not manufacture soluble coffee. These firms were benefited by the competitive situation that existed under the discriminatory treatment of soluble coffee exports from Brazil. The committee is satisfied that the agreement on soluble coffee if carried out effectively, is to the interest of the U.S. coffee trade as a whole and can result in lower prices to soluble coffee consumers in this country. Further, it is anticipated, in recommending this legislation, that there will be no repetition of the discriminatory treatment of soluble coffee exports to the detriment of our own soluble coffee manufacturers.

It should also be noted that the new procedures in the International Coffee Organization are providing more adequate safeguards to prevent unwarranted price increases to coffee consuming countries. Since the freeze and drought in Brazil in 1969 which had resulted in sharp price increases, the expansion of export quotas under the new provisions of the agreement has resulted in price declines in world coffee prices. These price declines have subsequently been translated into price declines both in the wholesale and the retail market for coffee.

The Committee on Ways and Means is satisfied that the extension of the President's authority for the remaining life of the International Coffee Agreement is desirable and agrees with the President that the bill, H.R. 8293, should be enacted into law. Thus, the committee urges the enactment of this legislation.

Now, Mr. Chairman, the principal objective of the agreement itself—not the bill before us, but the agreement that I referred to, of 1968—which this legislation supports is to stabilize international green coffee prices at levels which are fair to both producers and consumers. The agreement proved very quickly that it could fulfill this objective effectively in a period of stable supply. Until 1970, however, there was no real test of its ability to protect the consumer in a coffee supply crisis.

Last year such a crisis occurred. It arose from the severe damage suffered by the Brazilian crop the preceding year which drastically reduced the Brazilian coffee available for export in 1970-71. A similar catastrophe had struck the Brazilian crop in 1954, following which prices leaped to record levels. Against those 1954 price levels we can measure just how valuable the agreement has been to the American consumer.

As the full dimension of the 1970 disaster in Brazil became apparent throughout the coffee trade, prices began to soar. By August 1970, when the International Coffee Council held its annual meeting, the average price of U.S. coffee imports derived from Bureau of the Census data had reached more than 46 cents per pound. This was 12 cents above the average level of the previous 2 years. Moreover, failing resolute council action, nothing could have prevented prices from continuing their rapid ascent.

In these circumstances the council, under strong pressure from the U.S. delegation, took decisive steps to prevent a repetition of the runaway price situation of 1954. It fixed the annual export quota for the coffee year beginning October 1, 1970, at a level which ensured that there would be adequate coffee to satisfy anticipated world demand.

These decisions succeeded dramatical-

ly. Prices leveled off at once. And from January 1971, when coffee purchased in the new coffee year began flowing into the United States in substantial quantities, the average imported price declined steadily. Last month the average price of imported coffee was slightly over 39 cents per pound. That was a healthy turnaround of over 7 cents per pound in a brief period.

Although roasted coffee prices incorporate many cost factors beyond the influence of the Coffee Agreement, retail coffee prices have reflected the same favorable trend. The recent crest in coffee prices was reached in November 1970, when the Bureau of Labor Statistics found that the average price of a 1-pound can was 96 cents. Since the time the average retail price declined for 8 consecutive months before rising slightly—1/10 cent per pound—in August. Over that 8-month period the price of a 1-pound can declined by over 3 cents per pound, moving downward when food costs as a whole were rising sharply.

Let us compare the record of 1970 retail coffee prices with the comparable situation in 1954. In August of 1954, the American housewife paid a record $1.23 for a 1-pound can. And the average price for the entire year was over $1.10. The difference between the peaks in the retail price between 1954 and 1970 was therefore a remarkable 27 cents per pound. I submit that the effectiveness of the agreement in achieving greater price stability is quite clear.

In my view, Mr. Chairman, these statistics demonstrate that the International Coffee Agreement has justified the faith of this Congress. The agreement has proven its ability to control excessive price swings so harmful to both producers and consumers. At a time when we are waging an all-out campaign against inflation it is helpful to know that we are a party to an agreement which steadies the price of our largest agricultural import.

Mr. LONG of Maryland. Will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman.

Mr. LONG of Maryland. I would not want to challenge the gentleman's statement that the coffee agreement has been of some value in stabilizing coffee prices. However, I think that the experience worldwide shows that such stabilizing agreements stabilize the price upward. The gentleman has, of course, shown the price has gone down historically. I wonder if he would claim that the existence of the coffee agreement is the only reason why coffee prices have had a long-term trend down and whether it is not due to the fact that the very high price of coffee caused a tremendous increase in the production of coffee worldwide in many countries and also that there has been a tendency for the high price of coffee—and coffee has been high in price even though it might have been going downward—to make many people economize on it and use less of it and shift to other types of beverages.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself 2 additional minutes.

The fact is that the price of coffee did not start downward in 1971 until there was a change made by the Coffee Council in the quotas of coffee coming into the United States. If Brazil, the cause of the drop, was unable to ship us the amount of coffee that they were permitted to under the quota, we could have obtained that coffee from other sources. Of course, we could have done that had there been no agreement whatsoever involving coffee. I am not alleging, by any stretch of the imagination, that the agreement itself is the entire factor having to do with the price of coffee. I thought I made that clear in my statement. If I did not, I intended to.

What I was trying to do was show under the same crisis-supply situation in 1954 and in 1970 and 1971 the difference in the behavior of the price of coffee to the consumer when we had the coffee agreement and when we did not have the coffee agreement.

My contention is that the coffee agreement itself had a lot to do with that difference in some 27 cents in the price of coffee to the consumer during these two supply crises.

Mr. LONG of Maryland. Mr. Chairman, if the gentleman will yield further, when I was in Colombia a couple of months ago, I found that they feel very strongly that this coffee agreement is a great thing for them.

Mr. MILLS of Arkansas. It is.

Mr. LONG of Maryland. And it is possible that, if we got out of coffee stabilization very suddenly, such action would have a drastic impact upon the economy of that country.

Mr. MILLS of Arkansas. That is what they tell me.

Mr. LONG of Maryland. But I could not help but reflect upon the fact that we would pay much higher prices for Colombian coffee if not for this coffee agreement. In a way, this is foreign aid and it amounts to a great deal of money.

I also could not help feeling that this is one of the things which keeps coffee-producing countries from moving out of the production of coffee into the production of other types of products such as oranges, flowers, and other things. This is what they must do eventually—get away from a one-crop economy. But they would not do it until they have to. And as long as we keep their coffee prices up, they do not have to.

Mr. MILLS of Arkansas. Actually, there are some 40 countries involved in the international coffee agreement. I think the price stability that the agreement on coffee accomplishes does a great deal to stabilize the economies of these countries.

One must bear in mind that none of these countries are fully developed economically. All of them are underdeveloped countries. However, I deny the fact that this is a form of foreign aid. But if it is, it strikes me as being preferable to other types of foreign aid when we enable the people there to do something to help themselves—it is preferable to that type of foreign aid that comes entirely from expenditures out of the Federal Treasury. They, too, I think, prefer this to other methods.

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

Mr. MILLS of Arkansas. I yield to the gentleman from Connecticut.

Mr. MONAGAN. Is this not similar, in theory at least, to our farm program here domestically by which we seek to keep the level of the income to the farming community at a reasonable level?

Mr. MILLS of Arkansas. Actually, I think it could be so compared to the sugar quota. But the difference in the coffee agreement on prices and the sugar quota legislation is that sugar has gone up all the time while coffee has gone down during this year.

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

Mr. MILLS of Arkansas. I yield to the gentleman from Missouri.

Mr. HALL. All of us have received from the World Coffee Information Center a letter dated October 13 and a well-prepared brochure. I am a little bit concerned about the constant statement that the price of coffee has gone down, especially since 1963, or even relatively since 1954.

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

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself 2 additional minutes.

The CHAIRMAN. The gentleman from Arkansas is recognized for 2 additional minutes.

Mr. MILLS of Arkansas. Mr. Chairman, I was not talking about that period of time. I was talking about the period in 1954 and 1970 and 1971 when I talked in terms of coffee prices going down.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, I appreciate the gentleman's statement, but I am still concerned, and my real concern is for the consumer.

It is true that in the period of 1970 to 1971 insofar as I know—and the gentleman has supplied additional information on that—the price of imported green coffee has gone down slightly to the figure that the gentleman stated, 79 cents a pound, but there has been a constant rise all during that period of time in the cost to the consumer. In other words, the cost of a 1-pound can.

It was relatively about 76 cents in 1969. It went up in 1970 to over 90 cents, and has had a continuous climb since then.

I realize the value of stabilizing the largest import of foodstuff that we have in the United States. I can even understand why we might want such an arrangement when they have a big killing frost and/or drought down there in order to insure continuing importation. I could even understand that we might, by some odd reasoning down in the State Department, want such an arrangement so that we continue to pay high prices when they are actually dumping coffee offshore of Sao Paulo, Brazil, or elsewhere, when they have an oversupply. But for the life

of me I cannot understand why we keep on talking about decreasing costs of coffee when in the World Coffee Information Center themselves, both by graph and by word, admit we are paying a lot more for coffee on your imports of green coffee—and I grew up in a coffee importers, blenders, and distribution factory, I might say to the gentleman, from the great Southwest—but still the price to the consumer has gone steadily up since 1963 from a low of 65 cents a pound to the price quoted by the gentleman of 96 cents at this time.

Mr. MILLS of Arkansas. I am pointing out to the gentleman the situation that existed prior to this agreement because you find greater fluctuations within the period prior to the agreement, and you find less fluctuations in prices during the period of time that we have had the present agreement, since 1968.

Let me give the gentleman this information to go along with the information that he has produced.

During the preagreement period the cost of the coffee market price fluctuated from—and this is green coffee we are talking about—from 24 to 65.7 cents. That is a fluctuation of 41.7 cents.

In the postagreement period the range has been between 30.3 and 44.4 cents, or a difference of 14.1 cents.

Now, it is this range of 14.1 compared to the range of 41.7 that I have been trying to point out in what I have said earlier.

Mr. HALL. I do appreciate that, if the gentleman will yield further, and again they have a beautifully drawn bar graph on the reverse side of this World Coffee Information Center brochure, but there is one thing that keeps gnawing at me, and that is the cost to the consumer, plus the fact that I used to see coffee importers call the New York Importation Center, long before the days of this agreement, and this was in the days when we did not use the long-distance telephone, they did it either by telegraph or by day letter, and they in turn would call the Port of New Orleans. A price would be fixed, an upset price would be established. And I think the gentleman from Arkansas knows that the coffee importation business was one of the most reckless gambles and dangerous things that a man could get into, and men were made or they were broken almost overnight, depending on what they had on hand and depending on when a particular ship might land, and which port it went to and what the upset market price was established at, and so on.

Mr. MILLS of Arkansas. One of the big factors was this big variation in prices, it either broke them or made them rich.

Mr. HALL. But the gentleman would not have anything to say about the climbing and increasing prices, and the fact that the minimum average of the consumer price has gone up from 1963 to 1971?

Mr. MILLS of Arkansas. I will yield to the gentleman from Wisconsin (Mr. BYRNES) if he desires to reply.

Mr. BYRNES of Wisconsin. Mr. Chairman, if you are going to look at the cost of coffee to the consumer in this country, it is important to look at the inflationary impact of increased costs attributable to the processing of coffee. I think it is important to note that the retail price increases for coffee have been less than the price increases of all other commodities, despite these increased processing costs.

Insofar as the coffee agreement is related to present prices, I believe we have to recognize that coffee presents a more salutary situation than exists with many other commodities.

Mr. MILLS of Arkansas. Actually, if I may further answer the gentleman from Missouri, with respect to the agreement and its effect on prices, we must bear in mind that the agreement only relates to the price of raw coffee, that is the green coffee. The retail value that is charged in the retail store may reflect a whole lot more than just this store's price of raw coffee, because there is some domestic markup, the domestic processing and the domestic distribution costs and you and I know that there have been increases in the cost of processing coffee just as there have been increases in the cost of processing practically everything else.

Mr. HALL. The gentleman makes a valid point. But to give an interpretation and analysis, what we are seeing is that after we have the agreement, just as we likened the situation a while ago to farm prices, or let us say to dairy marketing orders, as soon as we get in it, the floor becomes the ceiling and what happens is the producer who works, and many others, as in the case of eggs or in the case of dairy products, we may actually lower the prices relative to other foods, but it does not get back to the guy who puts in the sweat and takes the risk. Goodness knows, this has happened there and I am afraid with this coffee agreement this exact same thing is happening to the consumer as prices are going up, because of the markup and not because of the cost of the import.

But be that as it may, it may not get back to the person who deserves it in the first place and we are actually subsidizing the intermediary or the transshipper.

Mr. MILLS of Arkansas. If the gentleman will look at the brochure from the World Information Center at the charts on the inside, there is a title—"United States Spread Between Value of Green Coffee Imports and Retail and Retail Prices of Roasted Coffee, 1950–71." It is demonstrated on this chart that as the price of green coffee went down at the back there, the heavy brown, the lighter brown, the retail price, was going up.

I am talking of prior to the beginning of the year 1970, if you will notice at the peak there, just over 1970, there is a decline in the import value.

Mr. HALL. I will say to the gentleman, that is exactly what I was referring to.

Mr. MILLS of Arkansas. I know, but that is the point of the agreement. If you look at the price of a 1-pound can, the price has gone up during that same period of time, and that is due to our own inflation in the United States. It is not a reflection of the increase in the import price of green coffee. The agreement relates only to green coffee—not retail coffee. This clearly shows that.

Mr. HALL. I accept that in part, on the basis of the gentleman's expertise for 1970, to the period under the date.

But also if you go on with the graph, in 1963, from the time we entered the International Coffee Agreement.

Mr. MILLS of Arkansas. It was in 1968. We did not enter the present agreement until 1968.

Mr. HALL. I can remember when we debated it here in 1963 for a long time, and approved it. Anyway, on raw coffee, if you draw a line from 1963 to 1966, the trend gradually increases and does not decrease in both cases on the imports of green coffee and the cost to the consumer.

Mr. MILLS of Arkansas. Let me correct that. It was not 1963, it was 1968—but actually the first agreement effective date, as I recall, started in 1964.

Mr. GROSS. No; it was started in 1963.

Mr. MILLS of Arkansas. Yes; started legislation in 1963, but we did have the act of 1968 for the second agreement. That is what the confusion is about.

I thank the gentleman.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Arkansas has consumed 25 minutes.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. COLLIER) a member of the committee.

Mr. COLLIER. Mr. Chairman, I was the only member of the Ways and Means Committee who voted against this bill in committee. I did so because I very candidly feel that this legislation is in fact back door foreign aid which is financed out of the average housewife's grocery budget. With all due respect to my chairman, I cannot find a sound parallel to what was the situation in 1954 and that of today.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. The gentleman is making a valid point. The important question here is not whether the cost of coffee has gone up or down over the years. There is no lack of economic factors to explain these long-term trends. The really important point is this: Are we not paying a lot more for our coffee as a result of this coffee agreement, which restrains production and interferes with the free flow of the coffee into the United States except under rigid quotas?

The gentleman has put his finger on the essential point. This coffee agreement is basically foreign aid to coffee-producing countries like Colombia, Brazil, and others. We are helping them to stabilize their economies at the expense of the average American consumer, the housewife. We ought to get some credit for it. It does not go into our

foreign aid figures at all. Yet it belongs there, to the tune of hundreds of millions of dollars a year.

Another aspect I think is equally important. I am not sure we are doing the economies of the producers of coffee any good in the long run, because we are encouraging them to postpone getting out of the product of coffee. They will admit to you when you are there, as I was, that they must produce less coffee and more of other products. Too much of their land and other resources are in the production of coffee.

In the long run they would make more money on other crops—like strawberries, oranges, flowers, and so on.

Mr. COLLIER. I share the gentleman's judgment and appraisal of the situation before us today. I think it is significant that from 1963, when we actually entered into the Coffee Agreements Act, even though the implementing legislation was not until 1965, that the price of coffee in this country did in fact rise, notwithstanding the alleged or announced purpose of the Coffee Agreements Act was to stabilize prices. Perhaps they have stabilized prices, but it would appear from the long-range review of these prices that it did stabilize them upward.

Presently, contrary to what the average person might think, there is and will remain a substantial stockpile of coffee, so that this provides a built-in protection today against any lean years which might otherwise create the type of situation that existed in 1954. In fact, as of September 30, 1963, the world carryover of stocks of coffee was estimated at about 68 million bags. In 1970, for example, Brazil, the No. 1 exporter of coffee under the Coffee Agreements Act, had an excess in production of 21.9 million bags. Brazil during the same period exported 17.7 million, which means, obviously, that there was a substantial surplus from their production which went into a stockpile and which would provide protection against any sharp fluctuation in prices such as was experienced in 1954.

Tracing the history of the Coffee Agreement Act, I think it is necessary to understand that the prime purpose was to alleviate these fluctuations which were generally the result of surpluses or overproduction. However, if stabilized prices mean the kind of increases that we have witnessed in the cost of coffee in recent years, it becomes evident that the beneficiaries are the exporting countries, and certainly not the importing nations of which the United States is by far the largest.

Furthermore, the largest exporter of coffee, who undoubtedly receives the greatest benefits, is Brazil, and that is the one nation that has repeatedly flagrantly violated the coffee agreement over the years. Brazil has been guilty of gross discrimination in its own practices notwithstanding, as I said, that the Brazilians were the No. 1 beneficiary of the coffee agreement.

The fact of the matter is, by having created what is an international coffee cartel—and that is exactly what the Coffee Agreement Act has done—the cost has continued to rise, moving from about 76 cents a pound in 1969 to $1 a pound today. I am convinced from data available to me that the coffee agreement has resulted in the American housewife paying about 15 to 20 cents more per pound for coffee than she would if we were operating in a free market where supply and demand would determine the price.

We speak of free trade on the one hand as a means of contributing to better international relations, but I doubt whether there is any evidence that this is really the case. It is my considered opinion that if we were to treat coffee on the world market as we do other products, rather than make it uniquely controlled, the participating nations, both the importers and the exporters, would be better off in the long run.

Admittedly we might run into some temporary resentment on the part of certain exporters if we did not renew the coffee agreement, but much more important, I would say, is what has been and is the situation as a result of the imposition of the 10-percent import surcharge on other commodities.

If these agreements are temporarily renewed today, I hope and trust Congress will make a real in-depth study to remedy the situation in the near future. After all, coffee is not a necessary item in terms of nutrition or of dietary requirements in this country, so the law of supply and demand would replace the present international coffee cartel. I am sure that if this does develop, it will be the American housewife who will be the beneficiary rather than the exporting members of the International Coffee Council.

Mr. MILLS of Arkansas. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Chairman, I would like to add a few words in support of this legislation and to review how important it is to so many developing countries. We are the largest single consumer of coffee—more than one-third of all the world's imports last year. Whatever we do—or fail to do—has an enormous impact on the livelihood of millions of families in the under-developed world. I do not believe the U.S. Congress can take such a responsibility lightly.

It is our Latin American neighbors who are the main suppliers of coffee, providing about two-thirds of both United States and world supplies. What happens to coffee is of critical importance to them. Many of them are dependent on this single crop to an extent that is difficult for an American to comprehend. Last year Colombia earned 66 percent of its foreign exchange from coffee; El Salvador almost 50 percent; and even an economy as large and growing as Brazil's still depended on coffee for 37 percent of its export earnings. In fact, seven Latin American countries derived more than 20 percent of their foreign exchange revenues from coffee. No item in the U.S. export picture even approaches such importance.

Clearly then, the economic health of a good part of the world is linked to coffee. The agreement has attempted to safeguard this health by providing price stability at levels which are fair to both producers and consumers. I believe it has generally succeeded in fulfilling that goal. And in the process it has helped give to the developing countries of Latin America and other areas the kind of predictability so necessary to effective planning and sound policy decisions.

But there is an even more compelling argument in favor of our continued implementation of the ICA, and that is our own export trade. All of us are very anxious to improve the U.S. trade balance. But this is an interdependent world. We will not be able—or willing—to sell our goods to our Latin neighbors unless they have the foreign exchange to pay for them. And, as I have already pointed out, coffee is their biggest foreign exchange earner. Last year, the United States exported over $4.7 billion worth of goods to the 14 principal Latin American coffee suppliers. Many of these countries paid for their U.S. goods largely with dollars earned from their coffee trade with us. For example, in El Salvador, Guatemala, and Colombia, more than half of our exports were paid for by coffee; in Brazil, that proportion was more than a third; and two more countries—Ecuador and Costa Rica—financed about a quarter of our exports with coffee.

In conclusion then, I feel convinced that our support for an orderly coffee market is not only necessary but also in our own enlightened self-interest. Not only is it in our political interest to assist these countries' development programs by insuring a more nearly stable flow of exchange earnings from coffee, but our economic interest in an expanding trading system is also served.

For all these reasons, I strongly urge a favorable vote on this important legislation.

Mr. Chairman, there is talk about this being backdoor foreign aid. This is too simple an analysis. Coffee country exports do indeed earn dollars. But what do they do with their dollars? Last year they bought $4.7 billion worth of American products. So this becomes a two-way street, economically beneficial to the United States and the coffee producing countries.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. That is, of course, the same argument given for our foreign aid, to give foreign aid to other countries because they spend the money back in the United States. When we give the money to Americans, do they not also spend it in the United States? When we give the money to Americans. We get both the goods and the money.

Mr. FASCELL. The concept of diversifying crops, is also an oversimplification. Diversification in many cases means pro-

duction of agricultural products which would compete with U.S. agricultural products in the U.S. market. Coffee does not.

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

Mr. FASCELL. I yield to the gentleman from Connecticut.

Mr. MONAGAN. I want to compliment the gentleman from Florida, the chairman of the Inter-American Affairs Subcommittee of the Committee on Foreign Affairs, for pointing out the international implications of this agreement, wholly apart from the economic considerations.

At this time, when there is a tendency in some quarters in Latin America to say we are not assuming responsibilities we should, and that we do not have concern for them, I believe it is extremely important to emphasize, as the gentleman does, the fact that with this agreement we are taking the initiative and we are making some sacrifices to bring about economic stability, which certainly is important to the United States as well as to the countries immediately affected.

Mr. FASCELL. I thank the gentleman from Connecticut. I thoroughly agree with his observation. An orderly, stable coffee market is in our own interest.

We are struggling with legislation and administrative programs to stabilize our economy. I do not see how one could argue, that by implementing an agreement which has shown that price stability is useful and helpful to the United States and Latin America, that we in some way would be affecting adversely our own economy. It seems to me we are acting in our own self-interest.

I commend the Committee on Ways and Means for bringing the bill to the floor, and for its understanding of the interlinking of the economies of North and South America. The committee's resolution of the coffee problem and its efforts in other areas demonstrates the knowledge and leadership, of it's distinguished chairman, the Honorable WILBUR MILLS of Arkansas, in the field of foreign economic policy.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I want to understand our friends around the world, too, if we have any, but first of all I am here to represent the people of the Third District of Iowa and this country, and not the Brazilians and Colombians, plus the rest of the coffee producers around the world. Nor am I so much interested in the importers of coffee. I am interested in the consumers of coffee in this country.

Before we get through here this afternoon, before this goes to a vote, I should like someone to tell me why our U.S. representatives went to London on August 30 or 31 of this year and voted to cut the past year's quota of export coffee from 49½ million bags to a quota this year of 2½ million bags less, or 47 million bags.

I want somebody to tell me why it is in the interest of the people of this country to cut 2.5 million 132-pound bags off of the supply of coffee.

Mr. Chairman, it is almost impossible for me to believe that in the situation existing in this country today—with wage and price controls being clamped on, with inflation chewing us up, and the high costs of living—that the Ways and Means Committee would have the nerve, if not unmitigated gall, to bring this legislation to the House floor.

This innocuous-appearing bill has for its purpose a further increase in the price of coffee and that means more millions filched from the pockets of American consumers.

Yes, this is another foreign aid handout bill by courtesy of the Ways and Means Committee which treated the matter with such smugness that it did not even bother to hold hearings to determine the extent of the rape that it has already perpetrated upon the Nation's consumers by way of high coffee prices.

I was here in 1963 when this deal was spawned and when the price fixing in coffee was turned over to an international cartel in London. I said then, and that statement is to be found in the CONGRESSIONAL RECORD, that coffee prices for Americans would be stabilized just one way, and that would be up and up.

I well recall the answer I got from Mr. MILLS, the chairman of the Ways and Means Committee. In his most affable bedside manner he said, in effect, that I did not know what I was talking about, even though and about the same time in 1963, his colleague from Arkansas, Senator J. WILLIAM FULBRIGHT, had this to say:

> To make an argument that this (coffee) agreement is in the interest of the consumer is something less than frank.

A few years later, when this infamous coffee agreement came up for discussion, I reminded Mr. MILLS of his previous statement and he then conceded that coffee prices to American consumers had gone right on up.

It is interesting to note that on or about November 19, 1970, the Folger Coffee Co., one of the Nation's largest distributors, informed Mr. MILLS that "prices of coffee are unreasonably high today"; that "world supplies of coffee have been plentiful all along and the size of the increases in prices is unwarranted."

Despite a 25-percent increase in the size of the Brazilian coffee crop and an abundance in storage, the price continued to rise, but then what happened?

Two weeks after President Nixon threw his wage and price freeze into effect last August 14, the international cartel in London, apparently with the approval of the State Department, voted for new and more restrictive quotas on exports which will have the effect of still further increasing prices.

A limitation on export quotas in 1969–70 produced a reported 41-percent increase in the price of green coffee and with the newly approved reduction of 2½ million bags—from 49½ to 47 million bags for export—it ought not to be hard, even for the members of the Ways and Means Committee, to figure out what lies ahead for the housewives of this country and their families.

Could it be that the coffee gang in London, in their meeting on or about August 30 of this year, had in mind some settlement of Brazil's extension of its territorial limits to 200 miles out on the high seas? Is this coffee-price raid on American consumers to be a continuing payoff for a glorified form of blackmail?

Mr. Chairman, few subjects have had a more checkered career in the House of Representatives than this bill before you here today. It was with obvious reluctance that the gentleman from Arkansas (Mr. MILLS) sought and obtained a 6-month extension of the International Coffee Agreement on December 18, 1970. At that time I called his attention to a critical report issued by the General Accounting Office and urged that before there was another extension, the Ways and Means Committee go into that report.

Mr. MILLS, apparently with presidential stars already dancing before his eyes but not clearly visible elsewhere, concluded his remarks on that December day by saying:

> It—the GAO report—is a matter as well as the entire subject that will be looked into by the committee before there is any further extension of this agreement—

And then he added—

> If there ever is any extension.

In other words, there appeared to be serious doubt in the mind of the gentleman from Arkansas that there would be another extension when the agreement expired on July 1 of this year.

But on June 8, 1971, when the rule making this bill in order came before the House, Mr. MILLS was right back at the old stand admitting, in response to my questions, that his committee held no hearings as he had promised it would last December before reporting the pending 2-year extension. Nor did the committee call in—as promised—officials of the General Accounting Office to explain the basis for their criticism.

And what did the GAO report say in its report? Let me quote a few excerpts:

> The ICA—International Coffee Agreement—has functioned to increase prices and to transmit foreign aid rather than to stabilize prices.

Again the GAO said, and please listen carefully:

> It is interesting to note that the ICO—International Coffee Organization—has estimated that, without the coffee agreement, coffee prices would have fallen to one-half their 1966 levels.

And the GAO indicated its estimate of the fall in price was conservative.

Then this from the GAO:

> It is our understanding, from discussions with State Department officials, that the United States does not view the ICA as a permanent arrangement. Apparently there is some doubt that a third ICA will be necessary.

What could have been more pertinent to the Ways and Means Committee and

to Members of the House in consideration of what we have before us today than a hearing and testimony on the record with regard to the GAO report that without the international cartel coffee prices would have fallen to half their 1966 levels? And who in the State Department does not view the cartel as permanent?

Apparently Mr. MILLS, despite his backing and filling of the past on this subject, is willing to again, and for another 2 years, throw American consumers to the tender mercies of the plantation owners in Latin America and the Zaibatsu in London.

Try to smile it off if you will but this coffee trade involves some $3 billion a year and it has been estimated by some sources in the coffee trade that American consumers paid a tribute, through increased prices, of $900 million in 1970 and they are expected to pay through the nose by an even larger figure in this year 1971. The GAO says that in calendar year 1970, U.S. coffee assistance amounted to $640 million and emphasized that figure is conservative.

Mr. Chairman, according to the latest report by the distinguished gentleman from Louisiana (Mr. PASSMAN), chairman of the Appropriations Subcommittee on Foreign Operations, this Government has shoveled out $2,738,200,000 in foreign aid to Brazil and $1,119,400,000 to Colombia, two of the principal coffee exporting nations. I doubt that any of the revenue from these rigged coffee prices is included in those figures.

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

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 3 additional minutes to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding me the additional time.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield for one moment?

Mr. GROSS. I will yield to the gentleman from Louisiana as soon as I have finished my statement.

On November 14, 1963, when this racketeering coffee agreement was first brought to the House floor by the gentleman from Arkansas and his committee, I pointed out that there was a lot of weeping for foreign coffee growers, but not a soul shedding tears for the plight of the American farmer. I said then:

> Oh, no, there are no bleeding hearts for American farmers. Instead you seek to initiate here today another and new foreign giveaway program . . . to be financed by American consumers. It is to be piled on top of the millions upon millions of dollars that go into Latin America every year through the Alliance for Progress and other such programs and devices. Now you want to compound the felony of the giveaway program . . . more foreign aid through higher coffee prices.

I think that if I were a presidential candidate, instead of trying to popularize the 25-cent cup of coffee in America through an international cartel, I would be trying to find out from Foggy Bottom officials and others how certain foreign governments in the Common Market got away with slamming the door on the exports of poultry farmers in Arkansas, Iowa, Georgia, and Alabama—to name only a few.

Mr. Chairman, the consumers of coffee in this country have already been victimized for too many years. This is the time to call a halt.

Mr. MILLS of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I will yield first to the gentleman from Arkansas (Mr. MILLS), and then I will yield to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. MILLS of Arkansas. Mr. Chairman, I am sure the gentleman from Iowa has a copy of the GAO's report with him?

Mr. GROSS. Yes, I do.

Mr. MILLS of Arkansas. Would the gentleman turn to page 66, please. That is appendix 8. I want the gentleman to analyze this just a little bit because he seems to have so much difficulty with the statement made by the GAO.

Will the gentleman please explain to me what this means:

2. World demand

$$\text{Log } E = 1.88 - .253 \log P + .751 \log Y$$
$$(3.2) \quad (-3.2) \quad (5.8)$$
$$R^2 = .941 \qquad DW = 2.40$$

Mr. GROSS. Mr. Chairman, I will say to the gentleman from Arkansas that he had an excellent opportunity in the period in which this bill has been kicking around, or between last December, when the 6-month extension was put into effect to this date, to secure that information.

Mr. MILLS of Arkansas. I have asked the question of the people down town, and they cannot explain it.

Mr. GROSS. The gentleman had an excellent opportunity to call them in to explain what that means.

But let me call the attention of the gentleman to page 51, where the GAO says that had it not been for this cartel the price of coffee would have been reduced by half of the 1966 level.

Mr. MILLS of Arkansas. But I want the gentleman from Iowa to please share with me his explanation of what this means.

Mr. GROSS. I do not know whether that applies to coffee or to sugar.

Mr. MILLS of Arkansas. It pertains to coffee.

Mr. GROSS. They are both contained in this report.

Mr. MILLS of Arkansas. But appendix 8 has to do with coffee.

Mr. GROSS. But you had an excellent opportunity to call them in and find out what this is all about.

Mr. MILLS of Arkansas. I have had discussions with them, and they cannot explain it, and I thought maybe the gentleman could.

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

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

Mr. MILLS of Arkansas. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, I would not want the gentleman to be inaccurate in some of the statistics that he used. He did not cite the source of his figures when he said that someone had estimated that the United States has paid a "tribute" to the extent of $900 million in the calendar year 1970 in the increased price of coffee. The Department of Commerce figures for calendar year 1970 show that the total value of coffee imported was only $1,159,533,194. It would be difficult to believe that there was a "tribute" to the extent of $900 million, which represented increased prices in there.

So I just wanted the gentleman to know that the figures are not really accurate.

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

Mr. WAGGONNER. I am happy to yield to the gentleman.

Mr. GROSS. I am sure that the New Orleans Coffee Association, which I understand is opposed to this agreement, could give the gentleman all kinds of figures. I believe you are a member of the Committee on Ways and Means; is that correct?

Mr. WAGGONNER. Yes.

Mr. GROSS. If you had used your not unusual influence upon the chairman to get a hearing on this subject and get the New Orleans Coffee Association and the Pacific Coast Coffee Association in—I think they could have helped you with some of your questions.

Mr. WAGGONNER. Perhaps if the New Orleans Coffee Association was interested in making a protest, they should have come to me as a member of the committee rather than to the gentleman from Iowa.

Mr. GROSS. They did not come to me.

Mr. MILLS of Arkansas. The gentleman talks in terms of no hearing. It is impossible for the chairman of any committee when he announces a legislative hearing to force anybody to come in to testify. We announced hearings and nobody wanted to testify, which would indicate to me that the gentleman from Iowa is seeing far more damage in this proposition than anybody—consumers, processors, or growers—see in it.

Mr. GROSS. I know that I am paying in some places 25 cents for a cup of coffee and the price is up to 50 cents for a cup of coffee in others. The price of a cup of coffee right here off the House floor is 15 cents a cup.

Mr. MILLS of Arkansas. That is not due to the price we pay for green coffee.

Mr. GROSS. The operators' prices have tripled since the coffee agreement on her wholesale purchases.

Mr. MILLS of Arkansas. But it is not due to the price of green coffee.

Mr. GROSS. Don't you believe it.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Chairman, I wish to indicate my firm intention to vote against H.R. 8293 because I am opposed to the continuation of the International Coffee Agreement.

My opposition is due to the fact that many Latin American countries who benefit from this agreement have been

seizing and fining U.S. vessels on the high seas and on water which under international law are not under the sovereignty of any such nation. It hardly seems equitable that the United States should participate in arrangements which are of tremendous value to the coffee-growing countries of South America when many of them, over many years, have illegally seized our fishing vessels and subjected them to heavy fines. Only this year Ecuador, as an example, has seized and fined our tuna vessels for fishing on the high seas beyond their 12-mile limits in excess of $1.3 million.

Recently the House passed a bill of mine which would tighten up the Fishermen's Protective Act so that the amounts of these fines would be deducted from any allocation of money under our foreign aid program. Pending the outcome of this legislation in the Senate I have refrained from offering amendments of a similar nature to other bills in which Latin American countries have an interest. However, I am frank to say, Congress should tighten the antiseizure provisions of the Foreign Assistance Act and the same is true of the sugar quota bill. Originally I thought I would try to amend the International Coffee Agreement but, perhaps mistakenly, I am constrained to delay such action until I know the outcome of any bill to tighten the Fisherman's Protective Act. So I am not offering an amendment today.

Mr. Chairman, notwithstanding that I am not offering an amendment, I again repeat, I am not going to support this legislation as long as Latin American countries arbitrarily claim sovereignty for 200-miles beyond their shores. I know that Brazil and the United States are holding what is termed "preliminary discussions" in connection with the seizure of shrimp boats off the coast of Brazil. However, I am sure these talks were arranged to reduce congressional opposition to legislation of interest to South American countries. The time of these talks is scheduled in other words, because of H.R. 8293.

Of course, I welcome the talks but after many years of bitter experiences I am dubious as to how much they will accomplish.

Mr. Chairman, I think that all these nations and ourselves have a common interest in conservation and it has been unfortunate that our State Department has been unable to overlook the issue of sovereignty and concentrate on conservation of fishery resources.

However, I do not believe that we will ever work out any agreements with these nations on the basis of sovereignty or of conservation as long as we continue to turn the other cheek and provide assistance to these countries in every conceivable way, as we have done in the past. So as I said, I intend to vote against the extension of the International Coffee Agreement.

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

Mr. PELLY. I yield to the gentleman.

Mr. CARTER. I am very much interested in the gentleman's statement about Ecuador capturing fishing vessels from the gentleman's area. It is interesting to note that one of those vessels, the *Eseralda,* I believe it was called, was given to Ecuador or loaned to Ecuador by this country. This is another incident where our foreign aid works against us.

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

Mr. PELLY. I will say to the gentleman that these tuna vessels do not come from my district—they come from the United States. That is why I am here as a member of the Fish and Wildlife Conservation Subcommittee.

Mr. CARTER. Certainly, and I am on your side.

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

Mr. PELLY. I yield to the gentleman.

Mr. GROSS. I was trying to get the last report of what is going on down in Latin America with respect to the situation which the gentleman alludes to. I called the State Department this morning, the Bureau of Latin American Affairs. They report that talks took place from October 25 to October 29 this year.

They were "exploratory" talks and everything was going fine until a certain Representative PELLY issued a statement that Congress would never pass a coffee extension act until some progress in the talks had been made.

The Brazilians then stated that this put them in a bad position because if the talks with respect to the extension of their territorial limits and fishing rights and the Coffee Act were linked up in the minds of their people, the people would believe the Government had sold out on the 200-mile limit to get the Coffee Act passed.

So the talks were called off, and the State Department does not expect a resumption of those talks until the Coffee Act is passed—a further verification of the blackmail that is being practiced.

Mr. PELLY. For the benefit and information of the gentleman from Iowa, I never said that this international agreement and this legislation would not be approved, as far as I knew, unless they agreed to something down there. I have not believed in that type of diplomacy. I welcome those talks. I know they are just another series of cocktail parties. But nevertheless I had hoped that we could work out something with all those nations on the basis of conservation and forget their claims to sovereignty.

So, as I have said, that is an inaccurate report. Again I say, Mr. Chairman, that I must oppose this legislation because of the seizures which those Latin American countries have made of our fishing vessels. I am hopeful that in due course we can arrive at some agreement with them, but I am very doubtful.

I yield back the remainder of my time.

Mr. MORSE. Mr. Chairman, I rise in support of H.R. 8293 which would extend the implementing legislation essential for keeping the International Coffee Agreement in operation. Although the agreement runs until September 30, 1973, it cannot be carried out by the United States without this renewal of implementing legislation, which expired on June 30, 1971.

The United States carries a strong and important commitment to the International Coffee Agreement and to the instrumentality which it has evolved during the 9 years since its formation. The fact that this country is the consumer for over one-third of the world's coffee production naturally gives it a leading role to play in determining what happens to the world coffee market from year to year. As a party to the ICA we, along with 61 other producer and consumer nations, have disciplined ourselves to attaining a reasonably stable system for the marketing of coffee, with a resultant constancy of supply and price benefiting consumers, processors, and producers alike. The International Coffee Agreement over the years, by creating a flexible system of controls which seek to balance supply and demand, has clearly helped to stabilize a market which previously and traditionally has been subject to wild price gyrations, deleterious to all concerned.

At this time, the President needs the authorization H.R. 8293 provides to implement our commitment to the agreement through September 1973. The high visibility of our commitment—if there were no other reasons—argues for the United States to be very meticulous in fulfilling it, especially in these times when the fabric of international cooperation must be woven even more carefully if numerous current issues are to be resolved constructively.

There are several features of the International Coffee Agreement which are particularly valuable to the American consumer. During periods of normal coffee harvests in the producing countries, the ICA mechanism operates to stabilize coffee import prices by linking production levels to projected world demand. From 1965 to 1969 coffee import prices—a major determinant of the retail price—actually fell, at a time when the overall consumer price index was moving up rapidly. Then, in the aftermath of the heavy and damaging freeze in Brazil during 1969, the destabilizing pressures on world prices were muted by the mechanism of the agreement, and prices were held well below the peak registered in 1954 when a similar short harvest occurred. The U.S. import price of coffee today is at a lower level than the average price during the decade of the 1950's. And despite two severe frosts in Brazil the price of coffee in real terms has gone up only 9.7 percent during the life of the agreement. Clearly, the effect of the International Coffee Agreement has been substantial.

Price stability, one can say without hesitation, is a matter of high concern in this chamber. Its continuation with regard to coffee is one of the objectives which H.R. 8293 will serve well.

The second objective of this legislation is no less topical for the Congress as it strives to strengthen our balance-of-payments position. For the 41-producer members of the International Coffee Agreement, coffee sales represent a

highly important source of foreign exchange earnings. Coffee is the most significant agricultural export of the developing world. For the developing countries of Latin America, Africa, and Asia, coffee is second only to petroleum among all commodities as a source of foreign exchange. The list of producer countries includes a high proportion with which the United States has maintained a favorable balance of trade over a long period of years, and from which we have seen the dollars spent on coffee returning to our own exporters in exchange for a wide variety of goods and services. For example, United States exports to the 14 major Latin American coffee-producing countries were $4.7 billion during 1970. To a major degree, the future of that trade depends on the smooth growth of coffee supply and consumption, worldwide, which 62 nations have found best assured through the instrumentality of the ICA.

But the effects extend well beyond the earning of foreign exchange by the producers. The agreement, in addition, lends stability to such elements as employment rates and governmental revenues which, in turn, lessens the uncertainties with which the planners of national development efforts have to contend. Thus, the ICA has a widespread salutory effect on the development aspirations of producer nations.

I am convinced, for all these reasons, that the discipline to which the great number of developing countries, and many developed countries, submit in adhering to the ICA is a heartening form of enlightenment and an example of international cooperation which the United States should find worthy of continued support.

Mr. MATSUNAGA. Mr. Chairman, I rise in support of H.R. 8293, which would continue the International Coffee Agreement Act to Ocotober 1, 1973.

Once again, I would like to point to the need for continuing the President's authority to carry out and enforce certain provisions of the International Coffee Agreement Act of 1968. In demonstrating this need, Hawaii is perhaps the best example in the circumstances. Hawaii is the only State in the Union which produces coffee commercially. At one time our industry produced as much as $17.5 million worth of coffee annually, but because of the instability of the price of coffee on the domestic market, as well as on the world market, that industry has dwindled to a production of only $1.3 million annually. Before the coffee agreement was entered into, at times when the price of coffee was good everybody went into the coffee business; the following season the price would plummet down, because of the oversupply and then everybody would go out of the coffee business. As a consequence, the supply would then become so limited that the price of coffee would go sky high, and once again everybody would go into the coffee business. This vicious cycle continued throughout the seasons before the International Coffee Agreement was entered into.

Mr. Chairman, the International Coffee Agreement has achieved its primary objective—relative stability of price at a level which is reasonable to consumers and equitable to producers of coffee. The extension of the President's authority under the International Coffee Agreement Act of 1968 would be beneficial to American consumers, who drink more coffee than the citizens of any other country.

As a Representative from the Island State, where, in a relatively small area called Kona, on the Island of Hawaii, the only coffee is grown in the United States, I can say with some authority that the International Coffee Agreement and the 1968 implementing act have benefited the producers of American coffee and helped to stabilize the price of coffee for American consumers.

Mr. Chairman, I urge a favorable vote on H.R. 8293.

Mr. ANDERSON of Illinois. Mr. Chairman, I support this legislation to extend the President's authority to implement and enforce the International Coffee Agreement of 1962, as amended and extended by the 1968 agreement. Over the years this agreement has proved to be a most effective instrument for insuring a sufficient supply of coffee to this country, at stabilizing the price of coffee at a fair level both for the producing and consuming countries, and thereby, of stabilizing the economies of the developing countries which are the principal producers of this commodity. Some 62 countries are currently parties to this most important agreement, and I think it is commendable that such a high degree of cooperation has been achieved between these countries on this matter. Should we not continue our participation in this program, the agreement most likely would collapse and result in a serious decline in both the export earnings of the coffee producing countries, and in U.S. exports to them as well.

Mr. Chairman, I think it is especially important that we indicate to the developing countries today that we have no intention of becoming international dropouts, as might have been signalled by the vote in the other body just a week ago today. In that connection, I am hopeful that some restoration of our bilateral and multilateral assistance program can be worked out in the immediate future, for we can neither financially or morally afford to turn our backs on the third world.

Mr. Chairman, at this point in the RECORD, I would like to include a paper written by Mr. James W. Howe, a senior fellow at the Overseas Development Council, entitled "How Will Uncle Sam's New Economic Policy Affect the Poor Countries?" In some respects, Mr. Howe's paper is dated in that it was written prior to the vote in the other body; but that vote underscores the prophetic nature of Mr. Howe's statement that the current climate in this country, "may bring out the worst in the Congress at a critical time for developing countries." Mr. Howe goes on to take the position that the President's new economic policy, if successful, will benefit the developing countries, and he backs this up with a most cogent and persuasive argument. He concludes:

By giving Americans a resounding success, particularly in our pocketbook, it may restore to us a sense of perspective and confidence necessary if we are to play a constructive role in the world. For if we default and turn inward, it is hard to imagine who on this shrinking planet would fill the moral vacuum.

At this point, I include the full text of Mr. Howe's most refreshing analysis:

HOW WILL UNCLE SAM'S NEW ECONOMIC POLICY AFFECT THE POOR COUNTRIES?

(By James W. Howe)

THE AUGUST 15 POLICY

The President's New Economic Policy, announced on August 15, did more than freeze prices and wages. On the international front its effects were equally dramatic. In one stroke it cut the U.S. and therefore the whole trading world loose from its moorings to the monetary system set up by the Bretton Woods Agreement at the close of World War II. Three of the things it did are of especial interest to the poor countries:

1. It dethroned gold by announcing the dollar would no longer be redeemed in gold, thus inducing most European countries and Japan to let the market decide the value of the dollar in their own markets. This may make their goods more expensive in the U.S. and U.S. goods cheaper in their markets.

2. It imposed a ten percent surcharge on many imports into U.S.

3. It announced a 10% cut in aid.

Much has been written about these effects but little has been heard of the impact of the U.S. actions on the hundred odd poor countries in the world. What will its effects be on them?

Many believe the long-run effects of the NEP on the LDC's will be beneficial both as a result of improving the world's trading system in general and of stepping up LDC exports to a revived, full-employment U.S. economy. The short-run effects are something else. They arise from the tone rather than the substance of the U.S. statement. The overtones of economic nationalism—blaming international speculators and our own past generosity for our current predicament, together with the 10% cut in aid—may bring out the worst in the Congress at a critical time for developing countries. This fall both the U.S. bilateral aid program and major funding proposals for virtually all the international institutions are up for decision. Foremost among these proposals is President Nixon's request for a three year U.S. contribution of $960 million to the highly important International Development Agency (IDA)—the part of the World Bank that lends money to poor countries on easy terms.

The tone of the President's announcement may play directly into the hands of protectionist and isolationist sentiment on Capitol Hills. One Congressional aide remarked that economic jingoism has now been made respectable, with the chief target being the developing countries. He added: "the small valiant group of liberal internationalists will now have to battle even greater odds" as a result of that jingoism.

THE SURCHARGE ON IMPORTS

More immediately, the developing countries are being hit by the 10% surcharge on imports. A staff study by the Organization of American States, for example, estimates that over one-fourth of Latin American exports to the United States are affected. Understandably, the world's poor countries feel

it is unfair that they are being penalized for a deficit in the U.S. balance of payments that they were in no way responsible for bringing about. Far better, they argue, for the U.S. to exempt the poor countries from the surcharge. Such a position would also be consistent with the Administration's declaration of support for preferences—i.e., the proposed system of setting lower tariffs on the import of manufactured goods from developing countries.

Whether these countries should be exempted from our import surcharge depends largely on timing: if the surcharge is temporary, as we maintain, there is no need for exemption. Indeed exemption, by making the surcharge more complex than the simple bargaining instrument that it now is, would be implying an expectation of quasi-permanence, tend to transform it from a temporary measure in pursuit of monetary reforms to outright protectionism. The answer is clear: don't exempt the developing countries, but rather remove the surcharge quickly.

Of course, if the surcharge fails to bring about a reform of the monetary system—say, within six months—it would become a serious and unfair burden on the poor countries. Then there would be a convincing case for exemption.

CHANGES IN EXCHANGE RATES MAY HELP THE LDC'S

The developing countries will also be affected by changes that take place in the rates of exchange between the dollar and the currencies of Europe and Japan. The OAS staff study concluded that Latin America would probably not be better off as a result of exchange rate changes, and might be worse off. Its position vis-a-vis the U.S. would deteriorate, primarily because of the surcharge, and while it would gain foreign exchange in its dealings with Europe and Japan, there would be an overall turning against Latin America in terms of trade. This means the things Latin America exports would bring less and the things she buys would cost more. The reason for this is that Latin American currencies would be devalued in relation to European and Japanese currencies.

This may be too pessimistic a view. Not only Latin America but any poor country which devalues with the dollar in relation to Europe and Japanese currencies stands to benefit for these reasons: 1) since the prices of its goods fall in Europe and Japan it should sell more there; 2) since the cost of European and Japanese imports go up in the U.S. this may open up opportunities for poor countries to sell us light manufactures, especially labor-intensive ones, at an advantage over other rich countries whose labor costs are higher. Thus, if that price advantage increases sales in the U.S., its position with the U.S. *may* improve rather than deteriorate. This is more likely if the surcharge is quickly lifted. Moreover, its position with the other rich countries *should* improve. Poor countries (especially in Africa) which continue to tie their currency to the French franc or the British pound may be disadvantaged thereby in U.S. markets. For some of them, however, the U.S. market is not very important.

Some Asian countries, like Korea, may find it advantageous to devalue with the dollar or at least to appreciate in relation to the dollar less than the yen does. In this way, they will stand to gain in both markets by exporting to Japan at lower costs and by partially supplanting Japanese exports to the U.S.

THE MONETARY FUND'S "PAPER GOLD"

These problems of the trading relationship between the developing countries and the United States will be very important, and will figure significantly in their concern with what happens next. But they will also keep a close watch on another major prospect to emerge from the Administration's New Economic Policy. This prospect is the likely agreement of the major industrial nations to rely less on dollars, gold, and sterling as international reserves and to find substitutes, such as the "Special Drawing Rights" (SDR's)—the so-called "paper gold." These SDR's, which are merely bookkeeping entries that different nations agree to treat as "good as gold," are now being created by the International Monetary Fund (IMF) at the rate of about $3 billion per year. They are used as international reserves held by individual countries to settle their debts with one another. Some believe the rate of increase may have to expand to $5 billion or more per year as a result of dethroning gold and the dollar.

But how are the benefits of the SDR's—this extra "gold"—to be shared? At present, SDR's are given to IMF members in accordance with a formula which gives nearly three quarters of the total to the ten richest members. The rest of the world, far more populous and mostly poor, gets the balance. Needless to say, these other countries were not represented in the making of the initial decisions.

Now, however, various plans have been put forward to introduce some greater equity into the system, and to give the poor countries a greater share of the windfall from creating SDR's. Some plans would give the poor countries all the windfall—for example, by making rich countries pay something for the SDR's (instead of getting them free), with the proceeds going to the developing world. To say the least, this would represent an ethical improvement over the present system. These proposals are often discussed under the heading of "the link"—that is, as a way of linking creation of SDR's to assistance for development.

The subject of the link is opened up by the growing awareness that a new reserve asset is needed—such as the SDR—to supplement and in part to substitute for existing assets. But the issue is complex. In the U.S. there is considerable support for the link—both in Government and among outside experts. But there is little support for the link in Europe where there are fears that this would distort the creation of SDR's from its primary purpose. I believe the Europeans are wrong, and that their fears are ill-founded. But those fears are so real that some monetary experts sympathetic to the link believe that pushing it at this time might actually kill the chances for monetary reform.

So what should the LDC's do? On the one hand, it is clearly unfair that the use of SDR's should be continued and expanded under the present formula where the rich get the lion's share and the poor get the leavings. But on the other if pushing the link prematurely causes the Europeans to kill monetary reform everyone would be worse off. One may well doubt whether, after August 15, the Europeans have any choice but to agree to expanding the use of SDR's. Hence the fear they will kill the expansion may well be overdrawn.

Once the immediate job of monetary reform is done, LDC's will be properly justified in turning the pressure on for reform in the distribution of the SDR windfall. This might be done over the next two years, perhaps in connection with the next round of negotiations on replenishment of IDA, the soft-loan affiliate of the World Bank. The subject is also likely to come up at the next meeting of the UN Conference on Trade and Development. Given enough pressure, it is unlikely the world would long tolerate anything as blatantly "rich man take all" as the present system for distributing SDR's.

FOREIGN AID REDUCTIONS

In addition to these matters of monetary reform, the August 15 package included a 10% cut in U.S. aid. This was a measure inspired more by its expected domestic appeal than by a reasoned case that the poor countries had done something for which the cut was a fair and just response—or that they did not need as much aid—or that we could not afford it. Indeed, developing countries may view it as a decision by the U.S. that poor countries should tighten their belts so that U.S. consumers can buy more cars. Later announcements make it clear the cut will not apply to Latin America and it is still not clear whether it will apply to security-related aid. Thus the cuts may fall heavily on technical and capital aid to Asia and Africa and on U.S. contributions to multilateral agencies. Some believe the 10% cut in expenditures can be managed without disastrous results by slowing certain programs provided there is not a further cut in the already tight expenditure ceiling recently handed out for next year. The more serious damage of the aid cut in expenditures may be to invite the Congress to make even deeper cuts in appropriations needed to start new programs. Already there is talk that opponents of aid will use this to argue for cuts of 30% or more in funding of multilateral and bilateral programs. This would really hurt development abroad and would leave further behind the richest country in the world, which already is lagging behind Europe in sharing the burden of development.

To make matters worse, the administration surprisingly announced a delay in its willingness to untie aid. Last year the U.S. had opened an initiative—which was well on the road to success—for an agreement among aid-givers under which all would simultaneously untie their aid. At present American and most other aid consists not of money which the recipient can spend where he can get the best bargain, but rather of goods and services from the aid-giving country. Nearly 100% of U.S. bilateral aid is so "tied." Some have estimated this cuts the value of the aid by about 15% compared with a system of world-wide competitive procurement. Obviously if the NEP makes U.S. goods more competitive it would be to our advantage to untie all aid. Therefore the logical thing would be for the U.S. to resume the initiative for untying. If such an agreement were reached it would be a major boon to the poor countries.

EFFECTS ON PRIVATE INVESTMENT IN LDC'S

What will the NEP do to the flow of private investment from the U.S., Europe and Japan to the developing countries? Such investment helps growth in the LDC's by providing capital, technology, ready made markets and entrepreneurial ability to LDC's often at a cost geared to the profitability of the industry. There has been growing opposition in U.S. labor circles to U.S. investments abroad especially in labor intensive industry. This reflects labor's concern about growing unemployment in the U.S. The August 15 initiative, if successful in reducing unemployment, may reduce opposition to U.S. investment in LDC's.

In addition to hopefully relieving domestic U.S. anxieties about investment abroad, the NEP should help shift some investment from Europe and Japan into LDC's who devalue with the dollar. There may be some relocation of Japanese labor-intensive industry into Asian LDC's. Such a relocation from developed Europe to less developed Mediterranean countries is also a possibility.

IF THE NEP SUCCEEDS

At the outset of this article I said the tone of the August 15 statement had a great, though unintended, potential for harm even as its substance had great potential for good. By the same token, if the "valiant few" in Congress can avert that potential harm, then the August 15 policy can have enormous benefits far beyond its commercial, investment and monetary effects. By giving Americans a resounding success, particularly in our pocketbook, it may restore to us a sense of perspective and confidence necessary if we are to play a constructive role in the world. For if we default and turn inward, it is

hard to imagine who on this shrinking planet would fill the moral vacuum.

If the New Economic Program succeeds in its primary objective, then it will also succeed in helping LDC's. To succeed in its primary objective would involve the following:

1. Less unemployment and inflation at home; full employment in the U.S. would benefit LDC's more than any other factor;
2. Realigning exchange rates to favor the U.S. (and LDC's who remain pegged to the dollar);
3. Reforming the international monetary system to provide more flexibility and a new mix of international reserves;
4. Removing the surcharge in the very near future; and
5. Avoiding protectionist, isolationist trends here at home.

If these things come to pass, the whole world can congratulate itself and the poor countries of the world will benefit, probably out of proportion to the world in general. Should the August 15 program fail, LDC's will probably suffer disproportionately more than does the world in general.

Mr. ANDERSON of California. Mr. Chairman, I rise in opposition to H.R. 8293, a bill which would continue the International Coffee Agreement of 1968.

This agreement has authorized the creation of an international coffee cartel consisting of 62 countries. The cartel's supporters claim that its purposes are, first, to hold down the price of coffee and, second, to avoid extreme fluctuations in price.

However, since 1968, when the agreement first went into effect, the price of coffee in the United States rose from 93 on the wholesale price index to 114 in April 1971. This represents a rise of 21 points over 3 years. Over the same 3-year period, all other commodities have risen only 12 points.

Both the taxpayers and the coffee-consuming public of the United States are paying to support this cartel.

First, the taxpayer is being asked to pay $230,400 to finance our share of the International Coffee Organization for fiscal year 1971. For the next 2 years, the taxpayer is expected to pay $280,000 annually to continue our membership in the cartel.

Second, because of artificially high prices caused by the coffee agreement, the U.S. consumer has to pay more for his coffee.

Mr. Chairman, this bill should be designated a foreign aid bill—not a consumer bill. The American housewife pays higher prices for coffee, and the artificial profits are distributed by the cartel to foreign governments, such as Brazil and Colombia.

Mr. Chairman, our economy, for the most part, has been frozen. At this time, we must reevaluate our spending programs with an eye toward cutting the fat and the waste, and toward saving the taxpayers money whenever and wherever possible.

First, we should begin with the farm subsidy program, which, as we all know, benefits the huge agribusinessman who can afford to cultivate large tracts of land. This giveaway program paid agribusinessmen $3 billion in 1970—the largest single payment going to the J. G. Boswell Co. which took in $4.4 million in Government payments. Boswell—hardly of the "dirt farmer" image—is primarily a cotton producer.

Second, we should eliminate the Sugar Act, which—like the Coffee Act—establishes quotas and artificially high prices. Thanks to the cartel created by the Sugar Act, the American consumer pays $600 million more for his annual supply of sugar than he would at world market prices.

In addition to higher prices, the taxpayer pays approximately $90 million annually to support the sugar cartel.

Third, and most immediately, Mr. Chairman, we must reject an extension of the Coffee Act, and repudiate this costly coffee cartel.

In total, if we could remove these special interests from the backs of the taxpayer, we could save the American taxpayer over $3.8 billion this year alone, and save the consumer close to three-fourths of a billion dollars at the market place this year.

Mrs. MINK. Mr. Chairman, I rise in support of H.R. 8293, legislation to continue until September 30, 1973, the International Coffee Agreement Act of 1968.

The bill makes no changes in this highly succcessful program, which has brought great benefits to the consumers of the United States, but merely allows it to continue for 2 more years. The U.S. participation in this program ended on July 1, 1971.

The International Coffee Agreement Act has a major effect on the coffee industry of Hawaii. It is imperative that the act be extended so that the Hawaii growers, as well as consumers all across the Nation, do not suffer irreparable injury.

Coffee ir. Hawaii is grown in the Kona region of the Island of Hawaii, and thus derives its name, "Kona Coffee." Our coffee is particularly fancied by those seeking distinctive and highly satisfying flavor.

Kona Coffee production was more than 3,000 tons in 1968, and had a market value exceeding $1.5 million. Coffee is one of the promising crops of Hawaii agriculture, as there appears to be a strong and potentially large market for this valuable product.

The basic purpose of the act is to provide legislative authority to implement the International Coffee Agreement which was first established in 1962 to assure an efficient supply of coffee at reasonable prices. The agreement is designed to stabilize the price of coffee at a level fair to both producing countries and consuming countries. Under the current agreement, which was signed in 1968, 62 countries are participating.

Under the act, the President has authority to require that valid certificates accompany coffee imports from any member of the International Coffee Orgazination and to limit coffee imports from countries that are not members of the agreement. Protection for the consumer is also provided in provisions allowing Presidential actions in the event of an unwarranted increase in the price of coffee.

The act has worked to allow the continued existence of the Hawaii coffee industry that would otherwise suffer from intolerable market fluctuations of the type that existed prior to the agreement. With numerous countries cpable of producing an over-supply of coffee at low-wage scales, the program prevents destructive marketing practices that could have an adverse impact on the economies of these countries. Under the coffee program, these countries receive a fair income and are able to expand their economic base.

Because of the many benefits of this program to producers and consumers alike, I strongly urge adoption of H.R. 8293.

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas (Mr. MILLS).

Mr. MILLS of Arkansas. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. BYRNES).

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 8 minutes.

Mr. BYRNES of Wisconsin. Mr. Chairman, do I correctly understand that the gentleman from Arkansas has no further requests for time?

Mr. MILLS of Arkansas. We have no further requests.

Mr. BYRNES of Wisconsin. Mr. Chairman, I am going to be very brief. There are several things in relation to this bill that impress me, and that is why I rise in support of the legislation.

First, let us remember that underlying what we are doing today is a treaty obligation of the United States. We entered into a treaty in 1962 with the various countries involved. Originally, at that time, I think there were some 50 countries, including consuming and producing countries. It was submitted to the Senate for ratification and ratified in 1963.

In order to carry out the obligations that this country had under the treaty, it was necessary that certain implementing legislation be enacted. We had to authorize the Customs Bureau to require certificates of origin with respect to the importation of the coffee that was involved. The Committee on Ways and Means acquired jurisdiction of the implementing legislation rather than the Foreign Affairs Committee because the agreement had to be implemented through the Bureau of the Customs.

The committee felt the agreement was meritorious and the Congress did provide implementation for that first agreement. It proved satisfactory. It proved advisable. It proved effective. In 1968 the treaty was renegotiated and again ratified by the Senate. We passed implementing legislation in 1968. The implementing legislation has expired and the bill before the House would extend the implementing legislation to September 30, 1973. That is why we are here today.

Let me suggest that the issue involved is whether we are going to live up to a firm commitment that this country has—and I doubt that this is the occasion that we want to run away from treaty obligations that have been agreed to by the President of the United States and confirmed by the Senate. I am not suggesting that the House should not play its part in these matters, but I am suggesting it is a pretty sensitive situation when we turn our backs on an agreement of that formality. That is one of the reasons why I

am impressed with the necessity of passing this legislation.

Let me address the question of the stabilization of prices. A look at the chart which the gentleman from Missouri displayed shows that there has been a leveling off of prices in lieu of the sharp peaks and the deep valleys that existed in the 1950's, when there was not any agreement. Greater price stability over a period of time means prices higher than they would otherwise be, and at other times lower than they would otherwise be. This second fact—the lower prices that have prevailed in place of the peak, preagreement prices—that much of the criticism here today overlooks.

That does not mean we did not get into a very difficult situation as far as supply was concerned in 1970. We did. The world market situation suffered because of a severe drought and frost in Brazil in 1969. But if Members will note, the effect on prices in late 1969 and 1970 was much less drastic than the fluctuations that occurred in 1954 and 1955 when we had a similar situation. And in 1971 coffee prices have in fact been coming down.

While I recognize that the GAO developed a formula and reached some conclusions with respect to the stabilization of prices, they did leave out of their formula the critical periods when we had a real disruption in the supply of coffee, namely the situation that existed in 1954–55 due to the decrease in supply stemming from adverse weather in Brazil.

Let me suggest that the Department of Agriculture is also an authoritative voice in this area. Here is what they said in commenting on the GAO report:

> In examining the record it can be pointed out that the first agreement has done the job of promoting price stability for coffee consumers and producers alike. Import prices are almost 25 percent lower than the average price between 1953 and 1962, and only 10 percent higher than during the world coffee slump of 1962. The sharp price fluctuations that plagued the world coffee market in past years have been eliminated and buyers of coffee have been assured steady supplies at predictable and stable prices.

The report goes on to say:

> In the absence of the agreement, in our judgment, prices would have fallen somewhat and this would occur only in the short-run. Past experience demonstrates that this fall in prices would have been self-limiting, and prices would eventually rise completing the "boom" and "bust" cycle.

The comments of the Department of Agriculture are appendix X to the GAO Report. If they are correct, these agreements have had a salutary result.

Let us briefly look at prices a little further, Mr. Chairman.

One of the ways we measure what has happened with prices is how they vary from a base period. Let us look first at the wholesale price index for coffee. Using the base period of 1957 to 1959 as 100, what do we find?

We find that as of April 1971, on all the price index for all commodities 120; on all foods, it was 125.4; but for coffee—the index was 114, showing much less of an increase over that base period in the price of coffee than we have had in the other commodities.

I am not suggesting that can be attributed just to the agreement, but I do not think we can complain that the price of coffee has been adversely affected and that the consumer has been adversely affected by the agreement.

Using the same base period of 1957–59 as 100, let us look at the Consumer Price Index for March 1971. For all foods it was 134.8, but for coffee the price index was 109.4. Again that, the increase in coffee prices has been much less than it has been for other commodities.

If we want to add in one more factor that it seems to me is of some significance, in 1954, when we had the very serious problem in the coffee market due to adverse weather that was also a problem in 1969, the Consumer Price Index for coffee peaked at 150.9. The price index as a result of the 1969 adverse weather went to 110.7 in January of this year and has been diminishing since then, and was 105.3 in September. Contrasting these two historical situations does, I believe, show that the coffee agreement has had a salutory effect.

In view of the reasons I have outlined, Mr. Chairman, I support the bill.

Mr. MILLS of Arkansas. Mr. Chairman, we have no further requests for time.

Mr. BYRNES of Wisconsin. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 8293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302 of the International Coffee Agreement Act of 1968 (19 U.S.C. 1356f) is amended by striking out "July 1, 1971" and inserting in lieu thereof "October 1, 1973".

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

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

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I take this time to insert in the RECORD excerpts from a news article in the August 31, 1971, issue of the Wall Street Journal, headed "World Export Quota for Coffee Reduced To Reverse Price Drop."

It is datelined London and says in part:

> Coffee producing and consuming nations agreed to limit the world export quota for the year beginning October 1 to 47 million bags, off from 49.5 million bags in the current crop year.
>
> The accord was reached by the council of the International Coffee Organization after 17 days of negotiation, mainly between Brazil and the Ivory Coast for the producers and the U.S. on the consuming side.

The smaller quota says the Wall Street Journal—

> Is designed to boost world coffee prices from present levels.

Then I should like to insert some information from the National Democrat, the summer and fall 1971 issue, which is I am sure, the bible for all Democrats, including the distinguished chairman of the Ways and Means Committee, for it is the official publication of the Democrat National Committee.

Mr. MILLS of Arkansas. I do not receive it.

Mr. GROSS. Well, I will be glad to see that the gentleman is put on the mailing list. I am on it, for some reason or other. At least I get it.

On page 11 of the summer and fall 1971 issue it states:

> Thirty-one months of Nixonomics and the American Consumer.

Among other things it sets forth the price of pork chops, hamburger, and so forth in January 1969 and June 1971.

Lo and behold, the Democrats say that coffee, regular, 1 pound, was 76 cents in 1969 and up to 93 cents—93 cents in June of 1971.

Does the gentleman still want to contest with such an authoritative publication as this?

Mr. MILLS of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. Not with this very authoritative document the gentleman quoted second, but with the article in the Wall Street Journal.

I should like to call my friend's attention to the fact that there is machinery within the agreement itself—not this bill, but the agreement—and in the event prices of coffee should rise in connection with this reduction in the quota then the quota itself can be raised within the agreement itself. Any time the quota forces a price rise that quota can be raised under the agreement. So I would not worry, if I were the gentleman, about that reduction.

Mr. GROSS. But I do worry, because all the consumers of this country are getting is an increase in coffee prices.

I used to pay a nickel for a cup of coffee a few years ago. Since this coffee agreement went into effect it is 15 cents and in some places 25 cents. That is a pretty hefty increase. I do not think the cost of operation of our little eating place off the House floor has increased that much. The woman who operates it tells me the wholesale price of the coffee she buys is three to four times what it was before this cartel fixing of prices over in London. I am referring to the Zaibatsu in London, the Japanese version of the gang that is fixing prices of coffee for the American consumers.

You can try to popularize, if you wish, a 25- or 50-cent cup of coffee. In my district, if I am a candidate for reelection, I do not intend to try that.

Mr. MILLS of Arkansas. If the gentleman will yield further, all that the gentleman finds at fault is with respect to the agreement itself, not the bill, because the bill has nothing whatsoever to do with the very points that the gentleman makes. The agreement was approved by the Senate, and it will be in effect until October 1973. All in the world this bill does is to give the President the authority to have the machinery necessary to carry out the agreement. They have been doing it. I dare say they can do it, perhaps in a cumbersome sort

of way but not in as clean cut a way as they can if they have this bill.

Mr. GROSS. I have no illusions about what is going to happen here today, but I certainly would like to run against some individual who voted for a continuation of this machinery, as you call it, which provides that we join in a cartel which meets in London and agrees to cut the export supply of coffee which in turn either sends the price to the consumer up in this country or maintains it at an artificially high level.

Mr. MILLS of Arkansas. I would not want the gentleman moving into Arkansas and running against me. I know that.

Mr. WOLFF. Mr. Chairman, I move to strike the requisite number of words.

I just take this time to tell the gentleman from Iowa that if he comes over to our side, coffee is only 10 cents.

Mr. GROSS. Well, I have always known there was some favoritism around here. I did not know what it was.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GRAY, 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. 8293) to continue until the close of September 30, 1973, the International Coffee Agreement Act of 1968, pursuant to House Resolution 465, he reported the bill 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 bill.

The bill 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 bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 200, nays 100, not voting 130, as follows:

[Roll No. 363]

YEAS—200

Abbitt	Buchanan	Davis, Wis.
Abourezk	Burke, Mass.	de la Garza
Adams	Burleson, Tex.	Dellenback
Anderson, Ill.	Burlison, Mo.	Dorn
Andrews, Ala.	Burton	Dow
Annunzio	Byrne, Pa.	Downing
Arends	Byrnes, Wis.	Duncan
Ashley	Byron	Dwyer
Bennett	Caffery	Edwards, Calif.
Bergland	Casey, Tex.	Eilberg
Betts	Cederberg	Erlenborn
Bevill	Chamberlain	Esch
Blatnik	Chappell	Evans, Colo.
Boggs	Collins, Tex.	Evins, Tenn.
Bolling	Colmer	Fascell
Bow	Conable	Fisher
Brademas	Corman	Flood
Brinkley	Coughlin	Flowers
Brooks	Daniel, Va.	Flynt
Brotzman	Daniels, N.J.	Foley
Brown, Mich.	Danielson	Ford, Gerald R.
Brown, Ohio	Davis, Ga.	Forsythe
Broyhill, N.C.	Davis, S.C.	Fountain
Fraser	McDonald, Mich.	Roe
Frelinghuysen	McEwen	Rogers
Frenzel	McFall	Roncalio
Frey	McKay	Rooney, N.Y.
Gallagher	McKinney	Rooney, Pa.
Garmatz	McMillan	Roush
Giaimo	Mahon	Sandman
Gibbons	Mailliard	Satterfield
Goldwater	Mann	Schneebeli
Gonzalez	Mathias, Calif.	Seiberling
Goodling	Mathis, Ga.	Shriver
Gray	Matsunaga	Slack
Green, Oreg.	Meeds	Smith, Iowa
Green, Pa.	Melcher	Stanton, James V.
Griffin	Miller, Calif.	Steiger, Wis.
Hamilton	Mills, Ark.	Stratton
Hammer-schmidt	Mills, Md.	Stubblefield
Hanna	Monagan	Sullivan
Hansen, Wash.	Morse	Symington
Harrington	Mosher	Talcott
Harvey	Moss	Teague, Calif.
Hastings	Murphy, Ill.	Thomson, Wis.
Hathaway	Murphy, N.Y.	Ullman
Hechler, W. Va.	Myers	Van Deerlin
Heckler, Mass.	Natcher	Vander Jagt
Hicks, Mass.	Nelsen	Vanik
Hicks, Wash.	Obey	Vigorito
Hogan	O'Neill	Waggonner
Howard	Patten	Waldie
Hull	Perkins	Wampler
Hunt	Pettis	Ware
Jacobs	Pickle	Whalen
Johnson, Pa.	Pike	Whalley
Jonas	Powell	Whitehurst
Jones, Ala.	Preyer, N.C.	Widnall
Jones, N.C.	Price, Ill.	Williams
Jones, Tenn.	Pryor, Ark.	Wilson, Charles H.
Kazen	Quie	Wolff
Keith	Railsback	Wyman
Kuykendall	Reid, N.Y.	Yatron
Kyros	Reuss	Young, Tex.
Landrum	Rhodes	Zablocki
Leggett	Robinson, Va.	Zwach
McDade	Robison, N.Y.	

NAYS—100

Abzug	Grover	Podell
Anderson, Calif.	Gude	Poff
Andrews, N. Dak.	Haley	Quillen
Archer	Hall	Randall
Ashbrook	Harsha	Rangel
Begich	Hays	Rarick
Blaggi	Heinz	Rodino
Biester	Helstoski	Rosenthal
Blackburn	Hillis	Roybal
Brasco	Hungate	Runnels
Bray	Hutchinson	Sarbanes
Broomfield	Ichord	Scherle
Burke, Fla.	Kastenmeier	Scheuer
Camp	Keating	Schmitz
Carter	Kemp	Schwengel
Clancy	Kyl	Scott
Clawson, Del	Latta	Shipley
Cleveland	Long, Md.	Shoup
Collier	McCollister	Smith, Calif.
Crane	McCulloch	Snyder
Delaney	Macdonald, Mass.	Spence
Devine	Mayne	Springer
Dickinson	Mazzoli	Steiger, Ariz.
Dingell	Michel	Stokes
Donohue	Mikva	Terry
Dowdy	Miller, Ohio	Thompson, Ga.
Drinan	Minish	Thompson, N.J.
Dulski	Minshall	Tiernan
du Pont	Mitchell	Veysey
Eckhardt	Nedzi	Winn
Edwards, Ala.	Nix	Wydler
Eshleman	O'Hara	Yates
Gross	O'Konski	Young, Fla.
	Pelly	

NOT VOTING—130

Abernethy	Chisholm	Ford, William D.
Addabbo	Clark	Fulton, Tenn.
Alexander	Clausen, Don H.	Fuqua
Anderson, Tenn.	Clay	Galifianakis
Aspin	Collins, Ill.	Gaydos
Aspinall	Conte	Gettys
Badillo	Conyers	Grasso
Baker	Cotter	Griffiths
Baring	Culver	Gubser
Barrett	Dellums	Hagan
Belcher	Denholm	Halpern
Bell	Dennis	Hanley
Bingham	Dent	Hansen, Idaho
Blanton	Derwinski	Hawkins
Boland	Diggs	Hébert
Broyhill, Va.	Edmondson	Henderson
Cabell	Edwards, La.	Holifield
Carey, N.Y.	Findley	Horton
Carney	Fish	Hosmer
Celler		Jarman
Johnson, Calif.	Montgomery	Sebelius
Karth	Moorhead	Sikes
Kee	Morgan	Sisk
King	Nichols	Skubitz
Kluczynski	Passman	Smith, N.Y.
Koch	Patman	Staggers
Landgrebe	Pepper	Stanton, J. William
Lennon	Peyser	Steed
Lent	Pirnie	Steele
Link	Poage	Stephens
Lloyd	Price, Tex.	Stuckey
Long, La.	Pucinski	Taylor
Lujan	Purcell	Teague, Tex.
McClory	Rees	Thone
McCloskey	Riegle	Udall
McClure	Roberts	White
McCormack	Rostenkowski	Whitten
McKevitt	Rousselot	Wiggins
Madden	Roy	Wilson, Bob
Martin	Ruppe	Wright
Metcalfe	Ruth	Wyatt
Mink	Ryan	Wylie
Mizell	St Germain	Zion
Mollohan	Saylor	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Martin for, with Mr. McClory against.
Mr. Horton for, with Mr. Rousselot against.
Mr. Aspinall for, with Mr. Landgrebe against.
Mr. Abernethy for, with Mr. Roberts against.
Mr. Nichols for, with Mr. Fuqua against.
Mr. Price of Texas for, with Mrs. Grasso against.
Mr. Kluczynski for, with Mr. Addabbo against.
Mr. Johnson of California for, with Mr. Hanley against.
Mr. Gettys for, with Mr. Koch against.
Mrs. Griffiths of Michigan for, with Mrs. Chisholm against.
Mr. Carney for, with Mr. Dellums against.
Mr. Rostenkowski for, with Mr. Diggs against.
Mr. Carey of New York for, with Mr. Conyers against.
Mr. Cabell for, with Mr. Bingham against.
Mr. Link for, with Mr. Badillo against.
Mr. Fulton of Tennessee for, with Mr. Hawkins against.
Mr. Holifield for, with Mr. Clay against.
Mr. Montgomery for, with Mr. Ryan against.
Mr. Broyhill of Virginia for, with Mr. Gubser against.
Mr. Don H. Clausen for, with Mr. Halpern against.
Mr. Denholm for, with Mr. Collins of Illinois against.
Mr. Passman for, with Mr. Metcalfe against.
Mr. Boland for, with Mr. Udall against.
Mr. Conte for, with Mr. Dennis against.

Until further notice:

Mr. Henderson with Mr. Belcher.
Mr. Taylor with Mr. Pirnie.
Mr. Teague of Texas with Mr. Hosmer.
Mr. Aspin with Mr. Skubitz.
Mr. Barrett with Mr. Hansen of Idaho.
Mr. Blanton with Mr. Baker.
Mr. Celler with Mr. Saylor.
Mr. Madden with Mr. Bell.
Mr. Cotter with Mr. Derwinski.
Mr. Sikes with Mr. King.
Mr. Staggers with Mr. Wiggins.
Mr. Culver with Mr. Smith of New York.
Mr. Dent with Mr. Lent.
Mr. Edmondson with Mr. Bob Wilson.
Mr. Purcell with Mr. Mizell.
Mr. Pepper with Mr. Fish.
Mr. Whitten with Mr. McClure.
Mr. Steed with Mr. Sebelius.
Mr. Stephens with Mr. O'Konski.
Mr. Hébert with Mr. McKevitt.
Mr. McCormack with Mr. Zion.
Mr. Lennon with Mr. Findley.
Mr. Morgan with Mr. Steele.
Mr. Moorhead with Mr. Peyser.
Mr. William D. Ford with Mr. McCloskey.
Mr. Gaydos with Mr. Wyatt.

Mr. Galifianakis with Mr. Ruppe.
Mr. St Germain with Mr. Lujan.
Mr. Karth with Mr. William J. Stanton.
Mr. White with Mr. Ruth.
Mr. Anderson of Tennessee with Mr. Thone.
Mr. Alexander with Mr. Riegle.
Mr. Baring with Mr. Lloyd.
Mr. Clark with Mr. Wylie.
Mr. Hagan with Mr. Pucinski.
Mr. Rees with Mr. Patman.
Mr. Wright with Mr. Stuckey.
Mr. Mollohan with Mr. Jarman.
Mr. Kee with Mrs. Mink.
Mr. Roy with Mr. Sisk.

Messrs. HUNGATE and BRASCO changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BURLESON of Texas. Mr. Speaker I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on H.R. 8293, the bill just passed.

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

There was no objection.

THE PRAYER AMENDMENT

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

Mr. HUNGATE. Mr. Speaker, it would seem appropriate on the prayer amendment for the Congress to have prayer or at least meditation and I invite my colleagues to join me.

Oh Lord,
Heal those who would worship laws instead of their Creator, and
Forgive those who would dictate to their fellow man
When to pray
Where to pray
How to pray
And yes, Oh Lord, to whom they should pray.

Help us to know the Compassionate understanding of an Abraham Lincoln, who in early manhood broke away from the structured scheme of Christian theology and who "confessed to being no Christian," yet whose spiritual leadership saved our Nation.

Lend us the idealism of an Eisenhower, who inspired not just America but the world, with the messianic and unselfish quality of his leadership, but whose affiliation with organized religion was postponed until his 62nd year. All of this was after his election to the Presidency and after completion of his "Crusade in Europe", bringing freedom to millions.

Finally, let us learn from one who is universally respected as a great teacher, revered by millions as a savior.

Lord, correct with kindness those who have forgotten his teachings about prayer, to wit:

And when thou prayest, thou shalt not be as the hypocrites are: for they love to pray standing in the synagogues and in the corners of the streets, that they may be seen of men. Verily I say unto you. "They have their reward.' But thou, when thou prayest, enter into thy closet, and when thou has shut thy door, pray to thy Father which is in secret; and thy Father which seeth in secret shall reward thee openly. But when ye pray, use not vain repetitions, as the heathen do: for they think that they shall be heard for their much speaking. Be not ye therefore like unto them: for your Father knoweth what things ye have need of, before ye ask him. . . .

Not everyone that saith unto me, 'Lord, Lord,' shall enter into the kingdom of heaven; but he that doeth the will of my Father which is in heaven. Many will say to me in that day, 'Lord, Lord, have we not prophesied in thy name? and in thy name done many wonderful works?' And then will I profess unto them, 'I never knew you: depart from me, ye that work iniquity.' The Lincoln Reader, pg. 539, Rutgers University Press, 1947.

LEGISLATIVE PROGRAM FOR WEEK OF NOVEMBER 8

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

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of inquiring of the distinguished majority leader the program for the rest of the week, if any, and the schedule for next week.

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 distinguished minority leader, this completes the program for this week.

Next week the first order of business on Monday is House Joint Resolution 191, the prayer amendment, to be followed by District Day. There are four bills: H.R. 10677, Incorporate Gold Star Wives; H.R. 11490, Chancery Act amendment; H.R. 11489, conform charitable trust to U.S. law; and H.R. 10344, interstate compact on mental health. This will be followed by H.R. 10729, Environmental Pesticides Act under an open rule with 2 hours of debate.

On Tuesday House Resolution 601, Computer Services Funds for House Administration Committee; House Resolution 507, Dismissing Election Contest in 38th District, California; also a continuing resolution to be considered under an open rule with 1 hour of debate; and H.R. 9212, black lung benefits, with 1 hour of debate under an open rule.

On Wednesday and Thursday the Military Procurement Conference Report, which is subject to a rule being granted; and H.R. 11341, District of Columbia Revenue Act, which is subject to a rule being granted. Also H.R. 8787, the Guam and Virgin Islands Delegates bill, under an open rule with 2 hours of debate. The rule on the latter bill has already been adopted.

Of course, conference reports may be called up at any time, and any further program will be announced later. We hope not to have a session on Friday next.

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

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. I wonder if the distinguished majority leader foresees another 2:30 in the morning session next week.

Mr. BOGGS. No.

Mr. GROSS. Or in the immediate future?

Mr. BOGGS. Not in the immediate future, I would say. I thank the gentleman for staying here.

Mr. GROSS. What was that?

Mr. BOGGS. I thank the gentleman for remaining here so earnestly and working so hard.

Mr. GROSS. Well, I did not know how to escape. I will say the gentleman programed it, and that was about all I could do.

ADJOURNMENT OVER TO MONDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

PERSONAL STATEMENT

Mr. McCORMACK. Mr. Speaker, I was unavoidably detained on the previous rollcall vote. I would like the RECORD to show that I would have voted affirmatively if I had been present.

PERSONAL STATEMENT

Mr. FOLEY. Mr. Speaker, on Monday, November 1, I was unavoidably detained on rollcalls Nos. 330 and 332. Had I been present, I would have voted "yea."

On yesterday, November 4, I was unavoidably detained on rollcall No. 358. Had I been present, I would have voted "yea."

BLACK LUNG DISEASE BILL

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

Mr. ERLENBORN. Mr. Speaker, the bill H.R. 9212, known as the black lung bill, is again scheduled for next week.

I have today received a letter from Merlin K. DuVal, M.D., Assistant Secretary for Health and Scientific Affairs, that explains quite clearly the problems that are entailed in eliminating the use of X-ray as a means for determining whether one is afflicted with pneumoconiosis. I am going to insert this in the RECORD today. I hope Members will have an opportunity to read it and will then understand the very grave problems that the Social Security Administration

would have in administering this law should H.R. 9212 be passed in its present form.

Mr. Speaker, the letter I have referred to follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., November 4, 1971.

Hon. JOHN N. ERLENBORN,
House of Representatives,
Washington, D.C.

DEAR MR. ERLENBORN: As you know, the House of Representatives is scheduled to consider H.R. 9212 soon. As Assistant Secretary for Health and Scientific Affairs, I am especially concerned about the provisions of this bill to the effect that no claim for benefits under Title IV of the Federal Coal Mine Health and Safety Act of 1969 may be denied solely on the basis of a chest X-ray which is negative for pneumoconiosis.

Under Title IV, benefits are payable to miners totally disabled due to pneumoconiosis. For purposes of this title, section 410(b) defines pneumoconiosis as a "chronic dust disease of the lung arising out of employment in an underground coal mine." The diagnosis of pneumoconiosis requires evidence of dust retention in the lung. This may be demonstrated by opacities seen on chest X-rays, classified under the International Classification of Radiographs of Pneumoconioses, or by tissue examination.

Chest X-rays are readily obtainable and widely employed. Tissue examination during life, requires either a biopsy or a surgical excision, the latter most usually in the course of surgical exploration or surgical treatment for other chest or pulmonary disease. Tissue diagnosis is not, however, commonly available as a basis for diagnosing the presence of dust and reactions to dust in the lungs of coal miners applying for benefits. Also, risk and discomfort to the patient is involved in such procedure. However, beyond even these considerations, it should be recognized that when a good quality X-ray is classified negative for pneumoconiosis, there is no sound medical basis for a conclusion that pneumoconiosis exists in the individual to a degree to be disabling or that any disabling lung impairment he has is attributable to that disease.

My difficulty with the pending amendment, therefore, arises from its assumption that if an X-ray is negative for pneumoconiosis, there is still some other feasible means by which a living miner may be diagnosed as having the disease for the purpose of determining that it exists to a disabling degree. Based upon present scientific and medical knowledge, such is not the case.

Some have advocated that individuals be found eligible for benefits on the basis of pulmonary function tests, such as those which evaluate oxygen transfer. Such tests are valuable in determining whether a respirable disability exists but they do not tell us whether pneumoconiosis contributes to that disability. In brief, such tests do not establish whether there is dust retention in the lungs and hence do not show whether an individual has coal miner's pneumoconiosis.

The proposed amendment seemingly contemplates the allowance of claims where the X-rays are negative for pneumoconiosis, despite the fact that there is no medically-accepted means of diagnosing pneumoconiosis in the living miner other than by X-ray (except for those very unusual cases where biopsy has been performed. This would result in the payment of benefits on the basis of pulmonary dysfunction without evidence of dust retention in the lung, thereby providinging the benefits of the Act to many coal miners with pulmonary dysfunction regardless of its cause.

Thus. the amendment apparently would convert Title IV from a pneumoconiosis disability benefit program to a broader program for benefits to coal miners who are disabled due to any respiratory impairment. This would make benefits payable to coal miners in those cases where there is no medical evidence that pneumoconiosis is the disabling cause involved. Such benefits, however, would be unavailable to the many individuals in the general population who suffer identical respiratory disabilities.

Sincerely yours,

MERLIN K. DUVAL, M.D.,
Assistant Secretary for Health and Scientific Affairs.

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

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

Mr. HALL. Mr. Speaker, did the gentleman say this so-called black lung bill is programed for next week? I thought it was programed for today. That is one of the reasons why I am here.

Mr. ERLENBORN. The black lung bill is scheduled for next week.

Mr. HALL. I wish I had an antenna like the gentleman does, so I could tune in on the program, and garner this programing intelligence.

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

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

Mr. BOGGS. Mr. Speaker, it was announced here early this morning that the black lung bill was postponed until next week and that the official business today was consideration of the coffee agreement.

Mr. HALL. Mr. Speaker, I thank the gentleman. I must have had a short nap about 3:35 a.m.

U.S. ROLE IN SOUTH ASIA

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

Mr. MORSE. Mr. Speaker, I believe that the United States can play a positive part in alleviating some of the current suffering in South Asia and in restoring some order and equity to this ravaged area, if U.S. policymakers carefully and completely reevaluate the role we are presently playing there. With Indian Prime Minister Gandhi currently visiting the United States and engaging in talks with President Nixon, there can be no better time than right now to examine some of the axioms upon which our policies toward India and Pakistan are based.

Mr. Richard Morse, of Andover, Mass., an industrial consultant specializing in South Asia investment, has recently written an extremely timely article for the Christian Science Monitor suggesting certain major U.S. initiatives toward India as a possible way to avoid the currently brewing war between India and Pakistan. Mr. Morse suggests that the United States, in the past, has failed to study with sufficient thoroughness the implications of the elections of 1970–71 in both these countries, and he concludes that, properly understood, the elections may be used as a resource for regional peace.

I commend Mr. Morse's article to my colleagues as a highly enlightened and thoughtful exposition of the nature of domestic politics in the region and the implications of these politics for constructive U.S. policy measures. I ask unanimous consent that the article be included in the RECORD.

DEMOCRACY DIVIDED

(By Richard Morse)

A shocking disparity exists between the state of United States-India communications and the life-and-death issues facing both countries. In a near-vacuum in political relations, Prime Minister Gandhi and President Nixon will sit down early next month to make hard choices that add up to war or peace in South Asia.

The immediate crisis is over the mounting strain of East Pakistan refugees on India and Pakistan's tragic impasse in reaching a settlement enabling the refugees to return home. An underlying factor, however, is America's gross indifference to the Pakistan and Indian elections of 1970–71. If President Nixon can recapture the spirit and strengths of these elections, he will find that they are still a resource for peace.

1. Populist parties committed to meeting needs of the poor—for land, jobs, housing, and health—won striking victories in India and in both wings of Pakistan. Progress toward economic and social freedom through Asia's largest free elections creates an underlying unity more basic than the violence since March.

2. Mrs. Gandhi's perspicacity and drive swept India beyond one-party rule, past the split in the Congress Party, to an era of strongly contested Central and State elections. This was India's fifth nationwide vote. In Pakistan's first, tensions built up during the long period of delay broke in a sudden polarization between East and West. Though their first free vote is at present aborted. Pakistanis gained a plane of political action they are not likely to yield easily.

3. The New Congress Party's clear victory over anti-Muslim forces carried Prime Minister Gandhi back into office with greater room for flexibility in negotiations with Pakistan than any Indian Government since independence. Without this anticommunal mandate, Mrs. Gandhi probably could not have withstood pressures for immediate Indian intervention when the Pakistan Army suppressed the Bengal movement in March. India's absorptive margin is now perilously close to its limit. Mrs. Gandhi's electoral mandate is still paramount, however, a source of pride in India and a basis for positive relations.

4. Federalism in India showed new suppleness. As the personality of major states like Tamil Nadu has grown, Central-State relations have taken on the diplomatic delicacy of relations between nations. The Indian Constitution permits an election for the national government but not necessarily for all state governments at once. Most state governments were not put to the electoral test in 1971, providing continuity amid change. New Congress gains in key states such as West Bengal offered fresh prospects of stability.

The federalist process, broadly conceived, is the best if not the only means of reversing catastrophe. Only grand initiatives can succeed:

1. President Nixon faces an uphill task in building conviction on the part of Prime Minister Gandhi that the U.S. is genuinely responsive to the freely expressed needs of Asia. Only the President personally can establish this trust. A concrete step would be to take the occasion of Mrs. Gandhi's visit to announce creation of a bipartisan commission, chaired by the Secretary of State, charged with giving highest priority to the restructuring of U.S. foreign policy

to respond positively and on terms of full equality to proposals of democratic countries for the conquest of poverty.

2. The President must also be equipped to demonstrate to Mrs. Gandhi that the U.S. is offering positive incentives, as well as effective pressures, for the Pakistan Government to restore real negotiations with elected representatives in East Pakistan. Commitment of large U.S. economic resources may be required, not only to help rebuild shattered lives in eastern Bengal but also to undergird the transition to mutually productive economic relations between Pakistan and India.

3. Elevation of the talks to this plane would enable President Nixon to ask Prime Minister Gandhi to offer her own concepts on a style and structure of relations between India and Pakistan that would be conducive to a creative Pakistan settlement, and on forward moves in Indian policy to promote such a settlement.

Democracy divided against itself cannot stand. The unique position of Indira Gandhi and Richard Nixon as the elected leaders of the world's largest democracies is their ultimate source of effective action for peace.

ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1971

The SPEAKER. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 30 minutes.

Mr. RANDALL. Mr. Speaker, over 6 weeks ago the House considered H.R. 10351, the Economic Opportunity Amendments of 1971. I take this time today to look back in an effort to appraise what was really done when that bill was passed and also to provide for the record some comments on the poverty program which because of the lateness of the hour of final passage on Thursday night, September 30, there was no time remaining to prepare any remarks for the record in order to be time for a flight to our home district that weekened.

Although I did not support H.R. 10351 on final passage for reasons I shall hereinafter clearly explain, in years past I have always been able to praise the operation of certain portions of the poverty program in most of the rural counties of west central Missouri which it is my privilege to represent in Congress. In former years I have been able to say some very complimentary things about the regional director of the Office of Economic Opportunity, Don Thomason. That is not possible this year because he retired and removed himself from this position. I regret I am deprived of this opportunity now because, while I have been very critical of some of the OEO programs, it has always been pleasant to be able to say there were some good features of the total program that were well administered.

My reference to our former regional director does not mean that I am critical of the current incumbent Director. I can only say there has been no frequent contact with our office as there was with the former Director.

Mr. Speaker, it is my privilege today, however, to salute the West Central Rural Development Association which carries on its operations in nine of the 14 counties in our congressional district. Charles Braithwait, the director, has done an excellent job. The president of the association, William Krudwig, and all of his directors and the staff are dedicated, hard-working and strongly motivated persons. I make reference to this particular community action agency because it has operated very efficiently within an entirely rural area. This situation highlights or puts into clear focus the impediment, or the roadblock that has stood in the way of my support of the OEO, or the poverty program in former years, and that is the inadequate funding by OEO of rural projects.

In spite of all the hard work of these good people connected with the west central Missouri agency, just like all the other agencies in all the other rural areas in Missouri and across the Nation, they do not have the funds to do the job that is there to do or that which they would prefer to do. It is the same story year after year that the great bulk of the money goes to the big urban areas and the rural areas are given little consideration.

It would be unproductive at this point and probably repetitive to dwell again on the scandals of the poverty program which have happened in the past coast to coast in our big cities. I know it will be argued that there have been improvements in the operation of OEO and it is true there have been some improvements in the administration of these programs in the cities.

Notwithstanding the same sad story is repeated year after year; that is, that the funding for projects in the rural areas and particularly for the elderly in these areas amounts to a few crumbs that fall off the table after the cities and big urban areas have consumed the lion's share of funds.

Of course, I was pleased and gratified to find that this year one new program introduced by the committee chairman, the gentleman from Kentucky (Mr. PERKINS) was in the bill. I refer to the Rural Housing Development section. This program was designed to assist people in rural areas with an annual income of less than $6,200 for a family of four to obtain standard housing through low interest loans with repayment for as long as 30 years. To say it is a modest experiment in rural housing is a gross understatement, because the altogether insufficient sum of $10 million was all that was authorized nationwide for repair and rehabilitation of rural housing.

Mr. Speaker, I have diligently studied the content of H.R. 10351, as amended. At the very first look, I was amazed to discover that while this is authorizing legislation, it contained nothing but an enabling provision for the $2.19 billion for fiscal year ending June 30, 1972 and $2.75 billion for the fiscal year ending June 30, 1973. I looked in vain for any detailed breakdown of funds earmarked for the several specific purposes.

One thing seems certain—those who authored and drafted this bill intended to leave the allocation of all of the funds to the executive branch. Search as you will, there is no separate authorization or any specific amount earmarked for the several programs of the Office of Economic Opportunity.

I have found in the bill we passed the rather strange section entitled "Transfer of Funds" which authorized the Director of the OEO to transfer an amount not to exceed 10 percent of any allocation from any appropriation for the purpose of carrying out any other program or activity under the act.

I had no alternative but to oppose H.R. 10351 on final passage because of such questionable provisions as the foregoing and also because of the hard fact that once again, with the slight exception of $10 million this year for rural housing out of a total of about $5 billion authorized, the rural areas and the substantial population of elderly in these rural areas are once again forgotten under the provisions of H.R. 10351.

The gentleman from New York (Mr. SCHEUER), circulated a "Dear Colleague" letter a week or two before H.R. 10351 came to the floor, saying that he would offer an amendment to earmark $50 million for a new program designed to serve the elderly poor. The CONGRESSIONAL RECORD will show that I supported him on that amendment as revealed at page 34315 of the RECORD. One unfortunate outcome of that effort was that the Chair ruled on a voice vote that the amendment had not prevailed. We were not able to generate enough interest from those present on the floor to have recorded tellers ordered. The distinguished gentleman from New York used two words which can certainly be substantiated by conditions all over our country when he pointed out that there had long been a "systematic discrimination" against the elderly people by the poverty program. To make his case even more convincing and to prove that he must be right, the chairman of the House Committee on Education and Labor (Mr. PERKINS) on page 34315 of the day's debate, admitted that the present Economic Opportunity Act was expending only $8.5 million a year nationwide for all of the senior citizens of our country. He added, "we should be spending more." In all fairness, the chairman did say that he felt kindly disposed toward the Scheuer amendment as an effort to increase the country's awareness to the problems of the aged.

I thought it was significant that the gentleman from New York (Mr. SCHEUER) presented another figure, even lower than that of the chairman. He pointed out that only $6 million had been spent on the elderly poor in the previous fiscal year. He went on to delineate some figures that would be interesting were it not that they tell such a sorrowful story. Proceeding upon the assumption that the elderly poor comprise about 20 percent of the total poverty population, and then proceeding further upon the fact that approximately $2 billion was the total appropriated last year, the elderly should have, in all fairness, received about one-fifth of that $2 billion, or $400 million. Yet, instead of receiving their 20-percent share of that total appropriation, they received less than one-third of 1 percent, because 1 percent of $2 billon is $20 million and the elderly poor received a total of $6 million, or less than one-third of 1 percent.

The gentleman from New York has not gone off the deep end or run wild with

statistics. Actually he has been most conservative because all his amendment proposed was not to push the poor up to parity on a per capita basis, which would have meant setting aside $400 million. His amendment instead provided only a little over one-tenth of parity because his amendment called for earmarking only $50 million for all of our old people at the poverty level.

We have all heard over the years about the rioting by the blacks and some of the other minority people claiming that they have received inadequate funding under the poverty program. It seems that after a few riots they have always received greater funding. Our elderly poor, on the other hand, are almost invisible. They are silent. They are not organized. You never heard of them forming a sit-in or a stand-in, or invading Government offices to burn files. I suppose it could be said they are not listened to because they have not raised their voices. The fact remains that they have lived lives of dignity. For the most part they have worked hard and they are poor now because they are old and have to live on pensions that are inadequate for even their basic needs in this time of inflation.

The amendment of the gentleman from New York which was defeated would have greatly helped our aged poor, even though it went only one-tenth of the way to parity with youth and the middle-aged poor. It was a shame the Scheuer amendment was not adopted as a part of the bill. Its failure was reason No. 1 that I could not support the bill on final passage.

The second reason that I found it impossible to support the Office of Economic Opportunity Act Amendments of 1971 was its new title X which added a National Legal Services Corporation to the existing Economic Opportunity Act. I suppose there are some who pretended to to believe that the legal services of the OEO as it is presently constituted has been successful and helpful. The lofty ideal was to make equal justice under law become a reality for the poor. This lofty goal has not worked so well in our State of Missouri. Our chief executive had to exercise his Governor's veto over some projects in the metropolitan St. Louis area. I am not sure that each of the complaints were serious, but there was such a multiplication of complaints that when all were totaled together they made up such a substantial objection to the OEO legal program that our Governor had to act.

As to the operation of this OEO legal aid program, I have never been satisfied that there was a preservation of the lawyer-client relationship. Notwithstanding, in the metropolitan areas of our State of Missouri, there have been questions continually raised about the eligibility of the client to be served by the legal services program of the OEO. It is my understanding that quite frequently all that is necessary is for a person to come to an OEO lawyer and say, "I am indigent." No other questions are ever asked.

Perhaps the philosophy of this new Legal Services Corporation is best and accurately described in the report which accompanies H.R. 10351. In the discussion of a declaration of policy at pages 38 and 39 of the report, those who prepared the report quite properly say that the integrity of the attorney-client relationship and the adversary system of justice requires that there be no political interference with the performance of legal services. But the report goes on to say that while the existing legal services have done real well, the new private nonprofit corporation must work "to encourage the availability of legal services and legal institutions to all citizens of the United States from extraneous interference." Now surely that must have been a slip of the tongue or we should say a slip of the pen to include the words "all citizens," because if this report means anything, it means we are not just talking about the poor but really all the citizens of the country.

It has been argued that this National Legal Services Corporation is a great step forward in the direction of eliminating the legal services system from politics. The very creation of this corporation is disturbing to me. My first objection is that this is permanent legislation. Congress will not have an opportunity to work its will after a year or two as it ordinarily does when programs come up for renewal. No longer will our Governors be able to veto the activities of this new Legal Services Corporation. I have searched carefully and I can find no limit on the amount of money which could be paid the executive director of this Corporation. Take, for example, a man like Mr. William Kuntsler. He could be hired as the executive director and be paid a salary of $100,000 as the bill was passed. Moreover, there are no set limits on fees to be paid to consultants. Some of our colleagues have consulted the GAO and have been advised that the General Accounting Office says that the wording in the bill does not contain sufficient authority to properly audit the Corporation's activities.

Certainly there should continue to be grave reservations about the content of title X. It may be, or may become in my judgment, a shelter providing handsome compensation for young laywers with a radical attitude who, when once appointed under this Corporation, would be free from all future control. This means that at least these young radicals have a haven where they can operate as they please and yet be paid for it from taxpaper's money. This is truly a bonanza for all the radicals in the legal profession.

Mr. Speaker, after all the eager beavers flock into this National Legal Services Corporation, we may very well have what one member called during the debate, "judicare." Maybe this is a plan of some kind to parallel medicare, whereby all persons would be entitled to prepaid legal services just as under medicare a recipient is entitled to hospitalization.

For my own part, there also remains the concern of the advocate role played by the eager young men in this legal program. It is entirely possible these young men would involve themselves in class action suits. If and when by luck or chance the defendant should win, even then the defendant must pay his own legal fees out of his own pocket. However, if there is to be any fairness in such types of legal actions in those instances where the defendant prevails, meaning he has won his lawsuit, then the court should be able to award a judgment for attorney fees to the defendant as well as his court costs. As I appraise this new Legal Corporation, I can see it may very well be the cause of an almost endless proliferation of litigation against innocent defendants who, even if they win their lawsuits, have to pay out high attorney's fees to their own counsel. Remember the plaintiff's fees have been provided for by the new corporation which means the defendant as a taxpayer is paying both his own lawyer and also the lawyer of his plaintiff's adversary.

Bear in mind, the title X which we are discussing is no longer an authorization for appropriations limited to 2 years as are all the other provisions of the bill. This section is permanent legislation.

It is my judgment, Mr. Speaker, that when the House passed title X as part of the antipoverty program, we created a legal monstrosity which may very well return to haunt all those who supported it. If any other features are needed to serve as a cautionary warning, the very creation of a legal corporation to serve as a canopy or umbrella for a group of young radical lawyers should be enough. If that were not enough, one need only to take a look at the composition of the 17-member board of directors, only six of whom are required to be from the bar associations. To complicate things two members must come from among those individuals who are eligible for assistance under this title and two more members must come from among former legal service project attorneys.

I commented that the creation of this corporation was disturbing for a variety of reasons. We know that the other body of Congress has already voted on this and that brings up even another source of worry in that the House conferees may yield to the Senate and permit federally funded antipoverty attorneys to participate in criminal cases which they are now forbidden to do.

The CONGRESSIONAL RECORD at page 34328 will show that I tried my best to keep this provision from becoming law by voting for the amendment of the gentleman from Ohio (Mr. DEVINE) to strike out all of title X.

Reason No. 3 why I could not support H.R. 10351 on final passage was the so-called Brademas amendment or the comprehensive child care provisions. These provisions, since passage, have been described by the program's most bitter enemies as the new child control law. To start with, this amendment was not really an amendment at all in the ordinary sense of the word; instead it was a whole new body law. Who could argue that a 63-page document, printed in the RECORD only the day before the debate on this bill falls into the category of amendments in the ordinary sense of the use of that word? In fact, on Thurs-

day, September 30, the great majority of the membership were not conversant with the contents of those 63 pages. Certainly there should have been a lot more time allowed for the explanation of a thing on this kind of legislation improperly and falsely labeled as an amendment. How can the membership be expected to legislate in the dark when one who offers such an amendment is given 5 minutes to explain it and then debate is permitted to proceed for no more than an hour on such an important and far-reaching matter. It is no consolidation and certainly no answer, as was heard on that floor that afternoon, to say that the other body had already passed what was of the same content as the Brademas amendment, and so everything must be all right.

What was proposed and what was called the Brademas amendment was really a Comprehensive Child Development Act. It was a vast system of day care centers for children of all income levels. It would ultimately extend day care services to children in all income groups, wealthy and poor alike. I thought we had reached the ultimate when the family assistance program was proposed which contained the guaranteed annual wage. I must have been wrong because this program is just as revolutionary. Over in the other body, the junior Senator from New York said that this program would revolutionize the concept of child rearing in America. At the present time it will cover only about one-third of all American families—one out of three—but its long term objective is to extend these federally designed and therefore federally controlled programs to encompass all American children regardless of income.

At page 34310 of the CONGRESSIONAL RECORD of September 30, 1971, one will find recorded the key vote on the comprehensive child development program. It was a recorded teller count and the result of that vote made the Brademas amendment, or the comprehensive child development program a part of the bill by a vote of 203 to 181. The RECORD will show that I was one of those 181 who opposed this amendment. I concluded this amendment was not just a provision to help working mothers. It was a plan that goes far beyond that.

The previously passed Senate bill set the cutoff for child care to families earning less than $6,690. This, according to the minority leader and others conversant with costs of funding such a program would cost $20 billion a year. That income limitation figure was finally lowered by a recorded teller count to a figure of $4,320 in the House.

How much this will really cost no one can accurately estimate. In a recent newspaper account the Secretary of Health, Education, and Welfare said it would cost $16 billion per year if we provided care for only half of the 40,000,000 eligible children. It was reported in the Washington papers the other day that the Senate and House conferees would look at the Senate figure of $6,900 annual income and then consider the House figure of $4,320 annual income and probably agree on a compromise to give child care to all those earning as much as $5,250 per year.

The very term "child development" is so vague that no one really knows what it may entail in the future. One writer in appraising the work of the House on this momentous bill has said it is so broad that every American child could instantly become a ward of the Federal Government. Bear in mind there was no report of any kind to accompany the comprehensive child development program offered in the House. The over 60 pages was simply printed in the RECORD the night before and then offered in the House September 30. The fact that there was no report should have served as a reason for everyone to vote to recommit this whole thing to committee until there is a chance to review or study it.

The only report available at the time of our action was the Senate committee report which went so far as to say the child development program would authorize the Federal Government "to involve itself in comprehensive physical health, mental health, emotional, and cognitive development services; and to identify and treat physical, mental, and emotional problems of all children under 14 years of age."

Finally, the Senate report ends with the phrase "and other activities" which we all know is a catchall phrase and could include just about anything any Government bureaucrat wanted it to include.

Such a comprehensive provision is enough to raise questions whether this measure intends to destroy parental authority and indeed the family. Does it create rights of a child against his parents, the Government, or the school? Is it a right that he can take into the courts and sue upon? Does anyone know? Without saying so, the bill that we adopted could create mental clinics, replace schools and substitute a form of indoctrination instead of education. The Secretary of Health, Education, and Welfare has gone so far as to say that he does not hesitate to state that the purpose of child care is not merely to free mothers so that they can work, rather as the Secretary puts it, "it is an opportunity to invest in the development of the next generation."

Mr. Speaker, it may very well be that one of the best descriptions of the so-called Child Development Act added to the economic opportunity bill under what we called the Brademas amendment is by the hard-hitting James J. Kilpatrick in a feature story which appeared in the Washington Sunday Star on October 24, 1971. I am going to read into the RECORD at this point the full content of his description of the child development plan exactly as it appeared when headlined, "Child Development Plan Is a Monstrosity":

CHILD DEVELOPMENT BILL IS A MONSTROSITY

(By James J. Kilpatrick)

When the House met on the afternoon of September 30, not more than 40 or 50 members had any very clear idea of what might be contained in a proposed "Child Development Act." The bill was not even before them.

Before the afternoon had ended, after a legislative coup led by John Brademas of Indiana, the House incredibly had voted 203–181 to graft this unbelievable bill onto the Economic Opportunity Act of 1971. The Senate some weeks ago adopted a milder but similar plan. The whole scheme now awaits action by conference committee.

The Brademas bill runs to 11,000 words. It occupies 22 columns of fine type in the CONGRESSIONAL RECORD. No measure of greater importance has cleared the floor of the 92d Congress, and few have had less attention from the press.

The bill is a monstrosity. No other word suffices. Many observers had expected, as a part of plans for welfare reform, to see some bill enacted that would provide modest Federal subsidies for a few day care centers in major cities. These had been vaguely envisioned as places where welfare mothers could leave their children while they went off to work. Instead, the House has approved a breathtaking, full-blown plan for the "comprehensive" development of children to the age of 14. It is the boldest and most far-reaching scheme ever advanced for the Sovietization of American youth.

The bill begins with a recital that Congress finds "that millions of American children are suffering unnecessary harm from the present lack of adequate child development services, particularly during their early childhood years." To remedy this harm, the bill directs the Secretary of Health, Education, and Welfare to foster programs that will provide "comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential."

Such programs may include food and nutritional services; medical, psychological and educational services; appropriate treatment to overcome emotional barriers; and "dissemination of information in the functional language of those to be served to assure that parents are well informed." Religious guidance plays no part.

Applications for Federal financing would be funneled through various child development councils. These in turn would supervise local policy councils, to be composed either of parents or of representatives "chosen by such parents in accordance with democratic selection procedures approved by the Secretary."

Local proposals would float up to a new office of child development. This office would create a special committee to develop Federal standards for child development services. Another committee would prepare a uniform minimum code for child development facilities. The facilities would be financed through a new child development facility insurance fund. Meanwhile, a national center for child development would foster "research." A child development research council would smile upon it all.

The bill would provide "free" care for all children of families earning not more than $4,320 a year. Other children would pay a small fee. Mr. Brademas could not really say what the program might cost—maybe $350 million in fiscal '73—but the House authorization is open-ended. The bill contemplates, ultimately, Federal support of "the entire range of services that have to do with the development of a child."

Doubtless the contrivers of this nightmare had good intentions. In the context of a sovietized society, in which the children are regarded as wards of the State and raised in State-controlled communes, the scheme would make beautiful sense. But it is monstrous to concoct any such plan for a society that still cherishes the values (however they may be abused) of home, family, church, and parental control. This bill contains the seeds for destruction of middle America; and if Richard Nixon signs it, he will have forfeited his last frail claim on middle America's support.

Perhaps my views on the poverty program are parallel to those expressed by the gentlelady from Oregon (Mrs. GREEN) who on September 30 during debate on the bill at page 34303 of the RECORD indicated that in her judgment there had been a tremendous waste in the war on poverty since the very first day the first poverty law became operative.

In her words, "It has been a scandalous waste of Federal funds." The thing that impressed me about her comments was her mention of the fact that in her city of Portland, Oreg., a consulting firm was hired to make a survey. At the time of the survey, a total of $27 million had already been spent on the war on poverty in that area. This survey was to cover a target population of between 50,000 and 60,000 people. The study concluded that 86 percent of the people in this target area had never heard of the poverty program.

To recapitulate, I opposed H.R. 10351 for three reasons: First, because of the continuing failure and neglect to authorize programs for the rural areas and particularly an adequate program for the rural elderly; second, because of the creation of a permanent and unlimited legal services section known as the National Legal Services Corporation, and third, because of the addition of the comprehensive child development program which is at once so vague and yet so potentially far reaching and open ended as to make parental care increasingly less important and as time goes on to have more and more of our children regarded as wards of the Government.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

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.

Enrollment in journalism schools in the United States increased by more than 16 percent from 1965 to 1966 and increased by nearly 100 percent from 1960.

SICKLE CELL DISEASE

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 5 minutes.

Mr. KEMP. Mr. Speaker, sickle cell disease is a prevalent illness among persons of black ancestry, but compared to other diseases has been neglected in the past. This neglect, in part, may have been due to lack of national leadership and lack of cohesive indigenous movements. One cohesive movement that I have become aware of is the American Sickle Cell Foundation.

The American Sickle Cell Foundation will be administered by a board of directors in consultation with a national advisory board. Regional offices will be established throughout the country and general membership will include interested individuals and affiliate organizations. These affiliate groups will retain their individual identities and goals while participating in a coordination of activities through the national Foundation according to charter agreements.

At present, President Nixon is recommending Federal funds to be designated for "combating sickle cell disease." Too often in the past such funds have been haphazardly portioned out to private organizations and local government groups for application to research programs. This has resulted in a fragmentation of research results which, without a coordinating agency, tend to become lost and dissipated without effective followup action programs.

Mr. Speaker, I am delighted that my good friend, John Mackey, is on the steering committee of the national foundation along with Bill Cosby, Willie Naulls, Dr. J. Alfred Cannon, and Dr. Herbert B. Avery. I am sure all of my colleagues are aware of the fact that John is an all-pro, tight end for the Baltimore Colts and is president of the National Football League Players Association. His commitment is typical of the modern professional athlete who is deeply concerned about helping to solve this Nation's problems and is involved in community and national programs of positive action. I am proud to call this to the attention of my colleagues and point out there are many others who are active in charity programs and endeavors to solve social problems.

Mr. Speaker, for those colleagues not particularly familiar with sickle cell disease, I am pleased to say that Dr. Herbert B. Avery, medical project director, sent to me a brochure which describes the causes and effects of the disease, as well as the extent of physical devastation resulting from it. The brochure also describes the goals of the American Sickle Cell Foundation as a cover agency dedicated to the detection, diagnosis, treatment, and prevention of this disease.

I take pleasure in inserting the brochure at this point:

THE AMERICAN SICKLE CELL FOUNDATION

WHAT IS SICKLE CELL DISEASE?

Sickle Cell Disease or Sickle Cell Anemia, as it is also called, is an inherited hemoglobin disorder of the red blood cells producing a distinctive disease process. The purpose of hemoglobin in the red cells is to combine with oxygen received from the lungs and to carry this oxygen throughout the body to serve as fuel for body tissue.

In Sickle Cell Anemia, the disease alters the arrangement of the hemoglobin substance so that, in stressful conditions when the body is deprived of oxygen, the red cells assume an abnormal shape similar to that of a crescent-moon or a sickle. This particular shape of the red cells makes traveling through the smaller blood vessels extremely difficult and produces, among other effects, an obstruction or a blood clot.

While Sickle Cell Anemia has been extensively reported and discussed in medical literature, it remains relatively unknown among the general population, due in part, to the fact that it is almost exclusively limited to persons of particular ethnic groups and geographic locations. It has been reported in American Blacks, Africans, American Indians, Caucasians of Mediterranean extraction, inhabitants of South India, and individuals of Caribbean countries. However, statistics reveal that this condition occurs by far most frequently in persons of black ancestry.

It is important to state here that Sickle Cell Anemia is not an infectious or venereal disease, nor is it a condition that arises from or is similar to leukemia. It is a genetically inherent condition which is present in the blood system of each affected person from birth.

WHAT IS THE CAUSE OF SICKLE CELL ANEMIA?

The original cause of Sickle Cell Anemia is unknown although many of its signs and symptoms are understood. Current theory, not fact, is that evolution played a major role in this disease development. Studies in certain African countries have demonstrated that individuals with Sickle Cell Anemia are less affected than otherwise normal individuals by malaria, a disease long recorded in ancient times. It has been suggested that changes over many centuries may have taken place in the blood of Africans to protect them from malaria. If so, resulting change was transferred to the "New World" and Caribbean countries as a result of the slave trade.

While we do not know the historical causes of Sickle Cell Anemia, we do know the causes of its immediate effect upon the human body. In normal health, blood components, red blood cells are round, relatively flat, coin-shaped discs which maintain their basic shape throughout their individual cell life. These red blood cells contain a protein substance called hemoglobin. As the red blood cells pass through the lungs, it is this hemoglobin in the cells which adheres to oxygen particles carrying them throughout the circulatory system and thus feeding body tissue.

In Sickle Cell Anemia, the hemoglobin in the red blood cells, due to inherited weakness, is compressed against the cell wall; the otherwise round cells thus become increasingly flattened and curved into sickle shape rods. Under these conditions the sickle cell, by its reduced surface capacity, carries less oxygen than would a normal shaped cell.

A double problem now occurs: These cells obviously can no longer carry the amount of oxygen needed to feed body tissue, also, the sickle shaped cells no longer readily flow through the small blood vessels but rather tend to become hooked together into clusters, causing a "jamming-up" and blockage of the small blood vessels. Thus while they are unable to carry out their function of providing oxygen nourishment to body tissues themselves, at the same time, they also are impeding the flow of other normal shaped cells.

The sickled cells, themselves, are much more fragile than normal cells. This may result in a breakdown of cell walls, causing the blood cells to die more rapidly than normal cells. The individual life span of a normal red blood cell is approximately 120 days; the life span of a sickled cell is approximately 40 to 50 days. Thus the body must work ever harder to produce replacement cells. Gradually this becomes a losing battle and eventually the body is unable to produce new cells fast enough to replace damaged and dying cells. The result is the specific condition called anemia, which causes progressive weakness, fatigue and greatly reduced resistance to infections and infectious diseases. So the cycle goes through progressively increasing pain and medical complications leading eventually to death.

HOW DOES SICKLE CELL ANEMIA AFFECT THE BODY?

These clusters of sickled cells in the small blood vessels cause blood clots which stop the flow of cells carrying oxygen to body tissue. The resulting lack of oxygen to nourish body tissue causes it to die. As body tissue dies it

results in extreme localized pain which is usually the primary presenting symptom of this disease.

The first symptoms usually appear two to four years of age. The child may go for months relatively free from pain, but, because of the chronic state of anemia, the child may tire easily and eat poorly.

Symptoms may be brought on by an infection such as the common cold or other disorders or conditions such as diabetes, excessive fatigue and high altitude level which may affect the body's need for oxygen. As a result of these factors, the child may develop a "crisis", a period in which the symptoms become severe with marked pain in the abdomen, legs and arms, swelling of the joints, weakness, vomiting and jaundice (yellow color of the eyes). In addition the child's urine may become dark in color and his blood count may drop rapidly, producing shock.

These conditions may become severe enough to produce serious complications such as strokes with resulting paralysis. Such "crisis" occur quite frequently throughout the childhood period and as a result children have a tendency to be below average in height and weight, and demonstrate a delay in changes resulting in puberty. It is, however, important to note that Sickle Cell Anemia does *not* produce mental retardation unless, possibly, as a result of severe neurological complications.

In addition to the general body deterioration which results from the natural progress of this disease, Sickle Cell Anemia is a particular hazard for persons who work in high and low altitudes, such as in airplanes, skin diving, mining, or in occupations where the oxygen supply in the air may be limited.

Sickle Cell Anemia is also particularly hazardous to pregnant women whose body capacities are being extended beyond self-maintenance to provide oxygen nourishment for their unborn babies.

Twenty years ago persons with Sickle Cell Anemia rarely lived beyond the age of 20. In the past, maternal deaths during pregnancy ran as high as 50 percent in women with Sickle Cell Anemia. Medical science has improved these statistics considerably; however, even today the incidents of spontaneous miscarriages in pregnancy are still 20 percent higher for mothers with Sickle Cell Anemia than for other mothers.

Common symptoms of Sickle Cell Anemia include:

High susceptibility to communicable diseases such as tuberculosis and influenza.

High susceptibility to infections such as pneumonia and kidney infections.

Low recuperation and healing powers to all diseases, infections and injuries.

Extreme fatigue and weakness.

Loss of appetite and loss of weight.

Episodes of severe body pain, including painful and swollen joints such as knees and elbows.

Enlarged liver and spleen and blood episodes in the urine.

Small localized strokes and open sores that will not heal.

Blindness due to retinal detachment or lens cataracts.

HOW IS SICKLE CELL ANEMIA INHERITED?

The genetic weakness which causes Sickle Cell Anemia is passed on from one or both parents to their children. Red blood cells with normal homoglobin components are given a medical designation of A. Red blood cells containing the sickle cell traits are given a medical designation of S.

Thus, if two parents each have hemoglobin type A, their children will also have hemoglobin type A and they will not have Sickle Cell Anemia. If one parent has hemoglobin type A and the other parent has type S, their children may inherit an SA combination, which results in a mild form of the disease. If two parents each have the combination SA type blood, their children may inherit either SA combination or an SS type of blood. If both parents have the SS type, the children inevitably inherit the severe form of the disease.

Since each child is the product of genes from both parents, the child obtains one gene from the mother and one from the father resulting in a certain expression. For example, if both parents are AA–AA cell combination children would be AA since there is no other possible combination allowed. If both parents are SS all children will be SS.

Because this is an inherited disorder, it may be presented in two different forms: (1) affected individuals that as a result of the disease will show certain specific signs and symptoms (severe form), and (2) "carrier trait" individuals who show no outward signs of the disease, but have the ability to transfer this disorder into future generations (mild form).

In this instance each parent is affected by the trait or mild form of the Sickle Cell Disease. Twenty-five per cent of the children born to the couple would have the severe form of the disease, fifty per cent would have the mild or trait form, and twenty-fiye per cent would have a genetic make-up without any form of the disease.

HOW WIDESPREAD IS SICKLE CELL ANEMIA?

At present it is estimated that approximately 10 percent of all American blacks are carriers of the inherent trait and may suffer mild forms of Sickle Cell Anemia. It is generally agreed that sickle cell anemia occurs in this country in about one out of every 400 blacks and the carrier rate occurs in approximately one out of every 11 black persons. Applying these statistics to current population figures, it is estimated that there are now at least 50,000 persons in this country with Sickle Cell Anemia and about two million individuals with sickle cell trait.

According to the 1970 census the City of Los Angeles, where specific statistics are now being kept, has a Negro population of 503,606 persons. Of these 1,259 persons could have Sickle Cell Disease; 45,324 persons potentially could be diagnosed as having the sickle cell trait. This may be contrasted with the incidence of another inherent disease, phenylketonuria (PKU), which is limited almost exclusively to the white population. The disease, PKU, occurs in about 1 out of every 20,000 persons. In comparing overall prevalence statistics, Sickle Cell Anemia is approximately ten times more common than PKU in the Los Angeles area. It is interesting to note that the California State Legislature has recently passed a law requiring that the test for PKU be performed for all newborn babies as a preventive medical measure.

WHAT CAN BE DONE ABOUT SICKLE CELL ANEMIA?

At the present time there is no specific cure for sickle cell anemia. However, there are many methods of management for the effects it produces. Experience has shown that rest, warmth, fluids, blood transfusions and antibiotics for infections have aided in combating "crises" when they arise.

New chemicals and drugs are being investigated in hopes of altering the disease process. At present, the best approach to this problem lies in the prevention of the disease particularly in its severe form SS since affected individuals do not outgrow this condition.

Sickle Cell Anemia may be identified in individuals by a relatively simple and inexpensive blood test which demonstrates the abnormal red cell shape and distinguishes the affected individual from the carrier trait. The preventive approach can be accomplished through extensive survey testing and through giving adequate genetic counseling to parents who have evidence of carrying the defective trait.

Through use of genetic research, it may be possible one day to rearrange the hemoglobin pattern of Sickle Cell Anemia and convert it to a normal one, even before the child is born. The hope and outlook for this disease is in continued research and general concern regarding this condition.

WHAT IS THE AMERICAN SICKLE CELL FOUNDATION?

This is a national organization of professional persons and interested laymen dedicated to the detection, prevention and treatment of Sickle Cell Disease. One major aim of the American Sickle Cell Foundation is to promote the accessibility of a screening and counseling services process for all pregnant black mothers during their prenatal care, for their babies at the time of delivery, for all black children entering school, for young men entering the armed services, and for persons in related hazardous occupations, as well as for couples applying for marriage licenses. The results of such mass screening will be individually and confidentially applied in genetic counseling and in planning treatment programs.

Screening will be performed of the individual's own choosing and will take place in health and institutional facilities in which there is complete confidence that the personal and confidential nature of their medical history could be protected minimizing any risk of labeling or exploitation.

The American Sickle Cell Foundation is established with offices in Los Angeles, California, 8803 South Broadway. It is administered by a Board of Directors in consultation with a National Advisory Board.

Affiliated groups retain their individual identities and goals while participating in a coordination of activities through the national Foundation according to charter agreements. Among the Foundation's goals are: coordination of research, creation of training programs, fund raising and publicity directed toward establishing detection and treatment programs.

PANAMA SEA LEVEL PROPOSAL: "THE SEA SNAKES ARE COMING"

The SPEAKER. Under a previous order of the House the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, on a number of occasions in statements before this body and in testimony before congressional committees, I have emphasized the danger of infesting the Caribbean Sea and Atlantic Ocean with the poisonous Pacific sea snake, which is related to the cobra.

One of the leading authorities in the study of this breed of predator is Dr. William A. Dunson, associate professor of biology, the Pennsylvania State University, who recently cruised between San Diego, Calif., and Panama in the Scripps Institute of Oceanography vessel *Alpha Helix*.

Dr. Dunson has summarized his observations and conclusions in a most illuminating article in the November 1971 issue of Natural History, the journal of the American Museum of Natural History.

His principal conclusions are:

First. That the risk of biological catastrophe in the construction of a sea-level canal across the American Isthmus is so high that this project must be opposed.

Second. That the major fresh water barrier between the oceans afforded by Gatun Lake must be preserved.

Third. That the infestation of the Atlantic by the poisonous Pacific sea snake would be ominous for the resort business.

Fourth. That the yellow bellied Pacific sea snake must be kept in its natural place in the Pacific.

Mr. Speaker, identical bills in both House and Senate, H.R. 712 and S. 734, providing for the major modernization of the existing Panama Canal would retain and enlarge Gatun Lake and thus continue to protect Atlantic Ocean countries from this peril.

To give Dr. Dunson's timely contribution wider circulation, I quote it as part of my remarks and commend it for study by all concerned with the interoceanic canal question.

Dr. Dunson's article follows:

[From Natural History, November 1971]

THE SEA SNAKES ARE COMING

(By William A. Dunson)

"As we sailed along we saw multitudes of grampuses every day; also water-snakes of divers colours. Both the Spaniards and Indians are very fearful of these snakes, believing there is no cure for their bitings." Basil Ringrose, 1679, in *The Buccaneers of America,* by John Esquemeling.

The accuracy of this early description by an English pirate of the yellow-bellied sea snake, *Pelamis platurus,* off the coast of Ecuador could not be greatly improved upon today. This venomous member of the sea snake family is found in great numbers along the Pacific coasts of Mexico and Central and South America, between Baja California and Ecuador. The extreme variation in coloration (divers colours") of the serpent is most unusual, and we have no more access to an antivenom for its poison than Ringrose had in 1679.

Our appalling ignorance of this remarkable snake's habits has recently been forcibly brought home by a renewal of interest in construction of a sea-level canal between the Atlantic and Pacific Oceans. The Atlantic-Pacific Inter-oceanic Canal Study Commission, which for economic and military reasons recommended construction of a sea-level canal in Panama, gave little consideration to the possibly deleterious effect of intermingling organisms from the two oceans. Other scientists, however, reflecting our increased ecological knowledge, have shown more awareness of the problems. A National Academy of Sciences committee reported that "great dangers would result from building a sea-level canal. . . . " The Pacific yellow-bellied sea snake came to center stage in this debate because it is one of the species that no one would like to see ushered into the Atlantic Ocean by our engineering follies. Another undesirable Pacific immigrant could be the crown-of-thorns starfish, which consumes coral.

To estimate the likelihood of the yellow-bellied sea snake passing through a sea-level canal, we must understand the habits of this marine reptile. It has traditionally been considered a pelagic "blue-water" species that only rarely came close to land. But in a recent cruise of the Scripps Institution of Oceanography research vessel *Alpha Helix* between San Diego and Panama, we often observed this sea snake present within a few miles of shore, and we caught some individuals within a few hundred feet of land. Another striking finding of our recent studies is that the yellow-bellied sea snake drifts passively with surface ocean currents and is sometimes swept onto coastal beaches, where it dies in the sun.

Sea snakes represent the end result of millions of years of specialization for life under very stringent conditions. For a reptile, the ocean is anything but an environmental featherbed. Its high concentration of salts (about 3.5 percent sodium chloride) makes it difficult for reptiles to retain water in their bodies, yet keep the salt concentration low. The total salt concentration of the body fluids of vertebrates is usually only about one-third that of sea water. Marine mammals keep a low blood-salt level by excreting concentrated urine, but the reptilian kidney is very weak and completely unable to produce urine more concentrated than blood. It is not surprising, therefore, to find that all marine reptiles have salt-excreting glands.

The kinds of salt glands developed reveal the divergent evolutionary paths taken by the ancestors of marine reptiles. In turtles, salty "tears" are secreted by a gland behind the eye. In the marine iguana, a large gland in the nose secrets a fluid that is sneezed out the nostrils. In the sea snakes, I have recently discovered a third type of gland, which is located under the tongue, that secrets salt into the mouth.

Sea snakes are closely related to cobras and kraits, and like them, have fixed fangs and a potent venom. As a family, they are widely distributed, being found between the latitudes of South Africa and Japan in the western Pacific and Indian Oceans, eastward to a zone between Mexico and Ecuador.

There are no sea snakes in the Atlantic Ocean, the Mediterranean Sea, or the Red Sea. The Atlantic only narrowly escaped being a home for these successful reptiles, which apparently migrated to the New World sometime after the Central American land bridge rose out of the sea for the last time, about four million years ago. Occasionally, sea snakes are found just inside the South Atlantic at Cape Town, but these individuals are as rare and out of place as the doomed sea turtles swept to the British Isles by the Gulf Stream.

Thus, sea snakes are only rarely found outside the tropical zone or the transition zone between the tropics and the temperate zone. I believe that even the most widespread form, the yellow-bellied sea snake, can breed only if the water temperature is above 68° F. Because it is able to feed at the surface and to float with ocean currents, this particular snake has by far the greatest range of any sea snake. Other kinds, such as *Laticauda,* the banded sea snakes, are much more restricted in range.

The greatest number of all sea snake species is found in the Indo-Australian area, the snakes' ancestral home. The Strait of Malacca, between the Malay Peninsula and Sumatra, harbors as many as 27 different kinds. Unfortuntely, we still know very little about how so many species are able to live in the same area without competing with one another.

The bits of information we do have about the life history and ecology of sea snakes reveal many interesting adaptations. Being air breathers, these snakes must surface. The flattened tail and laterally compressed body make them efficient divers, although most remain in relatively shallow water. Because many species feed on eels and other bottom-dwelling fish, they cannot venture into water too deep for their feeding dives. George Pickwell, an expert on sea snakes, has observed *Laticauda* trap small fish in rock crevices with the folds of its body and then grasp the fish with its mouth. I have watched a sea snake in a small aquarium use coils of its body to immobilize a fish against the side of the tank before seizing and swallowing it. This feeding response may explain how sea snakes can catch fish that could easily outswim them in open water. Shrimp and prawns have been found in the stomachs of certain sea snakes; they may have been caught while they were buried in bottom sand or mud.

The yellow-bellied sea snake, however, is entirely a surface feeder. This snake floats at the surface, perhaps simulating a stick, and fish are attracted to it as to any floating object. The snakes have been observed many times with a group of small fish faithfully swimming underneath; with a swift sideways strike the snake has a meal.

Respiration in sea snakes is interesting because they are reportedly capable of staying submerged for anywhere from two to eight hours. Their metabolism is much slower than that of mammals like ourselves, but this only partially explains dives of this duration. The sea snake's lung is greatly enlarged, extending all the way to the base of the tail. As in other snakes, the left lung is small, while the right lung is highly developed. Even the trachea, the windpipe connecting with the lung, has been modified to provide an area for exchange of gases. Certain areas of the lung in the rear of the body may serve no respiratory function but may instead act as a hydrostatic organ. In this way the snake might be able to regulate its buoyancy. Sea snakes may also have an increased tolerance for anoxia, or lack of oxygen, allowing them to pay off an "oxygen debt" after they return to the surface.

However these snakes tolerate submersion, they certainly feel at home in the water. Some sea snakes in the Philippines, which feed only on bottom-dwelling eels, have been observed diving down out of sight in clear water of a maximum depth of 500 feet. We do not know how they avoid the effects of great pressure at these depths. Types of sea snakes that must dive to the bottom for their food are confined mainly to waters within the 100-fathom line. Thus they may not be capable of diving to depths greater than 600 feet.

Sea snakes differ greatly in their breeding habits. At breeding time, certain kinds, such as *Laticauda,* mass near islands in the tropical Pacific. In the Philippine Islands there is a commercial fishery based on the islets where the snakes congregate. In a single year on Gato Islet, as many as 100,000 snakes are killed for their skins. Others are taken alive, spitted on pointed bamboo sticks, and then roasted or smoked before being eaten. Shore-breeding sea snakes lay their eggs in crevices or in caves and leave them to hatch, but the yellow-bellied sea snake never comes ashore, even at breeding time. Mating takes place at sea and the young are born alive in the water.

Several attempts have been made to define the breeding season of sea snakes, but it is by no means certain that reproduction is limited to a particular time of year. In areas with a pronounced rainy, or monsoon, season, it is quite likely that reproduction is timed to occur when the snakes return in numbers to the coast at the beginning of the storms.

It is then that fishermen pulling in their nets encounter them along the coasts and estuaries of Southeast Asia. The snakes may move into river mouths where the salinity is quite low and on occasion continue up the rivers. In one case a sea snake was caught in a freshwater lake (Grand Lac) in Cambodia after having ascended the Mekong River.

Temperature is a major factor in the distribution of sea snakes, and they are found primarily in the tropical areas of the world. In fact, the yellow-bellied sea snake is rarely found where the average temperature of the sea surface drops below 68° F. for even one month. This applies even to such equatorial regions as the Galápagos Islands or the Peruvian coast where the sea is relatively cool because of the influence of the cold Peru current coming up from the South Pole. Off the warmer Ecuadorian coast about four hundred miles away, sea snakes are numerous.

Cold surface waters keep the yellow-bellied sea snake out of the Atlantic Ocean. Migrants from the warm waters of the Indian Ocean are sometimes carried as far as Cape Town

on the southwestern tip of Africa, but they soon die if they drift any farther. Cool waters would also prevent the yellow-bellied sea snake from invading the Mediterranean Sea, even if it could cross the barrier posed by the warm, salty waters of the Red Sea.

This snake tolerates heat no better than it does cold. I first suspected that the yellow-bellied sea snake was sensitive to high temperatures when I put some in a small bucket in the open sun at Acapulco and they quickly died. In the laboratory we found that the upper lethal limit was indeed low, about 91° F. Since the surface temperature of the tropical seas where these snakes live is as high as 88° F., I began to wonder how these snakes could live at the surface in the hot sun. The answer appears to be that the snakes dive into the cooler water below. Off the coast of Panama, we found that some snakes were cooler than the surface water that surrounded them. If the purpose of diving is only to escape the hot rays of the sun, then shallow dives would be effective because even an inch of water would partially protect the snakes.

This hypothesis, regulation of temperature by diving, is supported by the observations of a Mexican fisherman I met. He was familiar with yellow-bellied sea snakes and confidently predicted that the best time to find them was during rains. We did find snakes on sunny days, but on calm, cloudy days with intermittent showers, they were very numerous about five miles off the Mexican coast at Acapulco. According to my hypothesis, the snakes would not have to dive on rainy days when solar radiation is less intense; therefore more of them should be visible at the surface.

The sun is not the sea snake's only enemy on the surface of the sea. There are potential predators both above and below. When not floating among the tree trunks and assorted debris of the land, the yellow-bellied sea snake is very conspicuous. The startlingly marked tail is especially noticeable, so much so that you might think that the snake wants to be seen. Some experiments carried out by Ira Rubinoff of the Smithsonian Marine Laboratory in Panama indicate that this may, in fact, be so. In the eastern Pacific the sea snake has no known enemies. Even such voracious Pacific predatory fish as snappers will refuse to nibble at the snake unless it is completely camouflaged inside a piece of squid, and then they reject the morsel as soon as they taste it. The reason for their aversion becomes obvious when the snakes are offered to Atlantic predatory fish, which have never encountered a sea snake before. These fish will eat the snakes, but in about one out of twelve meals they will be bitten by the snake and die. Thus it seems that there has been a selection pressure against those Pacific fish with a taste for sea snakes. They do not live long enough to reproduce themselves. Since both sight and taste appear to be involved in the recognition of the snake by Pacific fish, the coloration might be considered a warning to all concerned: "Don't tread on me or attempt to eat me."

However, even the most deadly animals usually have an Achilles' heel, enabling at least one predator to feed on them. In this case we suspect that some of the most famous snake eaters, the birds, feed occasionally on sea snakes. There have been isolated reports of eagles and seabirds eating sea snakes. Sea snakes have also been taken from the stomachs of Philippine moray eels.

As Rubinoff has pointed out, studies of predation on sea snakes are relevant to the possible movement of the yellow-bellied sea snake into the Atlantic Ocean through the proposed sea-level canal. If the snakes were to work their way into the Atlantic through the canal, as seems likely, Atlantic fish would initially prey heavily on them before the strong selective force against snake eating took effect. But then a sea snake population explosion could occur, assuming that other environmental factors were favorable.

The question of the ability of sea snakes to move or to migrate is an interesting one since the various species differ greatly among themselves in this trait. One of the most astounding observations ever made on massed sea snakes was reported from the Strait of Malacca by W.P. Lowe in *The Trail That Is Always New*, 1932.

Leaving Colombo we departed for Penang, and the voyage from now on became more interesting, as there was a good deal to be seen, such as rocks covered with sea-birds, chiefly Gannets and Shearwaters. To starboard lay the beautiful green island of Sumatra, and to the port the Malay Peninsula. The water now became very calm and oily in appearance. After luncheon on 4th May I came on deck and was talking to some passengers when, looking landward, I saw a long line running parallel with our course. None of us could imagine what it could be. It must have been four or five miles off. We smoked and chatted, had a siesta, and went down to tea. On returning to the deck we still saw the curious line along which we had been steaming for four hours, but now it lay across our course, and we were still very curious as to what it was. As we drew nearer we were amazed to find that it was composed of a solid mass of sea-snakes, twisted thickly together. They were orange-red and black, a very poisonous and rare variety known as *Astrotia stokesii*. Some were paler in colour and as thick as one's wrist, but the most conspicuous were as thick as a man's leg above the knee. Along this line there must have been millions; when I say millions I consider it no exaggeration, for the line was quite ten feet wide and we followed its course for some sixty miles. I can only presume it was either a migration or the breeding season. I have on various occasions looked in vain in these same waters, and also enquired from officers of ships navigating this region, but have failed to hear of a similar occurrence. Many people have seen snakes of this description but never in such massed formation. It certainly was a wonderful sight. As the ship cut the line in two, we still watched the extending file of foam and snakes until it was eventually lost to sight.

Our present knowledge of sea-surface phenomena can partly explain this unusual sight. Lowe emphasizes the sea's calmness and that the snakes were mixed with foam. This is a classic description of a slick, albeit an unusually long one. Slicks form when surface water currents converge. Anything floating at the surface, a few molecules of organic material, a sea snake, or a tree trunk, may be concentrated into slicks by the horizontal convergence of flow. I am convinced that the aggregation of sea snakes described by Lowe must have occurred in a large slick because I have observed the same phenomenon, only on a smaller scale, in the eastern Pacific.

On days with little wind, slicks also form off the coasts of Mexico and Central America and they often contain thousands of snakes. The association of yellow-bellied sea snakes with slicks has been noted many times by fishermen, but only rarely by scientists. It tells us that this sea snake probably spends most of its time at the surface in a passive, motionless state. Yellow-bellied sea snakes are rarely seen swimming actively unless disturbed or diving. They are commonly observed in association with drifting debris in slicks. On windy or choppy days these snakes are widely dispersed and difficult to find. On occasion, currents also carry the yellow-bellied sea snake onto beaches, where it perishes because it is unable to crawl back to the water.

The ability of the yellow-bellied sea snake to drift contributes to its success as a world traveler. Wafted by currents and feeding occasionally on fish that seek cover in its shadow, it can cross vast expanses of open ocean. But it does not habitually live in pelagic, or open ocean, areas, probably because these areas are relatively sterile. Fish are more abundant in the coastal zones. The open ocean is no barrier to its movements, however, as it is to many bottom-feeding species of sea snakes found in the Indo-Australian region.

All of the sea snakes are poisonous. In the early stages of their evolution for a life in the sea, sea snakes probably derived a considerable advantage from their venom. The original purpose of the venom may have been to subdue large prey and perhaps secondarily to protect against predators. Yet some sea snakes, for example *Laticauda*, are famous for their docile nature. Children in Fiji pick them up and are rarely bitten. On the other hand, certain sea snakes are easily aggravated and may bite readily if provoked by being stepped on or handled roughly.

Sea snake bites are frequently not fatal, however, because of the snakes' apparent reluctance to inject venom even when they do bite. Only about one-quarter of those bitten by sea snakes ever show signs of poisoning. The purpose of withholding the venom is unknown, but whatever the explanation, we should be grateful, for sea snake venom is the most potent of any snake's. H. A. Reid, an authority on snakebite in Malaya, compared the toxic effect of the dried venom of a sea snake (*Enhydrina*) with that of three of the most deadly land snakes—the common cobra, the tiger snake, and the death adder. When injected under the skin of rats or rabbits, the sea snake venom was about two to ten times as toxic as that of the land snakes. But when sea snakes do inject venom, they deliver less of it than do land snakes. This may be of little consolation, however, unless you are the second or third person bitten by a particular snake: one scientist has calculated that the venom ejected by one fresh adult sea snake is enough to kill three men.

For North Americans the main hazard from sea snakes will arise if they are allowed to swarm into the Caribbean and tropical Atlantic through the proposed Panamanian sea-level canal. A specially appointed Committee on Ecological Research for the Interoceanic Canal has agreed with my prediction that the yellow-bellied sea snake would be able to move through a sea-level canal and reach the Atlantic Ocean. This would be ominous for the Caribbean resort trade, because tourists are unlikely to want to share their place in the sun with a dangerous snake. Live sea snakes could be washed ashore in Trinidad Nassau, or Miami Beach.

The effect of the snake's presence on man might be only one of the problems caused by its entry into the Caribbean. Rubinoff's studies on the interaction between predatory fish and sea snakes indicate that the snakes might eliminate large numbers of Atlantic fish. In some of his tests sea snakes were swallowed by captive Atlantic fish and then later regurgitated alive as the fish died from the effects of a bite. Thus one snake might kill more than one unsuspecting predatory fish.

Other potential canal migrants could be even more dangerous to the ecology of the tropical Atlantic. We only have to look at the history of the introduction of alien species into new environments to see how much damage can be done. The construction of the Welland Canal between Lake Erie and Lake Ontario allowed the movement of lampreys into the western Great Lakes, resulting in the decimation of lake trout. Other introduced species that have become nuisances in their adopted homes are starlings, house sparrows, pigeons, and carp in the United States, rabbits in Australia and Hawaii, goats

in New Zealand and the Galápagos Islands, and the mongoose in Jamaica and Hawaii. The financial and ecological damage done by these and similar introduced pests is staggering. As more alien species become established in an area, the complex web of ecological relationships between the native animals and plants becomes strained and may break in places, causing extinction of some native forms. The demise of most of the unique Hawaiian birds can be directly traced to the introduction of alien species.

The proposed sea-level canal could involve the mixing of species on an unprecedented scale, and no one can predict the consequences. As a biologist, I find the risk of catastrophe so high that construction of the canal must be opposed. There is a slight hope of creating barriers in the canal, of temperature perhaps, to prevent interocean movements. This could be effective against the sea snake because it is very sensitive to high temperatures. But many other organisms may not be so sensitive. In weighing the alternatives and considering possible damage to the environment, the massive costs of a sea-level canal, the expected benefits from the new canal, and the costs and benefits from enlarging the present freshwater canal, I must conclude that construction of the sea-level canal would be a disaster of the first magnitude. The sea-level canal should not be built and the yellow-bellied sea snake should be kept in its rightful and natural place in the Pacific.

THE ETHNIC HERITAGE STUDIES PROGRAM

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 10 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, the ethnic heritage studies program which was included in the Higher Education Act as reported from the Education and Labor Committee could enhance considerably the quality of our children's education at a relatively low cost. I very much regret the action of the House yesterday in deleting this program from the bill.

The ethnic heritage studies program is so worthwhile that I urge the conferees on the part of the House to grant this body another opportunity to vote upon the proposal by accepting the program as incorporated in the Senate-passed version of the Higher Education Act. This Nation was built by men of many different nationalities, and by fostering a knowledge of their historical achievements and their diverse cultures, we will greatly enrich the lives of our young people. For this reason, I strongly feel that we should not permit the possibility of launching such a program to die such a quick and untimely death.

TEXTILES: NEW STRENGTH FOR A VITAL INDUSTRY

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DORN. Mr. Speaker, the Honorable Stan Nehmer, Assistant Secretary of Commerce, played a vital and effective role in negotiating a fair trade textile agreement with Japan, Hong Kong, Korea, and Taiwan. Mr. Nehmer rendered invaluable assistance in successfully negotiating an agreement which will provide encouragement and vitality to our largest industry and its 2.3 million employees.

Mr. Speaker, Mr. Nehmer recently delivered a very timely and superb address to the annual convention of the Defense Supply Association at the Washington Hilton Hotel. I commend this excellent address to the attention of my colleagues and to the people of our country:

TEXTILES: NEW STRENGTH FOR A VITAL INDUSTRY

(Remarks by Stanley Nehmer, Deputy Assistant Secretary of Commerce for Resources)

I

I'm honored at being asked to join the distinguished panelists this morning to discuss a question you correctly place among the critical issues of this decade.

Could the U.S. textile and apparel industry, as it exists today, meet the vast and complex needs of our country in the event of a national emergency?

Like most of you, I am sure, I might be tempted to answer with a quick "Yes," if for no other reason than to recognize the accomplishments of an industry that has performed so well in past emergencies.

But much has happened over the past decade. The industry has been faced with major increases in imports which were affecting its strength and its capability to produce large quantities of goods quickly in all areas.

What I wish to do today is to discuss this import problem and some of the ways generally in which the industry has been affected.

The greatest surge in imports has occurred over the last five years. Between 1966 and 1971 imports of man-made fiber textiles and apparel increased 157% from Japan, 1521% from Taiwan, 1238% from Korea, and 466% from Hong Kong.

I do not know whether in fact the industry is still capable of meeting every single need that might ever arise in any future emergency. There may have been recent changes not yet recorded in our statistics of the industry's capability to produce products in some specific lines. In the more general sense, however, the overall capability of the industry to produce in an emergency lies in the recent success of the Administration's efforts to secure reasonable limitations on uncontrolled and skyrocketed imports of wool and man-made fiber textiles and apparel. These efforts of the last two and a half years culminated on October 15 with the signing of government-to-government understandings with Japan, the Republic of China, the Republic of Korea, and Hong Kong.

The story I am about to tell you is real.

II

The United States has been the only major import market with no quantitative restrictions on imports of wool and man-made fiber textiles and apparel. This has made us the prime target for exporting countries, particularly those whose labor costs are low in relation to ours. Our market is so vast, we can, of course, accept substantial volumes of imports, and we can allow imports to grow in the future. But we were confronted with a situation we could not accept in which all growth of this trade was directed at the United States and crippled the largest employer of all U.S. manufacturing industries. The U.S. textile and apparel industry was taking it on the chin from imports for a long time. The result has been a direct and damaging effect on the health of the industry, and consequently on the economic health and well being of communities throughout our 50 states.

We are not the only country with a textile import problem, of course. Other countries have confronted the same issues and, while their reactions have differed in some respects from country to country, they have responded in a singular way—with restraints on imports.

For example, ten European countries and Canada have had agreements with Japan, and some with Korea, Taiwan and Hong Kong, restricting imports of wool and/or man-made fiber textiles and apparel from these countries. Many countries also have resorted to quotas and administrative devices to restrict imports. In some cases their markets have been protected by industry restraint arrangements not officially enforced by their governments. Government-industry price boards in some countries impose restrictions on imports whose prices are below certain levels.

The cumulative impact of these measures is obvious. United Nations figures for 1968, the latest available, show that the United States took 72 percent of Taiwan's apparel exports that year, and the Common Market countries took only 6 percent. We took 62 percent of Korea's apparel exports, compared again with 6 percent for the European Community. We took 58 percent of Japan's apparel exports, and the Common Market took only 5 percent.

A large portion of Japan's textile mill product exports goes to Hong Kong to be made into apparel. We took 40 percent of Hong Kong's apparel exports in 1969 while the Common Market took 17 percent.

The U.S. market for textiles and apparel literally has been flooded with imports in recent years, particularly imports of man-made fiber products. In 1964, our imports of cotton, wool and man-made fiber textile products amounted to 1.5 billion equivalent square yards. In 1970, imports of these three amounted to 4.5 billion yards—with an increase of more than 700 percent for man-mades alone.

This fantastic growth has continued throughout 1971. Overall imports of textiles this year are expected to reach 6.3 billion square yards, an increase of 42 percent, with imports of man-mades going to a record 4.7 billion square yards—up 72 percent from last year and exceeding all of last year's textile imports put together.

This growth in imports of wool and man-made fiber textiles and apparel has been in marked contrast to orderly growth which has been achieved in cotton textiles. This phenomenon has resulted from the existence over the last decade of the Long Term Cotton Textile Arrangement (LTA), a multilateral agreement in which the governments of some 30 importing and exporting countries participate. Under the LTA we have negotiated bilateral cotton textile agreements with 28 governments covering 80–85 percent of our total cotton textile imports.

The significance of the LTA lies in the fact that the penetration of the U.S. market by cotton textile imports has increased in an orderly fashion over the last five years, while the import penetration for wool products has increased by about one third and has almost tripled for man-made fiber products.

Japan, Taiwan, Hong Kong and Korea have emerged over the last few years as the principal sources of U.S. textile and apparel imports, accounting for almost 60 percent of total imports of these products. Their importance can be seen in the fact that our imports of man-made fiber textiles and apparel from these four countries in the first eight months of this year were up 70 percent over the same period last year.

Japan, of course, is the largest supplier and, as such, has shown phenomenal growth. Our

imports of cotton, wool and man-made fiber textile products from Japan increased 117 percent between 1964 and 1970, from 531 million yards to 1,152 million yards. For the first eight months of 1971 imports of these products from Japan were 41 percent higher than in the corresponding period of 1970. There was a particularly alarming jump in imports of man-mades which were up 74 percent from the same period a year earlier—more than twice the annual rate of growth of such imports from Japan since 1964. And the growth an import of man-mades from Taiwan, Korea and Hong Kong has been equally impressive.

This flood of imports has contributed significantly to the U.S. balance of payments problems. In 1961, we enjoyed a modest favorable balance of $54 million in textiles and apparel made from cotton, wool and man-made fibers. By 1964 we had a deficit of $153 million. Last year the deficit climbed to $1.3 billion, and this year it is expected to exceed $1.9 billion. The trade deficit in man-made fiber products alone likely will more than double from 1970 to 1971, reaching almost $1.4 billion. Indeed our overall textile trade deficit in 1971 is expected to reach $2.15 billion, larger than that for any other major sector facing serious import impact. It is larger than our overall trade deficit, which is estimated to reach $2 billion this year, the first year since 1893 that the U.S. will experience a trade deficit.

III

Even a cursory examination shows that the rapid build-up of imports of this magnitude has brought severe hardship to an industry that is vitally important to the U.S. economy. Over the last two and a half years, while domestic production of man-made fiber products grew at an annual rate of only 3.3 percent, imports were growing at an annual rate of 77 percent.

U.S. textile and apparel production employs approximately 2.3 million workers—four times more than the American steel industry and five times more than the automobile industry—yet textile industry employment as of August 1971 was the lowest in six years. Employment in the industry has declined by over 100,000 jobs over the last two and a half years. In the absence of restraints on imports, this figure could have been expected to rise to as high as a quarter of a million jobs lost by the end of next year.

Textile and apparel plants are located in all 50 states, with the majority of the jobs in non-metropolitan areas, and the industry is unique in the increasing opportunities it offers for the unskilled and semi-skilled, youthful workers and minority-group members to find an entree to the industrial economy. But in an industry where the system is based on seniority, these employees are the first to be laid off.

Many other industries are significantly dependent on the textile and apparel industry. It is the chief customer of 675,000 cotton farmers; sole customer of 200,000 wool growers; principal customer of man-made fiber producers; primary customer of textile machinery and industrial sewing machines, and a major customer for U.S.-produced plastics, synthetic materials, dyestuffs and chemicals. Obviously, the U.S. textile problem affects all of these.

The U.S. textile industry prides itself on the growing role of automation and modernization, pointing out that it is the most efficient in the world in an operating sense. This can be attributed not only to technological inputs but also to the billions of dollars invested by the industry over the last decade to make it the most modern and efficient.

Yet, at a time when investment in modern plant and production facilities is required to stay competitive, the industry has not been able to maintain its previous capital expenditures for new plant and equipment. These expenditures dropped 11 percent in 1970, showed a slight rise to $580 million this year, but remain significantly below the $820 million level of 1966.

Accompanying this decline has been a drop in the number of textile and apparel firms in operation. In the period 1969–70, 550 of these firms failed. Another 170 failed in the first eight months of 1971, bringing the total to over 700 in two and a half years.

IV

The rapidly rising tide of imports unmistakably is the chief cause of the depressed condition of the textile and apparel sector of the U.S. economy today. Given such a fact, no government could permit the tide to continue to rise without taking steps to moderate the rate of import growth.

The history of our efforts to achieve this moderation is fully documented, beginning with the first full presentation of the issues to eleven countries by Secretary of Commerce Stans during his trips to Europe and the Far East in April and May 1969.

We suggested that the most appropriate solution would be a multilateral agreement on trade in wool and man-made fiber textiles and apparel, perhaps similar to the existing multilateral agreement on cotton textiles. Unfortunately, this suggestion was not favorably received.

Deciding that our preference for a multilateral solution should not be a bar to any progress at all, and eager to explore every reasonable avenue, we turned to the concept of bilateral talks, and began a long series of textile discussions with the Japanese Government in July 1969. In June 1970, these discussions broke down.

In the period of these talks, there was growing sentiment in the United States that the ultimate solution would have to be textile quota legislation, and such legislation was in fact introduced in the 92nd Congress. It passed the House in November 1970 but time ran out on that session of Congress before the Senate could act, and has been reintroduced and is now pending in the 93rd Congress. The Administration supported these textile quota provisions reluctantly, always emphasizing our preference for a negotiated settlement.

The Japanese Government, no doubt prompted in some small way by this movement toward quotas, asked to resume negotiations in October 1970. The U.S. Government agreed, but after three more months of negotiations the Japanese terminated the talks last March 8—at the same time the Japanese textile industry announced its own unilateral program of restraints on textile and apparel exports to the United States.

The Japanese industry program, which went into effect July 1, was clearly deficient and unacceptable. It provided no assurance of effective administration and nothing to prevent the Japanese industry from concentrating on exports of particular products in the sensitive categories.

Rejecting the Japanese industry program as not an acceptable solution, President Nixon on March 11 said the United States must "give the fullest consideration to the other alternative solutions to the textile problem." Clearly, it was time for action—and now we have acted.

The four major textile-producing countries of the Far East again were invited to negotiate a government-to-government solution to the textile problem. The negotiations that followed this renewed initiative on the part of the United States were both long and difficult, but were conducted in a spirit of mutual respect and cooperation. The results, I am sure, are well known to all of you.

On October 15, the White House announced that Ambassador-at-Large David Kennedy had that morning on behalf of the United States signed a memorandum of understanding with the Government of Japan with respect to limiting man-made fiber and wool textile exports to the United States. Similar understandings were signed later the same day with Hong Kong and on the following day with the Republic of Korea. An understanding with the Republic of China was signed earlier in the month. The undertakings are for five years in the case of Taiwan, Korea, and Hong Kong, and for three years in the case of Japan, subject to extension.

The growth rates of man-made fiber and textile apparel exports to the United States that will be permitted under these understandings range from about 5 to 7½ percent annually. Although larger than the recent rate of increase in the growth in the U.S. market, it represents only one-tenth of the abnormally high growth rates which these countries have experienced in our market this year. The growth rate for wool textile and apparel exports will be only 1 percent annually. Thus these understandings provide other countries with fair and orderly access to our market.

Of major importance will be specific limitations on trade in the most sensitive wool and man-made fiber textile and apparel categories in our market, and procedures to establish limits on categories not subject to specific ceilings if they should increase to the point of threatening to disrupt the U.S. market. Together these procedures provide for comprehensive controls on textile imports from the four major supplying countries.

Finally, it should be noted that the solution to the problem achieved by the Administration has been on the basis of negotiated mutually satisfactory agreements without risk of retaliation or confrontation. At the same time, the groundwork has been laid for even more positive contributions toward friendly cooperation in the future.

V

What does this all mean for the domestic textile and apparel industry? What does it tell us, to come back to the question I first posed, about the industry's future ability to meet the nation's needs if an emergency should arise?

My considered opinion, having lived with the textile import problem for so many years, is that the industry is in a new "ball game"—the same kind of new "ball game" that has epitomized the Administration's New Economic Policy since it was first announced by President Nixon on August 15. The agreements, which will be effectively administered, should provide the industry with new hope and confidence for the future. The substantial slowing down in the rate of growth imports will mean increased domestic output and increased employment. Strength will be restored to this essential sector of our economy—strength which will permit this industry to continue to serve our country with the wide range of products essential to our needs at all times.

SECRETARY STANS CAUTIONS—"WAIT A MINUTE"

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DORN. Mr. Speaker, Secretary Maurice Stans recently delivered a very timely and excellent address to the 40th International Conference of the Financial Executives Institute at the Shamrock in Houston. While the Congress is considering water pollution control legislation, I commend to the attention of my colleagues a careful study of this

superb speech on the subject of environment as related to our economy and the general welfare.

Mr. Stans is a dynamic and progressive Secretary of Commerce, and a thorough consideration and evaluation of his remarks on this occasion is recommended to the members of my Committee on Public Works, now drafting a water quality bill which will affect industry and municipalities and, indeed, every individual in the United States.

I recommend to the Congress and to the people of our country Secretary Stans' great address:

ADDRESS BY THE HONORABLE MAURICE H. STANS

Mr. Chairman, it is a very great pleasure for me to be here today for this meeting of the Financial Executives Institute.

Many of you are old friends, and we have much in common to discuss—because of the financial background we share and because the relationship between business and government is constantly becoming more important to all of us.

Today I was faced with a choice of talking about the subject most on your mind, but of a changing and passing nature—the President's Economic Program—or, a matter of more long-run concern to business, industry and the public—the question of a balanced national approach to the environmental issues facing the nation.

The latter is the one I have chosen to discuss.

ENVIRONMENT

A concern that must be seen in perspective is the matter of the environment and the anti-pollution movement in the country today.

This is a very emotional issue in many quarters. It is a very political one in many quarters. The public for its part is demanding action—actively, vocally, impatiently demanding immediate action to resolve pollution problems.

This creates opportunities to make progress. But it also presents some difficulties.

President Nixon has declared that the nation has been long overdue in halting its abuses of the air, land and water. He has made a commitment to eliminate pollution and to cleanse the atmosphere and conditions in which we live.

So there is no question that the environment ultimately has to be cleaned up, that we have to deal with pollution.

The question is, how do we go about doing this? And in the most sensible way?

PRIORITIES

The public's desire for immediate solutions is understandable; its impatience may be justified, in many respects.

But we cannot have single track minds in which the environmental issue overrides everything. That is how some people would have us look at our problems.

But if we yield unquestionably to every popular demand, if we settle for quick, immediate solutions to one set of problems, we can very quickly catapult ourselves into others that are much more serious.

There is evidence that this is happening—and it could lead to an environmental backlash.

So before we act out of panic—out of ecological hysteria, or misinformation—I think it is time to stand back, and look at the environmental problem in the whole.

It is high time for the entire nation to weigh the needs against the demands and say: "Wait a minute, here—what are our priorities?"

We need to weigh our technological capabilities against the demands for immediate change and say: "Wait a minute—can we really get there from here?"

We need to weigh each specific proposal against economic reality and say: "Wait a Minute, how do the benefits compare with the costs?

PROBLEMS

In other words, the problem is: how do we develop public and private policies in which economics and technology are factored into every environmental assessment?

Let me spell it out.

Industry has been indiscriminately accused by some of ignoring the pollution problems of our times and being responsible for most of them.

The charge is dead wrong and it is unfair.

Industry, of course, must bear a share of the blame. But the fact recognized by too few people is that many of the worst polluters are outside of industry—municipalities, other governments, agriculture, and the public itself. Witness the fact that hundreds, perhaps thousands of American communities pour millions of tons of untreated sewage into waters every day.

RESPONSE

By contrast, almost across the board, American industries have launched vastly complex and expensive efforts to help clean up the air, water and landscape of the country.

For example:

The chemical industry in 1970 spent $600 million for pollution abatement.

The iron and steel industry has spent more than a billion dollars on air and water facilities, and almost two-thirds of that in the last two years.

The automobile industry currently is investing a quarter of a billion dollars a year in pollution research and development.

The electric industries will spend two-thirds of a billion dollars on pollution control this year alone.

The paper industry is spending $321 million for air and water pollution control this year.

The petroleum industry is spending more than $500 million in pollution control this year, and in addition is developing expensive facilities in other countries to reduce the sulphur content of fuel oils being shipped here.

The oil and tanker industries are working closely with the government to eliminate oil discharges and accidental spills into the oceans.

The fact is that, on average, American companies will have increased their pollution control spending by almost 50 percent this year over the last year. They will spend some $18 billion over the next five years to meet the requisite standards.

Unfortunately business has failed to make these achievements credibly known to the American people. This idea still persists in many quarters that industry is doing almost nothing to fight pollution and what it does do is only because it is being dragged across the line. Neither is true.

There are deliberate polluters, of course, but most business has been working at pollution control for a long time—and it can be proud of its conservation records.

PROGRESS

As a result of industry's efforts, the nation is visibly cleaner today than it was in the past.

PRESSURES

But the critics of industry press the public to insist upon quick solutions to these complex problems.

The people, in turn, press the Congress.

As a result, arbitrary timetables have been imposed, and severe regulations have been applied; research has been forced to divert from the orderly paths of science and technology; and untested ideas have been put to action before they are ready.

All of this has given some people a false feeling that the problems will all go away if we only put enough squeeze on business to act.

The trouble is that in the development of these pressures, reason sometimes gets lost and extremes become the result.

Many of the results have been beneficial to be sure, but some have been ill-conceived and harmful to people, to business, and to the country.

PHOSPHATES

Let me give you a few examples, starting with phosphate detergents—the washday ingredient that has recently come to typify the pollution villains.

Environmental pressures against phosphates were based on the argument that they accelerated the growth of algae which can destroy life in the waters.

Because of these pressures, the sale of detergent phosphates was banned by state and local governments over the country on a random crazy-quilt geographic basis.

But in the rush, perhaps someone should have said, "Wait a minute—what are we really doing here?"

As we now know, the answer is that we were taking foolish actions instead of careful ones.

DANGERS

First we set out to find a substitute for phosphates. But what happened?

Detergent manufacturers spent millions of dollars switching over to NTA, a substance used in Sweden and Canada—but it was shoved aside at the request of the government because some officials were concerned that it might create health hazards. Additional safety tests are now being carried on, but NTA cannot be used.

Then another substitutes began reaching the public containing caustic materials that were dangerous, especially to children. If those products get in a child's eyes, they can blind. Or if they are accidentally swallowed, they can maim or even kill. They have done so.

To limit these risks, the FDA has instituted labeling requirements for caustic detergents.

Unfortunately, the fact is that small children creeping on the floor next to the washing machine can't read them.

Some chemical substitutes for phosphates also wash out the flame-proofing in children's cotton sleepers which the textile industry has been working hard to develop.

FACTS

At this point more facts began to come to light:

First, phosphates are not of themselves polluters. They are nutrients, harmless to people and in fact a necessary element in human life.

Second, various scientific studies revealed that huge amounts of phosphates were pouring into the nation's waters from human waste, agricultural runoff and natural erosion—in many places far more than from detergents.

Next Congress was given scientific testimony that 85 percent of the people do not contribute phosphate waste to waters that can be affected by them, because of where they live.

Also, Congress took scientific testimony that removal of phosphates alone could rarely reduce the growth of algae.

Finally, evidence has accumulated that the general use of certain caustic substitutes in detergents could cost up to $2 billion a year in wear and tear on clothes and on washing machines.

CIRCLE

As a result, the Surgeon General of the United States has now advised state and local governments not to ban phosphates, and has recommended that housewives return to using phosphate detergents.

And the Environmental Protection Agency has advocated a $500 million program to deal

with phosphates from all sources through improved sewage treatment plants in affected areas.

So today we are back roughly where we started about two years ago, doing what we should have done in the beginning. We are dealing with phosphates at the treatment plants in specific trouble areas, not in legislative councils and public forums all across the nation.

In the long trip around this circle, all we have done is delay progress and confuse the people—at great inconvenience and unnecessary cost to the public, to industry and to government.

My purpose in citing these points is not to defend phosphates, or the industries that use them, or the products that contain them. Instead it is a way of saying.

"Wait a Minute. Before we rush helter-skelter into immediate responses to such problems of nationwide concern, isn't it prudent first to take the time to know what we are doing? To weigh all of the factors and consequences involved?"

POWERPLANT SITINGS

For another example, take the siting of new electric power plants.

This is all too familiar to many of you. I am sure.

The nation's need for more electric power is rapidly outrunning our capacity to generate it, and our demands for energy are going to double by 1980.

The answer would seem to be simply to build more power plants.

But in many areas of the country it has become almost impossible to do so.

Environmentalist pressures in the courts have placed the entire atomic power program in suspense, just as we face our years of greatest need.

The total amount of public and private construction being held up by environmental actions in the United States today is somewhere between $5 and $10 billion—and many of these are the electric power plants we must have to meet our needs.

So we are losing both electric power, and at least a $5 billion shot in the arm that our country could use for new jobs and the economy.

EXAMPLES

We all know the power trouble that New York City has been having for years. Con Ed is being forced to seek as many as 40 different approvals, many of them on environmental grounds alone, and until it can get clean atomic power it has had to build high-cost, short-term gas turbine plants that further pollute the skies of New York.

Houston is another case in point. Generating plant construction has been blocked because of complaints that the effluents, even after a costly cooling process, would raise the temperature of the discharge basin some two degrees above the present temperature levels.

Isn't it time someone said: Wait a Minute.

If we fix the right priorities—if we integrate our environmental, technological and economic interests—*all* of them can be served without one dominating the other.

The President has urged the Congress to enact legislation to resolve the power plant siting problem. He wants to assure public discussion of plans, quick and proper resolution of environmental issues, and timely construction of the facilities.

A law along such lines is urgently needed.

DDT

Another case in point is insecticides.

We all know there are valid arguments against some of them, but in the rush away from them, we can create massive new problems.

For example, in New Jersey, without DDT, more than one million oak trees have been blighted by the Gypsy moth.

Without DDT, forest insects went rampant in Sweden, eating away the raw material of that country's biggest industry.

DDT is estimated to have saved 500 million lives throughout the world.

Without DDT in India there would be 100 million cases of malaria each year instead of a few hundred thousand.

In Ceylon, without DDT, malaria cases went from almost none up to 10 percent of the population.

In Sweden, Ceylon, Venezuela and others, without DDT insects became so devastating that laws against DDT have been repealed or amended.

In parts of the United States, without DDT, insects have made it increasingly difficult to grow lettuce, lima beans, sweet corn, and so on.

Now, in time perhaps, substitutes for present insecticides can be developed and proved out. But in the meantime, most of the substitutes are uncertain or don't even exist.

The whole question is whether by precipitous action we will create an expensive gap between the present means and the later solutions.

Again this is not a brief for DDT. This is just a way of saying:

"Wait a Minute. Before we act precipitously and ban products for one reason, shouldn't we at least be certain that the cure is not worse than the disease?"

ONE-INDUSTRY TOWNS

What about one-industry towns? Today a growing number of small communities across the country are fearful that they will lose their life if their single sustaining industry is forced to close, either because of rigid environmental protection controls or because they can't cope with the economic cost of complying.

For example:

In one California community, environmental regulations closed down the biggest industry, a cement plant. The result—175 men out of work.

The same thing happened to a small chemical plant in West Virginia. One hundred and thirty men became jobless.

There are many others.

Isn't it time for someone to say "Wait a Minute?"

Are the environmental dangers so imminent, so critical, that we have to throw thousands of productive people out of work? Are the dangers so great, so immediate, that whole communities must be run through the economic wringer?

Isn't it time that we first measure all the evidence, recognizing legitimate concerns on the one hand, weighing them fairly against valid considerations on the other, then act reasonably and carefully to protect both the environment and the jobs? It may take a bit longer but the end result would be far more satisfactory.

SST

For another example, Congress killed the SST.

The two prototype airplanes could have been used to test the environmental consequences of supersonic flight.

Instead, forty thousand jobs were lost, along with an estimated $450 million in wages and other benefits, together with losses in research, technology, aircraft leadership and foreign trade—all immeasurable.

Shouldn't we as a nation have said "Wait a Minute?" Are we so afraid to build just two experimental airplanes that we would willingly sacrifice thousands of jobs, jeopardize the the economic health of an entire city, forgo the technological advantage of an entire industry, and deny major benefits to our balance of payments?

Isn't it time we weigh our potential against the risk in every reasonable case?

PIPELINE

What about the Trans-Alaska pipeline?

Again, people have said, "let's not build it because of the possible adverse consequences to the environment".

No one suggests that we ignore these possible dangers. Everyone agrees that we must take every known precaution to protect the environment.

But there is another side of the coin—the nation's need for the oil and the benefits to Alaska.

Isn't it time somebody says on things like this, "Wait a Minute?"

We already have the technological means to provide reasonable protection against dangers to the Alaskan environment. Are we so afraid of what might happen that we will sacrifice the enormous new sources of oil we need for our homes, our cars, our jobs, our country? Will we sacrifice potential jobs for thousands of people who would be employed in the shipping industries, in Alaska and elsewhere? Will we turn our backs on all of the economic benefits to that state and to the country?

The environmental risks are recognized, but isn't it time we recognize that other considerations must also be taken into account in the national interest?

EMISSION STANDARDS

And what about the tougher emissions standards for transportation? Certainly they should be sought and should be achieved.

But—wait a minute—in the past decade the amount of hydrocarbons given off by an automobile has already been reduced by 80 percent, carbon monoxide emissions by 70 percent. And with existing capabilities, these improvements can continue in an orderly way.

But a mandatory standard of the Clean Air Act demands a 90 percent reduction below the remaining levels by 1975.

For hydrocarbons, according to experts, that level is as much as foliage gives off in the average yard of the average American home in the average suburb.

The same experts estimate that every car would have to be parked for two days after getting its tank filled—literally—because gasoline going from the pump to the car gives off at least twice the daily allowable hydrocarbons for that car.

Spreading one ounce of house paint releases the same daily quota of hydrocarbons.

Burning up two logs on the fire in the fireplace also emits the daily quota.

The list of examples could go on.

The Environmental Protection Agency has reported to Congress that we simply do not have the technology to comply with some of the standards that have been set in accordance with law.

To try to achieve these standards will result in millions of dollars of added costs, which inevitably have to go into higher consumer prices.

If we try to solve our environmental problems more quickly than our technology permits, not only will we raise costs sharply and suddenly, but we will also increase the number of false steps that we take along the way. The incomplete state of our knowledge leads directly to pitfalls that can't be foreseen.

So isn't it time to say: Wait a Minute. Let's weigh each need against the technological realities and let's not impose any more arbitrary deadlines that can't be met with the technology in sight.

Let's do the things we can do first, while making orderly progress against the others.

OFFSHORE DRILLING

What about offshore drilling? Certainly we should take every possible practical step to stop polluting the oceans.

But—wait a minute.

We have learned many things from the unfortunate spill at Santa Barbara.

For one, university studies have proved that oceans are very sturdy systems, able to take far more environmental punishment than man would ever willingly inflict.

Before we make offshore drilling too difficult let's recognize that by the end of this decade, offshore wells will have to provide 30 percent of our oil. And it will also provide much of the low-sulphur fuel that is urgently needed for clean air.

PROPOSALS

As all of you know so well, there are many other matters which we could cite and say "Wait a Minute." These examples make the point.

Let me give you some specifics as to guidelines in dealing with these matters in the future.

First, a determination of the economic impact should be required before environmental acts are mandated.

The public must know what the costs will be, what the alternatives are, and whether it will get its money's worth.

Second, a technological determination should be prepared in connection with any governmental action, indicating the time required to carry it out.

Third, we must avoid panicky, ad hoc approaches to the problems of air, land and water pollution, and develop feasible, long-range plans to deal with them on a balanced basis of regular, gradual improvements, always with consideration of the public interest and of the economic and technological factors involved.

Fourth, government should study whether companies and industries can finance the improvements that they are being required to make without prejudice to their financial security or their normal capital improvements and consider whether assistance might be required.

Fifth, the Congress should be urged to support all of the President's environmental plans relating to other than the business areas, so that industry's progress will be matched by progress in municipal disposal and other nonindustrial pollution problems.

Sixth, coordinated methods should be developed for governments to reach prompt conclusive decisions on power plant locations, as proposed by the President, in order to end those critical delays.

And finally, antitrust attitudes should be reviewed to determine the possibility of cooperative industry attempts, working together to resolve environmental problems.

OBSERVATIONS

Let me add this set of simple observations before I finish.

First, none of the major problems we face can be resolved instantly, all of them are too complex. They call for long-range programs and careful consideration of priorities and financing.

Second, business alone cannot be held responsible for all of our pollution. The burdens of responsibility and cost must be shared by all levels of government, by agriculture and by the public.

And third, the technology we need in order to solve our problem must be developed in many fields. We have a tremendous flow of uncoordinated, uncertain, imprecise data about the environment, and industry faces a severe shortage of environmental engineering specialists.

Fourth, we have to achieve greater conformity of state and local actions dealing with pollution control before we bog down the whole country in conflicting regulations and deadlines.

MANKIND

Finally, we have to recognize that even our manmade problems, in some instances, are essential to satisfying human existence on this planet. After all every new birth brings us instantly a new polluter. But even the most ardent of the environmentalists have yet to call for "no new starts" there.

Here again I suppose we could say, "Wait a Minute."

But what I am talking about is the necessity to recognize that the pollution problem exists in a real world, and it calls for balance and objectivity.

I can reduce it all to absurdity:

If we had no cars on the street, there would be no automobile pollution.

If we built no power plants, we would have no pollution from utilities.

If we washed no clothes we would have no pollution of our waterways, and so on.

But what kind of country would we have left?

The line between that kind of nonsense and the kind of sense we need to resolve the problem requires a sense of reality in dealing with the economic and technological factors, and with the impatience of those who would like to clean up the country overnight.

CONCLUSION

The time has come to bring these things into focus and stop overheating the view that we are killing ourselves today.

Without pause or equivocation, we must continue to halt pollution of the world, but we must do it realistically, soundly.

This point of view is supported by people like Dr. Philip Handler, President of the National Academy of Sciences, who not long ago said this: "My special plea is that we do not, out of a combination of emotional zeal and ecological ignorance, romanticizing about the 'good old days' that never were, hastily substitute environmental tragedy for existing environmental deterioration. Let's not replace known devils by insufficiently understood unknown devils."

So all we seek fundamentally in these considerations is a balance of values, a weighing of proper priorities, a measuring of the costs against the benefits.

And, gentlemen, if we approach our problems in that spirit of balance and fairness, we can meet our ecological needs, clean up the country and do so without undue economic risks for anyone, all within the framework of continued technological progress.

That is the way I think we ought to do it.

MINORITY REPORT ON H.R. 1163—THE SO-CALLED STRATEGIC GRAIN RESERVE BILL

(Mr. GOODLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GOODLING. Mr. Speaker, one of the most foolish pieces of legislation to emerge from the Agriculture Committee in recent years may be coming to the floor of the House before long.

I am referring to H.R. 1163, the so-called strategic reserve grain bill.

The following editorial from the Wall Street Journal of October 25, 1971, states the case against this bill both succinctly and accurately:

LOOKING BACKWARD ON THE FARMS

The Nixon administration has sharply increased feed grain subsidies, but a number of lawmakers aren't satisfied. They still plan to press for a program already approved by the House Agriculture Committee.

By a 21-to-10 vote, the committee decided to resurrect an old proposal for "strategic" reserve stocks of wheat and feed grains. The only strategy involved in the plan is purely political.

Under the proposal the Agriculture Department would buy up to 300 million bushels of wheat and 25 million tons of feed grains at above-market prices. It could dispose of any of this enormous stockpile only if market prices moved considerably above current levels.

This arrangement, of course, would be stacked on top of the existing price-support setup. Like the present program, too, it would channel benefits chiefly to the larger commercial farmers who could get along very well without government help.

The Nixon administration quite correctly thinks the reserve gimmick is a lousy idea, an open invitation to the waste and scandal that has marked stockpile history in the past. House Democrats profess to be delighted by Republican opposition, claiming that they can use it to embarrass GOP candidates in the Midwest next year.

Maybe there still are some votes that can be bought with this sort of government giveaway, but their number has been diminishing, and not only because of the decline in the number of farmers. Many farmers have begun to recognize that the best hope for their business lies in taking more of the management responsibility away from government.

Instead, the backward-looking Agriculture Committee suggests moving toward even more federal involvement.

Even though we all know there is more than enough grain around, this bill would require the American taxpayer to shell out nearly $1.5 billion to accumulate 300 million bushels of wheat and 25 million tons of feed grains. Then he would get socked again with annual storage costs of over $200 million a year in the years ahead.

Grain farmers too would suffer in the years ahead as this artificial glut was dumped onto the market.

In order that all Members of the House be more fully informed about this bad legislation, I include at this point in the RECORD the following minority report on H.R. 1163 as set forth in House report 82–575:

MINORITY REPORT

We oppose the enactment of H.R. 1163 because we feel it is an ineffective and wasteful gesture that will bring more mischief than relief both to farmers and to the general public.

This bill purports to be a "strategic" reserve. Although the word "strategic" connotes stability and long-range commitment, this bill seems more "tactical" in nature. Its very legislative life is gracefully terminated at a tactically convenient time beyond the upcoming elections.[1]

While we appreciate the political arithmetic of both the Committee and the House and realize that if the issue were simply Republican vs. Democrat, this bill probably would pass.

The issue, however, is neither that simple nor that partisan. Nor should it be.

The issue is whether this plan is good for farmers and whether it is good for the public.

We contend that it is adverse to the farmer's interest and expensively futile for the public.

BAD FOR FARMERS

The avowed purpose of the bill is to raise farm prices. That is a noble objective, but little convincing evidence has been adduced that government purchases on top of the existing CCC non-recourse loan program will accomplish this.

[1] Sec. 7 of H.R. 1163 provides that authority to purchase commodities for the reserve expires at the end of the marketing year on the 1973 crop.

Most surely, however, farmers will find that after the so-called "reserve" has been accumulated it will hang there . . . like an economic sword of Damocles . . . for years to come as a threat to higher market prices.

Under the terms of the bill, grain must be sold into the market at 120 percent of the previous five-year market average. This mandate is further circumscribed by possible Presidential or Congressional actions.[2]

Thus, it is more probable than possible that in future years the surplus in this so-called reserve will be dumped onto the market and destroy any chance grain producers might have for better prices.

We must note, of course, that an amendment to cure this obvious defect was offered in the Committee. This amendment would have insulated the reserve more thoroughly from the market by setting the release price at 100 percent of parity. Unfortunately and despite our support, it was rejected by the Committee by a 16–14 vote.

The following tables prepared by the Department of Agriculture show the current and the five-year average price received and the prices at which grain could be dumped onto farm markets under H.R. 1163:

TABLE 1.—WHEAT—SELECTED DATA RELATED TO H.R. 1163

[Dollars per bushel]

	Average price received		120 percent of average price received preceding 5 years
	Current crop	Preceding 5 years	
Crop year:			
1961	$1.83	$1.83	2.20
1962	2.04	1.80	2.16
1963	1.85	1.82	2.18
1964	1.37	1.84	2.21
1965	1.35	1.77	2.12
1966	1.63	1.69	2.03
1967	1.39	1.65	1.98
1968	1.24	1.52	1.82
1969	1.24	1.40	1.68
1970 (preliminary)	1.34	1.37	1.64
1971 (estimate)	1.30	1.37	1.64

Source: USDA/ASCS-GR Oct. 4, 1971.

TABLE 2.—CORN—SELECTED DATA RELATED TO H.R. 1163

[Dollars per bushel]

	Average price received		120 percent of average price received preceding 5 years
	Current crop	Preceding 5 years	
Crop year:			
1961	$1.10	$1.11	1.33
1962	1.12	1.08	1.30
1963	1.11	1.08	1.30
1964	1.17	1.08	1.30
1965	1.16	1.10	1.32
1966	1.24	1.13	1.36
1967	1.03	1.16	1.39
1968	1.08	1.14	1.37
1969	1.15	1.14	1.37
1970 (preliminary)	1.36	1.13	1.36
1971 (estimate)	1.00	1.17	1.40

Source: USDA/ASCS-GR Oct. 4, 1971.

TABLE 3.—SORGHUM—SELECTED DATA RELATED TO H.R. 1163

[Dollars per bushel]

	Average price received		120 percent of average price received preceding 5 years
	Current crop	Preceding 5 years	
Crop year:			
1961	$1.01	$0.96	1.15
1962	1.02	.94	1.13
1963	.977	.95	1.14
1964	1.05	.94	1.13
1965	1.00	.98	1.18
Crop year—Continued			
1966	$1.02	$1.01	1.21
1967	.99	1.01	1.21
1968	.95	1.01	1.21
1969	1.07	1.00	1.21
1970 (preliminary)	1.14	1.01	1.21
1971 (estimate)	.95	1.03	1.24

Source: USDA/ASCS-GR Oct. 4, 1971.

TABLE 4.—BARLEY—SELECTED DATA RELATED TO H.R. 1163

[Dollars per bushell]

	Average price received		120 percent of average price received preceding 5 years
	Current crop	Preceding 5 years	
Crop year:			
1961	$0.979	$0.895	1.07
1962	.915	.893	1.07
1963	.897	.899	1.08
1964	.947	.898	1.08
1965	1.02	.916	1.10
1966	1.05	.952	1.14
1967	1.00	.966	1.16
1968	.91	.983	1.18
1969	.872	.985	1.18
1970 (preliminary)	.956	.970	1.16
1971 (estimate)	.85	.958	1.15

Source: USA/ASCS-GR, Oct. 4, 1971.

TABLE 5.—OATS—SELECTED DATA RELATED TO H.R. 1163

[Dollars per bushel]

	Average price received		120 percent of average price received preceding 5 years
	Current crop	Preceding 5 years	
Crop year:			
1961	$0.642	$0.623	0.75
1962	.624	.614	.74
1963	.622	.618	.74
1964	.631	.627	.75
1965	.622	.624	.75
1966	.665	.628	.75
1967	.659	.633	.76
1968	.60	.640	.77
1969	.586	.635	.76
1970 (preliminary)	.628	.626	.75
1971 (estimate)	.57	.628	.75

Source: USDA/ASCS-GR Oct. 4, 1971.

COST TO THE PUBLIC

If, as the advocates of this bill contend, it won't cost the taxpayers anything, then one might ask why do they want it.

The truth is that this bill, like nearly every farm commodity bill, is going to cost the taxpayer and cost him plenty.

In its original report on H.R. 1163 the Department estimated the total cost of establishing a grain-soybean reserve to be from $1.5 billion to $1.7 billion in addition to storage payments of $250 million per year.

The Committee amendment deletes soybeans (a position we strongly support, incidentally); thus the cost figures must be revised. The following table prepared by the Department of Agriculture estimates the costs for the bill as approved by the Committee. As can be seen, the total cost would be $1.455 billion plus $215 million per year in storage costs.

This table also projects the estimated additional cost that would be incurred by the enactment of this bill over and above the cost that would be incurred under the present program, As can be seen, the additional cost for feed grains is estimated to be $107 million and for wheat $36 million, for a total of $143 million. There would also be an extra $9 million in interest and storage costs.

The table is as follows:

TABLE 6.—ACQUISITION AND ANNUAL STORAGE AND INTEREST COSTS UNDER H.R. 1163

	Feed grains		Wheat	
	Loan rate	Maximum purchase price	Loan rate	Maximum purchase price
Acquisition costs:				
Quantity purchased (million of bushels)	100	100	100	100
Purchase price (per bushel)	$1.05	$1.17	$1.25	$1.37
Cost per 100,000,000 bushels (millions)	$105	$117	$125	$137
Cost of maximum reserve (millions)	[1] $937	[1] $1,044	[2] $375	[2] $411
Annual interest costs (millions): Per 100,000,000 bushels at 4 percent	$4	$5	$5	$5
Annual storage costs (millions): Per 100,000,000 bushels at 13 cents per bushel	$13	$13	$13	$13
Interest and storage costs (millions): Per 100,000,000 bushels	$17	$18	$18	$18
For maximum reserve	[1] 152	161	[2] 54	[2] 54

[1] 25,000,000 tons.
[2] 300,000,000 bushels.

These figures, of course, reflect only the additional acquisition costs involved in the bill.

The cost of storing and handling the accumulated surplus would go on and on. At $215 million a year it would take only five years before the U.S. taxpayer has shelled out over a *billion dollars* to grain warehouses. In ten years the storage would exceed $2 billions.

Another instance where the public's generosity would be further taxed is when the Secretary "disposes" (i.e. gives away) the so-called reserve for (1) relieving distress in the United States and the Virgin Islands under certain circumstances, (2) civil defense activities, and (3) for the preservation of and maintenance of foundation herds of cattle, sheep, and goats, etc. In these instances there would be no reimbursement to the U.S. Treasury.[3]

Thus, the three main elements of increased costs would be (1) higher acquisition costs, (2) prolonged storage, and (3) disposition of inventory without compensation to the government.

UNSOUND IN CONCEPTION

The idea of a "grain reserve" or an "ever normal granary" has been around for centuries. There is, of course, nothing wrong with the public having a little extra grain on hand in case of a shortage.

If indeed there is extra grain around, who should own it?

And how likely is it there will be an actual shortage?

And are alternative sources of grain available?

And what happens to market prices later when there is a large bumper crop with a reserve (i.e. surplus) already on hand?

H.R. 1163 does not effectively answer any of these qustions because it proposes that the Federal Government rather than farmers or the private grain trade be the keeper of the surplus.

It fails to recognize the fact that there is no shortage of grain now or in the foreseeable future.

It ignores sources of grain both at home asd overseas that would be available.

In brief, it simply adds another price depressant to farmers' market price picture.

UNSOUND IN EXECUTION

Neither does it take into account changing conditions. H.R. 1163 would base purchases

[2] See sec. 4 of H.R. 1163.

[3] See sec. 4 of H.R. 1163.

and sales on a supply and demand situation that was projected as of a specified date near the beginning of the marketing year. The demand for grains cannot be pinpointed at the beginning of the marketing year since many variables affect both supply and utilization. Production estimates of the crops later in the year would change the supply-use relationship and consequent stock change. As a result, purchases might be required to be made at a time when sound policy indicated that sales be made or vice versa. Thus, in some years we might find that too much or too little was purchased.

Even operating under ideal circumstances, if too much grain was removed from the market, the price would cause a decline in utilization. A decline in use in turn would bring a further increase in carryover and necessitate additional purchases. Additionally, the situation for a particular grain or group of grains could vary between regions. For example, an ample supply in the Pacific Northwest could occur at the same time there was a shortage in the Southeast.

Furthermore, the Department's current policies are moving toward an improvement of grain marketing conditions. The extended or reseal loan program permits producers to store grain in periods following the year in which it was produced either on farms or in warehouses, with the storage charge paid by USDA. This program enables farmers to carry grain from years of overproduction into years when production is less than utilization. H.R. 1163 would disrupt this program and would deprive producers of the opportunity to make decisions on grain storage and the opportunity for storage income. Grain farmers would lose control of grain that they sold to store under a reserve contract and would be required to pay a much higher price under the resale formula to buy stocks that were in reserve contracts than they presently pay to redeem reseal loans.

As pointed out earlier, this bill likely would not have the effect of raising farm prices to the level of the government's purchase price. It might possibly bring some price increase, particularly in those years when increase in carryover was small. But in years of large increase in stocks (as is the case presently), little price effect would result. Large stocks in CCC hands would act to depress prices even though an announced resale policy existed.

Another important point made by the Department of Agriculture is that an offer to buy might bring more than the required amount specified in the bill. Thus, the problem of rationing or allocating purchases could arise. In addition, if prices were particularly low in one area and purchases created a shortage in the market, this might necessitate shipments from other areas. Such movements would disrupt and stifle the livestock and poultry industries.

A final point is that in the event and to the extent that market prices are increased a reduction in the wheat marketing certificate and feed grains payments would result. Thus, a program participant's income would be reduced while nonparticipants would get a "windfall." This could easily act to reduce program participation in later years. And as program participation falls, production increases make even larger purchases necessary. Conversely, if program participation were to be maintained at desirable levels, the payment made for acreage set gram costs.

SUMMARY

This bill is bad for grain farmers.
It is costly to taxpayers too.
It is ineffective.
It should be rejected by the House.

Page Belcher; Charles M. Teague; William C. Wampler; George A. Goodling; Clarence E. Miller; Robert B. Mathias; Wilmer D. Mizell; Paul Findley; J. Kenneth Robinson.

OHIO RELIGIOUS LEADERS OPPOSE WYLIE SCHOOL PRAYER AMENDMENT

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, on Monday, the House will be asked to vote on the so-called school prayer amendment, House Joint Resolution 191. The mail from my district, with the exception of form letters, is running 2 to 1 against adoption of the prayer amendment. Some of the foremost religious leaders and groups in my district and in the State of Ohio have sent communications to me opposing the amendment. I think some of these letters and resolutions will be of interest to my colleagues, and I insert them in the RECORD at this point:

THE COUNCIL OF CHURCHES
OF GREATER AKRON,
Akron, Ohio, November 3, 1971.

Hon. JOHN F. SEIBERLING,
MEMBER,
House of Representatives

DEAR SIR: Approval of the "Prayer Amendment" (H.J. Res. 191) will create chaos. We urge you to vote down this bill.

Over one year ago, the Council of Churches of Greater Akron (including Akron, Cuyahoga Falls, Barberton and all of Summit County) was asked to endorse the effort to seek revision of the First Amendment of the U.S. Constitution. After a careful analysis of the provisions of the First Amendment, and a further analysis of the Supreme Court decisions during the past decade relating to "Religion and the Public Schools", the Council's Central Board and Assembly felt it could not, in good conscience, provide the endorsement.

Subsequently a position paper was developed and released to the constituency. It supported the present form of the First Amendment and provided a cogent rationale for doing so.

The position paper also stressed the positive alternatives for value education and teaching "about" religion in the public schools. Only one congregation out of 130 adopted a dissenting resolution, to our knowledge.

ADDITIONAL ALTERNATIVES

We understand that substitute resolution is being drafted by Representative John F. Seiberling and others. We urge your most serious consideration of this alternative. It is a very positive statement of clarification.

Most major denominations have adopted positions opposing the prayer amendment. The Akron Council includes fourteen denominational groupings.

Our position does reflect "constituency level" support.

Best wishes.

Sincerely yours,

JAMES P. EBBERS.

[From Position Paper, Council of Churches of Greater Akron]

A STATEMENT ON PRAYER IN PUBLIC SCHOOLS

CHURCH-STATE ISSUE

Numerous issues affecting church-state relations, the place of religion in public life, and the recognition of deity by government, are the arena of public debate.

SCRIPTURE GUIDELINES

We recognize that Scripture gives only guidelines, not blueprints, for determining the relationship between church and state. The charge given the church to make disciples of all men, the power given government to support good and curb evil, these remain basic for all generations. The specific ways of fostering and protecting these essentials vary from society to society and from age to age.

HERITAGE

Included in the American heritage is a recognition that man and the nation live under God. We hold that, while a practical level of civic righteousness may be achieved by men without conscious reference to deity, man's highest good is expressed by conscious commitment to divine purposes, and a nation best prospers when its people practice such affirmation as ". . . all men are created equal, that they are endowed by their Creator and certain inalienable rights, that among these are life, liberty and the pursuit of happiness". Such, happily, are the loyalties which compel our nation today, as they have in the past.

CONSTITUTION

As a fruit of this very heritage and these same loyalties, a religious pluralism has developed. The Constitution denies to government the right to interfere with the person's exercise of his religion, provided he does not tread upon the rights of others. The Constitution prohibits making any religion an established religion, showing no favoritism to one religion over another. It requires that government must steer a difficult course of benevolent neutrality. Government may not discriminate against those who practice no religion. It must remain neutral in its actions even though it carefully weighs these matters. It must foster a climate conducive to the free exercise of religion without creating a climate which makes exercise of religion incumbent upon any person.

CHURCH AND STATE

Both church and state, under God, serve genuine needs of human beings. In so doing, they mutually affect one another. Neither should surrender its independence to the other, nor perform functions exclusively appropriate to the other. They complement each other as they address themselves to the best interests and well-being of persons. They compromise each other, intensify community divisiveness, create religious or political animosities, and foster anti-government or anti-religious atmosphere, when either performs a function exclusively appropriate to the other.

A flexible friendly cooperation to achieve what is agreed as being for a common good has marked church-state relations in this nation. This has been especially true in the areas of education, welfare services, ministries to persons in institutions and the armed forces.

SCHOOLS AND RELIGION

It is a distortion of the principle of neutrality of the state towards religion to insist that public schools ignore the influence of religion upon culture and persons. Public schools no more should be agents for atheism, godless secularism, scoffing irreligion or a vague "religion in general" then they should be agents of a particular and sectarian faith. The process of education ought to include knowledge of major religious groups and their emphases, the influence of religion upon the lives of people, the contribution of religion to society, taught in history, literature and special science at the level of the pupils comprehension. The objective of such instruction is *understanding* rather than *commitment*, a teaching ABOUT religion rather than a teaching OF religion.

PRAYER AND SCRIPTURE IN SCHOOLS

Reading of Scripture and addressing deity in prayer are forms of religious expression which devout persons cherish. As such, these practices are essentially ritualistic in nature. What is cherished as a ritualistic religious expression by devout persons becomes a breach of neutrality by the state and an encroach-

ment on the First Amendment when practiced as religious ceremony with the public school program. Mr. Justice Black, rendering the majority opinion in the case of Engle v Vitals ("The New York Regents' Prayer") declares, "New York has adopted a practice wholly inconsistent with the Establishment Clause. There can be no doubt that . . . the program of daily classroom invocation of God's blessings as prescribed in the Regents' Prayer . . . is a religious activity". To facilitate, assign or stipulate these religious exercises as integral parts of the public school program is to infringe on the distinctive beliefs of religious persons as well as on the rights of the irreligious. In the words of James Madison, "it is proper to take alarm at the first experiment on our liberties". Any breach of neutrality that is today a trickling stream may all too soon become a raging torrent. Any form of religious practice opens the way for sectarian intrusion into an institution of public education and offends minority groups. In the end religion suffers and religious liberty in its fullness is threatened when government uses the power of its laws and the public school program to engineer acts of faith.

More than a few teachers discretely and quietly conduct some sort of devotional exercise or meditational period in their classroom. They may do this because of a personal persuasion that children should be exposed, if not to the moral and spiritual rearmament that religion supplies them, at least to these aspects of our national religious heritage. They should be fully aware, however, that functioning in their capacities as teacher they constitute an intrinsic part of a state agency. As such they are committed by our Constitution to a position of neutrality, just as is the state. As the Establishment Clause and the Free Exercise Clause of the First Amendment are binding, thru the Fourteenth Amendment, upon the legislatures of the states, so are they binding upon the persons of teachers. Devotional exercises for the cultivation and nurture of religious faith ought to be centered in the home and church, with the effects of the changed lives of devout persons penetrating into the schools and every other area of community life. Community agencies carry no responsibility for such religious nurture.

PROPOSED AMENDMENTS

In so far as some proposed resolutions to amend the Constitution (Scott, S. 34; Flynt, H.R. 73; Fulton, H. R. 83; Garmatz, H.R. 88, to cite a few of the many) are directed to the purpose of validating references to God on public occasions, in public ceremonies, proclamations and documents, they are unnecessary. Neither the holdings nor chief opinions in the cases decided by the Supreme Court support the view of that the Constitution outlaws reference to God and to expression of belief and dependence upon Him, whether it be in public schools or on various public occasions. The Constitution as the basic law of the land should not be amended except to achieve some great and compelling public purpose or need. To say that the Constitution requires the deletion, in public life, of all references to our religious heritage is to interpret it as manifesting hostility to religion. This is categorically inaccurate and untrue. The Constitution as it stands, assures the free exercise of religion. The schools, the community, the government and the churches must see to it that this freedom is fully respected.

CONCLUDING COMMENDATION OF POSITION

We, the members of the Commission on Faith and Ecumenical Relations, commend this position to the Central Board of the Council of Churches of Greater Akron, as repressive of its position on the issue of prayer in public schools.

Approved by the Central Board on July 22, 1971.

Ratified by the Assembly on September 27, 1971.

DISCUSSION RESOURCES

Resources which may be used in discussing the issues of this statement:

1. S. Duber, "The Public School and Religion—The Legal Contex". (Public Library).
2. Abington v. Schempp (Nos. 142 and 119), Supreme Court of the United States (1953).
3. Engle v. Vitale (No. 370), Supreme Court of the United States (1962).
4. "Religion and the Schools: From Prayer to Public Aid"; National School Public Relations Assoc., 1201 16th Street N.W., Washington D.C. 20035. ($4.00).

THE OHIO BAPTIST CONVENTION,
Granville, Ohio, November 3, 1971.

Hon. JOHN F. SEIBERLING,
House of Representatives,
Washington, D.C.

DEAR MR. SEIBERLING: This is a follow-up to a telegram sent you today, a copy of which is enclosed.

Also enclosed is a copy of our two Resolutions dealing with this subject, as acted upon at the annual sessions of The Ohio Baptist Convention at the Arlington Memorial Baptist Church in Akron, October 15, 1971.

We would make it perfectly clear that The Ohio Baptist Convention is for prayer and for retaining and strengthening the spiritual values of life. Our concern with this proposed Amendment (H.J. Res. 191) is that while suggesting worthy goals, it does, in fact, move us a giant step toward destroying the first Amendment to the Constitution of the United States.

To enact such a law puts the government in the position of having to determine which prayers are "lawful," which type of religious exercise is "nondenominational," and which is not.

It is our sincere desire that you vote against this proposed Amendment because, in the long run, it will do more harm to the cause of religion than good.

Sincerely yours,

JOSEPH IRVINE CHAPMAN,
Executive Minister.

Enclosures: Telegram resolutions.

TELEGRAM

NIGHT LETTER,
November 3, 1971.

To the Members of Congress.
From the State of Ohio.

The Ohio Baptist Convention, representing 110,000 members in 340 churches, on October 15, at their annual sessions in Akron, voted a resolution in opposition to the so-called prayer amendment (H.J. Res. 191).

We are for prayer and for retaining the spiritual values of life but to put the government in the position of monitoring or supervising prayer and to determine what is an interdenominational or non-sectarian prayer creates more problems than it solves. We urge you to vote against this proposed amendment.

JOSEPH IRVINE CHAPMAN,
Executive Minister.

A RESOLUTION ON RELIGIOUS FREEDOM AND THE NONDENOMINATIONAL PRAYER AMENDMENT

(Sec. 1. Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer. H.J. Res. 191).

Whereas, there is currently before the House of Representatives a proposal (H.J. Res. 191) to amend the Constitution of the United States so as to authorize participation in nondenominational prayer in any public building; and

Whereas, this proposal, by authorizing participation in nondenominational prayer, opens the door for government to determine what is acceptable prayer; and

Whereas, we are vitally concerned to maintain religious liberty, without any infringement by governmental regulation of any form, as now provided without qualification by the First Amendment to the Constitution;

Be it therefore resolved that we, the Ohio Baptist Convention, assembled in formal session on October 13–15, 1971, hereby record our opposition to H.J. Res. 191, and support our stand with the following reasons:

1. We are sympathetic with the sincere desire of many people to preserve the right of all persons to engage in genuine prayer. We deny, however, that any elected body or governmental authority has the right to determine either the place or the content of prayer, as is implied in the proposed constitutional nondenominational prayer amendment.

2. Moreover, we foresee that to authorize government by a constitutional amendment to intervene in the sacred privilege of prayer long enshrined in the character and tradition of our nation, is to make of government a judge of theology and an administrator of religious practice.

3. We fear that, if such a proposed amendment should become a part of the Constitution of the United States, a new religion of "nondenominationalism" would in a measure become established which could threaten the integrity of both church and state.

4. The amendment could enable government to impose the limits of "nondenominationalism" on religious practices in any building that is built in whole or in part by public funds—a school, a hospital, a day care center, a nursing home, a children's home—thereby nullifying the constitutional right of the free exercise of religion.

5. We affirm the right of school children or any other segment of the population to engage voluntarily in their own prayers without government authorization or supervision. This right, we believe, is protected adequately by the First Amendment as it now stands:

Article 1 Congress shall make no law respecting an establishment, or prohibiting the free exercise thereof; . . .

6. Finally, it is our opinion that the proposed amendment is offered in view of a misinterpretation of the so-called "prayer and Bible reading" decisions of the Supreme Court in 1962 and 1963, which properly prohibited government intrusion into the religious activity of school children. At no time has the Supreme Court prohibited voluntary prayer but has only ruled against governmentally prescribed prayer and governmentally sponsored religious exercises.

PRAYER IN PUBLIC PLACES

That the Resolution concerning House Joint Resolution 191 adopted by this Convention is interpreted to mean that the OBC is in favor of permitting any person or persons the right to engage voluntarily in public or private prayer without governmental authorization, supervision or interference.

NORTHEAST LAKES COUNCIL,
Cleveland, Ohio, November 2, 1971.

Congressman JOHN F. SEIBERLING,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN SEIBERLING: I am deeply disturbed about the House of Representatives resolution number 191 which is popularly referred to as the School Prayer Amendment. All the Jews in the Synagogues with which I work in western New York, northern Ohio and Michigan are deeply concerned about this threat to the Bill of Rights.

We urge you to vote against this Amendment and to permit each person to find his own religious outlet in his home, in his Church or Synagogue.

Please protect our Bill of Rights.

Sincerely,

DAVID S. HACHEN, *Rabbi.*

TELEGRAM

AKRON, OHIO, *September 21, 1971.*

JOHN SEIBERLING,
House of Representatives,
Washington, D.C.

Religious groups throughout history have come to the United States because of the guarantee in the Bill of Rights—separation of church and state. Do not allow this most basic human freedom to be abridged.

Mrs. HERBERT NEWMAN,
(Representing 200 women of Beth El Synagogue Sisterhood.)

THE EPISCOPAL CHURCH IN THE DIOCESE OF OHIO,
Cleveland, Ohio, November 1, 1971.

Hon. JOHN F. SEIBERLING,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN SEIBERLING: I understand that within the next few days you will be called upon to express yourself on H.J. Res. 191—the so-called School Prayer Amendment to the Bill of Rights.

As the titular head of the Episcopal Church in northern Ohio it is my judgment that enactment of this amendment would be a great mistake.

Obviously, I believe in prayer, advocate prayer, and feel that prayer is essential to a vital religious life. But for instruments of government to sponsor prayer, even if it be "nondenominational prayer," would be wrong.

The official policy-making body of our Episcopal Church nationally has taken this view, as have the policy-making bodies of most major denominations.

You would do the cause of religion no service by voting for this measure. I urge you to assist in its defeat.

Ever sincerely yours,

JOHN H. BURT.

IS PATRIOTISM UNCHRISTIAN?

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, the Washington Post of October 15, 1971 ran an interesting article by William Greider entitled "Group Plans to Show Radical Spirit of '76." The lead paragraph states:

A group of young New Left radicals has surfaced with a new recipe for revolution—instead of burning American flags, they intend to wrap their cause in the stars-and-strips and the spirit of '76.

In direct contrast to this radical approach by a radical segment of our society, Dr. Joseph Irvine Chapman, executive minister and executive assistant of the Ohio Baptist, the publication of the Ohio Baptist Convention, offers the time-honored approach to desirable corrective action which has been the trademark of this Nation since its beginning.

Dr. Chapman goes to the heart of a very thorny problem today, that is "conscience" versus patriotism. Dr. Elsberg, who heisted the Pentagon papers, has stated that his conscience was clear and, in essence, that the good he served was a higher good. The Berrigan brothers, from what I have read, would also fall into this category. There appears, however, to be a new wrinkle in New Left tactics; namely, that their behavior is American patriotism of the highest order. Jerry Rubin touched on this theme when he appeared at congressional hearings wearing the uniform of a soldier of the American Continental Army. His statements to the press at the time made the point that the people of the movement were the "real" Americans because their activity was in keeping with the spirit of the American Revolution.

Dr. Chapman's message should be reiterated over and over, and for this reason I insert it in the RECORD at this point:

IS PATRIOTISM UN-CHRISTIAN?

(By Dr. Joseph Irvine Chapman)

We are living in a time when it seems to be the "in thing" to constantly belittle your country, to ferret out and magnify all of its faults, to break into government offices and destroy government documents, to disobey the laws of the land, and to "leak" stolen documents to the press.

Not only have the above items—along with others that might be named—become more and more prevalent, but there has been increasing support for such actions by those who have accepted ordination to the Christian ministry. There are some religious leaders whose "stock in trade" seems to be the destruction of American democracy and the American way of life as we know it.

To be perfectly clear and to avoid any possible misunderstanding, let me state very clearly and emphatically that I believe the Christian's first loyalty and responsibility is to God. Furthermore, I believe that there are times and circumstances when the Christian has to make a willful choice between the demands of the State and the demands of God. When and if such circumstances arise, we must first of all be true to God and His Word.

However, the Christian who faces such issues needs to be very careful that the stance he takes is the will of God and not merely his own; that it is supported by scripture; and that he has taken every possible legal step to resolve the problem "before taking the law into his own hands." Furthermore, he must be willing to personally accept the consequences of his actions. To disobey the laws of the land without a clear-cut scriptual mandate is also a sin against God!

There seems to be some among us who forget that God's Word tells us plainly that governments and secular rulers are set forth to rule as a part of God's plan for man. Jesus himself made clear that we are to render unto Caesar the things that are Caesar's, even as we are to render unto God the things that are God's.

Since my conversion experience, I have been a citizen of two kingdoms: the kingdom of God and my own beloved country.

As a citizen of the kingdom of my Lord and Savior, Christ has had, and will always have, my first loyalty. I promised to follow Him wheresoever he should lead me, and whatever the cost I want to be faithful to that promise, forever.

Yet, during these same years, I have been and am a citizen of the United States. The land of my birth has valid and rightful claims upon me. To disobey its laws, tear down its institutions, weaken its cause, bring shame and disrespect upon it or destroy its very foundations is wrong and, before God, it is a sin. The only exception is where there is a clear conflict between the law of God and the law of the land.

I know some of the failures and mistakes of my country. I know the areas of its weaknesses also. But I love my country, I am loyal to it, and I think all citizens should love their country, be loyal to it and seek its highest good. They should use every orderly and legal means possible to improve it, to strengthen it, and to change it for the better.

Let us be done with disrespect for our institutions; let us be done with flag burning and those tactics that weaken and ultimately destroy the very freedoms that give us the opportunity to protest those things we think are wrong; let us be done with thinking only of what is wrong with our country and remember how much there is that is good and right in America.

I don't think it is unchristian to be patriotic. I am proud to be an American. I am proud for what my country has accomplished, is accomplishing and can accomplish in the coming tomorrows. I am proud of the freedoms we enjoy; I am proud of the opportunities that confront us. I think it is about time all who feel this way say so.

THE BEGINNING OF THE END?

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, as far back as 1963 the Wall Street Journal expressed grave concern about the usefulness of the United Nations in the worldwide pursuit for world peace. Citing various examples at that time the Journal editorial labeled the world body a "Forum for Hypocrisy." The more recent travesty in which Red China was admitted to the U.N. and the Taiwanese government expelled could sound the death knell for that organization as a meaningful and useful instrument in the world community.

I insert at this point the Wall Street Journal editorial of July 26, 1963, entitled "Forum for Hypocrisy":

FORUM FOR HYPOCRISY

Many of the things wrong with the United Nations are capsuled in the demands of independent African countries for strong action against Portugal and South Africa.

The Security Council is currently entertaining these arguments; the Africans would really like to get the two nations expelled from the UN but may settle for something like economic sanctions. It is not necessary to defend Portugal's cruelties in its African colonies or South Africa's policy of apartheid in order to see the revealing light this whole business sheds on the world organization.

One part of it is that the UN has become a forum for hypocrisy. There is always a certain amount of hypocrisy in diplomacy, we suppose, but the UN has elevated it to the level of sanctity.

Item: The attack on Portugal and South Africa rests on the charge that their policies are threatening international peace. Of all the things they are doing, that certainly is not one of them, and everyone knows it. Yet the Security Council; including the U.S., gravely agrees to listen to this nonsense.

Item: Nkrumah of Ghana sends the Council a message saying he will be satisfied with nothing less than immediate independence for Portugal's African colonies. Such talk comes with poor grade from the Communist-lining dictator of a police-state; Ghana-style independence would hardly rate as an improvement for any colony.

Naturally all this provides the Soviets with wonderful opportunities for propaganda, and the UN has certainly become a forum for that, too. The Soviet representative could hardly wait to applaud Nkrumah's sentiments, denounce Portugal and its allies (the U.S.) and propose a worldwide boycott of Portugal.

More serious are the implications of any UN action—indeed, even the present discussion of it—against these countries. For what is proposed is simply meddling in nations' internal affairs, something the UN is not supposed to do and most emphatically should not be doing. In the case of South Africa it's not even a question of colonies but strictly of policies within a sovereign nation.

On that precedent, what is to prevent the

UN from acting against the U.S.? It could easily seize the pretext that this country is not moving fast enough on desegregation and hence, by UN logic, threatening the peace. The answer is that there is nothing in the world to prevent it. But such a possibility does not seem to disturb the UN's American fans, including the U.S. Government.

These various anomalies stem from a central difficulty, which is also a form of hypocrisy or else of stunning naivete: The assumption that a large collection of nations would in fact work together in harmony to guarantee world peace. The inclusion of the Soviet Union is alone enough to explode that notion, but there are a good many other nations as well which have no desire to get along with each other or with us.

Because of this fundamental philosophical error, it is not surprising to see the peace organization waging war to suppress an independence effort, as in Katanga, or aiding our enemies, as in Cuba, or now talking of interfering in internal affairs. No amount of praise of the UN can alter the fact that it is founded on a delusion.

Those who are more realistic about the UN say that, for all its faults, it still has some diplomatic and other uses. Probably it does. But it is certainly not encouraging that impression by lending itself to this witless exercise in the Security Council. And we think the U.S. Ambassador to the UN ought to call that performance by its right name.

A WORD TO THE WISE

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, the October 23 issue of the Wittenberg Torch, the student newspaper of Wittenberg University, Springfield, Ohio, carried a column by Chuck Edgar which seems to me to be both straightforward and a clear thinking presentation of a position which more and more youth may well be assuming as we get into 1972. The theme of Mr. Edgar's column and others emanating from responsible youth are largely overlooked by the media which seems to find news value only in the bombastic rhetoric of the youthful militants.

In insert the above-mentioned column in the RECORD at this point:

WHERE IS MR. NIXON?

(By Chuck Edgar)

DEAR MR. NIXON: Is there really a Republican in the White House?

Sincerely,

AMERICA.

It is approximately 12½ months from election day, 1972, when the nation will once again go to the polls and choose who shall lead the United States for four years. At this time the leading (unannounced) candidate for the G.O.P. presidential nod is President Richard M. Nixon. But is this the same man who the Miami Republican convention of 1968 nominated? This observer thinks not.

The most pressing issue to those unfortunates in the Wittenberg Class of '75 is the draft. It seems that Nixon told the nation in his acceptance speech before the convention that he would end conscription and operate the military on an all-volunteer basis. Nixon has been in office close to three years, but is Curtis Tarr looking for a new job right now? Enough said.

We can also remember Mr. Nixon (circa '68) telling us that the U.S. should stand-up to the Asian communists and assert our international strength to protect our eastern allies from subversion and overt aggression (remember the Pueblo?).

It would seem that, if the President is actually doing this, he has chosen a strange way to go about it. After all, open trade with mainland China in "non-strategic goods" hardly fits the Nixon foreign policy plan of 1968. This, of course, is based on the realization that when a nation trades with a totalitarian-aggressive government, there is virtually no such thing as a "non-strategic good".

It is enough that the White House is carrying on its friendship overtures to Peking, but furthermore it is now about to sell-out our allies on Formosa by virtually giving the Nationalist Chinese seat in the U.N. to Red China. Yessiree, folks, ol' Nixon's really standin' up to those reds.

On the domestic side we have witnessed a complete perversion of Nixon's alleged economic conservatism. Last August 15, as we know, he announced his price freeze (including wages and salaries). Again we ask, is this the Nixon of 1968? Unless he somehow equates free enterprise and government control of the heart of the market economy, the answer must be in the negative.

Other less publicized domestic programs now advocated by the executive branch of government are national health insurance (merely a toned-down version of liberal democrat Ted Kennedy's plan), a form of guaranteed annual income in the guise of welfare "reform", and a revenue sharing plan more than slightly reminiscent of the Democratic rhetoric in the Senate a time ago.

As one can plainly see by now, President Nixon has decided that the way to the salvation of the republic is the nationalization of its economy and economic-political fraternization with its self-proclaimed enemies. It is for these reasons that most leading conservatives (Wm. F. Buckley, Young Americans for Freedom, etc.) have suspended their support of the same man they backed only three years ago.

The significance of this lies in the fact that with an ever-rising conservative trend in the middle classes, Nixon is treading dangerous political water. However, as yet the "Silent Majority" types have not yet begun to exert their strength to stop Nixon's leftward swing. Perhaps in the future they will, say, when the President appoints William Kuntsler to the Supreme Court and tells the nation that he did so because he wanted a "strict constructionist" on the court.

FINALLY—RECOGNITION FOR RECORD

(Mr. MITCHEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MICHEL. Mr. Speaker, although the odds against making a hole-in-one during a round of golf are something like 1,500 or 2,000 to 1, I am happy to say that I have been fortunate to have accomplished that feat a few years ago.

It is exciting enough and quite unusual for a person to make even one hole-in-one during his golfing days but a constituent of mine, Mr. Walter Fast, from my hometown of Peoria, Ill., has made not one, but two aces—and Mr. Fast is only 92 years old.

He waited until November 12, 1970, to make his first ace, on the 13th hole of the Madison Golf Course in Peoria. Jim Obert, golf editor for the Peoria Journal Star wrote immediately after that to the famous Guiness Book of World Records in London, England, and when the 18th edition of the Guiness book was published last month, it noted that Mr. Fast became the oldest man in history to make a hole in one, at the age of 91 years and 339 days. Then, on June 24 of this year, Mr. Fast broke his own record by making his second hole in one at the age of 92 years and 175 days.

His feats are certainly an inspiration to those of us hackers who are apt to get discouraged with our game from time to time.

I salute Mr. Fast. As a fellow golfer and a fellow Peorian, I am proud of him and extend best wishes to him for many more years of golfing enjoyment. I include a story appearing in the October 30 edition of the Peoria Journal Star about Mr. Fast's accomplishments in the RECORD at this point:

FINALLY—RECOGNITION FOR RECORD

In a story out of London last Wednesday, the publishers of the Guiness Book of World Records admitted they can't keep up with the golf feats of Peorian Walter Fast.

When the 18th edition of the Guiness book was published last week, it noted that Fast, 1116 W. Nebraska, became the oldest man in history to make a hole in one when at the age of 91 years and 339 days he scored an ace on the 140-yard 13th at Madison.

Fast executed his hole in one Nov. 12, 1970, while playing with Roy Kilby, Vince Strangeland and his brother, Dr. Harry Fast of Mackinaw, who is 92.

Walter Fast plays golf twice a week and has never ridden a motorized cart in his life.

Journal Star golf editor Jim Obert began a correspondence with the Guiness publishers that turned out to be one-sided.

Obert supplied the name of Fast to Guiness, along with details of his hole in one and asked that it be recognized as a world record. Weeks passed and no answer from London. Another letter. And no answer again.

Meanwhile, Fast continued to play golf.

On June 24 of this year, he was out again at Madison, his favorite course. He came to the 13th hole where he had made his original bid for golf immortality.

He had used a driver the time before. This time he pulled a three-iron from his bag. The wind was with him. The ball on the clubface made a plinking sound as it flew toward the green. It bounced a couple of times and went into the hole.

Fast had done it again! This time he was 92 years and 175 days old.

Obert sent another letter to London, in which he informed the lexicographers of golf memorabilia that if they were considering Fast's first hole in one as a record they might as well forget it. He had bettered himself.

The Guiness people had already set the type for their latest publication, which has over 500 pages of information concerning "the spectacular feats of man and the wonders of the universe."

Fast's second ace put the publishers in a "bind."

So Wednesday they released a short story to United Press International in London saying Fast is too fast for them.

Wednesday night, Fast received a telephone call from a television station in Boston. The caller wanted a taped interview. Local television stations also contacted him.

Now that he has received the approbation he deserves, Fast ought to skip the 13th hole at Madison for a while.

SENSIBLE COVERAGE OF NATIONAL CONVENTIONS

Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, we have

a sound working relationship with the press here and in the other body. We are able to conduct business in an orderly fashion and the press are able to meet their responsibility of reporting to the public the activities which take place here. This is possible only because certain regulations have been established, limiting the access to the floor to Members, while at the same time providing adequate facilities for the media.

I feel that all would suffer if this Chamber were filled with television cameras, photographers, reporters, and technicians, zeroing in on conversations and attempting to evaluate isolated discussions. Their goal would be a laudable and understandable one: they would merely be trying to find out what was happening and report it to the public. But the result, I am sure, would be complete chaos, a perhaps innocent misinterpretation of events, and a total loss of efficiency.

But such is the case at another representative body; the national conventions. Here elected delegates must also try to carry out their responsibilities in as efficient a manner as possible. But because of the almost free access to the floor, it is not possible.

I have made known my disappointment over the fact that my own party has failed to establish regulations limiting access to the floor at the conventions. An editorial in the October 30 issue of the Bridgeport Post summarizes these feelings very well. I draw it to the attention of my colleagues on both sides of the aisle.

The editorial follows:

SENSIBLE COVERAGE

At the risk of drawing upon ourselves the wrath of a large segment of the electronic medium we support the proposal of Congressman John S. Monagan of Waterbury to bar television crews from the floor of the 1972 Democratic National Convention.

Mr. Monagan spoke the truth with his claim that "itinerant technicians and commentators" have been involved in the creation of pseudo incidents.

Delegates to a national convention, whether it be Democratic or Republican, are entitled to the privilege of doing their job without being harassed every so often by a fellow wandering about in an attire resembling that of a Martian.

During the 1968 Chicago convention a few of the television newsmen did a far better job of spreading rumors than they did in reporting facts. Some print journalists claim the boom for Senator Edward M. Kennedy was propelled to a good degree by television personalities who engaged in making, not reporting, news.

It is totally unfair to shove a microphone in front of a delegate and without warning throw a political bombshell in his face. Yet, this is the procedure which is followed to liven up the coverage.

Sure, every politician wants to have his image transmitted across the land. Why not set up interview studios in the hall where the delegates and others could be questioned in a dignified atmosphere, if they felt it appropriate.

Mr. Monagan simply wants the same rules applied to the convention of his party that govern the floor of the U.S. House of Representatives and U.S. Senate. The leadership of the Democratic Party would do well to heed his suggestion. The Republicans would not harm themselves by playing copycat either.

TEN DEATHS A MONTH: VIETNAM DRUG TOLL

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the liberalized amnesty program for voluntary drug abuse treatment in the armed services initiated by the Department of Defense in the spring has experienced some success. During the first 5 months of this year only 612 servicemen were treated under the amnesty program while in the succeeding 3 months 2,511 men participated. That is an increase of over 400 percent for the latter period. These statistics relate solely to servicemen in Vietnam.

During the first 5-month period of this year the deaths of 58 American servicemen in Vietnam were attributable to drug-related causes and 36 deaths were drug related during the next 3 months. The total of 94 deaths means that there has been an average of over 10 deaths a month due to drug-related causes for this year.

Quite significantly there has been a lack of participation in drug-abuse treatment programs by members of the U.S. Marine Corps. For the first 8 months of this year only two Marines had been treated under the amnesty program. There has been only minor participation by members of the Marine Corps in either military hospitals or outpatient treatment for drug abuse.

These statistics are based upon actual Vietnam hospital utilization reports—referred to as MACV RCS:6260–1—which I have received for the months of June, July and August from Brig. Gen. John K. Singlaub, Deputy for Drug and Alcohol Abuse. On July 26, I reported what I believed to be the first official Armed Forces drug-abuse figures for the months of January through May of 1971 based upon these hospital reports.

In order fully and accurately to comprehend the extent of the military drug problem, plan remedial action, and evaluate the effect of any remedical action which might be taken it is essential to have up-to-date and accurate statistics readily available. Despite the full cooperation of General Singlaub there has been a constant delay of almost 2 months in the receipt of these statistics which are prepared by the commanders of U.S. military hospitals in Vietnam. This delay was present in July and there has been no significant improvement. Two months is an unconscionable delay in the compilation of these statistics even though they originate in Vietnam.

These military hospitalization reports contain a statistical breakdown by service of the number of patients discharged from military hospitals—that is, Army, Air Force, Navy and Marine Corps, the number of men with less than 2 years of service, race, rank, age, the number of deaths from drug-related causes, the number of outpatient visits, transfers of patients out of the country with drug-related diagnosis, type of drug abuse, and admissions under the amnesty program.

Upon a review of these reports I find that in comparison with the first 5 months of this year they show that: There were 9,070 visits to the outpatient facilities of the military hospitals for drug-related reasons during the first 5 months of this year and 8,127 visits during the next 3 months for a total of 17,197. Nearly 80 percent of those treated and discharged from the military hospitals for drug abuse were between the ages of 18 and 21 for the first 5 months but during the next 3 months of this year this age group was reduced to 65 percent of the total treated.

One commissioned officer and no warrant officers were reported as being treated for drug abuse during the first 5-month period and only one commissioned officer and two warrant officers were treated in the next 2 months.

Since July the Department of Defense has taken some commendable actions in an attempt to solve the drug problem in the military including the institution of an amnesty program, review of all discharges other than dishonorable, and the program of drug testing for those servicemen in Vietnam. But all these programs are inadequate to cope with this complex problem. They do not go far enough to be fully effective. The Nation must not evade its responsibility to those servicemen already caught in the web of drug addiction. We must take positive action now to solve this ever increasing problem.

The provisions of my bill, H.R. 8216, "The Armed Forces Drug Abuse Control Act of 1971", which I introduced on May 10 for the purpose of establishing drug abuse control organizations in the armed services would render a viable solution to this situation. This bill would establish a Drug Abuse Control Board in each branch of the service to oversee the drug abuse control program for the purpose of: First, preventing those not already addicted to dangerous drugs from beginning; second, rehabilitating those already addicted, and third, through enforcement, eliminating the source of the drug supply available to members of the military. I have subsequently reintroduced this bill on several occasions with the bipartisan support of over 50 cosponsors.

On July 26 I introduced H.R. 10080, establishing a Military Drug Abuse Review Board, in an effort to set up review procedures for veterans of the Vietnam era who received a dishonorable discharge for drug abuse reasons. The Department of Defense has ordered the review of the cases of those servicemen who have received undesirable discharges for drug abuse reasons. Although commendable this action is not totally adequate. The cases of those men who received dishonorable discharges should also be examined. An incident which could lead to an undesirable discharge in one branch of the service might result in a dishonorable discharge in another. The benefits to which a veteran is entitled should not be denied to some and granted to others when they have all been discharged for similar activity.

I include the military hospital utilization reports for the months of June, July and August, as follows:

HOSPITAL UTILIZATION REPORT

(For use of this form, see MACV Directive 190-4)

From: MACMD-PS.
To: MACPM.
Reports control symbol MACV RCS 6260-1. Period covered: August 1-31, 1971.

SECTION A.—PERSONNEL DATA

Hospital	Number of patients discharged						Race			Rank				Age			
	USA	USAF	USN	USMC	Under 2 years service	DOD civilians	Caucasian	Negro	Other	E1/E5	E6/E9	Warrant officer	Commissioned officer	18-21	22-25	26-29	Over 30
3d Field	5				5		4	1		5				4	1		
3d Surg	1						1				1					1	
24th Evac	13				6		10	3		11		1	1	9	2		2
67th Evac	21				21		20	1		21				19	1	1	
85th Evac	45				23		39	6		45				38	7		
91st Evac	4				4		2	2		4				3	1		
95th Evac	15				9	1	10	6		15				9	5	1	1
Detox C CRB	1,124				493		624	500		1,118	6			644	290	179	11
Detox C LB	300				250		163	137		297	3			203	90	6	1
Organic Med																	
Treatment Fac	295				217		237	58		295				223	70	1	1
Total	1,823				1,028	1	1,110	714		1,811	10	1	1	1,152	467	189	16
377 USAF Disp		1					1			1				1			
315 USAF Disp		4			1		3	1		4				3	1		
483 USAF Hosp		3			1		1	2		3				3			
366 USAF Disp	10	7			6		13	4		17				14	3		
Total	10	15			8		18	7		25				21	4		
Drug Rehab C																	
LSB Nha Be			11	1	10		9	3		12				10	2		
Total	1,833	15	11	1	1,046	1	1,137	724		1,848	10	1	1	1,183	473	189	16

SECTION B.—DEATHS RESULTING FROM DRUG ABUSE

Mortuary	Number of deaths						Race			Rank				Age			
	USA	USAF	USN	USMC	DOD civ.	Total	Caucasian	Negro	Other	E1-E5	E6-E9	Warrant officer	Commissioned officer	18-21	22-25	26-29	Over 30
Tan Son Nhut	9					9	8	1		8	1			4	4		1
Da Nang	1					1	1			1				1			1
483d USAF Hosp	1					1	1				1						1
Total	11					11	10	1		9	2			5	4		3

SECTION C.—DRUG ABUSE RELATED OUTPATIENT VISITS

	USA	USAF	USN	USMC	DOD civ
Outpatient visits	1,997	56			1

SECTION D.—TRANSFERS—TRANSFERS OF PATIENTS OUT OF COUNTRY WITH DRUG-RELATED DIAGNOSES

	USA	USAF	USN	USMC	DOD civ.
Transfers to PACOM	8				
Transfers to CONUS	1,478	135	73		

SECTION E.—TYPE OF DRUG ABUSE

	Narcotics		Dangerous drugs user	Marihuana user	Other, user
	Addict	Nonaddict			
USA	525	1,301	6		11
USAF	11	2	1	1	
USN	35	13			
USMC		1			
DOD civ					1

SECTION F.—REHABILITATION EFFORTS

	USA	USAF	USN	USMC
Admissions under amnesty program	742	55	44	

SECTION G.—GENERAL COMMENTS

Figures in section B are clinically suspected deaths pending autopsy results. Autopsy proven deaths for May 1971 have been finalized at 4. Autopsy proven drug deaths for June 1971 have been finalized at 1. Autopsy proven drug deaths for July 1971 have been finalized at 2. Clinically suspected deaths for the month of August 1971 is 11.

Contact for additional information: Herbert E. Straughn, Maj, USAF, MSC. Approving officer: David L. Fowler, MAJ, MSC, USA, Chief, Administrative Division.

HOSPITAL UTILIZATION REPORT

(For use of this form, see MACV Directive 190-4)

From: MACMD-PS.
To: MACPM.
Reports control symbol MACV RCS 6260-1. Period covered: June 1-30, 1971.

SECTION A.—PERSONNEL DATA

Hospital	Number of patients discharged						Race			Rank				Age			
	USA	USAF	USN	USMC	Under 2 years service	DOD civ.	Caucasian	Negro	Other	E1/E5	E6/E9	Warrant officer	Commissioned officer	18-21	22-25	26-29	Over 30
3 Field	3	1			1		4			4				2	1	1	
3 Surg	2				2			2		2				2			
8 Field	4				2		3	1		4				4			
18 Surg	13				13		11	2		13				9	4		
24 Evac	13				6		7	5	1	12	1			8	4		1
67 Evac	8				8		7	1		8				6	2		
85 Evac	37				30		29	8		37				31	4	1	1
91 Evac	63				44		41	22		63				53	9		1
95 Evac	18				15		17	1		18				17	1		
Detox Center	126				96		78	48		122	4			86	35	5	
Org Med Treat Fac.[1]	461	10			397		373	91	7	469	2			361	107	2	1
Subtotal	748	11			554		570	181	8	752	7			579	167	9	4
183 USAF H	10	37	3		37		42	8		50				34	15	1	
317 USAF D																	
366 USAF D	15	17			12		21	11		32				23	8	1	
35 USAF D		4					2	2		4				3	1		
12 USAF D	1	3			3		2	2		4				2	2		
6251 USAF D		4					3	1		4				4			
Subtotal	26	65	3	0	52		70	24		94				66	26	2	
Total	774	76	3		606		640	205	8	846	7			645	193	11	4

SECTION B.—DEATHS RESULTING FROM DRUG ABUSE

Hospital mortuary	Number of deaths						Race			Rank				Age			
	USA	USAF	USN	USMC	DOD civ.	Total	Caucasian	Negro	Other	E1-E5	E6-E9	Warrant officer	Commissioned officer	18-21	22-25	26-29	Over 30
Tan Son Nhut	9					9	7	2		8	1			4	3		2
Da Nang	2					2	2			2				1	1		
Total	11					11	9	2		10	1			5	4		2

SECTION C.—DRUG ABUSE RELATED OUTPATIENT VISITS

	USA	USAF	USN	USMC	DOD Civ.
Outpatient visits	2,929	254	4		

SECTION D.—TRANSFERS—TRANSFERS OF PATIENTS OUT OF COUNTRY WITH DRUG-RELATED DIAGNOSES

	USA	USAF	USN	USMC	DOD civ.
Transfers to PACON	8	2			
Transfers to CONUS	26	6	9		

SECTION E.—TYPE OF DRUG ABUSE

	Narcotics		Dangerous drugs user	Marihuana user	Other, user
	Addict	Nonaddict			
USA	509	242	6		13
USAF	54	22	2	2	1
USN	2				
USMC					
DOD civ					

SECTION F.—REHABILITATION EFFORTS

	USA	USAF	USN	USMC
Admissions under amnesty program	588	54	84	2

SECTION G.—GENERAL COMMENTS

[1] First time report for this type of patient. The army organic medical treatment facility of 80 beds is part of a Brigade or Division size field unit.
[2] 13d Marine Amphibious Brigade final report due to standown.

Contact for additional information: Herbert E. Straugh, MAJ, USAF, MSC, Statistician. Approving officer: David L. Fowler, MAJ, MSC, USA, Chief, Administrative Division.

HOSPITAL UTILIZATION REPORT

(For use of this form, see MACV Directive 190-4)

From: MACMD-PS.
To: MACPM.
Reports control symbol MACV RCS 6260-1. Period covered: July 1-31, 1971.

SECTION A.—PERSONNEL DATA

Hospital	Number of patients discharged						Race			Rank				Age			
	USA	USAF	USN	USMC	Under 2 years service	DOD civilians	Caucasian	Negro	Other	E1/E5	E6/E9	Warrant officer	Commissioned officer	18-21	22-25	26-29	Over 30
3 Field	3				2		3			3				2		1	
3 Surg	0				0		0			0				0			
8 Field	3				2		2	1		3				1	2		
18 Surg	31				26		26	5		31				26	4	1	
24 Evac	9				5		4	5		9				6	3		
67 Evac	45	1			41		38	8		46				15	28	3	
85 Evac	29				19		24	5		29				21	6	2	
91 Evac	47				34		40	7		47				37	10		
95 Evac	23				20		20	3		23				20	3		
Treat Center	813				316		597	216		801	12			407	249	152	5
Org Med																	
Treat Fac	452	2			436		337	104		448	5	1		358	88	6	2
Subtotal	1,456	3			811		1,091	354	13	1,440	17	1		893	393	165	7
483 USAF H	3	8			4		5	6		11				9	2		
377 USAF D																	
366 USAF D	15	7		1	8		17	6		23				15	8		
315 USAF D		11			4		6	5		11				9	2		
12 USAF D																	
6251 USAF D		1					1			1				1			
Subtotal	18	27		1	16		29	17		46				34	12		
Total	1,473	30		1	827		1,120	371	13	1,486	17	1		927	504	165	7

SECTION B—DEATHS RESULTING FROM DRUG ABUSE

Mortuary	Number of deaths						Race			Rank				Age			
	USA	USAF	USN	USMC	DOD civ	Total	Caucasian	Negro	Other	E1-E5	E6-E9	Warrant officer	Commissioned officer	18-21	22-25	26-29	Over 30
Tan Son Nhut	12					12	10	2		12				7	4	1	
Da Nang	2					2	2			2				2			

SECTION C.—DRUG ABUSE RELATED OUT-PATIENT VISITS

	USA	USAF	USN	USMC	DOD civ.
Outpatient visits	2,641	145			

SECTION D.—TRANSFERS—TRANSFERS OF PATIENTS OUT OF COUNTRY WITH DRUG RELATED DIAGNOSES

	USA	USAF	USN	USMC	DOD civ.
Transfers to PACOM	1				
Transfers to CONUS	128	80	48		

SECTION E.—TYPE OF DRUG ABUSE

	Narcotics		Dangerous drugs user	Marihuana user	Other, user
	Addict	Nonaddict			
USA	595	849	5		
USAF	59	58	2		
USN	10	15		5	
USMC					
DOD civ					

SECTION F.—REHABILITATION EFFORTS

	USA	USAF	USN	USMC
Admissions under amnesty program	669	43	30	

SECTION G.—GENERAL COMMENTS

Figures in section B are clinically suspected deaths pending autopsy results. Autopsy proven drug deaths for April 1971 have been finalized at 3. All previous reports should read: Total U.S. Army Deaths 3; Autopsy proven 3.

Contact for Additional Information: Herbert E. Straughn, MAJ, USAF, MSC, Hlt. Svs. Administrator. Approving officer: David L. Fowler, MAJ, MSC, USA, Chief, Administrative Division.

MATSUNAGA MAKES 11TH HOUR APPEAL TO HALT CANNIKIN

The SPEAKER. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 10 minutes.

Mr. MATSUNAGA. Mr. Speaker, never have I felt as frustrated in any effort to accomplish some good as I feel today, the day before the scheduled explosion of a 5-megaton nuclear bomb at Amchitka, Alaska. It appears now that President

Nixon will not heed the pleadings of millions of Americans and other peoples of the Pacific border to alter his orders to the Atomic Energy Commission to proceed with the test.

But hope springs eternal in the hearts of men, and in the hope that the President may yet decide to reverse his ill-advised decision, I am sending him the following 11th-hour appeal:

Mr. President: The recent revelation of serious apprehension even among your own advisors about the possible disastrous effects of Cannikin, the five-megaton nuclear test scheduled for tomorrow, confirms what thinking Americans have been seriously concerned about for months: Cannikin may bring death and untold human suffering and cause irreparable damages to our environment.

Moreover, if Cannikin is conducted as planned, our position at the strategic arms limitation talks is likely to be jeopardized; our relations with our two most valued trading partners, Canada and Japan, may be ruptured beyond repair.

I have been alarmed over the fact that the Atomic Energy Commission, in an unprecedented display of arrogance, planned to conduct the test illegally, without revealing to the environmental protection agency all of the facts concerning the dangers involved.

Classified documents concerning the environmental impact of the test were made available to the public only this week under the guns of a Federdal court order. It is clear that these documents were classified by the AEC not for security reasons, but because the information they contained did not support the agency's decision to proceed with Cannikin.

As an advocate of open government, I was mortified to be told by the AEC that your orders to proceed with the test were contained in a letter to Chairman James Schlesinger, also classified "Secret."

Mr. President, under existing law, you are the only one who can stop Cannikin. While the authority belongs to you, and you alone, the responsibility for any tragic consequences of Cannikin must be borne by the American people. As a Representative of the people of Hawaii, along with millions of thinking Americans, I am, therefore, making this eleventh hour appeal to you to reconsider your ill-advised secret approval of the test, and canned Cannikin.

SPARK MATSUNAGA,
Member of Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. HAGAN (at the request of Mr. BOGGS), for today, on account of official business.

Mr. HORTON (at the request of Mr. GERALD R. FORD), 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:

Mr. RANDALL for 30 minutes today, to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. DU PONT) to revise and extend their remarks and include extraneous matter:)

Mr. HUNT, for 60 minutes, on November 9.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. KEMP, for 5 minutes, today.

(The following Members (at the request of Mr. RUNNELS) to revise and extend their remarks and include extraneous matter:)

Mr. FLOOD, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. JAMES V. STANTON, for 10 minutes, today.

Mr. MATSUNAGA, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MICHEL and to include extraneous matter.

Mr. MATSUNAGA to extend his remarks prior to passage of H.R. 8293, today.

(The following Members (at the request of Mr. DU PONT) and to include extraneous material:)

Mr. HUNT.
Mr. MORSE in two instances.
Mr. ASHBROOK in three instances.
Mr. SCHMITZ.
Mr. WYMAN in two instances.
Mr. FRELINGHUYSEN.
Mr. GERALD R. FORD.
Mr. MCDONALD of Michigan.
Mr. KEMP.
Mr. ARCHER in two instances.
Mr. NELSEN.

(The following Members (at the request of Mr. RUNNELS) and to include extraneous material:)

Mr. FRASER.
Mr. DRINAN.
Mr. DENT.
Mr. GONZALEZ in three instances.
Mr. HAGAN in three instances.
Mr. RODINO in three instances.
Mr. EDWARDS of California in two instances.
Mr. KLUCZYNSKI in three instances.
Mr. PUCINSKI in six instances.
Mr. RYAN in three instances.
Mr. RARICK in three instances.
Mr. ROGERS in three instances.
Mr. DINGELL in three instances.
Mr. WALDIE in three instances.
Mr. CULVER in five instances.
Mr. BROOKS.
Mr. PIKE in two instances.
Mr. EILBERG.
Mr. ROE in two instances.
Mr. MANN.
Mr. MAHON.
Mr. DAVIS of South Carolina in two instances.
Mr. WRIGHT in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1977. An act to establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 2781. An act to amend section 404(g) of the National Housing Act; to the Committee on Banking and Currency.

ADJOURNMENT

Mr. RUNNELS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until Monday, November 8, 1971, at 12 o'clock noon.

CONFERENCE REPORT ON H.R. 8687

Mr. HÉBERT submitted the following conference report and statement on the bill (H.R. 8687) authorizing appropriations for fiscal year 1972 for military procurement, research and development, and for anti-ballistic missile construction; and prescribing Reserve strength:

CONFERENCE REPORT (H. REPT. No. 92–618)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—PROCUREMENT

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

AIRCRAFT

For aircraft: for the Army, $94,200,000; for the Navy and the Marine Corps, $3,254,900,000 of which not to exceed $801,600,000 shall be available for a F–14 aircraft program of not less than 48 aircraft; for the Air Force, $3,029,800,000: *Provided,* That $14,500,000 of funds available to the Air Force for aircraft procurement shall be available for the procurment of 30 armed STOL aircraft.

MISSILES

For missiles: for the Army, $1,066,100,000; for the Navy, $704,100,000; for the Marine Corps, $1,300,000; for the Air Force, $1,791,200,000.

NAVAL VESSELS

For naval vessels: for the Navy, $3,067,100,000, of which $14,600,000 is authorized only for advance procurement for the nuclear powered guided missile frigate DLGN–41. The contracts for advance procurement for the DLGN–41 shall be entered into as soon as practicable unless the President fully advises the Congress that its construction is not in the national interest.

TRACKED COMBAT VEHICLES

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

TORPEDOES

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

OTHER WEAPONS

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

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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

For the Army, $1,880,000,000;

For the Navy (including the Marine Corps), $2,418,700,000 of which amount not more than $4,492,000 may be used to carry out research and development in connection with the Navy's Project Sanguine, and of which amount $150,000 shall be available only for carrying out an environmental compatibility program in connection with the Sanguine project, and of which amount $300,000 shall be available only for biological and ecological effects research in connection with the Sanguine project;

For the Air Force, $2,979,000,000; and

For the Defense Agencies, $465,700,000.

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

"SEC. 40. Unless otherwise provided in the appropriation Act concerned, moneys appropriated to the Department of Defense (1) for the procurement of technical military equipment and supplies and the construction of public works, including moneys appropriated to the Department of the Navy for the procurement and construction of guided missiles, remain available until spent, and (2) for research and development remain available for obligation for a period of two successive fiscal years."

(c) None of the funds authorized to be appropriated by this Act may be used to carry out any research and development work in connection with a deep underground system for the Sanguine project.

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

TITLE III—RESERVE FORCES

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

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

(2) The Army Reserve, 260,000.

(3) The Naval Reserve, 129,000.

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

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

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

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

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

SEC. 303. (a) Section 270(a) of title 10, United States Code, is amended by adding below clause (2) thereof a new sentence as follows:

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

(b) Section 502(a) of title 32, United States Code, is amended by adding below clause (2) thereof a new sentence as follows: "However, no member of such unit who has served on active duty for one year or longer shall be required to participate in such training if the first day of such training period falls during the last one hundred and twenty days of his required membership in the National Guard."

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

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

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

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

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

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

(b) There are authorized to be appropriated for the purpose of this section not to exceed $109,570,000, of which not more than $5,200,000 shall be available for community impact assistance as authorized by section 610 of Public Law 91–511.

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

SEC. 402. Notwithstanding the repeal provision of section 605(b) of the Act of October 26, 1970, Public Law 91–511 (84 Stat. 1204, 1223), authorizations contained in section 401 of the Act of October 7, 1970, Public Law 91–441 (84 Stat. 905, 909) for the following items which shall remain in effect until fifteen months from the date of this Act and which shall be increased from $8,800,000 to $9,200,000:

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

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

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

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

TITLE V—GENERAL PROVISIONS

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

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

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

SEC. 503. The Strategic and Critical Materials Stock Piling Act (60 Stat. 596; 50 U.S.C. 98–98h) is amended (1) by redesignating section 10 as section 11, and (2) by inserting after section 9 a new section 10 as follows:

"SEC. 10. Notwithstanding any other provision of law, on and after January 1, 1972, the President may not prohibit or regulate the importation into the United States of any material determined to be strategic and critical pursuant to the provisions of this Act, if such material is the product of any foreign country or area not listed as a Communist-dominated country or area in general headnote 3(d) of the Tariff Schedules of the United States (19 U.S.C. 1202), for so long as the importation into the United States of material of that kind which is the product of such Communist-dominated countries or areas is not prohibited by any provision of law."

SEC. 504. (a) The amount of $325,100,000 authorized to be appropriated by this Act for the development and procurement of the C–5A aircraft may be expended only for the reasonable and allocable direct and indirect costs incurred by the prime contractor under a contract entered into with the United States to carry out the C–5A aircraft program. No part of such amount may be used for—

(1) direct costs of any other contract or activity of the prime contractor;

(2) profit on any materials, supplies, or services which are sold or transferred between any division, subsidiary, or affiliate of the prime contractor under the common control of the prime contractor and such division, subsidiary, or affiliate;

(3) bid and proposal costs, independent research and development costs, and the cost of other similar unsponsored technical effort; or

(4) depreciation and amortization costs on property, plant, or equipment.

Any of the costs referred to in the preceding sentence which would otherwise be allocable to any work funded by such $325,100,000 may not be allocated to other portions of the C-5A aircraft contract or to any other contract with the United States, but payments to C-5A aircraft subcontractors shall not be subject to the restriction referred to in such sentence.

(b) Any payments from such $325,100,000 shall be made to the prime contractor through a special bank account from which such contractor may withdraw funds only after a request containing a detailed justification of the amount requested has been submitted to and approved by the contracting officer for the United States. All payments made from such special bank account shall be audited by the Defense Contract Audit Agency of the Department of Defense and, on a quarterly basis, by the General Accounting Office. The Comptroller General shall submit to the Congress not more than thirty days after the close of each quarter a report on the audit for such quarter performed by the General Accounting Office pursuant to this subsection.

(c) The restrictions and controls provided for in this section with respect to the $325,100,000 referred to in subsections (a) and (b) of this section shall be in addition to such other restrictions and controls as may be prescribed by the Secretary of Defense or the Secretary of the Air Force.

SEC. 505. (a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other Act may be expended in any amount in excess of $350,000,000 for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, equipment, services, personnel, or advisers in, to, for, or on behalf of Laos during the fiscal year ending June 30, 1972.

(b) In computing the $350,000,000 limitation on expenditure authority under subsection (a) of this section in fiscal year 1972, there shall be included in the computation the value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Laos in such fiscal year by gift, donation, loan, lease, or otherwise. For the purpose of this subsection, "value" means the fair market value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Laos, but in no case less than 33⅓ per centum of the amount the United States paid at the time such goods, supplies, materials, or equipment were acquired by the United States.

(c) No additional expenditures in excess of the limitation prescribed in subsection (a) of this section may be made for any of the purposes described in such subsection in, to, for, or on behalf of Laos in any fiscal year beginning after June 30, 1972, unless such expenditures have been specifically authorized by law enacted after the date of enactment of this Act. In no case shall expenditures in any amount in excess of the amount authorized by law for any fiscal year be made for any such purpose during such fiscal year.

(d) The provisions of subsections (a) and (c) of this section shall not apply with respect to the expenditure of funds to carry out combat air operations in or over Laos by United States military forces.

(e) After the date of enactment of this Act, whenever any request is made to the Congress for the appropriation of funds for use in, for, or on behalf of Laos for any fiscal year, the President shall furnish a written report to the Congress explaining the purposes for which such funds are to be used in such fiscal year.

(f) The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year, beginning with the fiscal year which begins July 1, 1971, a written report showing the total amount of expenditures in, for, or on behalf of Laos during the preceding quarter by the United States Government, and shall include in such report a general breakdown of the total amount expended, describing the different purposes for which such funds were expended and the total amount expended for such purposes, except that in the case of the first two quarters of the fiscal year beginning July 1, 1971, a single report may be submitted for both such quarters and such report may be computed on the basis of the most accurate estimates the Secretary of Defense can make taking into consideration all information available to him.

SEC. 506. (a) Beginning with the calendar year 1972, the Secretary of Defense shall submit to the Congress each calendar year, at the same time the President submits the Budget to the Congress pursuant to section 201 of the Budget and Accounting Act, 1921, a written report regarding development and procurement schedules for each weapon system for which fund authorization is required by section 412(b) of Public Law 86-149, as amended, and for which any funds for procurement are requested in such budget. Beginning with the calendar year 1973, there shall be included in the report data on operational testing and evaluation for each such weapon system for which funds for procurement are requested (other than funds requested only for the procurement of units for operational testing and evaluation and/or long lead-time items). A weapon system shall also be included in the annual report required under this subsection in each year thereafter until procurement of such system has been completed or terminated, or until the Secretary of Defense certifies in writing that such inclusion would not serve any useful purpose and gives his reasons therefor.

(b) A supplemental report shall be submitted to the Congress by the Secretary of Defense not less than thirty nor more than sixty days before the awarding of any contract or the exercising of any option in a contract for the procurement of any such weapon system other than procurement of units for operational testing and evaluation and/or long lead-time items) unless (1) the contractor or contractors for that system have not yet been selected, and the Secretary of Defense determines that the submission of such report would adversely affect the source selection process and notifies the Congress in writing, prior to such award, of such determination, stating his reasons therefor, or (2) the Secretary of Defense determines that the submission of such report would otherwise adversely affect the vital security interests of the United States and notifies the Congress in writing of such determination at least 30 days prior to such award, stating his reasons therefor.

(c) Any report required to be submitted under subsection (a) or (b) of this section, as the case may be, shall include detailed and summarized information with respect to each weapon system covered by such report, and shall specifically include, but shall not be limited to—

(1) the development schedule, including estimated annual costs until development is completed;

(2) the planned procurement schedule, including the best estimate of the Secretary of Defense of the annual costs and units to be procured until procurement is completed;

(3) to the extent required by the second sentence of subsection (a) of this section, the results of all operational testing and evaluation up to the time of the submission of the report, or, if operational testing and evaluation has not been conducted, a statement of the reasons therefor and the results of such other testing and evaluation as has been conducted.

(d) In the case of any weapon system for which procurement funds have not been previously requested and for which funds are first requested by the President in any fiscal year after the Budget for such fiscal year has been submitted to the Congress, the same reporting requirements shall be applicable to such system in the same manner and to the same extent as if funds had been requested for such system in such Budget.

TITLE VI—TERMINATION OF HOSTILITIES IN INDOCHINA

SEC. 601. (a) It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces at a date certain, subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces. The Congress hereby urges and requests the President to implement the above-expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph 1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

F. EDW. HÉBERT,
MELVIN PRICE,
O.C. FISHER,
CHARLES E. BENNETT,
JAMES A. BYRNE,
SAMUEL S. STRATTON,
LESLIE C. ARENDS,
ALVIN E. O'KONSKI,
WILLIAM G. BRAY,
BOB WILSON,
CHARLES GUBSER,
Managers on the Part of the House.

JOHN C. STENNIS,
STUART SYMINGTON,
HOWARD W. CANNON,
THOMAS J. MCINTYRE,
HARRY F. BYRD,
MARGARET CHASE SMITH,
(with reservations on Mansfield amendment)
STROM THURMOND,
JOHN TOWER,
PETER H. DOMINICK,
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 amendment of the Senate to the bill (H.R. 8687), an act 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, 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:

TITLE I—PROCUREMENT

Aircraft

Army

The House bill provided an authorization of $111.2 million for procurement of Army aircraft and support equipment. The Senate reduced this amount by $17 million, citing the availability of prior-year funds to support the fiscal year 1972 program.

The House recedes.

Navy and Marine Corps

The House bill provided an authorization of $2,513,200,000 for procurement of aircraft for the Navy and Marine Corps, with no funds authorized to be appropriated for F–14 aircraft or transport aircraft of the DC–9 or 737 type.

The Senate authorized a total of $3,256,-200,000 for Navy and Marine Corps aircraft, including $24.4 million for five DC–9 or 737-type aircraft and earmarked $801.6 million for an F–14 aircraft program of not less than 48 aircraft.

For the F–14A fighter, the House withdrew its authorization of $806.1 million, without prejudice, pending conclusion of a Navy and Defense Department review of the program. The Senate authorization of $801.6 million, a reduction of $4.5 million from the administration's original request, recognized prior-year funding available for advanced procurement of F–14A engines. The Navy-DOD review urged continuation of the F–14A program. The conferees, therefore, agreed to authorize $801.6 million for 48 F–14A aircraft.

The House recedes.

The House bill eliminated authorization in the amount of $24.4 million for five C–9 type medium transport jet aircraft. The Senate bill authorized procurement of these aircraft. The House supported the view that obsolete propeller-driven aircraft of the Navy should be replaced by modern jet aircraft but felt that alternatives to satisfy Navy transport requirements had not been fully explored. The Secretary of Defense subsequently advised the conferees that alternative programs had been investigated but procurement of "off-the-shelf" commercial aircraft is the most efficient procedure.

The House, therefore, recedes.

For the EA–6B electronic warfare aircraft, the House authorized $218.9 million for 19 aircraft. The Senate reduced the request by $55 million to eliminate 7 aircraft, but added $4.4 million of long lead funding for procurement of the 7 in fiscal year 1973, a net reduction of $50.6 million. The conferees upheld the Senate reduction of the seven aircraft but added $18.6 million for procurement of additional electronic equipment.

The authorization, therefore, is $186.9 million, a reduction of $32 million from the budget request, and will allow procurement of 12 EA–6B aircraft.

The Navy request and the House bill included $102.3 million for procurement of 30 Harrier aircraft. The request for funds assumed that these aircraft would be manufactured in England. The Senate added $23.7 million as a first increment of funding to establish domestic production of the aircraft. The House supported the domestic production concept in its report on the authorization bill for fiscal year 1970 (House Report No. 91–522). However, funds authorized for this purpose in fiscal year 1971 (Public Law 91–441) were not included in the appropriation act (Public Law 91–668). The House Appropriations Committee in its report, House Report 91–1570, stated that "This action does not terminate the Harrier program and does not preclude future manufacture of Harrier in the United States."

The conferees agreed to delete the $23.7 million added by the Senate and urge the Department of Defense to explore the possibility of achieving the objective of domestic production of any follow-on to the AV–8A Harrier.

The Senate recedes.

The House bill provided $298.1 million for procurement of 36 P–3C antisubmarine warfare aircraft. The Senate reduced the program by 12 aircraft and $51 million to effect a smoother production rate. The conferees agreed to the Senate position.

The House recedes.

The House bill included $3.8 million for procurement of two light transport jet aircraft as a part of the modernization/replacement program of Navy mission support aircraft. The Senate deleted this authorization from the bill. The conferees agreed to restore the $3.8 million.

The Senate recedes.

The House bill included $1.3 million to modify A–7 type aircraft to operate an extended-range version of the Walleye II glide bomb. The Senate deleted these funds on the basis that this new program should be reoriented to the "fly-before-buy" concept, and that operational-type testing validate that it can be operated from a single place aircraft such as the A–7 before large quantities of missiles are procured and many aircraft are modified.

The House recedes.

The House bill authorized $3,102,000,000 for procurement of 200 aircraft by the Air Force. The Senate reduced this amount by $113 million and 12 aircraft. The Senate recognized that the contract for the C–5A program has been restructured to a fixed-loss type of contract and that the funds requested in fiscal year 1972 are needed to pay the expenditures at Lockheed to continue the program; however, the Senate reduced the authorization by $72.2 million "to minimize the possible build-up of large excess funds that might detract from any continuing management improvements and efficiency in this program."

The conferees agreed to the Senate position while recognizing that under the terms and conditions of the restructured C–5A contract, additional funding will be required in the next fiscal year to complete the program.

The House recedes.

For the C–130E tactical transport, the House bill provided for procurement of 12 aircraft for $40.8 million. The Senate bill deleted these aircraft without prejudice. The House conferees were able to convince the Senate conferees of the necessity of authorizing these aircraft this year.

The Senate recedes.

The Senate added language to the authorization bill making $14.5 million of funds available to the Air Force for aircraft procurement available for the procurement of 30 armed STOL aircraft. The authorization of these aircraft was requested after the House had completed initial action on the fiscal year 1972 authorization bill. The conferees agreed to accept the Senate language which does not add to the dollar amount authorized in the bill.

The House recedes.

Missiles

Army

The House bill provided an authorization of $1,101,100,000 for the Army procurement of missiles. The Senate reduced the authorization related procurement for the Safeguard ABM program by $35 million—from $674 million to $639 million—in recognition of delays in the program caused principally by construction slippage. The items affected by the Senate reduction relate to Safeguard ground equipment, repair parts and support material.

The House recedes.

[Additional action on Safeguard is discussed further on in this statement.]

Navy

The House bill provided an authorization of $701,500,000 for procurement of missiles by the Navy. The Senate increased this amount by $2.6 million to procure additional AIM–7E Sparrow missiles to offset slippages experienced in the AIM–7F program.

The administration requested $61.3 million for procurement of the Sparrow missile. The House reduced the procurement account to $37.4 million and transferred $23.9 million to RDT&E because of difficulties in development of the 7F version of the missile. The Senate reduced the RDT&E account by another $2.6 million but increased the procurement account by $2.6 million for the additional 7E missiles. The Sparrow program total, therefore, remained at $61.3 million.

The conferees agreed to the Senate revision. The House recedes.

Air Force

The House bill provided an authorization of $1,841,400,000 for procurement of missiles by the Air Force. The Senate reduced this amount by $66.5 million, with $61 million of the reduction being applied to the Minuteman program and $5.5 million applied to modification of the Falcon missile.

The conferees agreed to restore $14 million of the Senate reduction for Minuteman guidance and control units. The Senate recedes on $14 million and the House recedes on $47 million.

The conferees also agreed to restore $2.3 million of the Senate reduction related to the Falcon modification program to support operational requirements. The Senate recedes on $2.3 million. The House recedes on $3.2 million.

Naval vessels

For the Navy Shipbuilding and Conversion Program the House bill authorized $3,328,-900,000. The Senate reduced this authorization by $318.3 million. The conferees agreed on an authorization totaling $3,067,100,000.

DLGN

Both the House and the Senate had identical language setting aside $14,600,000 of the Navy shipbuilding program for advance procurement for the nuclear-powered guided-missile frigate DLGN 41. In addition, the House bill had the further requirement that "The contract(s) for advance procurement for the DLGN 41 shall be entered into as soon as practicable unless the President fully advises the Congress that its construction is not in the national interest." The Senate amendment deleted this language. The Department of Defense had announced that it would not proceed with DLGN 41. Without DLGN 41 there would only be seven nuclear-powered frigates for three nuclear-powered aircraft carriers. Since the Navy has testified that it needs at least four nuclear-powered frigates to escort each nuclear-powered aircraft carrier, without additional DLGN's the number of escorts would be far below the minimum desired. Hence, it was agreed that the language should be retained.

The Senate recedes.

Nuclear attack submarines

The Senate added $22.5 million for long lead time items for a sixth nuclear attack submarine. Since the Soviets are speeding the development and production of new submarines, the conferees agreed that the long lead time items for this extra submarine would be desirable.

The House recedes.

Submarine tender

The House approved a budget request for two submarine tenders for a total of $214,000,000. The Senate reduced this amount so as to provide $123,000,000 full funding for one submarine tender and $15,000,000 advanced funding for an additional submarine tender. Since the conferees were advised that the reduction in funding did not affect the production schedule for the follow-on submarine tender, the House accepted the Senate position.

The House recedes.

Replenishment oiler

The House provided $56.5 million for one AOR Replenishment Oiler. The Senate deleted this ship because of Navy testimony that such a ship would not be needed for nuclear carriers and that alternative approaches were being examined. However, it was pointed out that less than one percent of the fleet would be nuclear by the end of fiscal year 1972. Since the 99-percent balance of the fleet needed oilers and since 19 of the 25 present oilers are already 25 years old, the conferees agreed to retain the House authorization.

The Senate recedes.

ATS rescue and salvage ships

The House provided $83,000,000 for three ATS Rescue and Salvage Ships. The Senate deleted two of the ships and dropped the amount available to $30.4 million. The Department of Defense did not seek restoration of the funds.

The House recedes.

Claims and other cost increases

The House provided the budget request of $373.7 million for claims and other cost increases. The Senate found that $155.7 million was not required for obligation in fiscal year 1972 and deleted that amount. The conferees were advised that a portion of the reduction should be applied against the "completion of prior year programs" category; there is no objection to this bookkeeping change.

The House recedes.

TITLE II—RESEARCH AND DEVELOPMENT

General

Both the House and Senate modified the Research and Development authorization requested by the Department of Defense. The departmental request totaled $7,950,800,000. The House bill authorized a total of $7,963,300,000, whereas the Senate authorization totaled $7,605,200,000. The conferees agreed on a total of $7,793,400,000. The amount agreed upon is $169,900,000 less than that approved by the House, is $188,200,000 more than the amount authorized by the Senate and is $157,400,000 less than was requested by the Department of Defense.

The adjustments made by the two Houses and those agreed upon in conference are reflected in the following table:

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
[In millions]

Program element	Fiscal year 1972 request	House: Change	House: Authorization	Senate: Change from House	Senate: Authorization	Conference action: Change from Senate	Conference action: Authorization
ARMY							
Human factors in military system	4.1		4.1	−0.8	3.3		3.3
Military selection, training, and leadership	3.4		3.4	−.2	3.2		3.2
Performance effectiveness of the American soldier	4.6		4.6	−.7	3.9		3.9
General chemical investigations	7.9		7.9	−2.0	5.9		5.9
Manpower resources development	6.3		6.3	−1.6	4.7		4.7
Heavy lift helicopter	47.0	−11.5	35.5	−5.5	30.0		30.0
Aerial surveillance, target acquisitions, and night operations	9.1		9.1	−2.7	6.4		6.4
Aircraft weapons	40.8		40.8	−12.8	28.0		28.0
Utility tactical transport aircraft system	20.5		20.5	−7.6	12.9	+7.6	20.5
Surface-to-air missile (SAM-D)	115.5		115.5	−15.0	100.5	+15.0	115.5
Terminal homing	28.0		28.0	−9.9	18.1	+5.0	23.1
Prototype hardsite development	65.0		65.0	−5.0	60.0		60.0
Safeguard	410.0		410.0	−52.4	357.6		357.6
Tracked and special vehicles	8.5		8.5	−8.5		+8.5	8.5
Main battle tank	27.5		27.5	+35.3	62.8		62.8
Technical support of the military man	11.2		11.2	−2.2	9.0	+1.7	10.7
Joint tactical communications system (TRI-TAC)	10.0	−5.2	4.8	+.4	5.2		5.2
Tactical automatic data processing system equipment	23.4		23.4	−8.4	15.0		15.0
Institute of the man	5.7		5.7	−.5	5.2		5.2
Prototype program						+12.0	12.0
Programs not in dispute	1,071.4		1,071.4		1,071.4		1,071.4
Total	1,950.0	−16.7	1,933.3	−115.0	1,818.3	+61.7	1,880.0
NAVY							
Center for Naval Analysis, Marine Corps	1.0		1.0	−.1	.9		.9
Center for Naval Analysis, Navy	8.6		8.6	−1.4	7.2		7.2
Special foreign currency program	2.9	−.3	2.6		2.6		2.6
Destroyer helicopter system (LAMPS)	38.5		38.5	−17.0	21.5	+4.5	26.0
Aircraft flight test, general	5.3		5.3	−1.0	4.3		4.3
3T major systems development	31.2		31.2	−5.4	25.8		25.8
Underseas long-range missile system (ULMS)	109.5		109.5	−6.5	103.0		103.0
Fleet ballistic missile system	38.9		38.9	−6.0	32.9		32.9
Advanced Sparrow		+23.9	23.9	−2.6	21.3		21.3
FBM command control (Sanguine)	14.8		14.8	−2.1	12.7	+1.0	13.7
New ship design	12.0		12.0	−1.0	11.0		11.0
Personnel support	7.8		7.8	−.4	7.4		7.4
Education and training development	3.3		3.3	−.7	2.6		2.6
Other Marine Corps systems	9.7		9.7	−3.0	6.7	+3.0	9.7
Joint tactical communications system, Navy (TRI-TAC)		+.6	.6	−.6			
Joint tactical communications system, Marine Corps (TRI-TAC)		+2.0	2.0	−2.0			
NAVY—Continued							
ASW management and technical support	14.5		14.5	−4.5	10.0	+4.1	14.1
Prototype program						+10.0	10.0
Programs not in dispute	1,984.8		1,984.8		1,984.8		1,984.8
Total	2,434.3	+26.2	2,460.5	−85.7	2,374.8	+43.9	2,418.7
AIR FORCE							
Flight vehicle subsystem concepts	19.4		19.4	−5.8	13.6	+5.8	19.4
Reconnaissance drones	1.5		1.5	−1.5			
C-5A airlift squadrons	26.0		26.0	−3.6	22.4	+3.6	26.0
Advanced missile options	7.0		7.0	−7.0		+5.0	5.0
Hound Dog II	12.1		12.1	−7.0	5.1		5.1
Minuteman squadrons	186.6		186.6	−10.0	176.6	+5.0	181.6
Tactical air-to-air missile		+10.5	10.5	−2.7	7.8		7.8
Survivable satellite	6.0		6.0	−3.0	3.0	+3.0	6.0
Aerospace defense program	10.0		10.0	−8.0	2.0	+8.0	10.0
Military satellite communications system	8.6		8.6	−4.5	4.1		4.1
Special activities	212.2		212.2	−8.2	204.0		204.0
Satellite data relay system	37.8		37.8	−30.0	7.8	+10.0	17.8
Advanced radiation technology	28.1		28.1	−5.0	23.1	+5.0	28.1
Laboratory independent exploratory development	5.4		5.4	−5.4			
Human resources	5.0		5.0	−.1	4.9		4.9
Tactical information processing and interpretation	8.5		8.5	−3.0	5.5	+3.0	8.5
Improved capability for operational test and evaluation	5.0		5.0	−5.0		+2.9	2.9
Protective system	31.5		31.5	−7.0	24.5	+5.0	29.5
Joint tactical communications system (TRITAC)		+2.6	2.6	−2.6			
Prototype program						+12.0	12.0
Programs not in dispute	2,406.3		2,406.3		2,406.3		2,406.3
Total	3,017.0	+13.1	3,030.1	−119.4	2,910.7	+68.3	2,979.0
DEFENSE AGENCIES							
ARPA:							
Overseas defense research	27.5	−10.0	17.5	−4.0	13.5	+3.0	16.5
Advanced sensors	9.0		9.0	−3.0	6.0	+3.0	9.0
Other	191.5		191.5		191.5		191.5
DCA:							
Defense communications planning group	34.0		34.0	−31.0	3.0	+8.3	11.3
Other	16.6		16.6		16.6		16.6
DIA/NASA/DASA	189.1		189.1		189.1		189.1
DSA (DDC) program	13.2		13.2		13.2		13.2
Technical support to Office of Secretary of Defense and organizations of Joint Chiefs of Staff program	18.5		18.5		18.5		18.5
Total	499.4	−10.0	489.4	−38.0	451.4	+14.3	465.7
Emergency fund	50.0		50.0		50.0		50.0
Total Department of Defense R.D.T. & E	7,950.8	+12.5	7,963.3	−358.1	7,605.2	+188.2	7,793.4

Note: Detail does not add to total because certain classified items were omitted.

Two-year limitation on research and development

The Senate bill included a new section 201(b) which limits the time period, within which funds authorized for research and development by any act may be obligated, to two consecutive fiscal years commencing with fiscal year 1972. It is the intent of this section that, unless otherwise provided in the appropriation Act for fiscal year 1972 or subsequent years, funds appropriated for RDT & E will be available for obligation for only two successive fiscal years.

The House bill contained no comparable provision.

This action conforms with that of the Congress last year, when the same restrictions were imposed in the Department of Defense Appropriation Act, 1971, P.L. 91-668.

The House conferees are in general agreement with the objectives of this section which encourages the more timely and effective use of RDT & E funds and should provide a significant improvement in Congressional control of Department of Defense spending.

The House conferees agreed to accept the Senate language.

Defense special projects group

The Senate, in its action on the bill, reduced the amount requested for the Defense Special Projects Group by $31 million, from $34 million to $3 million. In its report, the Senate Committee stated that the continuation of this organization after completion of the Southeast Asia sensor system work (for which the remaining $3 million is provided) is not warranted; that any future tasks involving sensor development and applications should be assigned to the military departments under DDR & E coordination; and that advanced technology in sensors should be conducted, as in the past, by the Advanced Research Projects Agency until they show sufficient promise and progress to justify the assumption of development responsibility by the cognizant service.

The Deputy Secretary of Defense by separate letters and in the reclama stated the importance of retaining the demonstrated DSPG capability to rapidly accomplish high-priority tasks and to respond quickly to multi-service requirements. However, the conferees agreed with the Senate report which stated:

* * * that an organization which has been created for a specific task should not be perpetuated after the task is completed because 'it seemed essential to retain the experience and capabilities of DCPG.' This could lead to a proliferation of organizations and functions within the Department of Defense and circumvent the existing established structure and procedures of the Department which has demonstrated time and again that it has both the technical competence and 'Quick Reaction Capability' needed to get a job done well and within the time required. The demonstrated skill of the 157 military personnel will not be lost, but could serve to benefit their respective services when they are reassigned to duty. The same may be said of those of the 57 civilian employees whose capabilities are deemed important to retain.

The conferees agree that there is little or no justification to continue the Defense Special Projects Group. This organization was created specifically to develop and deploy the sensor systems identified as the "McNamara line" to satisfy a wartime requirement in Southeast Asia. The $3 million requested to complete that effort has been approved by both Houses. The $17 million requested to support an experimental test, which would employ the sensor technology developed for Southeast Asia, was denied by the Senate because it is designed for interim use and substantially duplicates work which the Army is doing and which is more comprehensive and addresses a mid-1970s' capability. There is no convincing need for such a near term capability. Moreover, while the NATO allies have expressed an interest in this program, they are not contributing financially to its support.

The conferees agreed to accept the Senate reduction.

The conferees agreed to restore the $3 million for development of physical security equipment and the $5.3 million for development of standoff surveillance equipment, both of which were denied by the Senate. However, the work to be performed with these funds should be conducted by the responsible military department. Therefore, the Department of Defense should transfer these funds to the respective military department to do these tasks. The Department of Defense is directed to disestablish the Defense Special Projects Group by the end of fiscal year 1972 or as soon as practicable.

The conferees agreed that in the future, work involving sensor technology should be pursued by the Department of Defense as it was done prior to the creation of the Defense Special Projects Group. Under that procedure, the Advanced Research Projects Agency (ARPA) and the military departments support such advanced technology. When the advanced technology conducted by ARPA shows sufficient promise, the next phases of development should be picked up by the individual service. DDR & E, under that procedure, will be responsible for coordinating all of the Department of Defense efforts involved as it now does for the total Research and Development program.

Prototype program

The Department of Defense reclama to the Congress on the fiscal year 1972 Military Procurement Authorization bill, which was submitted on October 13, 1971, requested authorization of $67.5 million to initiate an advanced prototype program. This formal request followed a series of presentations made by the Deputy Secretary of Defense, the Director of Defense Research and Engineering, and principal representatives of the military departments before committees of the House and Senate to describe the details of the proposed program. Hearings before the Senate Armed Services Committee were held on September 9, 1971, and the proceedings have been printed under that date with the title "Advanced Prototype."

The proposal is to initiate a procedure of procuring advanced prototypes of systems and components to demonstrate technical feasibility before taking any further procurement steps in a program. It would allow the thorough test of prototype hardware against military needs before a commitment is made to full-scale development. *The underlying objective of this program is to place more reliance on the performance of hardware and less emphasis on paper analysis.* Both the feasibility and utility of a new weapon should be evaluated to the extent possible with hardware demonstrations in advance of production.

The proposed program of $67.5 million consists of five projects for the Army at an estimated cost of $23.5 million, six projects for the Navy at $20 million, and four projects for the Air Force at $24 million.

The conferees agreed on a program of $34 million, divided $12 million Army, $10 million Navy, and $12 million Air Force. While in agreement with the objectives of this program, the conferees reduced the request by half because (a) the lateness of appropriations will reduce the period of time for which funds are required during fiscal year 1972; and (b) the Congress did not have time to review the individual projects in sufficient detail to establish either the validity or urgency of all the requirements. For example, one item proposed for the Army involved $3.5 million for a clean air engine. The effort is largely directed towards the reduction in harmful exhaust emissions, or air pollution control. This raises a question not only of the propriety of Department of Defense involvement in such effort, but also whether adequate consideration has been given to the extensive work being done by the automobile industry and non-defense agencies on the same problem.

The conferees urge the Department of Defense to initially pursue those projects which have the highest priority and which offer the greatest promise. If the Department of Defense finds that additional amounts are needed later in the fiscal year, such requirements will be considered appropriate candidates for reprograming actions.

Project Sanguine

The Senate bill included restrictive language, under Section 201(a), which establishes a limitation of $3,492,000 on the amount of money authorized for the Navy fiscal year 1972 RDT & E appropriation relating to research and development on project Sanguine. Within this amount, $150,000 is available only for an environmental compatibility program, and $300,000 is available only for biological and ecological effects research relating to the Sanguine project.

New language was added by the Senate, as Section 201(c), which prohibits the use of funds for research and development on a deep underground system for the Sanguine project.

The House bill contained no comparable provisions.

The Senate conferees agreed to restore $1,000,000 of the Senate reduction, making a total of $4,492,000 available to cover obligations already incurred by the Navy under the continuing authority. However, consistent with the restrictions of Section 201(c), obligations for fiscal year 1972 will exclude effort on the deep underground system.

The House and Senate conferees agreed that the prohibition on funds for the deep underground system during fiscal year 1972 does not prejudice a proposal to initiate this program if it is included in the budget for fiscal year 1973. Rather, it reflects the determination that a decision to initiate work involving this system in fiscal year 1972 is premature. That decision must await the outcome of the feasibility studies being conducted by the National Academy of Sciences and the National Academy of Engineering on the overall Sanguine project, as well as some results from the environmental studies being conducted by nine separate educational institutions.

Technical support of the military man program

The Senate, in its action on the bill, reduced the amount requested for this program by $2.2 million, from $11.2 million to $9 million. This reduction was applied specifically to the Food Technology project conducted at the Army Natick Laboratories at Natick, Massachusetts. In its report, the Senate stated that it considered that the remaining $4 million would be adequate to support this exploratory development program during fiscal year 1972.

The conferees agreed to restore $1.7 million of the amount reduced which will provide a total of $10.7 million for the "technical support of the Military Man" program and raise the funds for the Food Technology project to $5.7 million.

The restoration of $1.7 million will allow meeting a requirement of $350,000 for procurement of Cobalt-60 to be used in food irradiation work and for other food research to be conducted by the laboratories.

Safeguard

The Senate added a separate title, Title IV, to the bill which includes authorization for military construction for the Safeguard system in the amount of $109.6 million. The House had already approved construction authorization for ABM when it passed H.R. 9844, the Military Construction Authorization bill. That bill provided $183.6 million in construction authorizations for Safeguard. The Senate reduction of $74 million in con-

struction authorization was taken in recognition of delays in the program caused by slippage in construction work. The full impact of these delays became known after the House had completed its action on the bill. The House conferees were satisfied that the construction funds would not be used in the fiscal year for which intended; and the House, therefore, accepts the Senate reduction.

Section 403 of Title IV of the Senate bill also contained restrictions on the deployment of the Safeguard ABM to two sites: Grand Forks Air Force Base in Grand Forks, North Dakota, and Malmstrom Air Force Base in Great Falls, Montana. The Senate bill further authorized advanced preparation of ABM sites at Whiteman Air Force Base at Knobnoster, Missouri, and Francis E. Warren Air Force Base at Cheyenne, Wyoming. The House bill had included authorization for continued deployment at Malmstrom, Grand Forks and Whiteman and, in addition, had provided authorization for advance deployment at both Francis E. Warren and at a possible National Command Authorities site in the Washington, D.C., area. The Senate bill, therefore, had the effect of eliminating deployment authorization for Whiteman and eliminating the possibility of advance preparation in the Washington, D.C., area.

The conferees on the part of the House recognized that because of delays caused by construction problems, no appreciable amount of deployment work could move forward at Whiteman in the present fiscal year and that, because of delays, commencement of advance work for the Washington, D.C., site, if found necessary, would not likely begin before fiscal year 1973. The Senate conferees assured the conferees on the part of the House that it remained their intent to provide for the survivability of our land-based deterrent and that their actions were chiefly dictated by program delays. Mr. Arends, of the House conferees, while agreeing to the conference report, wished to be recorded as in continued opposition to the elimination of deployment authorization at Whiteman.

The House, therefore, recedes.

The following compares the dollar amounts by categories in ABM authorization. The House amounts in each case were the amounts requested by the administration. Senate bill amounts are the amounts agreed to by the conference.

[In millions of dollars]

	House bill	Senate bill
Procurement	674.0	639.0
R.D.T. & E.	410.0	357.6
Military construction	172.5	98.5
Family housing	11.1	11.1
Total	1,267.6	1,106.2

TITLE V—GENERAL PROVISIONS

Chrome and the national stockpile

Section 503 of the Senate amendment contains language designed to remove the embargo on the importation of chrome ore from Rhodesia.

The language of Section 503, as added by the Senate, would amend the United Nations Participating Act of 1945 (22 U.S.C. 287c(a)) by adding the following new language:

"On or after January 1, 1972, the President may not prohibit or regulate the importation into the United States pursuant to this section of any material determined to be strategic and critical pursuant to section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), which is the product of any foreign country or area not listed as a Communist-dominated country or area in general headnote 3(d) of the Tariff Schedules of the United States (19 U.S.C. 1202), for so long as the importation into the United States of material of that kind which is the product of such Communist-dominated countries or areas is not prohibited by any provision of law."

Stated very simply, the language provides that the President cannot prohibit imports of a strategic material from a free world country if importation of such material is permitted from a Communist-dominated country.

The issue involved in the Senate language is whether the United States need for chrome ore, both from an economic and national security standpoint, should be subordinated to the policy position established by the United Nations in its sanctions against Rhodesia.

The United Nations Security Council, for the first time in the history of the United Nations, on December 16, 1966, imposed mandatory economic sanctions on Rhodesia. The country's primary exports—asbestos, iron ore, *chrome ore*, pig iron, sugar, tobacco, copper and meat and meat products were placed on the selective sanctions list. The effective date of the sanctions order was January 5, 1967.

On May 29, 1968, the United Nations Security Council voted to broaden the sanctions by imposing a virtual total embargo on all trade. On March 18, 1970, the Security Council reaffirmed existing sanctions and called on member states to enforce them more strictly.

The President of the United States, on January 5, 1967, issued an Executive Order, Number 11322, which effectively implemented the economic embargo adopted by the Security Council of the United Nations.

The United Nations Security Council Sanctions Committee, in a report published in June 1970, reported that it received 21 complaints, all from the United Kingdom, of violations involving chromite and ferrochrome shipments from Rhodesia to France, Japan, Netherlands, Italy, Spain, West Germany and the United States. The U.S.S.R. has identified Red China as another customer for Rhodesian material. Mozambique and the Republic of South Africa did not observe the sanctions from the outset and have helped to facilitate the exportation of Rhodesian chrome.

The principal impact of the economic embargo on imports from Rhodesia is the inability of the United States industry to import chrome ore.

Chromium is a strategic mineral essential to the production of steel. It is not produced in the United States.

There are legitimate and important national security considerations involved in evaluating continuation of our current reliance on the Soviet Union for more than 60 percent of our national needs for a strategic and critical material like chrome. While there is currently a surplus of chrome in the national stockpile of critical materials, the surplus is not large enough to meet U.S. needs for very long and further dissipation of the stockpile would be damaging to the national security. Furthermore, it would defeat the very purpose of the stockpile if the United States were to rely on the stockpile as a major source of chrome in the future as it has in recent years.

As the dominant world supplier of chrome, the Russians have driven the price from a pre-sanction level of about $25 per ton up to present levels of $72 per ton. Thus, the present price is 288 percent of the presanction price, according to U.S. Bureau of Mines figures.

Foreign producers of stainless steel, who may benefit from Rhodesian sanctions (by virtue of a capability of securing lower cost Rhodesian ore in violation of the sanctions) have increased their penetration of U.S. markets. Imports of specialty steels are at an all-time high—22% 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. The imports have a direct effect on domestic employment and production in the specialty steel and the ferroalloy industries.

Discussion of the Senate position on this matter reflected the general consensus that continued observance of the U.N. imposed embargo against the importation of chrome ore from Rhodesia adversely affects the national interests of the United States in that it—

(a) makes the United States dependent upon the Soviet Union as a major source of a critical defense material,

(b) places U.S. steel producers in a very unfavorable competitive position in both the domestic and international market,

(c) contributes directly to unemployment in the U.S. steel industry, and

(d) substantially increases pressure to reduce the amount of chrome ore maintained in the national stockpile.

In view of these considerations, the House agreed to accept the Senate provision on this subject. However, consistent with the objectives of the House-Senate conferees on this matter, the Senate conferees agreed to accept House language which places this statutory change in the Strategic and Critical Materials Stockpiling Act (50 U.S.C. 98).

C–5A funding restrictions

Section 504 of the Senate amendment continues restrictions enacted for Fiscal Year 1971 relating to the contingency funding for the C–5A program and the requirement that such funds be utilized strictly for that program.

The Defense Department had advised that the restrictions contained in Section 504 of the Senate amendment had been incorporated by reference in the restructured contract for the C–5A. The Department of Defense further advised as follows: "to preclude disruption of our negotiated settlement in subsequent years, we further provided in the contract that these restrictions would continue if required by subsequent Congressional actions. Accordingly, our contract with Lockheed would not be breached by continuation of these restrictions in Fiscal Year 1972 or in any future fiscal year under such circumstances."

The Department of Defense further advised that although it did not favor continuation of these general restrictions in respect to the Lockheed contract, it would "if the Congress wished to do so, . . . accommodate whatever decision is reached by the Congress."

The restrictions embodied in Section 504 of the Senate amendment, among other things, preclude the Lockheed Corporation from including bid and proposal costs, independent research and development costs, and the costs of other similar unsponsored technical effort, or depreciation and amortization costs on property, plant or equipment in those costs recoverable under the C–5A aircraft program.

The House conferees pointed out that denying to the Lockheed Corporation the opportunity to recover legitimate costs directly or indirectly allocable to the C–5A program was a harsh and unique statutory restriction heretofore unparalleled in government procurement.

It was, for example, pointed out that denial of depreciation and amortization costs on property, plant, and equipment would deny to the Lockheed Corporation a positive cash flow totalling more than $10 million. This positive cash flow would occur during the period when cash will be most critical to the Lockheed Corporation.

Among the House conferees who consider this Senate language unnecessarily restrictive and harsh were Congressmen Les Arends, Charles S. Gubser and Bob Wilson. They believed that the United States entered into a bonafide agreement which designated Lockheed's fixed loss on the C–5A program to be

$200,000,000, and to restrict the traditional right of recovering depreciation, bid and proposal and independent research and development costs is to add upwards of an additional $20,000,000 in fixed loss. They consider it unfair for Congress to legislatively amend the contract on what they believe to be an ex post facto basis. However, after considerable discussion the House conferees recognized that the Senate was adamant in its position and in the broader interest of enacting the entire bill into law, the House conferees receded with the exception of Mr. Arends, Mr. Gubser, and Mr. Wilson, and accept the Senate position on this provision of the bill.

Ceilings on expenditures in Laos

Section 505 of the Senate bill imposes a ceiling of $350 million on expenditures in, to, for, or on behalf of Laos, excluding combat air operations in or over Laos by U.S. military forces. The section further requires quarterly written reports by the President of the United States to the Congress showing the total of expenditures by the U.S. government during the preceding quarter subject to the ceiling, with a breakdown of the purposes for which the expenditures were made. The section also provides that after the date of enactment of this Act any request for the appropriation of funds for use in, for, or on behalf of Laos shall be accompanied by a written report explaining the purpose for which such funds are to be used.

The Congress has been advised that the ceiling established by the section, $350 million, is equivalent to the total expenditures programmed by the administration in Laos for fiscal year 1972, excluding the normal and usual expenses of the embassy discussed below.

The House conferees are in sympathy with the purposes of the limitation and the House, therefore, recedes.

The conferees intend that the $350 million limitation should include all assistance-related activities in Laos. However, the conferees wish to make it understood that it is not the intent to place a ceiling on, or reduce, funds available for vital non-assistance-related activities in programs which must be carried on irrespective of assistance-related operations in Laos, such as the normal expenses incurred by the State Department in the operations of its embassy and such normal and usual expenses of the embassy as would be incurred in peacetime in the absence of any military, paramilitary, or economic assistance programs of any kind.

Reporting of schedules and testing prior to procurement

The Senate bill contained a new general provision, Section 506, which requires the Secretary of Defense to submit annual reports on development schedules, procurement schedules, and operational testing and evaluation (OT&E) for weapon systems for which funds for procurement are requested. In addition supplemental reports are required to be submitted 30 to 60 days prior to awarding of a procurement contract.

The House bill contained no similar provision.

The purpose of the Senate language is to augment and supplement the Congressional Authorization Data Sheets and the Selected Acquisition Reports which have been provided in the past, but which have been either too late or lacking in sufficient detail to satisfy the needs of the Congress. Section 506 will improve this procedure by requiring that the Congress be provided with additional and timely information in support of the major weapon systems proposed for procurement in budget submissions, and also when the decision to award a contract for such systems is made. The effectiveness of the Congress in the review and consideration of budget proposals and of contract awards for procurement of weapon systems is directly proportional to the adequacy and timeliness of information upon which to base its judgment.

The need for such information on a continuing basis is a direct reflection of the frustrations experienced by the Congress in being surprised by recurring cost overruns. The concern of both houses of Congress has been expressed repeatedly on the escalating costs of weapon systems particularly in the present atmosphere of a troubled economy and increasing demands of domestic programs.

It has become increasingly apparent that weapons systems have entered volume production before adequate development and testing has been completed. In effect, the Military Departments were gambling that major problems would not be encountered and that any design changes required after completion of testing would be of a relatively minor nature. Such has not been the case. Testimony has confirmed that proceeding with volume production too soon in too many cases has delayed rather than accelerated operational capability. Moreover, necessary fix-up costs resulting from such unwarranted concurrency have been a major cause of costly overruns.

The Department of Defense now recognizes and is placing the required emphasis on completion of a greater portion of development and of operational testing before volume production is begun. To this end, a Deputy Director, Defense Research and Engineering (Test and Evaluation) has been established, and each Service has been directed to establish an operational test and evaluation office to provide the Service Chiefs with "a clear picture of the operational suitability of a weapon system for Service use, to include its principal deficiencies and limitations and the corrective actions required prior to full scale introduction into the force."

The requirements of Section 506 are consistent with the requirements established by Deputy Secretary of Defense memorandum of April 21, 1971, to the Secretaries of the military departments, which states in part:

"Prior to the Production Decision, the Military Departments will provide the Director, Research and Engineering with an assessment of the test results in terms of response to the initial questions or issues (associated with development test and evaluation, and operational test and evaluation) previously identified. The Deputy Director, Test and Evaluation, will review this assessment and provide an independent recommendation to the Production Decision meeting."

The requirements of Section 506 also are consistent with a later letter dated August 3, 1971, from the Deputy Secretary of Defense which states in part:

"The objective of the overall operational test and evaluation effort for any program is to aid in providing at major decision points in the acquisition and development process the best information possible at that point in time as to: the military utility of the prospective system; its expected operational effectiveness, operational suitability (including reliability, logistic, and training requirements); need for modifications; and the organization, doctrine and tactics for system deployment. For programs intended for acquisition, phases of operational test and evaluation must be successfully executed in a timely manner to provide needed information as required. New acquisition programs requiring DSARC processing, or those which are currently in their early stages, will be so executed that an initial phase of operational test and evaluation will be accomplished prior to the major production decision to assist in estimating before that decision system operational effectiveness and suitability. In the case of well-advanced or on-going programs where contract or other binding arrangements preclude such initial operational test and evaluation prior to the first major production decision, there nevertheless will be accomplished such initial operational test and evaluation as early in the acquisition cycle as possible."

The above excerpts from the April 21 memorandum and August 3 letter best summarize the information on operational test and evaluation required by Section 506 (c) (3).

The Secretary of Defense reclama dated October 13, 1971, acknowledges the need for additional information to be provided to the Congress when he states, "As time goes on, we would certainly expect to continue to improve on the data submitted to meet the needs of the Congress." Section 506 serves to recognize this commitment and makes it a legal requirement commencing at the beginning of calendar year 1973. This provides ample notice and time for implementation by the Department of Defense.

The major objections stated in the Defense Department's reclama address Subsection (b) which requires a supplemental report to the Committees "not less than 30 nor more than 60 days" before the awarding of any contract or the exercising of any contract option to procure production quantities of a weapon system. The argument is that the integrity of the source selection process is jeopardized because it would be exposed to undue outside influence. This concern reflects a possible misunderstanding of the intent of the subsection. It is not intended to relate to the contract action but rather to the earlier decision to procure. The name of a successful bidder would not therefore be disclosed prior to notice of selection.

Secretary Packard also states his view that "it would be to our mutual advantage to have our staffs work out the details of any additional information you require rather than make it a specific matter of the law." Experience in negotiating with the Department of Defense during the past two years to obtain such readily available information as identification of projected procurement quantities and costs by year for all major weapon systems has proven to be unsuccessful.

The House conferees were very much in sympathy with the purposes of Section 506. The conferees were concerned, however, that the reporting procedure not adversely affect the validity of the source selection process and not impose requirements which might in some instances have an adverse effect on national security. The Department of Defense had expressed concern about such reports adversely affecting the position of competing contractors whose proposals are being evaluated in source selection. The department was also concerned about an adverse effect on the government's negotiating position. To provide proper safeguards, therefore, the House conferees proposed, and the Senate conferees accepted, an amendment which provides that the submission of reports would not be required in those instances where the Secretary of Defense determines that such report would adversely affect the source selection process and prior to awarding of contracts notifies the Senate and House of such determination in writing. The amendment further provides for the removal of the requirement for a report in those instances where the Secretary of Defense determines that such report would adversely affect the vital security interests of the U.S. and notifies the House and Senate in writing of his reasons for such a determination at least thirty days prior to the awarding of the contract.

With this amendment, the House accepts the Senate provision.

In summary, the reporting requirements of this section hopefully will provide the Congressional Committees with consolidated development and test data *before* key decision points, such as the initial major procurement award of a system, have passed. This is another major step in Congressional efforts to monitor and keep abreast of the acquisition of major weapon systems costing billions of dollars.

Use of Los Alamitos Naval Air Station

Section 507 of the Senate bill provided that none of the funds authorized by this or any other Act may be used for carrying out aircraft flying operations at the United States Naval Air Station, Los Alamitos, California, until thirty days after the Secretary of Defense has submitted to the Congress a written report which "discusses and determines the best use to which the naval air station might be feasibly devoted."

The House bill contained no similar provision.

The Department of Defense strongly opposed the provision on the grounds that it would delay the valuable use of the military facility and could delay the relocation of essential Reserve units.

The House conferees took the position that the Procurement authorization bill is not the proper vehicle for this provision and that setting such a limitation in law would be an extremely undesirable precedent. The House had no opportunity to consider the provision.

The House conferees are in sympathy with the need for a prompt decision on the use to be made of Los Alamitos and join the Senate conferees in urging the Department of Defense to firm up its plans for the facility. To this end the conferees request that the Department of Defense submit a report on plans for Los Alamitos to the Congress prior to any action and, if possible, not later than December 31, 1971.

The Senate recedes.

Termination of hostilities in Indochina

The Senate bill contained a provision (sec. 601), popularly known as the Mansfield Amendment, declaring it to be the policy of the United States to terminate at the earliest practicable date all U.S. military operations in Indochina and to provide for the withdrawal of U.S. military forces from Indochina not later than six months after the date of enactment of this legislation subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with that Government.

The language of the amendment calls for: establishing a date for withdrawal contingent upon the release of prisoners of war, negotiating for an immediate cease-fire, and negotiating for an agreement to provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war. The amendment is almost identical to a provision on termination of hostilities which appears in section 401 of Public Law 92–129, enacted into law September 29, 1971.

Because the House has previously rejected a specific deadline for withdrawal of U.S. troops from Indochina, the House conferees were adamant in their opposition to the Senate provision, particularly the establishment of a six-months deadline. The House conferees were also of the position that the provision would be more properly presented as a declaration of the sense of Congress rather than as the declared policy of the United States.

The Senate conferees were equally vigorous in defending the position of the Senate in support of the amendment and were adamant in opposing attempts to have the provision eliminated from the legislation.

After extensive discussion, the conferees agreed to a compromise which incorporates the major portion of the Senate language. It continues the language which declares the provision to be the "policy of the United States." However, it deletes the language setting the date at "not later than six months" after date of enactment and provides instead for withdrawal "at a date certain."

Also, the conferees amended the provision to require an accounting for all Americans missing in action who had been held by or known to the Government of North Vietnam and forces allied with such Government, in addition to the release of all prisoners of war, as a condition for the withdrawal of American troops. This requirement of an accounting for the missing is consistent with the action by the Congress in Public Law 92–129. More than three-fourths of the American servicemen listed by the Department of Defense as prisoners of war or missing in Southeast Asia have never been accounted for by the Government of North Vietnam and forces allied with that Government.

Mr. Arends, one of the House conferees, while signing the conference report, wished to be recorded as in opposition to the language accepted by the conferees which states that this provision is the "policy of the United States" rather than the "sense of Congress" as contained in Public Law 92–129.

While honoring her obligation as a Senate conferee to uphold the legislation as passed by the Senate, Senator Smith wishes to make it clear that, individually, she does not approve of the Mansfield amendment even in the modified form in the conference report.

Pay increases for certain grades of uniformed services

Title VII of the Senate bill provided increases in basic pay and basic allowance for quarters, primarily for personnel in the lower officer and enlisted grades, at a total cost of $381,100,000 per year.

The House bill contained no similar provision.

In essence, the Senate amendment would provide small additional increases mostly for enlisted men in lower grades on top of the substantial pay increases voted by the Congress in Public Law 92–129 as a further effort towards achieving the proposals of the Presidential commission on military pay (the Gates Commission) to effect an all-volunteer force.

The House conferees pointed out that the substantial pay increases provided by Public Law 92–129, which followed a pay increase earlier in the year for military personnel, were only enacted by the Congress on September 29 and their impact on recruitment and retention has not yet been determined. The House conferees pointed out that the Senate amendment would provide small changes in the adjustments made by Public Law 92–129. For example, the typical E–3 who receives a pay increase of $157.33 per month under Public Law 92–129 would get an additional increase of $15.50 under the Senate amendment; the typical E–4 who receives a pay increase of $105.50 under Public Law 92–129 would receive an additional increase of $16.17 under the Senate amendment. The House conferees also pointed out that the additions of the Senate amendment were not in the pay proposals originally made to the Congress at the beginning of the year by the administration and that these increases could not be justified on the basis of personnel need or any certainty that they would increase the likelihood of a volunteer force.

Moreover, it is pointed out that the Department of Defense in expressing its views on the additional military pay increase contained in the Senate amendment advised that although it did "concur in the additional increases proposed to be provided in Mr. Allott's amendment" it "believed that the pay provisions in the conference report on H.R. 6531 (P.L. 92–129) met the tests of equity and competitiveness."

Thus, since the Department of Defense views the pay levels established by P.L. 92–129 as adequate and as meeting the tests of equity and competitiveness, and since, by any reasonable standard, the levels of pay provided enlisted personnel are equal to or better than comparable civilian pay levels the House conferees were of the view that the additional annual expenditure of more than $380 million for another military pay increase had not been justified.

The Senate conferees vigorously defended the pay provisions of the Senate bill. The Senate conferees pointed out (1) that the higher basic pays for the lower enlisted and junior officer grades as contained in the Allott amendment have passed the Senate on two separate occasions during this session of Congress; (2) that these increases are supported by the President of the United States; (3) that the volunteer concept is now a firm national policy and that these increases for the young men entering the service are now considered essential to the fulfillment of this objective. However, after extensive discussion, the House remained adamant. The House conferees, however, agreed that should the additional pay increases of the Senate bill be formally submitted as a legislative proposal by the administration or passed as legislation by the Senate, the House would stand ready to give it prompt consideration.

The Senate, therefore, recedes.

Adjustment of Federal civilian pay

The Senate bill contained a separate title, Title VIII, unrelated to the general purposes of the military procurement authorization bill. The title would have provided comparability pay adjustments for Federal civilian personnel with the stipulation that those increases shall not be greater than the general average of wage and salary adjustments authorized for the private sector under the Economic Stabilization Act of 1970. In essence, the Senate action is designed to supersede the President's decision to postpone the next scheduled Federal employee pay increase until July 1, 1972, and to require that increases be provided for Federal employees at such time, on or after January 1, 1972, that wage increases are permitted in the private sector.

The House conferees pointed out that H. Res. 596, which would have rejected the President's delay of the next Federal employee salary adjustment, has already been considered and rejected by the House of Representatives. In addition, the matter was also considered by the House Committee on Post Office and Civil Service, which has reported a bill, H.R. 10881, the language of which is quite similar to the provisions of Title VIII of the Senate amendment. Since the House had rejected House Resolution 596 and has not had an opportunity to complete Floor action on H.R. 10881, the House conferees were of the view that it would be improper for them to accept the Senate provision. Moreover, the House conferees pointed out that a Senate Committee only recently agreed to report S. 2722, a bill having the same objectives as the Senate provision and language quite similar to the provisions of H.R. 10881.

In view of these circumstances the House conferees, therefore, were adamant in their opposition to the Senate language.

The Senate, therefore, recedes.

Summary

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.

The House recedes from its disagreement to the amendment of the Senate to the title of the bill and agrees to the same.

F. EDW. HÉBERT,
MELVIN PRICE,
O. C. FISHER,
CHARLES E. BENNETT,
JAMES A. BYRNE,
SAMUEL S. STRATTON,
LESLIE C. ARENDS,
ALVIN E. O'KONSKI,
WILLIAM G. BRAY,
BOB WILSON,
CHARLES GUBSER,

Managers on the Part of the House.

JOHN C. STENNIS,
STUART SYMINGTON,
HOWARD W. CANNON,
THOMAS J. MCINTYRE,
HARRY F. BYRD,
MARGARET CHASE SMITH,
(with reservations on Mansfield amendment)
STROM THURMOND,
JOHN TOWER,
PETER H. DOMINICK,
Managers on the Part of the Senate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1262. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Agriculture for "Forest protection and utilization," Forest Service, for the fiscal year 1972, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

1263. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to authorize additional judgeships for the U.S. courts of appeals; to the Committee on the Judiciary.

1264. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

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. BOLLING: Committee on Rules. House Resolution 676. Resolution authorizing additional investigative authority to the Committee on Interior and Insular Affairs (Rept. No. 92-613). Referred to the House Calendar.

Mr. BROOKS: Joint Committee on Congressional Operations. Report on changing the Federal fiscal year: testimony and analysis. (Rept. No. 92-614). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 693. Resolution providing for the consideration of House Joint Resolution 946. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes (Rept. No. 92-615). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 694. Resolution providing for the consideration of H.R. 11060. A bill to limit campaign expenditures by or on behalf of candidates for Federal elective office; to provide for more stringent reporting requirements; and for other purposes (Rept. No. 92-616). Referred to the House Calendar.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 11589. A bill to authorize the foreign sale of certain passenger vessels (Rept. No. 92-617). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee of Conference. Conference report on H.R. 8687 (Rept. No. 92-618). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CULVER:

H.R. 11599. A bill to amend the Social Security Act to provide for advanced payment for extended care and home health services under certain circumstances; to the Committee on Ways and Means.

By Mr. DANIELSON (for himself, Mr. DENT, Mr. HOLIFIELD, Mr. ST GERMAIN, and Mr. SPRINGER):

H.R. 11600. A bill to amend the Internal Revenue Code of 1954 to disallow deductions from gross income for salary paid to aliens illegally employed in the United States; to the Committee on Ways and Means.

By Mr. MCCOLLISTER (for himself and Mr. VEYSEY):

H.R. 11601. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. MINISH:

H.R. 11602. A bill to amend the Economic Stabilization Act of 1970, as amended, to direct the President to stabilize rentals and carrying charges through the period ending at midnight April 30, 1972, and to authorize local governments to stabilize such rentals and charges thereafter; to the Committee on Banking and Currency.

By Mr. PETTIS:

H.R. 11603. A bill to authorize the Secretary of the Interior to sell certain rights in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. PIKE:

H.R. 11604. A bill to amend the Internal Revenue Code of 1954 to relieve employers of 50 or less employees from the requirement of paying or depositing certain employment taxes more often than once each quarter; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 11605. A bill to establish minimum prisoner treatment standards for prisons in the United States, and to create an agency to hear complaints arising from alleged infractions of such standards; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 11606. A bill to amend the Vocational Rehabilitation Act to provide special services, artificial kidneys, and supplies necessary for the treatment of individuals suffering from end stage renal disease; to the Committee on Education and Labor.

By Mr. ROGERS:

H.R. 11607. A bill to limit U.S. contributions to the United Nations; to the Committee on Foreign Affairs.

By Mr. WALDIE:

H.R. 11608. A bill to establish a national research and development program for the development of equipment to enable the physically handicapped to move about independently; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Pennsylvania:

H. Res. 691. 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. MCCOLLISTER:

H. Res. 692. 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. JONES of Alabama:

H.R. 11609. A bill for the relief of the estate of Clarence Schrimsher; to the Committee on the Judiciary.

By Mr. PETTIS:

H.R. 11610. A bill to provide for the exchange of certain public land in Napa and Sonoma Counties, Calif., for certain land within the Point Reyes National Seashore; to the Committee on Interior and Insular Affairs.

SENATE—*Friday, November 5, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

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

O Thou who art eternal and unchangeable, perfect in justice and truth, we who are less than perfect, crave Thy presence and Thy power. Lift us above our limitations and impart to our waiting hearts a full measure of Thy grace. Rescue us from our roving and lead us in paths of righteousness. When we are weak, make us strong. When we are ignorant, make us wise. When we are sinful, grant us forgiveness. Let Thy new life arise in us for our soul's sake and the welfare of the people we serve. Guide us through this day, reinforce us in our labors, watch over us in our journeying and in the end help us to lie down in the pace and safety of Thy house. And to Thee shall we ascribe all glory and praise. Amen.

MESSAGE FROM THE PRESIDENT

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

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Ronald S. Berman, of California, to be Chairman of the National Endowment for the Humanities, which was referred to the Committee on Labor and Public Welfare.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had