

## NOMINATIONS

Executive nominations received by the Senate February 18 (legislative day of February 17), 1971:

## IN THE NAVY

Adm. Waldemar F. A. Wendt, U.S. Navy, for appointment to the grade of admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. William F. Bringle, U. S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of admiral while so serving.

Rear Adm. Thomas J. Walker III, U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the Presi-

dent to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. Malcolm W. Cagle, U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

## HOUSE OF REPRESENTATIVES—Thursday, February 18, 1971

The House met at 12 o'clock noon. Bishop Anthony L. Deksnyš, Ph. D., Titular Bishop of Lavellum for Lithuanians in Western Europe, offered the following prayer:

Eternal Father, we raise our minds and hearts to You, invoking Your benediction upon our President and his entire administration, as well as upon every Member of Congress, elected by the free citizens of this Republic, that the laws enacted by Congress would be inspired and guided by Your wisdom, flow from hearts dedicated to the needs of neighbor, and be beneficial to all the inhabitants of our land.

The Lithuanian people, commemorating the 53d anniversary of the proclamation of their independence, also pray Your Majesty to restore to her the independence of which she was so brutally stripped, appealing at the same time to the conscience of the world and especially to the United States—the champion of self-determination for all nations—at whose shores all the oppressed seek protection and help.

We pray, too, that the fortunate citizens of this noble Republic would dedicate themselves in these trying times to the good of their country, that our star-spangled banner would ever gloriously wave on high, and that, from the hearts of all beholding it, would pour forth in a paean of love and thanksgiving the glorious strains of "God Bless America." Amen.

## THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE PRESIDENT

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

## DESIGNATION OF MEMBER TO READ GEORGE WASHINGTON'S FAREWELL ADDRESS ON FEBRUARY 22

The SPEAKER. Pursuant to a special order agreed to on February 8, 1971, the Chair designates the gentleman from Virginia (Mr. ROBINSON) to read George Washington's Farewell Address immediately following the approval of the Journal on February 22, 1971.

CXVII—196—Part 3

## BISHOP ANTHONY L. DEKSNYS

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

Mr. PRICE of Illinois. Mr. Speaker, it is indeed appropriate that our opening prayer today has been offered by his Excellency Anthony L. Deksnyš, Titular Bishop of Lavellum. Today, we officially observe the 53d Anniversary of the Independence of Lithuania. As the Bishop of Lavellum, Bishop Deksnyš is responsible for providing for the spiritual assistance of Lithuanians living in Western Europe.

Long before his ordination as the Bishop of Lavellum, my good friend Bishop Deksnyš worked diligently and tirelessly for the Lithuanian people. In his long years in the Resettlement Council in the United States and as pastor of the Immaculate Conception Church in East St. Louis, Ill., Bishop Deksnyš has provided spiritual strength and guidance for his fellow countrymen.

As leader of the Lithuanian community in East St. Louis for many years, Bishop Deksnyš has special understanding of the needs of his people. His counsel and advice was sought by all. I consider it a distinct privilege and honor to have Bishop Deksnyš as a longtime friend. Throughout the years we have worked together on many problems and projects affecting our Lithuanian friends. I am especially pleased that Bishop Deksnyš could be with us today on such an auspicious occasion.

## THE LOST ART

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

Mr. ASPINALL. Mr. Speaker, just recently I have read the most thought-provoking article entitled "The Lost Art." It was written by Elmer Shaw, research production assistant in the Environmental Policy Division of the Library of Congress, and published in the National Parks magazine.

Mr. Speaker, because of the thought conveyed in the article, I commend it to the reading of my colleagues:

## THE LOST ART

Have we, here in America, lost the art of doing nothing? Have we forgotten how to relax, how to meditate, and how to be at ease when alone?

For most of us, life has become too ultra-modern. Like automatons, we are controlled by clockwork. We have forsaken the vastness of mountains, prairies, and forests, for a cubicle deep in the city. We swarm in the streets like bees in a hive. In the big cities

we are all John Doe; in the wilderness we are Adam.

When we grow weary of speed, schedules, and smog, some deep homing instinct calls us out of the cities into the great quiet places of the earth—to the deserts, the forests, the mountains, and to the shores of the sea. Here, Time itself seems to sleep and clocks are forgotten. Once again, almost without effort, we learn to do nothing, to play in the sand, to dream westward with the sunset, to live as only a child can live—free and unfettered.

High in the mountains, time becomes infinite; space seems eternal—and both fade to nothingness.

Released and free, the mind explores the universe. It wanders through the corridors of space. It dreams; it soars; it finds itself—not through action and struggle, not through the magic of some formula, but by simply being still, by doing nothing.

## OUR MOST CERTAIN DEFENSE IS OUR OWN STRENGTH

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

Mr. SIKES. Mr. Speaker, our most effective weapon for survival remains the ready strength to insure survival. We must have immediate power for instant use. Our friends need this assurance; our enemies will respect it. A case in point is the threat of the Red Chinese to intervene in Laos. This is to offset the South Vietnamese drive to cut Communist supply lines to Indochina. The Premier of Laos has expressed apprehension about this possibility. This is a natural reaction. His small country has been harassed by threat of Communist takeover for years and he recalls the Chinese invasion of North Korea during the Korean war. The circumstances now are different and there is much less likelihood of a repetition of this action by the Red Chinese.

However, just to help the Red Chinese to keep their minds made up that involvement in Indochina is not for them, we should make certain that they understand our feelings toward additional Red aggression and our ability to react forcefully if we are required to do so.

If there are not sufficient weapons in our arsenal to handle a threat from the East or the West, simultaneously if necessary, we should proceed immediately to beef up our arsenal to the point that our potential enemies fully understand our capabilities. It is a waste of time to attempt to reason with communism. They are accustomed to the use of force when it is to their advantage and they understand the use of threat as well. We

are not geared to the use of either, but we should be prepared to cope with them. We make altogether too much show of willingness to compromise just for the sake of reaching agreements with people who do not intend to respect those agreements. Our most effective weapon for survival remains the military strength to insure survival.

#### THE DEMOCRATIC PARTY MUST BE ATTRACTIVE TO ALL THE NATION

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

Mr. SIKES. Mr. Speaker, I have noted plans to modify allocation of delegates to the Democratic National Convention in a way which reputedly will place majority control in the hands of the eight largest industrial centers of the Nation. It is also planned to make significant increases in the number of delegates authorized for the convention. Both appear to me to be unfortunate proposals which I hope will be reconsidered.

Taking strength away from the smaller States and cities and vesting power in a few large municipalities simply perpetuates the problems which helped to defeat the Democrats in the last national election. To elect a President, the Democratic Party must renew its appeal to all of the Nation and not limit it primarily to the big city establishments. The Democrats cannot claim to be a national party if they deny proper representation to any part of the Nation. We must be a national party to win.

Increasing the number of delegates simply compounds the confusion which always is associated with big conventions. I have attended Democratic Conventions and I have noted that increased numbers simply make it more difficult to carry on the business of the convention. A more orderly convention, and a more impressive one to the public, would come about through a reduction in the number of delegates rather than an increase.

#### SPECULATION IN LUMBER FUTURES

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

Mr. HANNA. Mr. Speaker, I take this 1 minute to express what I know is a concern of all the Members: the staggering rise in the price of lumber products in this great Nation. Since January 1, retailers and wholesalers of lumber report to me, the price at the mill has gone up 30 percent.

To bring home what this means, the price of a 5-room house in the United States has gone up \$200 because of the increase in lumber prices.

What this means is that all the benefits we had hoped had been obtained by moving interest rates down have now been more than offset by the rising price in lumber.

I find there is a contributing cause to this rise that is not justified. Speculators who have the "hot money" that can flow to any place where they smell a dollar to

be made are buying futures in lumber. They are buying so many lumber futures that their speculation is forcing the price up. Yet we find what? There is no regulation of their activity, and small margin requirements, which means that a speculator with a little bit of money can make a tremendous impact on a market very essential to the homebuying public.

I think we must take swift and prompt action on this matter, and I am glad that the Committee on Banking and Currency has planned to have immediate hearings on this subject. Something must be done, now.

#### TRIBUTE TO THE LANCASTER LANCERS

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

Mr. ROUSH. Mr. Speaker, we learn our lessons early in life and sometimes they are difficult. Sports and participation in sports are good training grounds for not just building of the body but also for the spirit. I pay tribute to the Lancaster Lancers who in spite of being on the short end of the score in most of their games still hang in there displaying a tenacity and determination which speaks of good coaching and good training at home and in school. The coach is Mr. Richard Cole and the players include: Mike Hacker, Nick Neal, James Sunderman, Mike Burns, Jimmy Sprowl, Ralph Carrell, Rick Kellam, Joe McIntyre, Robin Roush, Phil Campbell, Barry Shaw, and Steve Alfred.

I saw the team win their only game of the year the other day. They deserved to win. But even in their losses they have the admiration of their classmates, their teachers, and their fans like myself. I am reminded of the words of Theodore Roosevelt who spoke of both the winner and the loser when he said:

Who, if he succeeds, knows the triumph of high achievement. Who, if he fails, knows that he shall never be counted among those cold and timid souls who know neither defeat nor victory.

#### ADOPTING "911" AS NATIONWIDE EMERGENCY TELEPHONE REPORTING NUMBER

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

Mr. ROUSH. Mr. Speaker, last week I introduced a bill to help implement adoption of "911" as a nationwide, emergency telephone reporting number. I included in that speech a list of the cities which have or are in the process of adopting "911". Washington, D.C., was not among that list. However, I am hopeful that it soon will be.

I have felt, since A.T. & T. offered the possibility of "911" in January 1968, that the Federal City and its environs, the Washington metropolitan area, should be an example to the rest of the Nation of the public service possibilities inherent in the simple, three-digit emergency number "911".

The National Service to Regional Councils had the same idea. Aware of the frequent incompatibility of telephone exchange boundaries and political jurisdictional boundaries, the national service became convinced that "911" could best be implemented on a regional or metropolitan basis and was willing to offer assistance in that effort.

To demonstrate the possibilities of this regional approach, the national council established several regional pilot efforts. Six regional councils were selected to work with in the hope of better evaluating the nationwide feasibility of implementing "911". Deliberately different kinds of regions were selected, some heavily concentrated urban areas, others primarily rural. One of these was the Washington metropolitan area.

Fortunately, there exists an areawide association in the Washington metropolitan area. This is the Metropolitan Washington Council of Governments whose membership consists of the elected officials of its 15-member jurisdictions, plus the area members of the Maryland and Virginia Legislatures, the area Members of the Congress, and full membership of the House and Senate District Committees. Four of the counties are in Virginia and two in Maryland. The council is responsible for nearly 3 million citizens in a 25,000-square-mile area. The projected population of the area is 7.7 million by the year 2000. In this wide and heavily populated area, telephone trunklines and political jurisdictions must overlap and implementing "911" must pose special problems.

But there are several important signs of progress, of notable cooperation in this heterogeneous geographical and political region. Several years ago detectives from several jurisdictions in the Washington metropolitan area cooperated through the Council of Governments to apprehend a gang known as the Beltway Bandits. These bandits were involved in more than 50 housebreakings in various areas of the overall metropolitan region. Intelligence and other information were pooled across jurisdictional boundaries to solve the case and end the robberies.

In addition, a fire mutual aid agreement was developed several years ago that enabled the suburban jurisdictions to answer about 250 fire alarms in the District of Columbia during the disorders of April 1968.

And just this past January a police mutual aid agreement was signed, enabling police to cross city, county, and State lines to aid neighboring jurisdictions, when asked to do so by the jurisdiction, which were involved in emergencies such as civil disturbances or natural disasters. When the Washington area police departments signed this agreement in January, Attorney General Mitchell attended and described the signing of the agreement as a "monumental occasion." He commended the area's elected officials and police chiefs for their accomplishment and said he hoped that elected officials and police chiefs for their throughout the Nation. Mayor Washington also commended the action and said the region is "forging ahead in perhaps

the most significant example of cooperation in the Nation."

It is obvious, then, that this metropolitan area knows something about regional cooperation, especially regional cooperation to meet emergency needs. Now what we need is to crown the edifice by installing the "911" emergency telephone number area-wide. I think we are on the way to doing this.

Prince Georges County and the District of Columbia already have the same seven-digit emergency telephone number—444-1111. Adopting "911" becomes much easier in this case because there is already a single number for reporting police emergencies—the public does not have to unlearn other numbers—and a single emergency line into a common center. New York City had a single police emergency number before they progressed to "911" and this simplified their changeover.

Moreover, on February 26 the Metropolitan Washington Council of Governments is sponsoring a meeting to discuss "911" for the area. Invited to this meeting are representatives from the Virginia and Maryland State Police, the International Association of Chiefs of Police and International Association of Fire Chiefs, State law enforcement planning agencies of Maryland and Virginia, State highway safety representatives, the regional office of the Law Enforcement Assistance Administration, to mention just a few.

At this meeting the advantages and disadvantages of adopting "911" in the Washington metropolitan area will be fully explored. The technical, professional, and political problems involved in crossing over political jurisdictions, will be discussed. The effort will be to fully analyze the metropolitan situation vis-a-vis adopting "911." Following this meeting there will be separate jurisdictional meetings throughout the region, in which policy decisions will be made at the local level concerning how to actually implement "911" if it is desired.

Another meeting in May will coordinate the decisions reached in those separate meetings. It is my hope that these decisions will reflect a desire and a plan to implement "911" throughout the Washington metropolitan area as rapidly as possible.

#### REVISION OF OUR PESTICIDE LAWS IS NEEDED

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

Mr. OBEY. Mr. Speaker, it is difficult to imagine that over the past few years any of us could have escaped reports which have been published indicting careless and indiscriminate use of pesticides as a threat to man and his environment.

For example, 8 years ago in Florida, pollution from DDT killed an entire scallop crop. That crop still has not reappeared.

DDT in water has been found to adversely affect the ability of salmon to return to their spawning ground by

reducing their ability to withstand temperature change.

The Department of Interior has stated it has detected poisoning from dieldrin in growing numbers of bald eagles found dead in the United States.

Food and Drug Administration geneticists have found that DDT causes mutations in rats. It has also been found to be the cause of cancerous tumors in other animals.

University of Wisconsin scientists have reported that hard pesticides, including dieldrin, DDT, and PCB's, reduce resistance to and raise death rates from viral diseases.

Extensive hearings in Wisconsin have concluded that DDT has "biochemical, pharmacological, and neurophysiological effects of public health significance."

Virginia was forced last year to ban the taking of crabs and other shellfish in five creeks on that State's eastern shore because of the presence of dangerous concentrations of DDT. Action was taken after an estimated 30,000 crabs were killed by pesticides during a 2-week period.

It has been estimated that each year pesticides may poison up to 30,000 persons seriously enough to require medical attention.

Even the first report of the Council on Environmental Quality has included a laundry list of horrors traceable to pesticides, including 2 million fish killed in a Florida marsh and over 5 million killed in the lower Mississippi.

We ought to be able to confidently assume that we have effective governmental controls over the uses of these substances which pose serious dangers to man and the fish, birds, animals, and natural resources which make up his environment. Unfortunately, we cannot.

The fact is that we are now governed by a statute encumbered by undefined terms, advisory committees, public hearings, judicial procedures and an ineffective procedure for the recall of hazardous products which makes the law—according to U.S. Department of Agriculture officials who were supposed to enforce it—"inadequate to protect the public."

It is for this reason, Mr. Speaker, that I am introducing in the House today, a bill to completely overhaul this Nation's pesticide laws. The bill is identical to one introduced in the Senate last week by Senators NELSON and HUMPHREY, and includes in it several provisions recommended last year by the USDA. Some provisions are similar to those proposed in the Pesticide Control Act proposed by the President in his environment message.

Under this legislation:

First. Authority for pesticide regulation would be transferred from the Department of Agriculture to the new Environmental Protection Agency—EPA—with close coordination by the Department of Health, Education, and Welfare.

Second. Existing programs for testing, registering, canceling, and suspending pesticides and pest control devices would be revised, and adequate emphasis would be placed on environmental and public health safeguards.

Third. The Administrator of the EPA would be authorized to require potential users of certain especially hazardous pesticides to obtain prior to purchase a certificate justifying the use from a designated official in the local area and require that some pesticides could only be applied by qualified and approved pest control operators.

Fourth. Citizens would be allowed to bring court suits against persons, companies, or government agencies for violations of the act or failure to enforce its provisions.

Fifth. A national pesticide research and control trust fund would be established, financed by assessments on pesticide sales, to be used for covering the expense of the regulation program as well as the extensive research program.

Sixth. All pesticides and pest control devices would be required to undergo thorough testing prior to sale to disqualify potentially hazardous products before they are placed on the market.

Seventh. Interested parties would be able to obtain access to Government-held information on pesticide regulation and research except data on formulas and formulations.

Eighth. All pesticides and pest control devices produced in the United States would be regulated by the act, whether shipped in intrastate, interstate, or foreign commerce.

Ninth. Emphasis would be placed on the review of biological and nonchemical means of pest control as alternatives to the use of chemical pesticides.

Tenth. EPA would be required to make available upon request by any interested party all records maintained in the administration of the act except the formulas and formulations that he determines to be a trade secret.

Eleventh. No agency could use or recommend for use a pesticide in any State which is in violation of any law in that State.

Mr. Speaker, there is no better example of the problems we now face in the enforcement of our present pesticide law than the delays we experienced since November 1969, when the USDA announced that DDT was being canceled for home, garden, aquatic and other uses.

According to present regulations, if the USDA cancels the registration for a pesticide as it did with DDT, the manufacturer has 30 days to request the appointment of an advisory committee or a public hearing to hear his appeal against the USDA decision.

The Secretary of Agriculture then is required to appoint the members of that advisory committee, but there is no set time in which he must do so. Once appointed, the advisory committee has 60 days to issue a report of its findings to the Secretary of Agriculture. The Secretary then has 90 days to issue a report based on the evidence presented to the committee.

The manufacturer has an additional 60 days to file an objection to the Secretary's decision, and he can then request a public hearing. After the public hearing is held—and there is no time limit on how soon it must be held or how long it can last—the Secretary of Agriculture

has 90 days to issue an order granting or rejecting the registration for the pesticide.

After these drawnout procedures, the manufacturer can ask for judicial review of the matter which would again delay any decision on when the pesticide will be banned. These lengthy procedures can take up to 2 years, and provide an obvious advantage to polluters.

With regard to the specific cancellations of DDT which were announced in November, six manufacturers of DDT appealed the decision of the USDA under these provisions. Three asked for an advisory committee and three asked for a public hearing. Two of the three which asked for an advisory committee subsequently changed their minds and decided to settle for a public hearing. Significantly, 6 months after the decision was announced to ban DDT for certain uses, not even the first step in the appeals process had been carried out by the USDA.

The suspension of 2,4,5-T last year suffered a similar fate. While its recall from retailer's shelves was requested by the USDA, 6 million cans remain on shelves, still being sold and presumably still being used.

Mr. Speaker, criticism of our pesticide law, and particularly its enforcement, is not particularly new. Studies by both the GAO and the House Government Operations Subcommittee on Intergovernmental Operations have found enforcement of the law to be extremely lax.

The GAO has pointed out the need to strengthen registration activities, pesticide accident investigations and the collection and evaluation of data on environmental hazards. The report of the Intergovernmental Operations Subcommittee found that enforcement of our pesticide law was hampered by confusing and contradictory pesticide labeling, inadequate information on pest poisonings, a failure by USDA to secure the cancellation of any registered pesticide in which the manufacturer contested the case, and a lack of action by USDA to protect the public from hazardous products.

The House committee also reported that according to USDA figures, the Department of Health, Education, and Welfare had objected to a total of 1,663 proposed pesticide registrations or reregistrations from July 1, 1964, to June 30, 1969. Although the USDA did not keep records of products registered over HEW objections and did not inform HEW what action was taken on their objections, the House subcommittee learned that during fiscal year 1969 alone there apparently were 185 pesticides registered by the USDA over the objections of the agency which is responsible for assessing the public health aspects of all pesticide registrations.

It is in the face of these kinds of problems that I have introduced in the House today for review and inspection, the bill introduced in the Senate last week by Senators NELSON and HUMPHREY.

Under this legislation, for example, the Administrator of the Environmental Protection Agency and the Secretary of Health, Education, and Welfare would

have to determine before registering a pesticide that benefits from the use of any pesticide would be substantially greater than potential detriments to public health, safety, and welfare or to the environment.

In making their decision, they would consider the availability of nonchemical alternatives to that pesticide, the toxic or other adverse health effects of the pesticide, the persistence and mobility of the pesticide and, importantly, its effect on nontarget organisms.

This legislation also deals with the problems caused by the current law with regard to, first, the definition of an "imminent hazard to the public"; second, the cancellation of pesticide registrations, which allows a pesticide to continue in interstate commerce until the appeals process is exhausted and a final determination is made on the registration; and, third, the suspension of registrations which prohibit the sale of the pesticide immediately, and which can only occur if the pesticide presents an "imminent hazard to the public."

Under present law, the definition of an "imminent hazard," if there is one at all, is vague. Even if we know, for example, that pesticides applied to vegetables today will be a danger to man after the vegetables are harvested 6 months hence, does this pose an "imminent" hazard to the public. In some men's dictionaries perhaps not, because if "imminent" is taken strictly to mean "now," the danger posed 6 months from now would not allow it to be removed immediately from the market.

The legislation I am presenting to the House today solves this problem by eliminating this troublesome phrase. Under this legislation, the Administrator of the Environmental Protection Agency would be authorized to suspend the registration of a pesticide if he determines that it constitutes a serious actual hazard or a serious potential hazard which could become a serious actual hazard before it can be canceled. The Administrator would also be authorized to suspend for 90 days the registration of a pesticide if he or the Secretary of Health, Education, and Welfare has reason to believe that it presents a serious actual or serious potential hazard but there is not sufficient information available to make a definite determination.

If the registration of a pesticide is canceled or suspended, the Administrator would be required to issue orders to all handlers and dealers requiring that they stop the sale or use of the pesticide until further notice. A similar stop-order provision is included in the pesticide reform bill introduced at the request of the President.

With regard to the cancellation procedure, under this bill, if a registration is canceled or refused, the manufacturer could appeal for a hearing within 30 days. Within 60 days, hearings are to be held; 60 days after that an order must be issued on whether the registration shall be granted. Thus, the extended cancellation procedures which can now be dragged on for years would be reduced to 150 days.

Furthermore, in a provision similar to one recommended by the administration,

under this legislation if any pesticide would constitute a serious actual or serious potential hazard, the EPA shall require that an approved pest control operator apply the pesticide or control the device used to apply it.

Mr. Speaker, I have referred a number of times to the bill recommended by the President in his environmental message to the Congress. In many ways, it is a fine bill. In other ways, I would hope it could be strengthened.

The President's bill, for example, provides controls for the experimental use of pesticides. It deletes the advisory committee in the appeals process. It has provisions for making available to the public data which was used in evaluating the application for registration. Provisions are made for the registration and inspection of establishments manufacturing or processing pesticides. States are not precluded from imposing stricter standards on pesticide use.

Many of these or similar provisions are included in the legislation which I am presenting to the Congress today, and I support fully these goals of the President.

However, the President's bill would require that pesticide exporters file with the Administrator of the Environmental Protection Agency a certification that the article exported is in compliance with the laws and regulations of the foreign country to which it is being sent. We would like to see a further provision, included in the legislation I am introducing today, which also provides assurances that any exported pesticides will be used in accord with the U.S. registration.

The administration bill refers to exported pesticides and those sold in interstate commerce but does not affect that sold in intrastate commerce. When we are dealing with materials which "move" as much as pesticides do, I do not believe we can truly protect the public welfare or the environment unless we regulate all pesticides.

The administration bill continues to use the term "imminent hazard" to health or the environment. Without a definition of this term—and it seems difficult to formulate one—we shall continue to register, as we do today, questionable pesticides which may be a potential hazard for the environment.

The administration bill provides for recordkeeping by the Administrator of the Environmental Protection Agency, although there is room for doubt about whether these provisions are strong enough.

That bill also provides that when registering a pesticide the Administrator of the Environmental Protection Agency consider the environmental effects of the pesticide. Included would be the pesticide's persistence, degradation, and potential for movement and accumulation in the environment. I would hope that other criteria could be included, such as whether the chemical is subject to transformation into other chemicals which may injure the environment—a serious problem with pollution from mercury compounds—and whether nonchemical alternatives are available.

Mr. Speaker, there is no doubt that much discussion will be needed with re-

gard to this legislation, to the President's proposal and other pesticide legislation which has been or will be introduced in the Congress.

We all realize, I think, that pesticides are necessary in agriculture and that they will be with us for some time to come. But there is no doubt either that we must devise ways to limit the use of pesticides when alternatives are available and that when they are necessary, we must use them in a way that will be least hazardous to the health of both the public and the environment.

Mr. Speaker, a copy of this legislation appears below:

H.R. 4596

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (61 Stat. 167; 7 U.S.C. 135-135k), is amended to read as follows:*

"That this Act, with the following table of contents, may be cited as the National Pesticide Control and Protection Act.

"TABLE OF CONTENTS

- "Sec. 2. Statement of Findings.
- "Sec. 3. Definitions.
- "Sec. 4. Prohibited Acts.
- "Sec. 5. Registration.
- "Sec. 6. Public Notice of Applications.
- "Sec. 7. Labeling.
- "Sec. 8. Testing.
- "Sec. 9. Certificates for Purchase and Use.
- "Sec. 10. Records.
- "Sec. 11. Rules and Regulations.
- "Sec. 12. Penalties.
- "Sec. 13. Stop Sale and Seizure.
- "Sec. 14. Injunctive Proceedings.
- "Sec. 15. Private Remedies.
- "Sec. 16. Imports.
- "Sec. 17. Use of Pesticides or Devices by Federal Departments and Agencies.
- "Sec. 18. National Pesticide Research and Control Trust Fund.
- "Sec. 19. Authorization for Appropriation.
- "Sec. 20. Separability.

"STATEMENT OF FINDINGS

- "Sec. 2. The Congress hereby finds that—
- "(1) the actual and potential hazards of pesticides and pest control devices to the public health, safety, and welfare, to useful plants and animals and to the environment are not adequately controlled by existing law;
- "(2) only through effective administration and enforcement of this Act can the public health, safety, and welfare, and the environment be safeguarded. To this end, it is determined that the Environmental Protection Agency is the agency best qualified to carry out the responsibilities of this Act in close cooperation with the Department of Health, Education, and Welfare;
- "(3) many of the past and present problems caused by certain particularly dangerous pesticides can be traced to the improper and excessive use of these chemical compounds. In order to avoid such misuses, a system of pesticide use by certificate only should be established with a qualified specialist authorized to provide the users of such pesticides with certificates authorizing them to obtain and use certain pesticides in accordance with the certificate issued;
- "(4) basic to the maintenance of the public health, safety, and welfare and to the protection of the environment is the establishment of sound criteria for use by the Administrator of the Environmental Protection Agency and the Secretary of Health, Education, and Welfare in determining whether the benefits from the use of any pesticide or device are substantially greater than the potential detriments to the public health, safety, and welfare, and to the environment.

Such criteria should include the following: the specificity, persistence, and mobility of the pesticide and its toxic, carcinogenic, mutagenic, teratogenic, and other effects, as well as the availability of effective alternative means of pest or plant control;

"(5) emphasis must be placed on the need to provide the Administrator of the Environmental Protection Agency and the Secretary of Health, Education, and Welfare with the most comprehensive and objective information about the pesticides and devices proposed to be registered and already under registration. To that end, an effective procedure must be established to adequately test all pesticides and devices prior to their entry into commerce, and such testing should be conducted by officials of the Environmental Protection Agency and the Department of Health, Education, and Welfare or by qualified independent researchers under contracts to the Environmental Protection Agency;

"(6) new appeal procedures are necessary to reduce the present delay in reaching final action on the cancellation of a registration or the rejection of a registration application. Under existing law, as much as 390 days may be consumed through administrative appeals procedures while the pesticide or device may continue to be sold and used without restriction. New procedures must be initiated to hasten the decision-making process without jeopardizing the rights of manufacturers and other parties, while at the same time enabling other interested parties from the public to be heard;

"(7) now private individuals and groups of individuals do not at present have any clear means of protecting themselves or the environment from real or potential hazards caused by pesticides and devices or to obtain damages for injuries caused by pesticides or devices. Such rights should be available to all persons as well as the right to seek injunctive relief against the Administrator or the Secretary of Health, Education, and Welfare if such officials take action inconsistent with the requirements of this Act;

"(8) effective administration of the provisions of this Act, including the conduct of research to determine the potential effects of pesticides and devices on the public health, safety, and welfare and on the environment, will require special financial support. To raise the necessary revenue, an assessment on the sale of pesticides and devices shall be made and the receipts therefrom shall be placed in a trust fund and used for the administration of this Act;

"(9) the public health, safety, and welfare and the environment would be better protected if biological and non-chemical means of pest and plant control were used as alternatives to chemical pesticides. Therefore, it is essential that the availability of such biological and non-chemical means of pest and plant control be fully ascertained before the registration of any pesticide is initially approved or renewed or is certified for use in any specific region of the country; and

"(10) all pesticides and devices produced domestically are either in the current of interstate or foreign commerce or directly affect such commerce. Federal regulation of pesticides and devices as provided in this Act is necessary and desirable since pesticides and devices which enter directly into the current of interstate or foreign commerce cannot be effectively regulated without also regulating pesticides and devices which do not enter directly into the current of interstate or foreign commerce.

"DEFINITIONS

- "Sec. 3. For the purposes of this Act—
- "(1) The term 'pesticide' means (A) any substance or mixture of substances intended for use in destroying, repelling, or mitigating any insects, rodents, nematodes, fungi,

weeds, and other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the Secretary of Agriculture after opportunity for a hearing shall declare to be a pest, and (B) any substance or mixture of substances intended to use as a plant regulator, defoliant or desiccant.

"(2) The term 'device' means any instrument or contrivance intended for trapping, destroying, repelling or mitigating insects or rodents or destroying, repelling, or mitigating fungi, nematodes or such other pests as may be designated by the Secretary of Agriculture, including equipment used for the application of pesticides when sold separately therefrom.

"(3) The term 'insecticide' means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects which may be present in any environment whatsoever.

"(4) The term 'fungicide' means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi.

"(5) The term 'rodenticide' means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animal which the Secretary of Agriculture shall declare to be a pest.

"(6) The term 'herbicide' means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed.

"(7) The term 'nematocide' means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating nematodes.

"(8) The term 'plant regulator' means any substance or mixture of substances, intended through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

"(9) The term 'defoliant' means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

"(10) The term 'desiccant' means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

"(11) The term 'nematode' means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts; may also be called nemas or eelworms.

"(12) The term 'weed' means any plant which grows where not wanted.

"(13) The term 'insect' means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insects, comprising six-legged, usually winged forms, as for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes, and wood lice.

"(14) The term 'fungi' means all non-chlorophyll-bearing thallophytes (that is all non-chlorophyll-bearing plants of a lower order than mosses and liverworts), as, for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other animals.

"(15) The term 'ingredient statement' means with respect to any pesticide either—

"(A) a statement of the name and percentage of each active ingredient, together

with the total percentage of the inert ingredients, in the pesticide; or

"(B) a statement of the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, if any there be, in the pesticide, and, in addition to (A) or (B) in case the pesticide contains arsenic in any form a statement of the percentages of total and water soluble arsenic, each calculated as elemental arsenic.

"(16) The term 'active ingredient' means—

"(A) in the case of a pesticide other than a plant regulator, defoliant, or desiccant, an ingredient which will prevent, destroy, repel, or mitigate insects, nematodes, fungi, rodents, weeds, or other pests;

"(B) in the case of plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof;

"(C) in the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant;

"(D) in the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

"(17) The term 'inert ingredient' means an ingredient which is not active.

"(18) The term 'antidote' means a practical immediate treatment in case of poisoning and includes first-aid treatment.

"(19) The term 'person' means any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.

"(20) The term 'possession of the United States' means any territory or possession of the United States, excluding the Canal Zone.

"(21) The term 'State' means the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(22) The term 'registrant' means the person registering any pesticide or device pursuant to the provisions of this Act.

"(23) The term 'label' means the written printed, or graphic matter on, or attached to, the pesticide or device or the immediate container thereof, and the outside container or wrapper of the retail package, if any there be, or the pesticide or device.

"(24) The term 'labeling' means all labels and other written, printed, or graphic matter—

"(A) upon the pesticide or device or any of its containers or wrappers;

"(B) accompanying the pesticide or device at any time;

"(C) to which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Department of Agriculture, the Department of Health, Education, and Welfare, State experiment stations, State agricultural colleges, and other similar Federal or State institutions or agencies authorized by law to conduct research in the field of pesticides.

"(25) The term 'adulterated' shall apply to any pesticide or device if its strength or purity falls below the professed standard or quality as expressed on its labeling under which it is sold, or of the analysis of the representative samples delivered in connection with the application for registration of the pesticide or device, or if any substance has been substituted wholly or in part for the pesticide or device, or if any valuable constituent of the pesticide or device has been wholly or in part abstracted.

"(26) The term 'misbranded' shall apply—

"(A) to any pesticide or device if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular, or if it is contained in a package or other container or wrapping which does not conform to the regulations established by

the Administrator Agency pursuant to the provisions of this Act, or if it was manufactured, prepared, propagated, compounded, or processed by an establishment which did not have in effect a valid registration under this Act for such pesticide or device;

"(B) to any pesticide or device

"(i) if it is an imitation of or is offered for sale under the name of another pesticide or device;

"(ii) if its labeling bears any reference to any registration number under this Act other than the registration number assigned to the pesticide or device;

"(iii) if the labeling accompanying it does not contain directions for use which are necessary and, if complied with, adequate for the protection of the public, including the protection of living man, vertebrate animals, vegetation, and invertebrate animals, except target pests;

"(iv) if the label does not contain a warning or caution statement which may be necessary and if complied with adequate to prevent injury to the public, including living man, vertebrate animals, vegetation, and invertebrate animals, except target pests;

"(v) if the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase; but the Administrator may permit the ingredient statement to appear prominently on some other part of the container, if the size or form of the container makes it impracticable to place it on the part of the retail package which is presented or displayed under customary conditions of purchase;

"(vi) if any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use, as determined by the Administrator;

"(vii) if the package or label bears any false or misleading statement, design, or device regarding the pesticide or device, or any ingredient or substance which is contained in it; or

"(viii) if it is labeled, or branded, or packaged so as to deceive or mislead the purchaser.

"(27) The terms 'proper court' and 'district court' mean a United States district court, and the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States Court of any other possession of the United States.

"(28) The term 'target pests' means particular species of plant or animal which is injuring or destroying another particular plant or animal, but does not include predators of any such plant or animal though such predators may be classified or considered to be pests of other plants or animals.

"(29) The term 'formula' means the chemical structure of the constituent ingredients.

"(30) The term 'formulation' means the techniques of manufacturing, preparing, propagating, compounding, or processing a pesticide or device.

"(31) The term 'established name' means the applicable official name of a pesticide or device as determined by the Administrator or, if the Administrator determines there is no such name for the pesticide or device, the name for such pesticide or device as published by the American National Standards Institute, Incorporated, and if no name for such pesticide or device exists, the common or usual name of the pesticide or device.

"(32) The term 'Agency' means the Environmental Protection Agency.

"(33) The term 'Administrator' means the Administrator of the Environmental Protection Agency.

#### "PROHIBITED ACTS

"SEC. 4. (a) It shall be unlawful for any person to distribute, sell, or offer for sale in any State or possession of the United States or to ship or deliver for shipment from any State or possession of the United States or foreign country, and having so received, deliver or offer to deliver in the original unbroken package to any other person, any of the following:

"(1) any pesticide or device which is not registered pursuant to the provisions of section 5 of this Act;

"(2) any pesticide or device which is not in the registrant's unbroken container and which does not have affixed to such container a label as required in section 7 of this Act;

"(3) any pesticide or device, if any of the claims made for it or any of the directions for its use differ in substance from the conditions and requirements contained in the registration of the pesticide or device, or if any of the pesticide's or device's claims or labels contain any material or substantial misrepresentation or make any false promises of the character likely to influence, induce, or deceive;

"(4) the pesticides commonly known, respectively, as standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, sodium fluoride, sodium fluosilicate, and barium fluosilicate unless they have been distinctly colored or discolored as provided by regulations issued in accordance with this Act; or any other white powder pesticide which the Administrator, after investigation of and after public hearing on the necessity for such action for the protection of the public health, safety, and welfare and of the environment and the feasibility of such coloration or discoloration, shall by regulation have required to be distinctly colored or discolored, unless it has been so colored or discolored; but the Administrator may exempt any pesticide from the coloring or discoloring required or authorized by this section to the extent that such pesticide is intended for a particular use or uses if he determines that such coloring or discoloring for such use or uses is not necessary for the protection of the public health, safety, and welfare and the environment;

"(5) any pesticide which is adulterated or misbranded or any device which is misbranded; and

"(6) any pesticide or device if the package, other container, or wrapping in which such pesticide or device is enclosed for use or consumption fails to comply with the standards established therefor pursuant to section 11(b) of this Act.

"(b) Notwithstanding any other provision of this Act, no pesticide or device may be exported to any foreign country unless a certificate has been filed with the Administrator by the exporter stating that the pesticide or device proposed to be exported (1) is in compliance with the laws and regulations of such foreign country, and (2) will be used in accordance with the conditions stipulated in the registration for such pesticide. The Administrator may waive the requirement prescribed in clause (2) of the preceding sentence if he determines the use to be made of the pesticide is essential to the maintenance of the health of the foreign country to which the pesticide is to be exported and will not be inconsistent with the protection of the health, safety, and welfare and the environment of the United States.

"(c) It shall be unlawful—

"(1) for any person to detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in this Act or the rules and regulations promulgated hereunder, or

to add any substance to, or take any substance from, a pesticide in a manner that may defeat the purpose of this Act;

"(2) for any manufacturer, distributor, dealer, carrier, or other person to refuse, upon a request made in writing specifying the nature or kind of pesticide or device to which such request relates, to furnish to or permit any person designated by the Administrator or the Secretary of Health, Education, and Welfare to have access to and to make copy of records as authorized by section 10 of this Act or to refuse to permit entry, or inspection, or the taking of samples as authorized by such section;

"(3) for any person to give a guaranty or undertaking provided for in section 12(f) of this Act which is false in any particular, except that a person who receives and relies upon a guaranty authorized under such section may give a guaranty to the same effect, which guaranty shall contain in addition to his own name and address the name and address of the person residing in the United States from whom he received the guaranty or undertaking; and

"(4) for any person to use for his own advantage or to reveal, other than to the Administrator, or to officers and employees of the Agency or of other Federal agencies, or to the Congress of the United States, or to the courts in response to a subpoena, or to physicians when necessary to the treatment of patients, or in emergencies to pharmacists and other qualified persons when necessary for use in the preparation of antidotes, the formula or formulations acquired by authority of section 5 of this Act if the Administrator has determined that such information constitutes a trade secret not protected by patent or other safeguard.

#### "REGISTRATION

"SEC. 5. (a) Every pesticide and device which is distributed, sold, or offered for sale in any State or possession of the United States, or which is shipped or delivered for shipment in any State or possession of the United States, or which is received from any foreign country, shall be registered with the Administrator in accordance with the provisions of this Act. Such registration shall specify the pests or plants for which the pesticide or device is intended for use and the conditions for such use. Any pesticide which has the same formula as another pesticide, both of which are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying both as the same pesticide may be registered as a single pesticide. Notwithstanding any other provision of this Act, registration shall not be required in the case of a pesticide or device shipped from one plant to another plant operated by the same person and used solely at such plant as a constituent part to make a pesticide or device which is registered under this Act.

"(b) An applicant for registration of a pesticide or device shall file with the Administrator a statement including—

"(1) the name and address of the applicant for registration and the name and address of the person whose name will appear on the label, if other than the applicant for registration;

"(2) the established name, the brand name, and trademark of the pesticide or device to be registered;

"(3) the correct name and percentage of each active ingredient in the pesticide and the total percentage of inert ingredients contained in the pesticide;

"(4) the size or sizes of the containers in which the pesticide is proposed to be sold;

"(5) a complete copy of the labeling which the applicant proposes to attach to containers of the pesticide or device and a statement of all claims to be made for it, including directions for the use;

"(6) the specific pests or plants for which the pesticide or device is proposed for use and the proposed conditions for its use; and

"(7) If requested by the Administrator, a full description of the tests made and the results thereof upon which the claims are based. The Administrator or the Secretary of Health, Education, and Welfare may, if either deems it necessary for the effective administration of this Act, require the submission of the complete formula and formulation of the pesticide or device.

"(c) A copy of each application for registration and renewal submitted to the Administrator under this section shall be sent by the Administrator to the Secretary of Health, Education, and Welfare and the Secretary of Agriculture for their information.

"(d) (1) The Administrator shall refuse to register or shall cancel the registration of any pesticide or device when he determines that the pesticide or device is not such as to warrant the proposed or existing claims for it, or if the pesticide or device and its labeling and other material required to be submitted do not comply with the provisions of this Act, or if—

"(A) it is of little or no value for the purpose for which it is intended;

"(B) any false or misleading statement is made or implied by the applicant or registrant, or by his agent, either verbally or in writing, or in the form of any advertising literature; or

"(C) it is manufactured by any person who has repeatedly violated any of the provisions of this Act.

"(2) The Administrator shall refuse to register or shall cancel the registration of any pesticide or device when he determines, or when he receives a written notification from the Secretary of Health, Education, and Welfare that the Secretary has determined, that the registration of a pesticide or device should be refused or canceled on the basis that such registration does not comply with the provisions of this Act. The Administrator shall refuse to register or shall cancel the registration of any pesticide or device unless he determines, and receives written notification from the Secretary of Health, Education, and Welfare that the Secretary has determined, from the testing conducted pursuant to the provisions of section 8 of this Act, or from other information, that the benefits from the use of such pesticide or device are substantially greater than the potential detriments to the public health, safety, and welfare or to the environment. In making this determination, the Administrator and the Secretary of Health, Education, and Welfare shall consider at least the following criteria—

"(A) the specificity of the pesticide and the nature and extent of harm done to nontarget organisms or plants;

"(B) the persistence and mobility of the pesticide or its byproducts and their incorporation into nontarget organisms and plants;

"(C) the toxic, carcinogenic, mutagenic, teratogenic, and other health effects of the pesticide or its byproducts;

"(D) the adequacy of the knowledge of its effects on the public health, safety, and welfare and the environment; and

"(E) the availability of safe and effective biological and nonchemical alternative means of controlling the pests specified in the registration or registration application.

"(3) The Administrator, with the cooperation of the Secretary of Agriculture and the Secretary of Health, Education, and Welfare, shall develop an orderly program for the continuous evaluation of all registered pesticides and devices, including the compilation and publication of annual statistics on the production, sale, and use of pesticides and devices.

"(e) The Administrator shall immediately suspend the registration of any pesticide

or device after notice to the registrant and pending a hearing and final decision pursuant to subsection (h) of this section if he determines, or receives a written notification from the Secretary of Health, Education, and Welfare that the Secretary has determined, that the use or continued use of such pesticide or device constitutes a serious actual hazard to the public health, safety, and welfare, or to the environment, or constitutes a serious potential hazard to the public health, safety, and welfare, or to the environment, which may become a serious actual hazard prior to the time normally required to carry out the cancellation procedures under subsection (h) of this section.

"(f) Notwithstanding any other provision of this section, whenever the Administrator or the Secretary of Health, Education, and Welfare has reason to believe that any pesticide or device or its labeling or other material required to be submitted does not comply with the provisions of this Act and that the use of the product in accordance with the labeling accepted in connection with its registration may present a serious actual hazard to the public health, safety, and welfare, or to the environment, or constitutes a serious potential hazard to the public health, safety, and welfare, or to the environment, which may become a serious actual hazard prior to the time normally required to carry out the cancellation procedures under subsection (h) of this section, but the information then available is insufficient for a definite determination as to the existence, nature, and potential of any hazard involved, the Administrator shall give notice of such belief and the basis therefor to the registrant and afford the registrant a period of not more than seven days to submit his views on the matter informally. The Administrator shall submit to the Secretary of Health, Education, and Welfare a copy of any views received from the registrant. After consideration of such views and all other pertinent information then available, the Administrator shall promptly order a preliminary suspension of the registration effective immediately, if he determines, or if he receives a written notification from the Secretary of Health, Education, and Welfare that the Secretary has determined, that such action is necessary in order to afford an opportunity to acquire and analyze information and data essential for a definite determination as to the existence, nature, and potential of any hazard which may be involved. After such analysis, but not later than ninety days after the effective date of such preliminary suspension, the Administrator shall—

"(1) by order suspend the registration in accordance with the provisions of subsection (e) of this section if he or the Secretary of Health, Education, and Welfare finds that such action is necessary to prevent a serious actual hazard to the public health, safety, and welfare, or to the environment, or a serious potential hazard to the public health, safety, and welfare or to the environment, which may become a serious actual hazard prior to the time normally required to carry out the cancellation procedures under subsection (h) of this section; or

"(2) institute action in accordance with subsection (d) of this section for the cancellation of such registration if it appears to the Administrator or the Secretary of Health, Education, and Welfare that the pesticide or device or its labeling or other material required to be submitted does not comply with the provisions of this Act and the Administrator or the Secretary of Health, Education, and Welfare finds that a serious actual hazard to the public health, safety, and welfare, or to the environment, or a serious potential hazard to the public health, safety, and welfare, or to the environment, is not involved; or

"(3) issue an order terminating the preliminary suspension.

Any action or failure to act under this subsection shall not preclude any subsequent action under this section with regard to the registration of any pesticide or device.

"(g) If any applicant for registration of a pesticide or device has complied with the requirements of subsections (a) and (b) of this section, and the pesticide or device is not prohibited on any of the grounds set forth in subsections (d), (e), and (f) of this section, the Administrator shall register as soon as practicable the pesticide or device sought to be registered and shall assign a registration number to the pesticide or device, as the case may be. Such registration shall specify the pests for which the pesticide or device is intended for use, the size or sizes and nature of the container in which the pesticide may be sold, and the conditions for its use, including whether the pesticide or device must only be used by an approved pest control operator pursuant to subsection (k) of this section or whether the pesticide or device may be purchased and used only upon the issuance of a certificate pursuant to section 9 of this Act. Each registration shall be good for four years, unless a determination is made pursuant to subsection (d), (e), or (f) of this section that such registration should be canceled or suspended. When a registration expires at the end of a four year period, it may be renewed after application in the manner provided for registration in subsections (a) and (b) of this section. If a registration renewal is objected to and challenged by any person, the Administrator shall hold a public hearing on the renewal application if he determines that there is new information or evidence available pertaining to the registration that has not been previously considered.

"(h) Whenever the Administrator refuses registration of a pesticide or device or cancels the registration for any pesticide or device, he shall notify the applicant for registration or the registrant of his action and the reasons therefor. Whenever an application for registration is refused, the applicant, within thirty days after service of notice of such refusal, may file objections and request a hearing in accordance with this subsection. A cancellation of registration shall be effective thirty days after service of the foregoing notice unless within such time the registrant makes the necessary corrections prescribed by the Administrator, with the concurrence of the Secretary of Health, Education, and Welfare, or files objections to the cancellation and requests a hearing. Within sixty days of the receipt of such request for a hearing the Administrator shall grant a hearing on the record to the applicant. At such hearing, which shall be conducted as expeditiously as possible, the Administrator shall afford any interested party the opportunity to present testimony or evidence directly relating to the proposed action of the Administrator. As soon as practicable after completion of the hearing, but not later than sixty days, the Administrator, subject to the approval of the Secretary of Health, Education, and Welfare, shall issue an order granting, denying, or canceling the registration, as appropriate, or requiring modification of the claims, the labeling, or other material relating to the pesticide or device.

"(i) In a case of actual controversy as to the validity of any official action taken under this section, any person who will be adversely affected by such action may obtain judicial review by filing in the United States Court of Appeals for the circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, within sixty days after the taking of such action, a petition praying that the action be set aside in whole or in part. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administrator or any offi-

cer designated by him for that purpose, and thereupon the Administrator shall file in the court the record on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the Court shall have exclusive jurisdiction to affirm or set aside the action complained of in whole or in part. The findings of the Administrator and the Secretary of Health, Education, and Welfare with respect to questions of fact, shall be sustained if supported by substantial evidence when considered on the record as a whole. If application is made to the court for leave to adduce additional evidence, the court may order such additional evidence to be taken before the Administrator, and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper, if such evidence is material and there were reasonable grounds for failure to adduce such evidence in the proceedings below. The Administrator, with the concurrence of the Secretary of Health, Education, and Welfare, may modify his findings as to the facts and action taken by reason of the additional evidence so taken, and shall file with the court such modified findings and action. The judgment of the Court affirming or setting aside, in whole or in part, any order under this section shall be final, subject to review by the Supreme Court of the United States, upon certiorari or certification as provided in section 1254 of title 18, United States Code. The commencement of proceedings under this section shall not, unless specifically ordered by the Court to the contrary, operate as a stay of an order.

"(j) Any person who on the effective date of the Act enacting this subsection operated any establishment in any State or Possession of the United States and such establishment was engaged in the manufacture, preparation, propagation, compounding, or processing of any pesticide or device subject to this Act shall, within one hundred and eighty days after such date, apply to the Administrator for a new registration, pursuant to the provisions of this Act, of any pesticide or device manufactured, prepared, propagated, compounded, or processed in such establishment, giving his name and the address of each such establishment operated by him and other information required for the registration under this Act for any pesticide or device. The Administrator shall either grant or reject any application for new registrations required under this subsection as soon as practicable after the receipt of such application. Any registration issued prior to the effective date of the Act enacting this subsection shall become inoperative upon the registration or rejection of a registration application made under the provisions of this Act after such date or after one hundred and eighty days after such date if a new registration has not been applied for. Any person who proposes to begin operation of any such establishment after such date shall, at least thirty days prior to beginning such operation, similarly apply for registration with the Administrator. Each establishment will be assigned an establishment number by the Administrator at the time of registration of the pesticide or device manufactured, prepared, propagated, compounded, or processed by it.

"(k) Whenever the Administrator determines, or whenever the Secretary of Health, Education, and Welfare determines and notifies the Administrator in writing that the use of any pesticide or device by a person other than an approved pest control operator would constitute a serious actual hazard or a serious potential hazard to the public health, safety, and welfare, or to the environment, the Administrator shall issue an appropriate order prohibiting the use of such pesticide or device except by an approved pest control operator. No person other than an approved pest control operator shall use any pesticide

or device with respect to which such an order has been issued. No approved pest control operator shall use any pesticide or device required to be registered under this Act unless such product is so registered, and no approved pest control operator shall use any registered pesticide or device except in accordance with the labeling accepted in connection with the registration. As used in this subsection, the term 'approved pest control operator' means any person who uses any pesticide or device for any use specified in section 3(1) of this Act and who—

"(1) has been issued a license by a State or possession of the United States on the basis of a demonstration of his competence in the use and other handling and knowledge of the toxicity and antidotes of the pesticide or device involved, according to standards approved or prescribed by the Administrator as hereinafter provided, or

"(2) is employed by a Federal, State, or local governmental agency in pest control programs or is engaged in research concerning, or development, evaluation, or use of, pesticides or devices and meets such standards as the Administrator shall approve or prescribe to assure that such person has sufficient competence in the handling and knowledge of the toxicity and antidotes of such pesticide or device to avoid any hazard to the health, safety, and welfare of the public or to the environment.

The Administrator shall promulgate regulation establishing minimum standards which approved pest control operators must meet.

#### "PUBLIC NOTICE OF APPLICATIONS FOR REGISTRATION AND REGISTRATION APPROVALS

"Sec. 6. (a) Upon receipt of an application for registration or registration renewal for a pesticide or device the Administrator shall publish a notice of the receipt of such application in the Federal Register. Such notice shall contain the following information:

"(1) the name and address of the applicant for registration or renewal and the name and address of the person whose name will appear on the label, if other than the applicant for registration or renewal;

"(2) the brand name and the trademark of the pesticide or device to be registered;

"(3) in the case of a pesticide, the correct name and percentage of all active ingredients contained in it, and the total percentage of inert ingredients contained in it;

"(4) a copy of the label and other instructions which the applicant proposes to attach to the containers of the pesticide or device; and

"(5) the purposes for which the pesticide or device should and should not be used.

The formula or formulation shall not be included in the notice if the Administrator determines that such information would constitute a trade secret not protected by patent or other safeguard.

"(b) Upon registration or registration renewal for a pesticide or device the Administrator shall publish a notice thereof in the Federal Register. Such notice shall contain the name and address of the registrant, the established name, the brand name and trademark of the pesticide or device registered or for which a registration was renewed, and any changes in the registration from that set forth in the application.

"(c) The Administrator shall maintain records of all information received or developed in the administration of this Act. He shall retain such records of all pesticides and devices at least three years after the cancellation, suspension, or expiration of the registration of such pesticides and devices, except that the Administrator shall retain permanently any information which he believes is of special value in the administration of the Act.

"(d) Upon request of any interested party, the Administrator shall make available all records maintained in the administration of

this Act; except that the formula or formulation of pesticides or devices shall not be made available if the Administrator determines that such formula or formulation constitutes a trade secret not protected by patent or other safeguard.

#### "LABELING

"Sec. 7. (a) The registrant of any pesticide or device shall attach to each separate lot, and each separate, finished, sealed, or closed container or package of pesticide or device which he intends to sell or distribute a plainly printed label, that states all of the following:

"(1) the established name, brand name, and trademark, if any, under which the pesticide or device is sold;

"(2) the name and address of the manufacturer, importer, or vendor holding the registration for such pesticide or device;

"(3) the net weight or measure of the content in the case of a pesticide;

"(4) the purposes for which the pesticide or device is registered to be used, and the purposes for which the pesticide or device under its registration may not be used;

"(5) the precautions to be taken to avoid accident, injury or damage;

"(6) the symptoms of poisoning which may be caused by the pesticide;

"(7) the first aid remedies to apply if personal injury occurs; and

"(8) when required by regulations of the Administrator to effectuate the purposes of this Act, the registration number assigned to the pesticide or device under section 5(g) of this Act, and the number assigned to each establishment under section 5(j) of this Act in which the pesticide or device was manufactured, prepared, propagated, compounded, or processed.

The Administration may permit reasonable variations from the labeling requirements prescribed herein that are not inconsistent with the protection of public health, safety, and welfare, or harmful to the environment.

"(b) No pesticide which contains any substance or substances in quantities highly toxic to man, determined as provided in section 8 of this Act, unless the label of such pesticide shall bear, in addition to any other matter required by this Act—

"(1) the skull and crossbones;

"(2) the word 'poison' prominently (in red) on a background of distinctly contrasting color; and

"(3) a statement of an antidote for the pesticide.

#### "TESTING

"Sec. 8. (a) The Administrator shall be responsible for conducting all tests on pesticides and devices submitted to him for registration under this Act for the purpose of determining whether or not such pesticide or device should be approved for registration, and shall be responsible for conducting tests on pesticides and devices which have previously been registered under this Act in order to determine whether or not approval of such pesticides or devices should be cancelled or suspended pursuant to subsections (d), (e), or (f) of section 5 of this Act.

"(b) Whenever the Administrator receives an application from any person for registration of a pesticide or device pursuant to section 5 of this Act, he shall, as soon as practicable provide for the necessary testing of such pesticide or device either by the Agency, the Department of Health, Education, and Welfare, or by any qualified individual, organization, or institution which the Administrator may engage to conduct such testing. It shall be the responsibility of the Administrator to insure that the testing of any pesticide or device is conducted by experts qualified by scientific training and experience to test pesticides and devices for their toxicity, persistence, and the potential or real hazards they may present to vegetation, animals, the

public health, safety, and welfare, and to the environment.

"(c) Whenever a pesticide or device has been submitted to the Administrator by any applicant for the registration of such pesticide or device, the applicant shall make available to the Administrator such amounts of the pesticide or numbers of the devices as the Administrator determines is necessary for the adequate testing of such pesticide or device. Notwithstanding any other provision of this Act, the Administrator is authorized, under such rules and regulations as he may prescribe, to permit the shipment of any unregistered pesticide or device for testing under this section.

"(d) The Administrator is authorized with the concurrence of the Secretary of Health, Education, and Welfare and after opportunity for a hearing—

"(1) to determine pesticides and quantities of substances contained in pesticides, which are highly toxic to man; and

"(2) to determine standards of coloring or discoloring for pesticides, and to subject pesticides to the requirements of section 4 (a) (4) of this Act.

#### "CERTIFICATES FOR PURCHASE AND USE

"Sec. 9. (a) If the Administrator determines, or if he receives a written notification from the Secretary of Health, Education, and Welfare that the Secretary has determined, on the basis of all information available to him, that it is necessary for the protection of the public health, safety, and welfare or the environment that the purchase and use of any particular pesticide should be prohibited except under special circumstances, the Administrator shall issue a regulation prohibiting the purchase and use of such pesticide except on the issuance of a certificate for the sale or other transfer and use of such pesticide in accordance with the provisions of this section.

"(b) Any person who wishes to obtain for use a pesticide subject to the provisions of subsection (a) of this section shall contact an authorized agent and request a certificate authorizing the purchase and use of such pesticide. Any authorized agent, upon receiving a request orally or in writing from any person for a certificate to purchase and use such pesticide, shall, as soon as practicable, determine the purpose for which such pesticide is to be used and, in every case possible, visit the place where such pesticide is to be used. If he determines that the use of the pesticide requested is not inconsistent with protection of the public health, safety, and welfare, or of the environment, he shall issue a certificate authorizing the purchase of the pesticide to the person who made the request therefor and prescribing the manner in which the pesticide may be used. In issuing a certificate for the purchase and use of a pesticide to any person under this section, the authorized agent shall consider the overall pest or plant control problem of the area in which he is authorized to issue certificates and shall review the possibility for area-wide control of such pests by biological and nonchemical means, taking into account the need to limit the amount of chemicals introduced into the environment.

"(c) Any certificate issued under this section shall indicate thereon the specific pesticide authorized to be purchased, the maximum amount of such pesticide which may be purchased, and the manner in which the pesticide may be used.

"(d) No dealer shall sell or otherwise transfer to any person any pesticide subject to the provisions of subsection (a) of this section unless he has received a certificate issued by an authorized agent in such form as may be prescribed by the Administrator.

"(e) The requirements of this section shall not apply to any broker, wholesaler, or other person engaged in the business of purchasing or selling pesticides in bulk quantities and

who does not sell at the wholesale or retail level to consumers intending to use such pesticides.

"(f) The Administrator shall issue regulations for the administration of this section.

"(g) As used in this section (1) the term 'dealer' means any person engaged in the business of selling pesticides to consumers intending to use such pesticides; and (2) the term 'authorized agent' means any person authorized by the Administrator to issue certificates for the purchase of pesticides. The Administrator shall utilize as authorized agents only persons qualified by education, training, or experience to carry out the duties imposed on them under this section. The Administrator shall, to the maximum extent practicable, utilize county agents of the Department of Agriculture as authorized agents.

#### "RECORDS

"Sec. 10. (a) Every establishment in which any pesticide or device registered under this Act is manufactured, prepared, propagated, compounded, or processed and every distributor, carrier, and dealer (as defined in section 9(g) of this Act) shall be required to keep such records relating to pesticides and devices as the Administrator may determine appropriate for the effective administration of this Act. Such records shall be maintained in such manner as the Administrator shall prescribe by regulation.

"(b) For the purpose of enforcing the provisions of this Act, any manufacturer, distributor, carrier, dealer, or any other person who sells or offers for sale, delivers or offers for delivery, or receives or holds any pesticide or device subject to such provisions, shall, upon request of any employee of the Agency or of any employee of any other Federal agency or any State or possession of the United States or political subdivision thereof, duly designated by the Administrator, furnish or permit such person at all reasonable times to have access to, and to copy all records showing the delivery, movement, or holding of such pesticide or device, including the quantity, the date of shipment and receipt, and the name of the consignor and the consignee; and in the event of the inability of any person to produce records containing such information, all other records and information relating to such delivery, movement, or holding of the pesticide or device shall be made available for inspection and copying.

"(c) For the purposes of enforcing the provisions of this Act any individual duly designated by the Administrator, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized—

"(1) to enter, at reasonable times, any factory, warehouse, or other establishment in which there is reason to believe any pesticide or device is manufactured, prepared, propagated, compounded, processed, or held for distribution or sale in any State or possession of the United States or in interstate or foreign commerce, or is held after such distribution or sale, and to enter any means of conveyance which there is reason to believe is being used to transport or hold any pesticide or device; and

"(2) to inspect, and obtain samples of, any such pesticides or devices, whether packaged or unpackaged, and samples of any containers or labeling for such pesticides or devices.

Each such inspection shall be commenced and completed with reasonable promptness. If the duly designated individual obtains any samples, prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained.

"(d) Physicians and other health care personnel treating cases of pesticide related injuries or illnesses shall file monthly reports to the Administrator including at least the following information—

"(1) the names and addresses of the injured parties;

"(2) the circumstances of the injury including the brand name of the pesticide;

"(3) the nature and extent of the injury; and

"(4) the treatment given.

The Administrator shall keep a current tabulation of the reported cases and shall make these files available upon request to the public.

#### "RULES AND REGULATIONS

"Sec. 11. (a) The Administrator, with the concurrence of the Secretary of Health, Education, and Welfare, is authorized to make rules and regulations for carrying out the provisions of this Act after public notice and opportunity for public hearing thereon.

"(b) In order to protect children and adults from serious injury or illness resulting from accidental ingestion or contact with pesticides or devices regulated by this Act and to accomplish the other purposes of this Act, the Administrator shall establish standards with respect to the package, other container, or wrapping in which a pesticide or device is enclosed for use or consumption.

"(c) The district courts of the United States are vested with jurisdiction specifically to enforce and to prevent and restrain violations of this Act.

"(d) The Administrator shall, by publication in such manner as he may prescribe, give public notice of all judgments entered in actions instituted under the authority of this Act.

"(e) The Administrator and the Secretary of Health, Education, and Welfare are authorized to cooperate with any other department and agencies of the Federal Government and with the official agriculture, public health, and other regulatory agencies of any State or possession of the United States, or any political subdivision thereof, in carrying out the provisions of this Act and in securing uniformity of regulations.

#### "PENALTIES

"Sec. 12. (a) Any person violating section 5(k) of this Act shall be guilty of a misdemeanor and shall, upon conviction be fined not more than \$5,000.

"(b) Any person violating any provision other than sections 4(c) (4) or 5(k) of this Act shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than \$2,500 for the first offense and upon conviction for each subsequent offense, be fined not more than \$5,000, or imprisoned for not more than one year, or both such fine and imprisonment. Any offense committed more than five years after the last previous conviction shall be considered a first offense. No pesticide or device the registration of which has been terminated may again be registered unless the Administrator and the Secretary of Health, Education, and Welfare determine that such pesticide or device, its labeling, and other material required to be submitted comply with all the requirements of this Act.

"(c) Any person violating any provision of this Act shall be subject to a civil penalty of not more than \$1,000 for each such violation. Violations of this Act shall be referred to the Attorney General for appropriate action to recover such penalty in a civil suit brought in the name of the United States.

"(d) Notwithstanding any other provision of this section, any person who uses or reveals, except as authorized by this Act, any formula or formulation acquired under the authority of section 5 of this Act, shall be fined not more than \$10,000 or imprisoned for not more than one year, or both such fine and imprisonment, if the Administrator has determined that such information constitutes a trade secret not protected by patent or other safeguard.

"(e) When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any person shall in every case also be deemed to be the act, omission, or failure of such person as well as that of such officer, agent, or other person acting for or employed by such person.

"(f) The penalties provided for a violation of section 4 of this Act shall not apply to—

"(1) any person who obtained a guaranty signed by, and containing the name and address of, the registrant or person residing in the United States from whom such person purchased and received in good faith any pesticide or device in the same unbroken package, to the effect that such pesticide or device was lawfully registered at the time of sale and delivery to him, and that it complies with the requirements of this Act. In such case the guarantor shall be subject to the penalties which would otherwise attach to the person holding the guaranty under the provisions of this Act;

"(2) any carrier while lawfully engaged in transporting a pesticide or device if such carrier upon request by any person duly designated by the Administrator or the Secretary of Health, Education, and Welfare permits such person to copy all records of such carrier relating to the movement of such pesticide or device;

"(3) to the manufacturer or shipper of a pesticide or device for experimental use only by or under the supervision of any Federal or State agency authorized by law to conduct research in the field of pesticides or devices; or by others if a permit has been obtained before shipment in accordance with regulations promulgated pursuant to this Act.

#### "STOP SALE AND SEIZURE

"Sec. 13. (a) Whenever the registration of a pesticide or device is canceled or suspended pursuant to the provisions of section 5 of this Act and such pesticide or device is found by the Administrator upon the premises or in any means of conveyance where it is held for purposes of, or during or after, distribution or sale and there is reason to believe that such pesticide or device is in violation of any of the provisions of this Act, or that such pesticide or device has been or is intended to be, distributed, sold, or used in violation of any such provision, the Administrator shall issue a written or printed stop sale, use, or removal order to the owner or custodian thereof, and after receipt of such order the owner or custodian shall not sell, use, or remove the pesticide or device described in the order until the provisions of this Act have been complied with and such pesticide or device is released in writing by the Administrator or by order of a proper court.

"(b) Any pesticide or device that is being transported in any State or possession of the United States or, having been transported, remains unsold or in original unbroken packages, or any pesticide or device that is sold or offered for sale in any State or possession of the United States or any pesticide or device that is imported from a foreign country, shall be liable to be proceeded against in the district court of the United States for the district where it is found and seized for confiscation by a process of libel for condemnation—

"(1) in the case of a pesticide—

"(A) if it is adulterated or misbranded;

"(B) if it has not been registered pursuant to the provisions of section 5 of this Act;

"(C) if it fails to bear on its label the information required by this Act;

"(D) if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or;

"(E) if it otherwise fails to conform with the provisions of or the regulations promulgated pursuant to this Act;

"(2) in the case of a device, if it is misbranded or otherwise fails to conform to the provisions of or regulations promulgated pursuant to this Act.

"(c) If any pesticide or device is condemned it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the legal costs, shall be paid into the Treasury of the United States, but the pesticide or device shall not be sold contrary to the provisions of this Act or of the laws of the jurisdiction in which it is sold. Notwithstanding the foregoing, upon payment of the costs of the libel proceedings and the execution and delivery of a good and sufficient bond conditioned upon the pesticide or device not being sold or otherwise disposed of contrary to the provisions of this Act or the laws of any State or possession of the United States in which sold, the court may direct that the pesticide or device be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the United States.

"(d) When a decree of condemnation is entered against any pesticide or device, court costs and fees, storage, and other proper expenses shall be awarded against the person, if any, intervening as claimant of the pesticide or device.

#### "INJUNCTIVE PROCEEDINGS

"Sec. 14. (a) The Administrator or the Secretary of Health, Education, and Welfare shall be empowered to commence civil actions to enjoin violations of this Act.

"(b) Subject to the provisions of section 351 of title 28, United States Code, relating to notice to the opposite party, the district courts of the United States and the United States courts of the possessions of the United States shall have jurisdiction, for cause shown, to restrain violations of this Act.

"(c) In the case of any violation of an injunction or restraining order issued under this section, which also constitutes a violation of this Act, trial shall be by the court, or upon demand of the accused, by a jury.

#### "PRIVATE REMEDIES

"Sec. 15. (a) Any person or group of persons who alleges injury or alleges that the environment has been substantially harmed as a result of a violation of this Act, or any person or group of persons who alleges that it will suffer irreparable injury or that the environment will suffer irreparable harm in any case of a threatened violation of this Act may file, in the district court of the United States, or in the United States courts for possessions of the United States, for the district or area, as the case may be, wherein the injured party resides or wherein the injury or harm will occur, a civil suit for damages or for injunctive relief, or both, as appropriate, against the person or persons responsible for such violation or threatened violation.

"(b) (1) The District courts of the United States shall have original jurisdiction, regardless of the amount in controversy or the citizenship of the parties, to enforce, or to require the enforcement of, provisions of this Act and the regulations issued thereunder. Civil actions for such enforcement, or to require such enforcement, may be brought by one or more persons, (A) against any person, including, but not limited to, a governmental instrumentality or agency, where there is alleged a violation by such person of any such provision or regulation, or (B) against the Administrator where there is alleged a failure of the Administrator to enforce the provisions of this Act and the regulations issued thereunder. In any such action the court may grant such relief,

temporary or permanent, as may be necessary to carry into effect such provisions or regulations. Nothing in this section shall affect the rights of such persons as a class or as individuals under any other law to seek enforcement of such provisions or regulations or any other relief.

"(2) Prior to instituting any suit under this subsection, such person or persons shall, by certified or registered mail or personal service, notify the Administrator, or an authorized representative of the Administrator, of the alleged basis for the suit. No such suit shall be filed unless such person or persons shall have afforded the Administrator at least thirty days from the receipt of such notice to institute appropriate enforcement proceedings under this Act.

"(3) The court, in issuing any order brought pursuant to subsection (b) of this section may award costs of litigation, including reasonable attorney and expert witness fees whenever the court determines such action is in the public interest.

#### "IMPORTS

"Sec. 16. (a) The Secretary of the Treasury shall notify the Administrator and the Secretary of Health, Education, and Welfare of the arrival of all pesticides or devices offered for importation into the United States and shall, upon the request of either such official, deliver to the Administrator and the Secretary of Health, Education, and Welfare samples of any such pesticide or device.

"(b) If the Administrator or the Secretary of Health, Education, and Welfare finds from the examination of a sample that it is adulterated, or misbranded, or otherwise violates any provision of this Act, or is otherwise dangerous to the health, safety, or welfare of the people of the United States or to the environment of the United States, or is of a kind forbidden entry into or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, the pesticide or device may be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall under such regulations as he may prescribe cause the destruction of any goods refused delivery which have not been exported by the consignee within 90 days from the date of notice of such refusal. The Administrator shall give notice to the consignee or owner of any pesticide or device which is refused admission into the United States giving the reasons for such refusal; and the consignee or owner of such pesticide or device shall be given the right to present testimony before the Administrator regarding such refusal. Notwithstanding the foregoing provisions of this section, the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding such goods from the United States, or for any other purpose, said consignee shall forfeit the full amount of the bond. All charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future \* \* \*

#### "USE OF PESTICIDES OR DEVICES BY FEDERAL DEPARTMENTS AND AGENCIES

"Sec. 17. No department or agency of the Federal Government shall use or recommend for use any pesticide or device in any State contrary to or in violation of the laws and regulations of such State regulating the use of pesticides and devices within such State.

#### "NATIONAL PESTICIDE RESEARCH AND CONTROL TRUST FUND

"SEC. 18. (a) There is hereby established in the Treasury of the United States a trust fund to be known as the National Pesticide Research and Control Trust Fund. The trust fund shall consist of such amounts as are appropriated to it by pursuant to subsection (b) of this section.

"(b) There is hereby authorized to be appropriated to the trust fund from time to time amounts equivalent to 100 per centum of the assessments received in the Treasury under the provisions of this section. The amounts appropriated pursuant to this subsection shall be transferred at least monthly from the general fund of the Treasury to the trust fund on the basis of estimates by the Secretary of the Treasury of the amounts received in the Treasury under the provisions of this section of this Act. Proper adjustments at the end of each fiscal year shall be made in the amounts subsequently transferred to the extent prior estimates in each year were in excess of or less than the amounts required to be transferred.

"(c) It shall be the duty of the Secretary of the Treasury to hold the trust fund, and, after consultation with the Administrator, to report to the Congress not later than the 1st day of March of each year on the financial condition and the results of the operations of the trust fund during the preceding fiscal year and on the projected financial condition and operations during each fiscal year thereafter. Such report shall be printed as a House document of the session of the Congress during which the report is made. It shall be the duty of the Secretary of the Treasury to invest such portion of the trust fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (1) on original issue at par, or (2) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the trust fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issues, borne by all marketable interest-high bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-high bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest. Any obligation acquired by the trust fund (except special obligations issued exclusively to the trust fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest. The interest on, and the proceeds from the sale or redemption of, any obligations held in the trust fund shall be credited to and form a part of the trust fund.

"(d) Amounts in the trust fund shall be available, as provided by appropriation Acts, only to enable the Administrator and the Secretary of Health, Education, and Welfare to carry out the provisions of this Act.

"(e) In order to provide funds for the trust fund, each manufacturer of pesticides or devices in the United States, and each importer of pesticides or devices into the United States, shall pay an assessment to the United States based on his wholesale selling price in the United States for each pesticide or each device sold by such manufacturer or importer according to a schedule established by the Administrator.

"(f) Assessments payable under subsection (e) shall, except as provided in subsection (g) be collected by the Administrator in accordance with such regulations as he may prescribe and shall be deposited in the Treasury of the United States.

"(g) The Administrator is authorized to enter into an agreement with the Secretary of the Treasury for the collection of the assessments payable under subsection (e). In the event such an agreement is entered into, the Secretary of the Treasury is authorized—

"(1) to collect the assessments payable under subsection (e) by manufacturers and importers of pesticides or devices in the United States in the same manner and with the same powers as if such assessments were excise taxes imposed by subsection D of the Internal Revenue Code of 1954, as amended, and

"(2) to collect the assessments payable under subsection (e) by importers of pesticides or devices in the same manner and with the same powers as if such assessments were customs duties imposed by the Tariff Schedules of the United States.

#### "AUTHORIZATION FOR APPROPRIATIONS

"Sec. 19. In addition to any funds appropriated pursuant to section 18(b) of this Act, there are hereby authorized to be appropriated such additional sums as may be necessary to carry out the provisions of this Act.

#### "SEPARABILITY CLAUSE

"Sec. 20. If any provision of this Act is declared unconstitutional or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby."

#### EFFECTIVE DATE

This Act shall become effective one year after the date of enactment.

#### CONGRESSMAN ANNUNZIO URGES EXTENSION OF TERMS OF OFFICE FOR OFFICERS OF LOCAL LABOR UNIONS

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

Mr. ANNUNZIO. Mr. Speaker, when the 92d Congress convened on January 22, I introduced a bill, H.R. 567, to amend the Labor-Management Reporting and Disclosure Act with respect to the terms of office for officers of local labor unions. I feel strongly that this proposal, which has been referred to the House Committee on Education and Labor, will correct an existing inequity, and I urge my colleagues to support it.

As you may recall, title IV of the Landrum-Griffin Act sets up standards and regulations for union election procedures. Under this title, national labor unions are required to elect officers at least once every 5 years and local unions must elect officers at least once every 3

years. The bill I have introduced is short and simple, with only one provision: To extend the maximum term permitted for local union officers from the present 3 to 5 years, the same length as the present allowable maximum term for national union officers. If H.R. 567 were enacted, section 401(b) of Landrum-Griffin would read:

Every local labor organization shall elect its officers not less often than once every five years by secret ballot among the members in good standing. The present wording of sec. 401(b) is exactly the same as this, except it reads "every three years."

Let me stress that the Landrum-Griffin Act specifies only the allowable maximum terms of office. Unions can, and many do, prescribe in their constitutions and bylaws terms of office which are shorter than the present 5 years permitted in title IV for national union officers and 3 years for local union officers. Information from the most recent available U.S. Labor Department survey reveals that as of 1968 only 25 of the 178 national unions responding to the survey elected officers for 5-year terms. Of the rest, 56 unions elected officers for 4-year terms, 20 for 3-year terms, 59 for 2-year terms, 16 for only 1-year terms, and 2 called for terms which differed for the several officers. The 178 unions responding to this survey include nearly all national and international unions, by the way, since the Labor Department records only 189 all told. For the roughly 77,000 local unions in this country, statistics are not available as to how many elect officers for the present maximum allowable term of 3 years and how many elect for shorter terms.

The point is that my bill does not force local unions to switch to longer terms of office, but merely allows them a broader option—the same range as has always been available under the Landrum-Griffin Act for national unions.

The Landrum-Griffin Act was passed in 1959 after several years of investigations by the McClellan Committee into the internal affairs of unions. The McClellan Committee hearings unearthed several types of union abuse which startled and dismayed the American public. In some cases, local union leaders received kickbacks from employers in return for "sweetheart" contracts which provided wages and working conditions below the prevailing standards. In other instances, union dues were used by officials to buy houses, take lush trips to exotic places, or pad their expense accounts beyond any reasonable limit. On still other occasions, labor leaders won elections by throwing dissenting locals into trusteeship, manufacturing votes from "paper" locals, or intimidating members by threats, physical beatings, or denying job referrals under union hiring halls. In the Landrum-Griffin Act, the Congress not only outlawed transgressions of these types but also wisely attempted to strengthen democratic processes in unions and thus give power to the members to protect themselves against irresponsible leaders.

On the basis of over a decade of experience, it now appears that the Con-

gress in its desire to do a thorough job of curbing abuses was unduly cautious in laying down a statutory maximum of only 3 years for terms of office of local union officials. The period was unnecessarily short. We know from reports of the U.S. Labor Department, the Federal agency empowered to enforce title IV of Landrum-Griffin, that the number of cases of alleged corruption in local union elections has been extremely small. Over the first 10 years of experience under the act, the Secretary of Labor has sought court authority to set aside for wrongdoing only 155 out of well over 150,000 local union elections, an extremely small ratio of one-tenth of 1 percent.

The record since 1959 also indicates that union leaders have been highly responsive to the wishes and needs of the union membership. Ironically, in the relatively rare cases where they have not been completely in tune, for the most part the union officers have shown a more responsible, balanced, and socially aware view than the rank and file. One can think of instances where the leadership has tried to persuade union members to abandon harmful practices, such as racial restrictions, make-work devices, and demands for wage increases that would threaten the jobs of union men and invite encroachments by unorganized competitors.

The record shows that no harm at all will come from permitting local unions the opportunity to inaugurate longer terms for its officers, the same 5-year maximum already allowed for national union officers. In fact, much good will derive from this change. For one thing it will relieve local unions of the burden engendered by the time lost, expense incurred, and instability created by too frequent elections. We in the Congress know, as much as anyone, that elections involve larger and larger sums of money as electioneering becomes increasingly more expensive.

Another advantage of my proposal is that extending the permissible term of local union office is in keeping with the trend of the 1960's toward longer term collective bargaining agreements. In 1960, the 2-year contract was the most common type of collective bargaining agreement; by 1969, nearly two-thirds—65 percent—of contracts were for 3 years. Contracts for only 1 year dwindled in number, according to these statistics—which are from the Bureau of National Affairs—from 13 percent of all contracts surveyed in 1960 to only 3 percent by 1969. And in 1969, fully 6 percent of all contracts were for 4 years or more, while another 4 percent were for indefinite terms. Not all these contracts are negotiated by national unions. Many are negotiated entirely by local unions, while national contracts frequently have supplements which are negotiated by local unions. Some local unions with contracts of long duration undoubtedly would find it convenient to have longer terms of office for its bargaining officials. Other locals would most likely shift to longer contracts if they were assured more continuity in their negotiating representatives. Longer term contracts make for

greater stability in labor relations, an outcome we all desire. Longer terms for local union officers would do the same.

Joseph in ancient Egypt spoke to the Pharaoh of 7-year cycles. In modern-day America, it seems that our collective bargaining legislation is revisited in 12-year cycles. Our first great Federal statute in this field, the Wagner Act, was passed in 1935. It was substantially revised 12 years later, in 1947, by the Taft-Hartley Act. Taft-Hartley was significantly revised 12 years later, in 1959, by the Landrum-Griffin Act. This year, 1971, the year of Landrum-Griffin plus 12, is an auspicious year, though somewhat overdue, to enact my proposed revision of title IV.

#### STATEMENT OF LEV SHEINKAR, A RUSSIAN JEW

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

Mr. DOW. Mr. Speaker, I wanted to bring to the attention of my colleagues a statement written by Lev Sheinkar, one of the Russian Jews who maintained a vigil outside the Moscow building where the Russian Federation Supreme Court was deciding the case of a group commonly referred to as the "Leningrad 11" in December 1970. I know that many Members of Congress support the effort to create free emigration rights for those of the Jewish faith who desire to leave the U.S.S.R. and emigrate to Israel.

The condition of the Jewish people in Russia at the present time is a matter of grave concern, and because of the strong feeling for human rights expressed by Mr. Sheinkar I feel that his views should be shared with other Members of Congress.

#### STATEMENT OF LEV SHEINKAR

I am a Zionist. Of course, not as a matter of party membership, but as a matter of conviction (there are no other parties—either openly or secretly—except the Communist Party in the Soviet Union). Of course, Soviet propaganda is trying to convince the world that the Soviet Union is the promised paradise for the Jews, while Zionism and "its tool—Israel" is their worst enemy. I don't want to talk about whether Jews live well or not well in the Soviet Union. Even had the Jew been an equal citizen as far as national culture is concerned, I would have striven to go to Israel because I am convinced that it is only there that our people will keep its cultural values and its language and won't become dissolved in an alien mass.

The Soviet propaganda is lying when it claims that there is no single Jew wishing to be repatriated to Israel for national reasons. It is lying arrogantly and vilely. Arrogantly—because it is conscious of its power and its impunity, and vilely—because of its essence. Those who loudly demand to emigrate to Israel and who expose the cultural discrimination against Jews are put in prisons, while those who ask for permission to go to their relatives in Israel are refused the permission without any explanation for the reasons for the refusal.

I don't ask to go to relatives living abroad, I do not appeal to the mercy of the Soviet authorities and to their humanism in helping the reunification of separated families.

I am a Zionist, that is a Jew who is convinced that there is no life without Israel

either for him or for his people. The State of Israel has granted me an entry visa. And I demand from the Soviet government that it should allow me to go to Israel for permanent residence. This is my right, a right declared by the International Convention on the Elimination of all Forms of Racial Discrimination which, incidentally, has been ratified by the Presidium of the Supreme Soviet of the USSR.

And I ask all honest people to help me. Both those who live in the Fatherland and those who are parted from it, as well as those who were born in alien lands. Because there is nothing more sacred than love for one's people, for one's Fatherland. I shall never reconcile myself to vegetating in an alien land.

LEV SOLOMOVICH SHEINKAR.

### THE FIGHT AGAINST CANCER

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

Mr. ROGERS. Mr. Speaker, cancer is perhaps the most dread disease confronting Americans today. It is now the second leading cause of death in the United States. A cure for cancer eludes us.

Recognizing these facts, the President in his state of the Union and budget messages, has called for a "total national commitment" to launch "an intensive campaign to find a cure for cancer." Mr. Speaker, I shall support this goal with all the powers at my disposal.

Recently, special support for this goal came from the Association of American Medical Colleges. The association represents more than 100 of our Nation's medical schools, their faculties and students, and more than 400 major teaching hospitals across the country. At a meeting in Chicago on February 13, the assembly of the association adopted a resolution wholeheartedly endorsing Federal support of a broad based and intensive attack on the cancer problem, and urged that this major expansion be undertaken as an integral part of the existing national framework for the advancement of biomedical knowledge.

The position of the association was echoed in a major address to the assembly by Dr. Edward E. David, Jr., science advisor to the President. Dr. David made known the strategy of the administration for retaining the drive on cancer in the National Institutes of Health.

Mr. Speaker, it is through the activities of the National Institutes of Health and their support of research across the whole spectrum of biomedical sciences that we have come to the point where special initiatives are called for in cancer. The advances in naturally related fields such as virology, immunology, and molecular biology will continue to provide the base on which to mount our attacks on this dread disease. I am fearful that isolating our efforts in an independent authority, as some have proposed, would diminish an easy exchange of knowledge and ideas among scientists. Yet it is just such interchanges that will provide the greatest opportunities to conquer cancer.

I have worked hard in the Congress to provide adequate support for biomedical research and for investigations in the cause, prevention, and cure of cancer. We need to provide even more funds for these purposes. The members of the National Panel of Consultants on the Conquest of Cancer have given us their views of the levels necessary. Let us work toward their goals and use the channels already available in the NIH to make effective use of the funds. Let us not waste precious dollars in establishing another agency with its attendant overhead costs.

Mr. Speaker, because both the resolution of the Association of American Medical Colleges and the speech by Dr. David represent major pronouncements in the cancer field, I insert the material in the CONGRESSIONAL RECORD at this point.

#### ASSOCIATION OF AMERICAN MEDICAL COLLEGES,

Washington, D.C., February 16, 1971.

#### A RESOLUTION ADOPTED BY THE ASSEMBLY OF THE ASSOCIATION OF AMERICAN MEDICAL COLLEGES ON THE FIGHT AGAINST CANCER

Cancer is the second leading cause of death in the United States. The search for the causes and the cure of cancer, which spreads over all ages, is a scientific endeavor worthy of our greatest efforts.

New scientific leads, if fully and comprehensively exploited, may make it possible to achieve more adequate preventive and therapeutic capability for coping with this disease.

The present state of our understanding of cancer is a consequence of broad advances across the full scope of the biomedical sciences. In preparing for a greater effort, it is of the utmost importance to understand that despite the progress thus far made, the basic nature and origins of cancer are still not known. The kind of scientific formulation that permitted the development of nuclear energy and that underlies our space exploration does not exist for cancer. Further advance in fundamental biomedical sciences is essential to the solution of the unsolved problems that limit our ability to control cancer. Thus, the development of a special and extraordinary national program in cancer should be in the context of broad support of the related and underlying fields of scientific effort and in an organizational framework which assures sound direction and leadership in advancing this complex set of interrelationships.

The framework of the NIH, which had its origins with the Act of 1930, enlarged by the National Cancer Act of 1937, and the successive statutes creating the several categorical institutes in the post-war period, has made it possible to bring into being the most productive scientific community centered upon health and disease that the world has ever known. It is precisely because this organization has assured a close integration between fundamental scientific endeavor and organized attack upon specific disease problems that this extraordinary blossoming of medical science, and thus our medical capability, has taken place.

Therefore be it resolved that the Association of American Medical Colleges wholeheartedly endorses Federal support of a broad-based and intensive attack on the cancer problem called for by President Nixon in his State of the Union Message and of the magnitude envisaged in the report of the National Panel of Consultants on the Conquest of Cancer, and that this major expansion be undertaken as an integral part of the existing national framework for the advancement of biomedical knowledge for the na-

tion's health as provided by the structure of the NIH and the National Cancer Institute.

ADDRESS BY DR. EDWARD E. DAVID, JR., SCIENCE ADVISER TO THE PRESIDENT, BEFORE THE ASSEMBLY OF THE ASSOCIATION OF AMERICAN MEDICAL COLLEGES, PALMER HOUSE, CHICAGO, FEBRUARY 13, 1971

I am here today to enlist your aid and advice in a totally revolutionary undertaking which President Nixon has proposed. He hopes that it will invigorate the best of biomedical science to provide a major improvement in the health of our society. In his State of the Union speech the President said:

"I will also ask for an appropriation of an extra \$100 million to launch an intensive campaign to find a cure for cancer, and I will ask later for whatever additional funds can effectively be used. The time has come in America when the same kind of concentrated effort that split the atom and took man to the moon should be turned toward conquering this dread disease. Let us make a total national commitment to achieve this goal."

The President clearly recognizes the subtleties behind this statement. Cancer is not a simple disease; it is probably many. There is likely not to be a single cure for cancer, but a series of steps which can lead to effective treatment and, hopefully, prevention. The cancer crusade, as it has been called, will call on very different talents from scientists, researchers and managers than Apollo and the Manhattan Project did.

Recognizing all of this, the President has issued his call for action by setting a clear goal for the biomedical research community. It is the form and substance of the enterprise aimed at that goal that I came to talk to you about today. Basically, I see the enterprise as being a logical, and yet imaginative, extension of today's biomedical enterprise. If we are to be successful, we must utilize imaginatively the research institutions which are the result of our past efforts. This base is the resource which I believe promises success for the exciting venture the President has proposed.

The building of this base began more than two decades ago when the Federal Government issued another invitation to life and medical scientists to join in a new venture. It was to expand and strengthen our national biomedical research with the purpose of mitigating the major human illnesses confronting mankind. At first this venture met with some hostility, and there was some alarm within the scientific community. Some predicted that the heavy hand of government would stifle rather than stimulate biomedical research. Others felt that the NIH intramural program would siphon off the cream of American life scientists and decimate departments at the universities. Others predicted that the allocation of federal funds would degenerate into a spoils system, with friends supporting friends to the exclusion of bright and promising scientific young people. Finally, others predicted that Washington bureaucrats would be dictating the choice of research subjects to the working scientists.

How different the results have been! The life sciences have flourished and grown to the point where this country leads the world in biomedical research. Moreover, the overflow from this initiative has been responsible for the development of the life sciences in other countries. The Swedes acknowledge without hesitation their debt to this country for the burgeoning of the life sciences in Sweden. The complex in Bethesda has indeed evolved into an institution of high quality from which significant research results flow daily. The quality of the work in Bethesda is attested to by the award of two Nobel prizes to intra-mural NIH scientists. Yet, despite the pre-eminence of the intra-

mural program, the academic institutions have not suffered. On the contrary, I would venture to say that a significant portion of the chairmen of departments of biochemistry, medicine, physiology, and pharmacology throughout the country have at one time or another trained or worked at the Bethesda campus. The award of grants has not become a spoils system. The peer review system for the allocation of research support is a major achievement in the life sciences and is a model for other disciplines. Finally, the federal bureaucracy has stimulated, fostered, and strengthened basic research throughout the country. These judgments are not mine alone. You share them with me, and special committees to review our biomedical research programs have concurred.

The venture, then, was successful—not only in producing more knowledge, but also in changing significantly the patterns of disease in this country. Vaccines for poliomyelitis, German measles, mumps, and other infections are available to us all. Victims of Parkinsonism have been raised from the status of cripples to productive members of society. Children who would have been dead from leukemia are alive today and are regarded as cured in a surprising number of instances. I need not catalog the results further. You know them far better than I. I believe that when we look back 25 years from today, we will perceive a similar record of proud achievement starting with the President's cancer initiative as a take-off point for the biomedical enterprise.

The President's goal provides us with a unique opportunity. It is an opportunity to show that we can concentrate our fire effectively when a possibility for progress emerges from research. In Vince Lombardi's terms, can we "run to daylight"? The President recognized both the possibility for progress and the challenge to the research community early. Over a year ago, in his 1971 budget document, he said:

"New research leads, giving hope of conquering some of the most dreadful and prevalent diseases of mankind, will be pursued with greater intensity in 1971. A major effort to investigate viruses as a cause of cancer is proposed, with the goal of eliminating viral cancer at the earliest possible date."

In the year since that statement, the President has been joined by the Congress, the medical community, and the public in recognizing the possibilities. But it was the support and enthusiasms of the biomedical scientists themselves that convinced the President of the validity of his judgment last year. Accordingly, in his budget for 1972, he has allocated not only the so-called "additional" \$100 million, but also \$232 million for the National Cancer Institute. The President said in addition that his total national commitment would involve all pertinent institutions and agencies. We should not overlook the significance of this important policy decision. Running to daylight requires that we utilize the magnificent resources of the biomedical research community to which I referred earlier. In structuring the effort we must take account of the differences between this effort and the Apollo and Manhattan projects. When we embarked on those, Lisa Meitner's demonstration of fission and the launching of Sputnik had already been achieved. In cancer, we do not know whether the critical experiment has yet been done. Despite this uncertainty, I find in my discussions with biomedical scientists a quiet sense of confidence and sober recognition of the opportunity which stimulated the President to propose his campaign against cancer. Molecular biologists, cell biologists, and biochemists of world renown tell me that of all the medical problems facing us, they would choose cancer as the one in which to attempt a concerted effort of research. We must, of course, create no undue optimism. No one

guarantees rapid progress. The final results may be 10, 20 or 50 years in the future. But the judgment seems widespread that the time has come to try. I do find one area on which there is room for considerable discussion. What is the most rational and effective way to undertake this effort, considering that Apollo and the Manhattan efforts don't provide any infallible blueprint?

It is the President's belief that having honed and sharpened our biomedical research mechanism, the National Institutes of Health, we should now use it and call upon it as we embark on this new adventure. To isolate the cancer effort would prejudice the very outcome we seek. The problem of cancer straddles virtually all the life sciences—molecular biology, biochemistry, virology, pharmacology, toxicology, genetics—any one of these, or all of them, will contribute to the final solution. No one is wise enough to pick and choose just those components of the total biomedical spectrum that will be vital. Who knows what new discovery will become vital even next year? This aspect presents a stark contrast with Apollo and nuclear energy. Indeed, we do not believe in an AEC or NASA for cancer.

However, the President does believe the cancer effort is a partnership between the public and scientists, and although laymen cannot program the scientific efforts, they are entitled to know the strategy, to know the short-term objectives, and to receive progress reports. One individual must be responsible. He must plan the effort, direct it, and report to the American people. That individual must be within and a part of our total effort in the life sciences and therefore a part of the National Institutes of Health. He must not be confined to a single institute; he must have the administrative freedom to approach the problem with daring and imagination, and to catalyze the transfer of results from scientific discipline to scientific discipline. Thus, the Administration feels that the instrument for our campaign against cancer must be forged from and within the National Institutes of Health to assure the greatest chance of success.

The President is in the process of considering the best design for the administration of this effort and will report his decision to the American people in the near future. But it is my judgment that he will certainly not elect to fragment the life sciences at a time when we need their unified efforts.

The President is also aware that this new venture must not be undertaken at the expense of the broad base of scientific research. We must maintain the vigor, diversity, and sparkle of biomedical research. New ideas must be able to flourish; new investigators must be able to grow in intellectual stature; new fields must be opened regardless of whether they appear to have immediate relevance to the problem of cancer or to the other diseases which society feels must be overcome in the near future. What we seek, then, is a balance between well-designed effort against cancer, and the self-starting research which has been so productive in producing new possibilities for medical science. In achieving this balance we need the benefit of the thinking in institutions you represent and, more important, your institutions must be healthy.

The President recognizes the importance of the medical schools, not only in the delivery of health care, but also as intellectual beehives which will yield new insights and concepts. Therefore, in his budget request for 1972, he has asked for an increase of \$95 million to expand the nation's pool of biomedical personnel and to invigorate the teaching institutions upon which we depend for the development of this pool. The precise mechanisms by which this additional \$95 million will be used will be announced at a

later date by the President, but his intention is to give the schools the flexibility and stability they must have to serve the nation.

There will be debates on specific programs. I recognize your concern about the issue of fellowships and training grants in the field of biomedical research. The President does not take a dogmatic stance in this regard. His budget for 1972 in essence requests that support for fellowships and training grants remain constant until the NIH can complete a study that is designed to give us insights as to how best to support students and trainees in the life sciences. We welcome your voice in the debate over this issue; we will not move precipitously or capriciously, but we need courageous assessments on your part. By courageous, I mean assessments which can lead to change where it suits national objectives. The Carnegie Commission report and your Howard Report both advocate imaginative and fundamental changes in medical education. Yet these will be traumatic and will require strength of purpose. I urge you to give us your views and to take action to provide the nation with the medical manpower we need to achieve a higher level of national health.

In closing, let me assure you that the President is dedicated to improving the nation's health and particularly to the conquest of cancer. Success hinges on using our national biomedical research resources imaginatively and creatively. The finest of these resources are people. It is they and you who must rise to the occasion. Both the President and I have confidence that you will.

#### LEONARD L. PHARR, JR.—VOICE OF DEMOCRACY CONTEST WINNER

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

Mr. WHITTEN. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conducts a Voice of Democracy Contest. This year over 400,000 school students participated in the contest.

It gives me great pleasure to call attention to the inspiring winning speech from my fine State of Mississippi, delivered by Mr. Leonard L. Pharr, Jr., 16 years of age, a resident of Clarksdale, Miss., in my district. I would like to present this speech to the membership:

#### FREEDOM—OUR HERITAGE

Freedom is our American way of life. This was spelled out by our forefathers as faith in God and freedom and justice for all. Since millions of people have sought the free life that we Americans live, the United States stands as the patriarch of all freedom-loving people, everywhere.

Our rich heritage was carved out of rock for us by pilgrims, revolutionaries and trailblazers. To me, freedom is the one thing that makes this country as great as it is. But sometimes we take this freedom for granted; and sad but true—people don't appreciate anything until they have lost it.

I, too, take this freedom for granted. I wake up in the morning and read the newspaper, or listen to the news on the radio, not realizing how great freedom of the press really is. I am able to voice my opinion in school, or outside of school, without fear. I also have the privilege of going to the church of my choice, but never during these activities do I think about the freedom that I have inherited. Not many people do.

Think of the young people in communist countries who do not have the privileges, or this freedom, of which I speak. Even though they are able to read newspapers and listen

to radios, theirs is not the kind of freedom to which we are accustomed. What they read or hear is censored by the government of their country. They are taught *only* what the government wants them to learn.

Take for example the citizens of East Berlin. Freedom to them is the other side of a barbed wire topped concrete wall, guarded by vicious dogs and heavily armed sentries with orders to shoot to kill. Still, as impassable as the wall sounds, East Berliners are willing to risk death for freedom.

People in communist countries do not have the freedom to pick the occupation that they would like as we do, but instead they work at the job the government chooses for them.

I think it is wrong to neglect this freedom that is bestowed upon us. Our forefathers died trying to gain this freedom that we now possess. They believed in speaking out for that in which they believed, but not to the point that they encroached upon the rights of their fellow man. When persons stage a peaceful protest or demonstration, they are using the freedom that they have inherited; but when demonstrations get out of hand and property is damaged or innocent lives are taken, not only is this freedom being greatly misused, but it denies freedom to the innocent victims who have done no wrong.

We as the citizens of the United States are lucky enough to have as our heritage . . . freedom! We should never at any time take it for granted, or neglect it. Doing this would be a shameful waste—a waste of the time spent by our ancestors dedicating and sacrificing their lives in order to gain this freedom. We need to nourish, protect, and preserve our freedom so that we may pass on this precious gift to our children and their children, just as our forefathers have done for us.

#### THE 53D ANNIVERSARY OF THE DECLARATION OF LITHUANIAN INDEPENDENCE

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

Mr. VIGORITO. Mr. Speaker, this week marks the 53d anniversary of the declaration of Lithuanian independence.

All of us in the U.S. Congress should make note of this event. We should recognize the desire of Lithuanians to be free of the oppression of the Soviet Union and to again be able to consider their homeland free and independent.

I extend to the Lithuanian-American community across the country the reassurance that we are aware of their desires and share their hope that freedom will some day again come to Lithuania.

The U.S. Government should make it clear that it does not recognize the incorporation of Lithuania into the Soviet Union. It should not recognize Soviet annexation of the Baltic States. I hope that this policy will be made very clear in the very near future.

In the meantime, I assure all Lithuanian Americans that we hold dear their desire for freedom and independence.

#### DISPUTE WITH ECUADOR SHOULD BE SETTLED BY GOVERNMENT, NOT PRIVATE SECTOR

(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, labor-union officials are threatening to call a nationwide boycott of Ecuadorean imports as a means of pressuring Ecuador into a backdown in the fishing rights conflict.

Authorization for a boycott or to refuse to unload ships from any country seizing U.S. fishing vessels in international waters was agreed upon by the longshoremen at a convention year before last, but such drastic action has not yet been instituted. However, the new threat by labor, following the illegal seizure of 18 American fishing boats by Ecuador, is not idle. This is very real.

It is my position that such action should not have to be taken by the private sector of our society. On the contrary, the responsibility falls on our Government to protect American citizens throughout the world; a job that has been handled very poorly with regard to Americans fishing in the international waters off Ecuador and Peru.

State Department sources have been quoted as saying that the departure of tuna from the disputed area may serve to cool tensions. Mr. Speaker, I submit that this is pretty poor diplomacy and extremely bad logic. Under the Constitution, American citizens at sea or on the land are entitled to protection, and the U.S. flag definitely deserves more respect than it has been afforded by the Ecuadoreans who in 18 instances this year alone, have kidnaped vessels flying the Stars and Stripes on the high seas, sometimes firing fusillades of shots during these acts of piracy.

Mr. Speaker, I shall continue legislative steps to bring an end to these illegal seizures because of my belief that the responsibility belongs to the U.S. Government. Meanwhile, an end to this force of arms by Ecuador should be found by Government action instead of private citizens having to resort to violence or trade boycotts. This is why I believe my bill, H.R. 987, to prohibit the importation into the United States of any fish product from a country that illegally seizes U.S. fishing vessels is more the answer to the problem than a dockside boycott.

#### CHAPEL OF THE ASTRONAUTS

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

Mr. FREY. Mr. Speaker, I am today introducing for myself and seven distinguished colleagues from Florida a resolution to authorize the Administrator of the National Aeronautics and Space Administration to convey several acres of unimproved land at the John F. Kennedy Space Center to a nonprofit organization for the purpose of erecting a Chapel of the Astronauts.

It appears to me to be fitting and proper that there be erected at the Kennedy Space Center a nondenominational, nonsectarian, nonprofit, public facility open to all Americans where a man can express his gratitude to Almighty God for the knowledge he has released to us that has enabled mortal man to penetrate deeper into the secrets of this infinite universe.

Over 2 years ago, a group of dedicated businessmen became aware and concerned with the fact that there exists no place of worship on, or near, the vast expanse of the moonport—NASA's Kennedy Space Center. Their determination to create a chapel for worship was further spurred on by the historic reading of Genesis by the Apollo 3 astronauts.

After considerable discussion, a nonprofit organization, the Chapel of the Astronauts, Inc., was established in early 1969.

The proposed Chapel of the Astronauts will be a \$1 million facility paid for entirely by public subscription. It will be dedicated to no man, but to the worship of Almighty God. The pattern of worship within the building will be liturgical and ecumenical.

The National Aeronautics and Space Administration has already given its informal approval to this project. I would hope that the Congress would also early consider and favorably act on this resolution.

#### CHANGING THE FISCAL YEAR

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

Mr. PICKLE. Mr. Speaker, today I am reintroducing legislation which would change the fiscal year to an October 1—September 30 basis.

The 91st Congress was a prime example of why the fiscal year should be changed. We all well remember the reasons why the last session breached across into the new year. Several appropriations bills were considered in the closing days of the session—the Department of Transportation, for example, is still operating on a continuing resolution. Surely, we need to change this system.

Several different approaches have been suggested for changing the fiscal year. One alternative would be to substitute the calendar year for the current logic. While I am not opposed to this approach, I do think a calendar year fiscal year would be a painful admission that the Congress is a year-round thing and I long for the good days when we got our work done and left the public alone for a while.

My reasoning for changing the fiscal year is simple. As a practical matter, Congress does not have time to finish both the authorizations and the appropriations by June 30. We have little chance to keep the budget in focus as we take scattered looks at the various appropriations bills throughout the entire year. I envision a special time set aside to consider little but appropriations bills. We could begin after the August recess—should there be one—and work straight through to the end of September strictly on money matters with the possible exception of legislation of national emergency matters. Today, I ask to introduce my legislation and that hearings be held as soon as possible.

#### DRUG ABUSE

(Mr. DORN asked and was given permission to address the House for 1 min-

ute and to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, drug abuse has become a national epidemic threatening the stability of the entire Nation. It is a national and international problem.

Vicious underworld syndicates are reaping untold millions as they sell their products at fantastic profits.

Some of our people, who may have first naively experimented with drugs at the invitation of a pusher, now are hardened criminals who can support their expensive habits only through a life of constant crime.

As a partial answer to this problem, I have joined my colleague from New Jersey (Mr. RODINO) in sponsoring a comprehensive approach to the problem of narcotics. This legislative package is aimed at controlling the organized rings of pushers, putting the addicts under mandatory medical supervision and control, and urging the administration to cut off U.S. foreign assistance to countries which do not make a good faith effort to curb the exportation into the United States of illegal drugs.

Mr. Speaker, this has been thought of as a problem affecting only our great urban centers, but this is truly a national problem which now has appeared in every section of the Nation. Virtually every community and every high school—even elementary school—are the targets of these pushers.

We are deeply concerned about this, and must promote a comprehensive educational campaign so that our people may see for themselves that drug experimentation is a one-way street.

#### STATEMENT ON AUTHORIZING APPROPRIATIONS FOR CERTAIN MARITIME PROGRAMS OF DEPARTMENT OF COMMERCE

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

Mr. GARMATZ. Mr. Speaker, I am today, along with the gentleman from Washington (Mr. PELLY), introducing a bill which would authorize sums to be appropriated for certain maritime activities of the Department of Commerce for fiscal year 1972. The following is an explanation of the provisions and purposes of that bill.

Section 209 of the Merchant Marine Act, 1936, provides that after December 31, 1967, there are authorized to be appropriated for certain maritime activities of the Department of Commerce only such sums as the Congress may specifically authorize by law.

The draft bill authorizes specific amounts for those activities listed in section 209 for which the Department of Commerce proposes to seek appropriations for the fiscal year 1972, and reflects the fiscal implications of the second year of operation of a new maritime program being implemented during fiscal 1971.

(a) acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, re-

construction, or reconditioning of ships, \$229,687,000.

Funds authorized to be appropriated under this heading would provide for the payment of construction-differential subsidy and national defense allowances on vessels constructed under applicable provisions of title V of the Merchant Marine Act of 1936, as amended. Fiscal year 1972 represents the second and final year of the initial buildup phase in preparation for the full-scale effort to reach a construction level of 30 ships per year in fiscal year 1973. We are going to contract in fiscal 1972 for the construction of 27 ships. Of these 27, we will obligate the full amount for construction of 14 ships. The other 13 will be funded in 1973. This authorization will also provide funding for eight ships which will be contracted for in 1971.

(b) payment of obligations incurred for operating-differential subsidy, \$239,145,000.

The authorization under this heading will provide for payment of operating subsidy to ship operators in order to maintain a U.S. merchant fleet in support of our foreign commerce and capable of serving as a naval auxiliary in the event of a national emergency. Payments made from this appropriation are intended to overcome the competitive disadvantage of U.S. ship operators by generally providing subsidy based on the difference between the subsidizable wage costs of U.S. officers and crews and other items of expense authorized under title VI of the Merchant Marine Act of 1936, and the cost of the same items if the operator's vessels were operated under foreign registry. The 1972 authorization request has provisions for normal cost escalation in the area of subsidizable operating costs, vessels granted partial year operating subsidy, and the planned elimination from subsidy of four unprofitable passenger vessels expected to be withdrawn from service prior to the end of fiscal year 1971.

(c) expenses necessary for research and development activities (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operations), \$25,000,000.

The research and development projects of the Maritime Administration are designed to improve the competitive position of the U.S. merchant marine while reducing the Government's share of costs of its construction, operation, and maintenance. The 1972 authorization will provide a level of funding for the continuation of the 1971 program which is designed to serve the needs of the entire maritime complex including Government, shipbuilders, labor, and shipowners. The program will operate in the following major areas:

Maritime science and technology: Research conducted herein is planned to raise the level of marine scientific knowledge in order to advance the technological base upon which ships are designed, built, and operated. Primary research will be in hydrodynamics, propulsion, ship structures, navigation-communications electronics, and facilities and systems to disseminate technical information.

Shipping systems analysis and requirements: This effort is concerned with forecasting trade and technology and with the economic analyses of total transportation systems. Included are studies of transportation demands as a means for projecting ship numbers and characteristics, advanced vehicles, intermodal aspects, and special economic studies.

Advanced ship engineering and development: Concerned with advanced ship design and construction methods. Nuclear and nonnuclear advanced ship design programs, subsystem development, management systems, and shipyard methods are included in this activity, as well as development of computer-aided design programs and development of hull types.

Improvement in ship operations and shipping systems: Includes applied research for all aspects of the maritime field concerned with ship and port operations. Consideration will be given to related operational equipment and procedures for navigation, cargo handling, automated control systems, containerization, manning, training, maintenance, and other aspects of the field.

NS Savannah.—Provides for the phased lay-up of the NS Savannah.

(d) reserve fleet expenses, \$4,318,000.

The authorization under this heading will provide for the costs for preservation work and security measures performed on ships retained in our reserve fleet sites for national defense purposes; and for custody of ships awaiting sale.

(e) maritime training at the Merchant Marine Academy at Kings Point, New York \$7,300,000.

Public Law 415, 84th Congress—46 United States Code 1126—established the U.S. Merchant Marine Academy to train cadets for service as officers in the U.S. merchant marine. The 4-year course provided is designed to qualify graduates for licenses as merchant marine deck or engineering officers. About 200 cadets are graduated annually.

The requested authorization of \$7,300,000 contains requested funding for the payment of an average of \$475 per cadet annually for the cost of uniforms and textbooks, and normal operating costs of the Academy. Provision is also made for certain necessary improvements in the facilities and curriculum at the Merchant Marine Academy during 1972.

(f) financial assistance to State Marine Schools, \$2,200,000.

Under the provisions of the Maritime Academy Act of 1958—72 Statute 622-624—this program provides for training of cadets at State maritime schools for service as officers in the U.S. merchant marine. The program is aimed at a level of graduating approximately 400 deck and engineering officers each year. The six participating State schools, Maine, Massachusetts, Michigan, New York, Texas, and California, prepare officers to man our merchant ships in times of peace and national emergency.

The funding level of \$2,200,000 will provide for grants in the amount of \$75,000 to each of the participating State schools, allowances not to exceed \$600 to

cadets for uniforms, textbooks, and subsistence, and with the exception of Michigan which has its own training ship, funds for the maintenance and repair of the training ships loaned to the schools.

#### LEGISLATION TO REQUIRE BUFFALO TO BE INCLUDED IN DIRECT PASSENGER SERVICE NEW YORK TO CHICAGO AND WEST

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

Mr. KEMP. Mr. Speaker, I have today introduced legislation requiring the Department of Transportation to include Buffalo in any final plan concerning direct passenger service from New York City to Chicago and west.

In reviewing the proposal for a National Railroad Passenger Corporation developed by the Department of Transportation, I was encouraged to see that a positive step has finally been taken toward providing clean and efficient passenger rail service. However, I was distressed to find that while the Corporation will be required to provide daily service between New York City and Buffalo, it would not be required to continue service west of Buffalo. I recognize that these are only minimum service requirements, but I believe that it is vitally important that any final plan that is adopted insures that Buffalo will have direct passenger service to Chicago and west, and thus I feel legislation may be necessary to bring this about.

The DOT has claimed that under the present rail system, the route from New York City via Buffalo to Chicago has declined in popularity. With this, one cannot argue the statistics. However, in my study of the situation, I have found that this unpopularity is not without specific cause and not without a practical solution. I intend to develop this and other points at length in a future speech.

Mr. Speaker, failure to specifically include service west of Buffalo could result in the cutting off of the entire population of upstate New York from an outlet to the Western United States via Chicago. Also, if Buffalo were omitted, persons could not travel between New York City and any of the large metropolitan areas located along the Empire Service Corridor, or areas such as Cleveland, Toledo, Detroit, and South Bend.

A copy of the bill follows:

H.R. 4570

A bill to amend the Rail Passenger Service Act of 1970 to require the Secretary of Transportation to include a route from New York City to Chicago, Illinois, via Buffalo, New York

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of the Rail Passenger Service Act of 1970 is amended by inserting "(1)" immediately before "The Commission" and by adding at the end thereof the following new paragraph:

"(2) The final report submitted to the Congress by the Secretary under paragraph (1) of this section shall include as a part of the basic system a route from New York, New York, to Chicago, Illinois, via Buffalo, New York."

#### NIXON'S STATE OF THE UNION MESSAGE INCLUDED "BOLD SUMMONS"

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

Mr. KEMP. Mr. Speaker, President Nixon's state of the Union message did indeed include a "bold summons." According to the Buffalo Evening News:

Perhaps the most dominant and reassuring theme of the address was the plea to Congress to join in finding ways to return more power and responsibility and services to state and local governments and the people generally.

I must say that it is reassuring to see any President, or any world leader, propose methods to return power to the people. However, I am very concerned about the President's plea when I consider the present state of the Union as compared to the state of the Union July 13, 1935, the day I was born.

Mr. Speaker, in order to get an accurate reading of the current state of our Union, we must have a yardstick against which we can measure progress or deterioration. Instead of 36 inches, I submit we might appropriately consider the last 36 years.

Economically, the country was not in very good shape in 1935 with unemployment at 20 percent as compared to 6 percent now. But the significant point is, the present administration is getting us out of and not into a war while reducing unemployment.

Mr. Speaker, in the last 36 years, a lot has happened to the executive branch, particularly as it encroached upon the rights and duties of the Congress, not to mention the adverse effect on local initiative.

Since July 13, 1935, to the end of the 91st Congress, the Senate has been in session 5,445 days and the House 5,350 days. Out of a total of 10,795 days both Houses were in session, the Democrats controlled the Senate and the House for 9,750 days or over 90 percent of the time.

As a matter of fact, the Democrats controlled both Houses simultaneously for 8,803 days or about 82 percent.

Equally important are the days the executive branch was controlled by the Democrats—8,304 or about 77 percent of the time since my birth. But we should especially note that of the above 77 percent, there were 5,286 days when the Democrats controlled not only the executive branch but also both Houses of Congress. Thus for 64 percent of the above period, the Democrats had complete domination—a period which some political scientists have referred to as an "executive dictatorship" and maintain this period resulted in programs causing irreparable harm to our system of government.

Therefore, Mr. Speaker, it is not surprising that we hear many political scientists are referring to the President's proposals as revolutionary. Now, after we have seen the bureaucracy expand over the past 36 years, the real question is: Will my colleagues on the other side of the aisle rise to meet the seriousness and scope of the state of the Union message?

At this point, I insert the editorial from

the Buffalo Evening News to which I referred:

#### NIXON'S BOLD SUMMONS

President Nixon's confident and straightforward state of the union message last night was most impressive. Progressive in substance and an altogether bold challenge to Congress to enact broad reforms, it struck us as Mr. Nixon's most comprehensive discussion of domestic affairs since he took office two years ago.

Whether the address will prompt historic changes in all of the six great policy areas which he touched upon, only Congress—and a Congress already proved dubious about his welfare and revenue-sharing plans—can tell.

But for this Republican president himself, the address does seem to mark a significant change in emphasis from the first half of his term in office.

While he has devoted much of his energy in his first two years to foreign policy, this message wholly focused on domestic policy. In place of last year's appeal for a balanced budget, Mr. Nixon now urges an expansionary budget to stimulate economic growth and higher employment. Gone were the earlier references to crime-fighting, to digesting domestic programs already on the plate. Gone, too, was the narrow partisanship of last fall's divisive campaign.

Perhaps the most dominant and reassuring theme of the address was the plea to Congress to join in finding ways to return more power and responsibility and services to state and local governments and the people generally. He spoke of putting "the money where the problems are," of insisting on Lincoln's government of, by and for the people rather than a nation "of the government, by the government and for the government" in Washington.

Many of the details of his proposals remain to be spelled out later, and thus detailed judgments, too, must be deferred on these programs. But we go at least as far as the President himself seems to go on five of his six goals—the welfare, health and revenue-sharing reforms, the programs to enhance the environment, the goal of "full prosperity in peacetime." And we remain open-minded on his proposals to restructure his cabinet, but here the burden of proof rests clearly with him.

As he said, "change is hard," and his revenue-sharing plan will be difficult to push through Congress. And while it may be revolutionary in those terms, its \$6 billion in new money doesn't match the scale Gov. Rockefeller, for example, had hoped for. In trying to reshape the executive branch around function instead of constituency, Mr. Nixon is certain to provoke outcries from hundreds of constituencies, both in the bureaucracy and outside it. His emphasis on expanding the number of doctors and other medical personnel is absolutely necessary if the planned expansion of public access to health services isn't to simply reinforce the existing spiral in health costs.

Finally, the President challenges himself as well as Congress with his activist reform program. To see it enacted, he will have to skillfully and consistently lobby it on Capitol Hill, something he hasn't always done in the past. But we hope this follow-up effort will match the seriousness and scope of the state of the union message itself.

#### DEMANDS OF THE TIMES

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

Mr. MICHEL. Mr. Speaker, on January 1 of this year the Chicago Tribune carried an editorial entitled "Demands of the Times" which I would like

to insert in the RECORD even at this late date.

In contrast to a rather large percentage of news reporting this editorial has an optimistic and uplifting quality to it which I feel should be exposed to the country outside of the area in the Middle West served by the Tribune.

The words of Rev. Harold Blake Walker should inspire those of us in the Congress to redouble our efforts in seeking solutions for the many problems which plague the country but which are capable of being solved if we but put our minds to the task and get on with the job.

And, finally, the appraisal of President Nixon by a prominent Democrat, Daniel Moynihan, which is quoted in the editorial should be considered a fresh reminder to the Congress that if our country is to remain as "the hope of the world," we must support the President to the greatest extent possible as he grapples with these very difficult problems at home and abroad.

I insert the editorial at this point in the RECORD.

#### DEMANDS OF THE TIMES

The Reverend Harold Blake Walker, who writes "Living Faith" for the Tribune, had a singularly apposite column as the new year approached. He quoted Shakespeare's text: "There is a tide in the affairs of men which, taken at the flood, leads on to fortune."

The Rev. Mr. Walker recounted the problems confronting us: "Seldom in history have so many problems thrust themselves upon a generation. War and injustice, decaying cities, and polluted water and atmosphere cry out for the intelligent courage of the present. Threatened overpopulation, with attendant hunger and misery, summons us to rethink our traditional attitudes."

Yet Mr. Walker found abundant reason why we should not be overwhelmed by the perplexities we face. "The simple truth," he said, "is that we know how to do what must be done. We have the technology, the wealth, the know-how to transform our cities, to deal with overpopulation, to produce from land and sea to feed the hungry, to clean up the air, the rivers, and the lakes. We lack only the will to seize the tide that is upon us . . . God, give us men a time like this demands."

While the challenge is great, the power to deal with it was never greater. We have leaders in national and state government who will make sincere and energetic efforts to cope with the promise and peril which are now with us. We have experts in the scientific and academic communities. We have concerned members in the community who fight for an improved environment, for amity among races, and for other good causes.

We ourselves have discerned advances. Informed economists look for better times, a reduction in unemployment, and a resurgent economy. They say that the end of the General Motors strike has already had a pronounced effect in reducing the roll of the jobless and in bringing the economy back on the upswing.

During the year we saw a reduction in campus disorders, progress in winding down the war in Vietnam, and an improvement in relations among races and national-origin groups.

Gov. Ogilvie is hopeful, despite the many vexing problems besieging the state, that Illinois will have a good year. Unemployment here has been at 4 percent, when the national average stood at 5.7 percent. The Governor feels that there will be a growth in the economy of the state during the year of some 6 percent and perhaps as much as 8.

In the national government, President Nixon's administration has come to the midterm point, in assessing the situation when he came to office and as it stands now, Daniel Patrick Moynihan, a Presidential Counsellor, now returning to his post on the Harvard faculty, presented these facts to Cabinet members and other high officials:

"It may be of some use to reconstruct the circumstances in which the President was elected, and formed his administration, just two years ago. It seemed the worst of times. It was the habit then to speak of the nation as divided and to assert that the situation was grave beyond anything since the Civil War itself.

"The country was not so much divided as fragmented; it was coming apart. The war in Asia, undeclared and unwanted, misunderstood or not understood at all, pursued by decent men for decent purposes but by means, and with consequences, that could only in the end be heartbreaking, had brought on an agony of the spirit that had had no counterpart in our national experience.

"The agony of war was compounded by and interacted with the great travail of race which, once again, not so much divided as fractured the society. . . . The economic vitality of the nation was imperiled. The war disrupted the economy and then dictated that the onset of peace would do so as well.

"In such circumstances, confidence in American government eroded. Government was not to be believed, nor was much expected of it. Save fear."

Against this background, Mr. Moynihan said that the two years just passed would be judged not unkindly. The nation has asserted the limits of its power and purpose in foreign policy. The possibility of containing the endless ethnic, racial and religious conflicts that may now become the major threat to world order has become more believable as here and there things have got better, not worse. The prospect of a generation of peace has convincingly emerged. Mr. Moynihan went on to recount progress on one front after another, then said:

"Yet how little the administration seems to be credited with what it has achieved. . . . Depressing, even frightening things are being said about the administration. They are not true. This has been a company of honorable and able men, led by a President of singular courage and intellectual daring, only to be greeted with silence and incomprehension.

"To have seen him late into the night and thru the night and into the morning, struggling with the most awful complexities, the most demanding and irresolvable conflicts, doing so because he cared, trying to comprehend what is right, and trying to make other men see it—above all, caring working for his country he has made greater already and which he will make greater still. . . . Pray for his success."

This is the appraisal by a Democrat of a Republican President. Certainly the character, hard work, and dedication he has shown deserve, at the least, our trust. America is still the hope of the world. Let us labor as hard as the lonely man in the White House to make that hope come true, now, as we start a new year and each day thereafter.

#### LEGISLATIVE PROGRAM

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

Mr. ANDERSON of Illinois. Mr. Speaker, I take this time to inquire of the distinguished majority leader as to the program for next week.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Louisiana.

Mr. BOGGS. In response to the distinguished gentleman from Illinois, I should like to announce that except for the reading by our distinguished colleague from Virginia (Mr. ROBINSON) of Washington's Farewell Address on Monday, we have no program. It is my intention that we go over until Monday.

#### ADJOURNMENT OVER TO MONDAY, FEBRUARY 22, 1971

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.

#### ACCELERATED PUBLIC WORKS

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

Mr. BOGGS. Mr. Speaker, the chairman of the House Public Works Committee, the gentleman from Minnesota (Mr. BLATNIK), is today announcing public hearings to start on March 15 on accelerated public works legislation. This is indeed welcome news.

I am proud of the role I played in the enactment of the original Accelerated Public Works Act in 1962. That legislation was highly successful. It played a major role in pulling this Nation out of the recession which we Democrats had inherited from the previous administration upon assuming office in January 1961. Of equal importance, it resulted in the construction of countless water and sewer works, hospitals, health centers, and other vitally needed public buildings in every part of the country. I am equally proud that I am a cosponsor of the pending legislation together with the chairman of the Public Works Committee, and my good friend, the gentleman from California (Mr. McFALL). JOHN McFALL is to be congratulated on the leadership and initiative that he has taken in sponsoring and gathering support for this meritorious proposal.

In 1970, my good friend the minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), was a cosponsor of the accelerated public works bill. Despite the increased seriousness of our economic situation this year, he did not choose to join in cosponsoring the bill. Nevertheless, it is my sincere hope, and I might say expectation, that he will help us in passing it.

It is certainly must legislation. It is of the highest national priority. A review of the state of the economy emphasizes the need for immediate action by the Federal Government in this area.

In real terms, excluding the effects of inflation, the gross national product declined in 1970 for the first time in 12 years.

The gap between what we are actually producing and what we are capable of producing has expanded during the

Nixon administration from zero to \$67.5 billion in the fourth quarter of 1970. By the end of 1970, industrial production had declined 6 percent from its peak in July 1969. The drop in durable goods manufacturing has been 12 percent. It should be pointed out, moreover, that industrial production gained only moderately in January as a result of continued sluggishness of the economy apart from the auto and related industries, which were rebounding from last year's General Motors strike.

The capacity utilization rate in manufacturing declined from 84.5 percent in the first quarter of 1969 to 72.3 percent in the fourth quarter of 1970. This means that 27 percent of our productive capacity is lying idle.

During the 2 years of the Nixon administration we have fallen short of our housing goals by 2.2 million units. The goals legislated in the Housing and Urban Development Act of 1968 called for 5.2 million housing units in 1969 and 1970. Only 3 million units were built.

Corporate profits after taxes have declined 8 percent since the first quarter of 1969.

Real average weekly earnings in the manufacturing sector have declined 4 percent since January 1969—from \$101.57 to \$97.42.

Unemployment increased from 2,645,000 in January 1969 to 5,033,000 in January 1971.

This unhappy record, it should be recalled, has been compiled in the face of an 11-percent rise in consumer prices.

It is mandatory therefore that the 92d Congress devote its initial efforts to getting this Nation's economy moving again.

My congratulations, therefore, to the chairman of the Public Works Committee for his prompt action on accelerated public works legislation. I pledge him the all-out support of the House Democratic leadership on this matter.

#### NEW FEDERAL CONTROLS FOR DRUG ABUSE

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

Mr. PRICE of Illinois. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues an article on drug abuse written by one of my constituents, Maj. Charles J. Baldree, JAGC. Major Baldree is the son of Dr. Charles E. Baldree, Jr., of Belleville, Ill.

Major Baldree is currently assigned as Deputy Chief, Law Division, DRI, U.S. Army Military Police School. He has attended the military training course presented by the BNDD to criminal investigators, in Europe. Prior to his present assignment in July 1970, he served as a military judge in Germany.

The elimination of drug abuse has become one of the most important goals of the Federal Government. I wish to commend Major Baldree on his interest and insight into the problem.

The article follows:

#### NEW FEDERAL CONTROLS FOR DRUG ABUSE (By Maj. Charles J. Baldree, Judge Advocate General Corps)

The federal government, in the fall of 1970, took two important steps to provide both realistic and effective measures to control the menacing and ever increasing problem of drug abuse within our nation and among US Army personnel world-wide. On 27 October 1970, President Nixon signed into law the Comprehensive Drug Abuse Prevention and Control Act. This Act, which may have its substantive provisions made applicable to military prosecutions through Article 134 of the Uniform Code of Military Justice, constitutes the first enactment of legislation of such magnitude dealing with drug abuse.

In signing the law, President Nixon said: *In order for the laws to mean anything, they must have public support. I hope the whole nation will move with us to save the lives of thousands of our young people who would otherwise be hooked on drugs and physically, mentally, and morally destroyed.*

The second measure is a Department of the Army regulation which provides for an aggressive preventive program to eliminate and prevent drug abuse within the Army, and permits the granting of amnesty to drug abusers who voluntarily seek assistance in terminating their wrongful use of drugs.

Because of the sweeping changes and innovations brought about by these two measures, it is particularly important for military law enforcement personnel to be familiar with the salient features of this new and forward looking program for the control of drug abuse within the Army. The departmental regulation (AR 600-32) was effective on 1 December 1970; the criminal penalties and certain other provisions of the Act will become effective on 1 May 1971.

This article will review the criminal, administrative, and financial sanctions available to the military to control drug abuse, with particular attention on an examination of the Comprehensive Drug Abuse Prevention and Control Act of 1970, Army Regulation 600-32, and the marihuana laws of various states and foreign countries, because they may well constitute the means available to a commander for accomplishing the Army's policy of reducing drug abuse.

#### CONGRESSIONAL LEGISLATION

Although the first enactment by the Congress took place shortly before the turn of the twentieth century, the United States first became involved in drug control measures in the early nineteenth century through treaty agreements with several nations (the first was with Siam in 1841) in an international effort to control the traffic in opium. Action by the international community to control drugs continues today under the leadership of the World Health Organization of the United Nations.

Prior to the 1970 Act, the pattern of federal drug laws consisted of three categories, all primarily based upon the Constitutional grant of legislative competence to control interstate and foreign commerce. The first group included "narcotic drugs" (opium, heroin, and cocaine), and the first major federal drug abuse control law, the Pure Food and Drug Act of 1906, was designed to regulate the use of patent medicines containing synthetic narcotic drugs (the opiates). The Harrison Narcotic Drug Act of 1914 regulates the manufacture and distribution of morphine, cocaine and other narcotics within the United States. The Narcotic Drugs Import and Export Act of 1922 provides penalties for illegal import and export of narcotics. In 1946, the Harrison Act was amended to include synthetic substances having addiction-forming or addiction-sustaining qualities similar to morphine or cocaine. Four years later the Narcotics Manufacturing Act was passed to provide for licensing and the es-

tablishment of manufacturing quotas for all manufacturers of narcotic drugs.

The second major category of drug laws involves marihuana, an hallucinogenic drug. This substance was the subject of Congressional action in 1937 with the passing of the Marihuana Tax Act for the primary purpose of precluding the importation of marihuana from Mexico. Substantial medical research is needed to determine the long range effects of this drug. At the time of passage of this law it was wrongfully regarded as producing effects similar to those produced by narcotics; thus, the same penalties were provided for marihuana violations as for narcotics violations, both by the Congress and by several states. The medical community has since established that narcotic drugs produce physical dependence/addiction, whereas marihuana, as an hallucinogen, may produce psychological/mental dependence.

In 1951 Congress adopted a law which required minimum mandatory sentences for those convicted of violating the narcotics and marihuana statutes and prohibited suspension of sentences and probation for second offenders. The only remedial action taken from these laws has been the Narcotic Addict Rehabilitation Act of 1966, which allows for treatment and rehabilitation of narcotic addicts which represent a small but pitiful segment of the drug abuse population.

The third category of federal statutes concerns "dangerous drugs," which are defined as having a "potential for abuse." In 1951, Congress passed amendments to the Food, Drug and Cosmetic Act which prohibited the dispensing, without a prescription of a licensed practitioner, of drugs which require medical supervision. Subsequent legislation attempted to deal with the illicit traffic in these drugs by placing penalties for wrongful possession, sale, transfer, etc. as the illicit traffic and abuse increased. The term "dangerous drugs" commonly refers to three classes of non-narcotic drugs that are habit-forming or have a potential for abuse because of their stimulant, depressant, or hallucinogenic effect. The most widely used and abused of the stimulants are the amphetamines, known as pep pills. The barbituates (goofballs) are the most widely used and abused of the depressant drugs. Drugs in the hallucinogenic class (LSD, peyote, and psilocybin) have not yet been proven safe for medical purposes, although limited investigations are being conducted under the supervision of the US Government.

Drug abuse has been deemed to exist when an individual takes drugs under any of the following circumstances:

In amounts sufficient to create a hazard to his own health or to the safety of the community; or

When he obtains drugs through illicit channels; or

When he takes drugs on his own initiative rather than on the basis of professional advice.

The federal statutory scheme for control grew out of three distinct eras. The first, around the turn of the century, was posed by the illegal importation of opium and its derivatives (heroin and morphine) and cocaine. The second, the late 1920s through 30s, witnessed the influx of Mexican "grass" which was subjected to controls through the Marihuana Tax Act of 1937. The third, which began after World War II, involved the increasing availability of pills and other chemically prepared substances as a by-product of scientific advances.

It is submitted that we are now in the fourth drug abuse era. Unlike the other three, where the substances involved were handled by means of generally particularized legislation and separate federal enforcement agencies, the current era is con-

cerned with the prevention and elimination of all forms of drug abuse posed by the drugs discussed above, as well as the rehabilitation of those persons who become either physically addicted to the narcotic drugs or psychologically dependent upon one or more of the stimulants, depressants, or hallucinogenic drugs (including marihuana). To respond to this grave situation confronting our Nation, which results from the illegal importation, manufacture, distribution, possession and use of these drugs, the Congress, at the urging of the President, enacted the Comprehensive Drug Abuse Prevention and Control Act of 1970. The primary enforcement responsibility for this Act lies with one agency, the Justice Department's Bureau of Narcotics and Dangerous Drugs.

#### THE NEW ACT

This Act constitutes a major revision and consolidation of the federal drug laws scattered throughout the US Code, and provides for a complete compendium of laws dealing with the classification and registration of drugs, a wide range of new penalties, special parole and probation provisions, special sentencing provisions, provisions for "no knock" search warrants, and many other features. It focuses federal law enforcement activities on controlling the flow of drugs and on directing prime attention to the "pusher." Penalties on simple possession for any drug, set forth in one of five schedules of controlled substances, is punishable by no more than one year's imprisonment, a substantial reduction from the mandatory two-year minimum sentence for possession of narcotics or marihuana.

The statute is divided into four parts: Rehabilitation Programs relating to Drug Abuse; the Controlled Substances Import and Export Act; the Controlled Substances Act; and a provision for Advisory Councils. This law represents the first effort by the Congress to deal with the total spectrum of drug abuse. As such, it is a welcome departure

from the past. Also covered are new procedures for controlling the legitimate manufacture and sale of drugs, treatment of all forms of drug dependence—psychological as well as physical—and research into drug abuse. Major responsibility for enforcement of the Act is shared by the Attorney General and the Secretary of Health, Education and Welfare. Some provisions of the Act became effective upon enactment. Other provisions, principally the penalties, will become effective on 1 May 1971.

#### CONTROL AND ENFORCEMENT

Title II of the Act, entitled Control and Enforcement, is of critical importance to law enforcement personnel and agencies. This Title, also to be known as the "Controlled Substances Act," provides for definitions; authority to control and establish schedules of drugs depending upon their potential for abuse; registration of those engaged in manufacture; distribution or dispensing provisions; offenses and penalties; enforcement and administrative provisions; and the establishment of an Advisory Commission to study marihuana.

#### SCHEDULES

After hearing extensive medical testimony, and using the same basic definition of drugs set forth earlier, the Congress established five schedules and placed certain drugs, referred to as "controlled drugs," in one of the schedules. Responsibility to place additional drugs on a schedule, deletion of drug(s) from a schedule, or changing a drug from one schedule to another, was placed on the Attorney General. He is required to conduct a hearing, subject to judicial review, incident to each such modification of a schedule. The Secretary of HEW is required to submit recommendations to the Attorney General on proposed changes; these recommendations are binding on the Attorney General regarding medical and scientific matters. Table I outlines these schedules.

TABLE I.—SCHEDULES OF CONTROLLED SUBSTANCES

Schedule and principal controlled substance	Potential and abuse	Medical use	Dependency
I. Certain opiates, certain opium derivatives (heroin), and hallucinogens (LSD, marihuana).	High.....	No.....	Lack of accepted safety for use.
II. Certain opiates, cocaine, methadone, opium poppy.....	High.....	No.....	Severe.
III. Amphetamines, barbiturates.....	High.....	Yes.....	Moderate.
IV. Barbitol, meprobamate.....	Low.....	Yes.....	Limited.
V. Narcotic drugs used with nonnarcotic ingredients to be medically valuable.	Low.....	Yes.....	Do.

Source: "Military Police Journal."

#### OFFENSES AND PENALTIES

Regarding any controlled drug, it is unlawful to knowingly or intentionally manufacture, distribute, dispense, or possess with intent to manufacture, distribute or dispense a counterfeit substance without a written order or prescription from a licensed practitioner. It is also unlawful for anyone knowingly or intentionally to possess a controlled substance, except where the person in possession has acquired the substance pursuant to a valid prescription, or in those situations authorized by the Act, e.g. registered dealer.

Table II [not printed in the RECORD] depicts the maximum imposable jail sentences for first conviction by either a U.S. District Court for one of the above violations, or by a general court-martial for a violation of one of the two principal punitive Articles of the UCMJ used to control drugs, i.e. Articles 92 and 134.

The Act sharply reduces the penalties for first conviction of wrongful possession of any narcotic drug or marihuana, from a mandatory two-year minimum sentence to a misdemeanor. Under the 1968 Drug Abuse Amendments it had been unlawful to possess for personal use any one of the dangerous

drugs; there is no change regarding these drugs for this offense.

Increased penalties are provided for other conduct involving a narcotic drug under either Schedule I or II. Effective 1 May 1971, the maximum sentence for a first conviction will be a 15-year prison term, compared to the present ten-year term. The Table of Maximum Punishments has also reflected a comparable change, for the narcotic drug conviction was increased on 1 January 1969 from five to ten years confinement at hard labor.

There are increased jail terms for second and subsequent drug convictions. All convictions also carry a provision for imposition of a fine, ranging from \$5,000 maximum for simple possession to \$200,000 for any person who has been previously convicted of a violation of this Act that engages in a continuing criminal enterprise. Increased penalties imposable by the court may not exceed 25 years in those cases where the United States Judge finds, after a hearing and conviction of a drug law violation, that the defendant is a "dangerous special drug offender." Another provision is aimed at those who make a living through dealings in illicit drug activities on a continuing basis. This provision provides for a ten-year to life imprisonment and up to

\$100,000 fine as penalties for the first conviction.

Because of the widespread controversy surrounding the danger or potential danger of marihuana, the Congress established a rather unique and elaborate sentence feature for those offenders under the age of 21 who are tried for simple possession of this hallucinogenic drug. In a case where a youthful offender is found guilty, the judge may place him on probation and defer further proceedings, including entering of a finding of guilty. If there is no violation of the parole, which can extend up to one year, the court will dismiss the charges without an adjudication of guilt, the record will be non-public, and the defendant may apply to the U.S. District Court to expunge the official records of his case, except for those non-public records maintained by the Justice Department. Irrespective of whether the records are expunged of the proceeding, the dismissal of the charge of simple possession is to be regarded as tantamount to an acquittal for job applications, questionnaires and perjury statutes.

#### ARMY REGULATION 600-32

In continuing its implementation of Department of Defense Directive 1300.11, Prevention and Elimination of Drug Abuse, the Army promulgated, on 23 September 1970, Regulation 600-32, Drug Abuse Prevention and Control. This departmental regulation, which became effective on 1 December 1970, prohibits the wrongful possession, use, transfer, sale or manufacture of narcotics, marihuana, and dangerous drugs. Violations of these prohibitions may be prosecuted under Article 92, UCMJ, as a violation of a lawful general regulation, or other appropriate articles of the Code, e.g. attempts, conspiracy, drunk driving, larceny, or under Article 134 as either conduct prejudicial to good order and discipline or to the discredit of the Armed Forces, or as a violation of the United States Code.

#### AMNESTY

An innovation in the Army's rehabilitation program is the granting of amnesty for those voluntarily seeking assistance to discontinue the unlawful use of drugs. The grant of amnesty will preclude punishing the soldier for admitting to the wrongful use of drugs, but will not necessarily extend to other drug-related offenses. In addition to the amnesty program which Secretary of Defense Laird publicly approved in August 1970 for all military services, the Army's rehabilitation programs include limited hospitalization and counseling by a medical officer, chaplain, and others. (See *Operation Awareness*, MP JOURNAL, October 1970, on the rehabilitation measures taken at Fort Dragg, N.C.)

The regulation provides a list of educational materials for use in drug abuse programs conducted by military units or installations. Also contained in AR 600-32 is a compilation of Army Regulations relating to drug abuse. To be added to that list is Section XVI, AR 40-2, which provides guidance for the maintenance of the Narcotic and Controlled Drug Register, an important item to be reviewed incident to either a criminal investigation or as part of a Crime Prevention Survey.

#### CRIMINAL SANCTIONS

Shown in Table II are the maximum imposable periods of confinement at hard labor allowable by the Table of Maximum Punishments for drug offenses in violation of Articles 92 and 134, the principal articles of the UCMJ used to prosecute these offenses. A general court-martial is empowered to adjudge either a Dishonorable or Bad Conduct Discharge upon conviction, in addition to the periods of incarceration; a special court-martial may adjudge a Bad Conduct Discharge where so empowered by the general court-martial convening authority, and where the accused is represented by qualified

counsel and a verbatim record of the trial is prepared.

The military justice system has a certain amount of flexibility in dealing with all offenders, but this is especially true regarding drug offenders where it is of critical importance to fit the punishment to the accused's criminal conduct. The federal government and many state governments are now revising their laws to achieve this needed flexibility by abolishing the mandatory minimum sentence in the event of conviction for narcotics or marihuana violations. Unlike the civilian systems of trial courts, the military's three-tier trial court composition of the summary, special and general courts-martial—each with its statutory limitations on the quantum of punishment impossible—adds to this flexibility in tailoring the punishment to the crime.

#### ADMINISTRATIVE SANCTIONS

In addition to, or in some cases in lieu of, disciplinary action, there is a wide range of administrative sanctions available to the military commander for dealing with the prevention and elimination of drug abuse. One of the prime sanctions is to discharge a service member for wrongful complicity with drugs, as provided by paragraph 6a, AR 635-212. In the event of conviction by either a civilian court or a foreign tribunal for a drug violation of the laws of that jurisdiction, and where the Table of Maximum Punishments provides for confinement at hard labor for more than one year, the offender is subject to administrative elimination under the provisions of AR 635-206.

The awarding of an Undesirable Discharge incident to one of the elimination actions noted above, or a punitive discharge by a court-martial, may result in the deprivation of certain federal benefits normally available to military veterans (the principal such benefit being educational/financial assistance) or the rejection of a drug abuser's application for certain civilian jobs or admission to a college or university. Other administrative sanctions for drug violations include a bar to re-enlistment, removal from a standing promotion list, suspension of favorable personnel actions, and reduction in grade for either a civil conviction or for inefficiency.

#### FINANCIAL SANCTIONS

Quite frequently the drug offender is subjected to financial sanctions which have an impact far beyond the fine or forfeiture included in a court sentence or Article 15 proceeding. The service member may be sued by an individual or business in a civil court, in CONUS or overseas, for damages where the service member was outside the scope of his duties, seeking recovery for property damage, bodily injury or death caused by the offender. Also, the U.S. Government may seek reimbursement under the Report of Survey System in cases of damaged, lost or destroyed property. Lastly, a financial loss may be incurred through governmental forfeiture action as to the drugs seized or the means used to facilitate the violation of the drug laws. Army Regulation 190-22 provides guidance for the disposition of such property which falls into the hands of the Army.

#### STATE AND FOREIGN MARIHUANA LAWS

Generally, service members are subject to prosecution for drug law violations, in appropriate circumstances, by one of four jurisdictions: military, federal courts, state courts, and the courts of a foreign country. All such prosecutions may well contribute to accomplishing the Department of Defense policy of eliminating and preventing drug abuse within the military community.

#### SERVICE-CONNECTED

The exercise of court-martial jurisdiction in CONUS is limited by the June 1969 *O'Callahan* decision by the United States Supreme Court regarding the conduct of a per-

son subject to the Code which is "service-connected." Following that decision, military tribunals have ruled on the application of this limitation on trials conducted in non-overseas areas. The United States Court of Military Appeals has handed down the following general rules concerning the competence of a court-martial to exercise jurisdiction:

A court-martial has jurisdiction to try drug offenses which take place on a military reservation.

A court-martial has jurisdiction to try military persons for use and/or possession of dangerous drugs, marihuana and narcotics on or off the military reservation because such conduct has special military significance, in that the drugs have a detrimental effect on the health, morale and fitness for duty of persons in the Armed Forces.

A court-martial lacks jurisdiction to try military persons for wrongful importation and transportation of these drugs, unless there are circumstances surrounding the commission of this type conduct which relate them specially to the military.

#### STATE LAWS

Over the past three years, 27 states have overhauled their statutes relating to marihuana. Twenty-four have reduced the penalties for possession of marihuana incident to the first conviction, generally from felonies to misdemeanors. New Jersey reduced the

penalty from a minimum of two years in jail to a maximum of six months, but the state Supreme Court ruled that jail terms will not be imposed for first offenders.

Penalties range from no jail term in New Jersey to seven days in Nebraska, to 20 years in Alabama, Minnesota and Missouri, to life imprisonment in Texas.

Twenty-one states have a mandatory minimum period of imprisonment, extending from five years in Alabama to six months in Missouri.

Notwithstanding a conviction of a service member for wrongful possession of marihuana in one of the states where either the sentence adjudged or the maximum period allowed did not exceed one year, elimination action under AR 635-206 is possible because the Table of Maximum Punishments provides for a five-year impossible sentence for marihuana violations.

#### FOREIGN LAWS

In the event an Army service member is tried for violating the marihuana laws in Europe, Table III depicts the maximum impossible sentences of imprisonment in eight countries where US Armed Forces personnel are stationed or frequently visit. Great Britain recently reduced its possession penalties while, at the same time, increased those for trafficking. Table IV [not printed in the RECORD] is a chart of possible sanctions impossible upon Army drug users.

TABLE III. MARIHUANA: MAXIMUM JAIL TERMS IMPOSABLE BY EUROPEAN COUNTRIES

Country and smuggling	Sale	Possession
Belgium: 5 years.....	5 years.....	2 years.
France:		
(a) Confiscation of auto and goods.....	3 months to 5 years.....	(a) 3 months to 5 years.
(b) 6 months to 3 years.....		(b) Fine (\$200 to \$2,000).
(c) Fine of 4 times value of goods.....		
Germany: 3 years.....	3 years.....	3 years.
Great Britain: 14 years <sup>1</sup> .....	14 years <sup>1</sup> .....	5 years. <sup>2</sup>
Italy: 3 to 8 years.....	3 to 8 years.....	3 to 8 years.
Netherlands: 1 year.....	1 year.....	1 year.
Spain: 6 to 12 years.....	6 to 12 years.....	6 to 12 years.
Turkey: "Eternal imprisonment".....	10 years minimum.....	10 years.

<sup>1</sup> Maximum penalty increased in March 1970 from 10 to 14 years.

<sup>2</sup> Maximum penalty reduced in March 1970 from 12 to 5 years.

#### THE FUTURE

Although an appreciable period of time must elapse before a sound judgment can be made of the new Act and the military's amnesty program, these measures have been applauded by those who deal with drug abuse as substantial steps in the right direction to provide effective means of control. The only one who benefits from drug abuse is the pusher and, generally, he does not use the drugs.

In addition to providing for the added enforcement and control measures discussed above, the 1970 Act has provided for a program to detect the root causes of drug abuse and to improve treatment and rehabilitation of all drug abusers, not just narcotics addicts. The military amnesty policy will enhance and facilitate the prevention of drug abuse, especially among younger service members.

The 1970 Act provides for the immediate establishment of an Advisory Commission on Marihuana and Drug Abuse to study all aspects of marihuana and drug abuse, and report back to the Congress within one year. Also created is an annual reporting requirement by the various medical Advisory Councils set up under the supervision of the Secretary of Health, Education, and Welfare to insure the availability of current and thorough medical information on which further legislation may be based, and to provide assistance to current programs of treatment and cure of drug dependence.

The federal law enforcement agencies' efforts to control drug abuse are under the leadership of the Bureau of Narcotics and Dangerous Drugs (a recently formed agency

when the Bureau of Narcotics in the Treasury Department was merged with the Bureau of Drug Abuse Control in the Food and Drug Administration). The BNDD plans to train some 22,000 local and state drug enforcement personnel this year through its new National Training Institute in Washington (where a ten-week course is offered) and through other schools and seminars throughout the country. A special course is provided by BNDD to military investigators.

Our future efforts to enforce the drug laws in order to prevent and eliminate the scourge of drug abuse from the military community and the nation have been joined by a forward looking Act of Congress and an equally realistic departmental regulation. Military law enforcement personnel have a tremendous challenge, not only in the investigation of drug cases, but in assisting to muster public support to give these new measures the effective meaning which President Nixon has stated is essential for achieving the mission of preventing and eliminating drug abuse.

#### NATIONAL HEALTH INSURANCE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-49)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

*To the Congress of the United States:*

In the last twelve months alone, America's medical bill went up eleven percent, from \$63 to \$70 billion. In the last ten years, it has climbed 170 percent, from the \$26 billion level in 1960. Then we were spending 5.3 percent of our Gross National Product on health; today we devote almost 7% of our GNP to health expenditures.

This growing investment in health has been led by the Federal Government. In 1960, Washington spent \$3.5 billion on medical needs—13 percent of the total. This year it will spend \$21 billion—or about 30 percent of the nation's spending in this area.

But what are we getting for all this money?

For most Americans, the result of our expanded investment has been more medical care and care of higher quality. A profession of impressive new techniques, powerful new drugs, and splendid new facilities has developed over the past decade. During that same time, there has been a six percent drop in the number of days each year that Americans are disabled. Clearly there is much that is right with American medicine.

But there is also much that is wrong.

One of the biggest problems is that fully 60 percent of the growth in medical expenditures in the last ten years has gone not for additional services but merely to meet price inflation. Since 1960, medical costs have gone up twice as fast as the cost of living. Hospital costs have risen five times as fast as other prices. For growing numbers of Americans, the cost of care is becoming prohibitive. And even those who can afford most care may find themselves impoverished by a catastrophic medical expenditure.

The shortcomings of our health care system are manifested in other ways as well. For some Americans—especially those who live in remote rural areas or in the inner city—care is simply not available. The quality of medicine varies widely with geography and income. Primary care physicians and outpatient facilities are in short supply in many areas, and most of our people have trouble obtaining medical attention on short notice. Because we pay so little attention to preventing disease and treating it early, too many people get sick and need intensive treatment.

Our record, then, is not as good as it should be. Costs have skyrocketed but values have not kept pace. We are investing more of our nation's resources in the health of our people but we are not getting a full return on our investment.

**BUILDING A NATIONAL HEALTH STRATEGY**

Things do not have to be this way. We can change these conditions—indeed, we must change them if we are to fulfill our promise as a nation. Good health care should be readily available to all of our citizens.

It will not be easy for our nation to achieve this goal. It will be impossible to achieve it without a new sense of purpose and a new spirit of discipline. That is why I am calling today not only for new programs and not merely for more money but for something more—for a

new approach which is equal to the complexity of our challenges. I am calling today for a new National Health Strategy that will marshal a variety of forces in a coordinated assault on a variety of problems.

This new strategy should be built on four basic principles.

**1. Assuring Equal Access.** Although the Federal Government should be viewed as only one of several partners in this reforming effort, it does bear a special responsibility to help all citizens achieve equal access to our health care system. Just as our National Government has moved to provide equal opportunity in areas such as education, employment and voting, so we must now work to expand the opportunity for all citizens to obtain a decent standard of medical care. We must do all we can to remove any racial, economic, social or geographic barriers which now prevent any of our citizens from obtaining adequate health protection. For without good health, no man can fully utilize his other opportunities.

**2. Balancing Supply and Demand.** It does little good, however, to increase the demand for care unless we also increase the supply. Helping more people pay for more care does little good unless more care is available. This axiom was ignored when Medicaid and Medicare were created—and the nation paid a high price for that error. The expectations of many beneficiaries were not met and a severe inflation in medical costs was compounded.

Rising demand should not be a source of anxiety in our country. It is, after all, a sign of our success in achieving equal opportunity, a measure of our effectiveness in reducing the barriers to care. But since the Federal Government is helping to remove those barriers, it also has a responsibility for what happens after they are reduced. We must see to it that our approach to health problems is a balanced approach. We must be sure that our health care system is ready and able to welcome its new clients.

**3. Organizing for Efficiency.** As we move toward these goals, we must recognize that we cannot simply buy our way to better medicine. We have already been trying that too long. We have been persuaded, too often, that the plan that costs the most will help the most—and too often we have been disappointed.

We cannot be accused of having under-financed our medical system—not by a long shot. We have, however, spent this money poorly—reinforcing inequities and rewarding inefficiencies and placing the burden of greater new demands on the same old system which could not meet the old ones.

The toughest question we face then is not *how much* we should spend but *how* we should spend it. It must be our goal not merely to finance a more expensive medical system but to organize a more efficient one.

There are two particularly useful ways of doing this:

**A. Emphasizing Health Maintenance.** In most cases our present medical system operates episodically—people come to it in moments of distress—when they require its most expensive services. Yet

both the system and those it serves would be better off if less expensive services could be delivered on a more regular basis.

If more of our resources were invested in preventing sickness and accidents, fewer would have to be spent on costly cures. If we gave more attention to treating illness in its early stages, then we would be less troubled by acute disease. In short, we should build a true "health" system—and not a "sickness" system alone. We should work to maintain health and not merely to restore it.

**B. Preserving Cost Consciousness.** As we determine just who should bear the various costs of health care, we should remember that only as people are aware of those costs will they be motivated to reduce them. When consumers pay virtually nothing for services and when, at the same time, those who provide services know that all their costs will also be met, then neither the consumer nor the provider has an incentive to use the system efficiently. When that happens, unnecessary demand can multiply, scarce resources can be squandered and the shortage of services can become even more acute.

Those who are hurt the most by such developments are often those whose medical needs are most pressing. While costs should never be a barrier to providing needed care, it is important that we preserve some element of cost consciousness within our medical system.

**4. Building on Strengths.** We should also avoid holding the whole of our health care system responsible for failures in some of its parts. There is a natural temptation in dealing with any complex problem to say: "Let us wipe the slate clean and start from scratch." But to do this—to dismantle our entire health insurance system, for example—would be to ignore those important parts of the system which have provided useful service. While it would be wrong to ignore any weaknesses in our present system, it would be equally wrong to sacrifice its strengths.

One of those strengths is the diversity of our system—and the range of choice it therefore provides to doctors and patients alike. I believe the public will always be better served by a pluralistic system than by a monolithic one, by a system which creates many effective centers of responsibility—both public and private—rather than one that concentrates authority in a single governmental source.

This does not mean that we must allow each part of the system to go its own independent way, with no sense of common purpose. We must encourage greater cooperation and build better coordination—but not by fostering uniformity and eliminating choice. One effective way of influencing the system is by structuring incentives which reward people for helping to achieve national goals without forcing their decisions or dictating the way they are carried out. The American people have always shown a unique capacity to move toward common goals in varied ways. Our efforts to reform health care in America will be more effective if they build on this strength.

These, then, are certain cardinal principles on which our National Health Strategy should be built. To implement this strategy, I now propose for the consideration of the Congress the following six point program. It begins with measures designed to increase and improve the supply of medical care and concludes with a program which will help people pay for the care they require.

#### A. REORGANIZING THE DELIVERY OF SERVICE

In recent years, a new method for delivering health services has achieved growing respect. This new approach has two essential attributes. It brings together a comprehensive range of medical services in a single organization so that a patient is assured of convenient access to all of them. And it provides needed services for a fixed contract fee which is paid in advance by all subscribers.

Such an organization can have a variety of forms and names and sponsors. One of the strengths of this new concept, in fact, is its great flexibility. The general term which has been applied to all of these units is "HMO"—"Health Maintenance Organization."

The most important advantage of Health Maintenance Organization is that they increase the value of the services a consumer receives for each health dollar. This happens, first because such organizations provide a strong financial incentive for better preventive care and for greater efficiency.

Under traditional systems, doctors and hospitals are paid, in effect, on a piece work basis. The more illnesses they treat—and the more service they render—the more their income rises. This does not mean, of course, that they do any less than their very best to make people well. But it does mean that there is no economic incentive for them to concentrate on keeping people healthy.

A fixed-price contract for comprehensive care reverses this illogical incentive. Under this arrangement, income grows not with the number of days a person is sick but with the number of days he is well. HMO's therefore have a strong financial interest in preventing illness, or, failing that, in treating it in its early stages, promoting a thorough recovery, and preventing any reoccurrence. Like doctors in ancient China, they are paid to keep their clients healthy. For them, economic interests work to reinforce their professional interests.

At the same time, HMO's are motivated to function more efficiently. When providers are paid retroactively for each of their services, inefficiencies can often be subsidized. Sometimes, in fact, inefficiency is rewarded—as when a patient who does not need to be hospitalized is treated in a hospital so that he can collect on his insurance. On the other hand, if an HMO is wasteful of time or talent or facilities, it cannot pass those extra costs on to the consumer or to an insurance company. Its budget for the year is determined in advance by the number of its subscribers. From that point on it is penalized for going over its budget and rewarded for staying under it.

In an HMO, in other words, cost consciousness is fostered. Such an organi-

zation cannot afford to waste resources—that costs more money in the short run. But neither can it afford to economize in ways which hurt patients—for that increases long-run expenses.

The HMO also organizes medical resources in a way that is more convenient for patients and more responsive to their needs. There was a time when every housewife had to go to a variety of shops and markets and pushcarts to buy her family's groceries. Then along came the supermarket—making her shopping chores much easier and also giving her a wider range of choice and lower prices. The HMO provides similar advantages in the medical field. Rather than forcing the consumer to thread his way through a complex maze of separate services and specialists, it makes a full range of resources available through a single organization—often at a single stop—and makes it more likely that the right combination of resources will be utilized.

Because a team can often work more efficiently than isolated individuals, each doctor's energies go further in a Health Maintenance Organization—twice as far according to some studies. At the same time, each patient retains the freedom to choose his own personal doctor. In addition, services can more easily be made available at night and on weekends in an HMO. Because many doctors often use the same facilities and equipment and can share the expense of medical assistants and business personnel, overhead costs can be sharply curtailed. Physicians benefit from the stimulation that comes from working with fellow professionals who can share their problems, appreciate their accomplishments and readily offer their counsel and assistance. HMO's offer doctors other advantages as well, including a more regular work schedule, better opportunities for continuing education, lesser financial risks upon first entering practice, and generally lower rates for malpractice insurance.

Some seven million Americans are now enrolled in HMO's—and the number is growing. Studies show that they are receiving high quality care at a significantly lower cost—as much as one-fourth to one-third lower than traditional care in some areas. They go to hospitals less often and they spend less time there when they go. Days spent in the hospital each year for those who belong to HMO's are only three-fourths of the national average.

Patients and practitioners alike are enthusiastic about this organizational concept. So is this administration. That is why we proposed legislation last March to enable Medicare recipients to join such programs. That is why I am now making the following additional recommendations:

1. We should require public and private health insurance plans to allow beneficiaries to use their plan to purchase membership in a Health Maintenance Organization when one is available. When, for example, a union and an employer negotiate a contract which includes health insurance for all workers, each worker should have the right to apply the actuarial value of his cover-

age toward the purchase of a fixed-price, health maintenance program. Similarly, both Medicare and the new Family Health Insurance Plan for the poor which I will set out later in this message should provide an HMO option.

2. To help new HMO's get started—an expensive and complicated task—we should establish a new \$23 million program of planning grants to aid potential sponsors—in both the private and public sector.

3. At the same time, we should provide additional support to help sponsors raise the necessary capital, construct needed facilities, and sustain initial operating deficits until they achieve an enrollment which allows them to pay their own way. For this purpose, I propose a program of Federal loan guarantees which will enable private sponsors to raise some \$300 million in private loans during the first year of the program.

4. Other barriers to the development of HMO's include archaic laws in 22 States which prohibit or limit the group practice of medicine and laws in most States which prevent doctors from delegating certain responsibilities (like giving injections) to their assistants. To help remove such barriers, I am instructing the Secretary of Health, Education, and Welfare to develop a model statute which the States themselves can adopt to correct these anomalies. In addition, the Federal Government will facilitate the development of HMO's in all States by entering into contracts with them to provide service to Medicare recipients and other Federal beneficiaries who elect such programs. Under the supremacy clause of the Constitution, these contracts will operate to preempt any inconsistent State statutes.

Our program to promote the use of HMO's is only one of the efforts we will be making to encourage a more efficient organization of our health care system. We will take other steps in this direction, including stronger efforts to capitalize on new technological developments.

In recent years medical scientists, engineers, industrialists, and management experts have developed many new techniques for improving the efficiency and effectiveness of health care. These advances include automated devices for measuring and recording body functions such as blood flow and the electrical activity of the heart, for performing laboratory tests and making the results readily available to the doctor, and for reducing the time required to obtain a patient's medical history. Methods have also been devised for using computers in diagnosing diseases, for monitoring and diagnosing patients from remote locations, for keeping medical records and generally for restructuring the layout and administration of hospitals and other care centers. The results of early tests for such techniques have been most promising. If new developments can be widely implemented, they can help us deliver more effective, more efficient care at lower prices.

The hospital and outpatient clinic of tomorrow may well bear little resemblance to today's facility. We must make every effort to see that its full promise is

realized. I am therefore directing the Secretary of Health, Education, and Welfare to focus research in the field of health care services on new techniques for improving the productivity of our medical system. The Department will establish pilot experiments and demonstration projects in this area, disseminate the results of this work, and encourage the health industry and the medical profession to bring such techniques into full and effective use in the health care centers of the nation.

#### B. MEETING THE SPECIAL NEEDS OF SCARCITY AREAS

Americans who live in remote rural areas or in urban poverty neighborhoods often have special difficulty obtaining adequate medical care. On the average, there is now one doctor for every 630 persons in America. But in over one-third of our counties the number of doctors per capita is less than one-third that high. In over 130 counties, comprising over eight percent of our land area, there are no private doctors at all—and the number of such counties is growing.

A similar problem exists in our center cities. In some areas of New York for example, there is one private doctor for every 200 persons but in other areas the ratio is one to 12,000. Chicago's inner city neighborhoods have some 1,700 fewer physicians today than they had ten years ago.

How can we attract more doctors—and better facilities—into these scarcity areas? I propose the following actions:

1. We should encourage Health Maintenance Organizations to locate in scarcity areas. To this end, I propose a \$22 million program of direct Federal grants and loans to help offset the special risks and special costs which such projects would entail.

2. When necessary, the Federal Government should supplement these efforts by supporting out-patient clinics in areas which still are underserved. These units can build on the experience of the Neighborhood Health Centers experiment which has now been operating for several years. These facilities would serve as a base on which full HMO's—operating under other public or private direction—could later be established.

I have also asked the Administrator of Veterans' Affairs and the Secretary of Health, Education, and Welfare to develop ways in which the Veterans' Administration medical system can be used to supplement local medical resources in scarcity areas.

3. A series of new area Health Education Centers should also be established in places which are medically underserved—as the Carnegie Commission on Higher Education has recommended. These centers would be satellites of existing medical and other health science schools; typically, they could be built around a community hospital, a clinic or an HMO which is already in existence. Each would provide a valuable teaching center for new health professionals, a focal point for the continuing education of experienced personnel, and a base for providing sophisticated medical services which would not otherwise be available in these areas. I am requesting that up

to \$40 million be made available for this program in Fiscal Year 1972.

4. We should also find ways of compensating—and even rewarding—doctors and nurses who move to scarcity areas, despite disadvantages such as lower income and poorer facilities.

As one important step in this direction, I am proposing that our expanding loan programs for medical students include a new forgiveness provision for graduates who practice in a scarcity area, especially those who specialize in primary care skills that are in short supply.

In addition, I will request \$10 million to implement the Emergency Health Personnel Act. Such funds will enable us to mobilize a new National Health Service Corps, made up largely of dedicated and public-spirited young health professionals who will serve in areas which are now plagued by critical manpower shortages.

#### C. MEETING THE PERSONNEL NEEDS OF OUR GROWING MEDICAL SYSTEM

Our proposals for encouraging HMO's and for serving scarcity areas will help us use medical manpower more effectively. But it is also important that we produce more health professionals and that we educate more of them to perform critically needed services. I am recommending a number of measures to accomplish these purposes.

1. First, we must use new methods for helping to finance medical education. In the past year, over half of the nation's medical schools have declared that they are in "financial distress" and have applied for special Federal assistance to meet operating deficits.

More money is needed—but it is also important that this money be spent in new ways. Rather than treating the symptoms of distress in a piecemeal and erratic fashion, we must rationalize our system of financial aid for medical education so that the schools can make intelligent plans for regaining a sound financial position.

I am recommending, therefore, that much of our present aid to schools of medicine, dentistry and osteopathy—along with \$60 million in new money—be provided in the form of so-called "capitation grants," the size of which would be determined by the number of students the school graduates. I recommend that the capitation grant level be set at \$6,000 per graduate.

A capitation grant system would mean that a school would know in advance how much Federal money it could count on. It would allow an institution to make its own long-range plans as to how it would use these monies. It would mean that we could eventually phase out our emergency assistance programs.

By rewarding *output*—rather than subsidizing *input*—this new aid system would encourage schools to educate more students and to educate them more efficiently. Unlike formulas which are geared to the annual number of enrollees, capitation grants would provide a strong incentive for schools to shorten their curriculum from four years to three—in line with another sound recommendation of the Carnegie Commission on Higher Education. For then, the

same sized school would qualify for as much as one-third more money each year, since each of its graduating classes would be one-third larger.

This capitation grant program should be supplemented by a program of special project grants to help achieve special goals. These grants would support efforts such as improving planning and management, shortening curriculums, expanding enrollments, team training of physicians and allied health personnel, and starting HMO's for local populations.

In addition, I believe that Federal support dollars for the construction of medical education facilities can be used more effectively. I recommend that the five current programs in this area be consolidated into a single, more flexible grant authority and that a new program of guaranteed loans and other financial aids be made available to generate over \$500 million in private construction loans in the coming Fiscal Year—five times the level of our current construction grant program.

Altogether, these efforts to encourage and facilitate the expansion of our medical schools should produce a 50 percent increase in medical school graduates by 1975. We must set that as our goal and we must see that it is accomplished.

2. The Federal Government should also establish special support programs to help low income students enter medical and dental schools. I propose that our scholarship grant program for these students be almost doubled—from \$15 to \$29 million. At the same time, this administration would modify its proposed student loan programs to meet better the needs of medical students. To help alleviate the concern of low income students that such a loan might become an impossible burden if they fail to graduate from medical school, we will request authority to forgive loans where such action is appropriate.

3. One of the most promising ways to expand the supply of medical care and to reduce its costs is through a greater use of allied health personnel, especially those who work as physicians' and dentists' assistants, nurse pediatric practitioners, and nurse midwives. Such persons are trained to perform tasks which must otherwise be performed by doctors themselves, even though they do not require the skills of a doctor. Such assistance frees a physician to focus his skills where they are most needed and often allows him to treat many additional patients.

I recommend that our allied health personnel training programs be expanded by 50% over 1971 levels, to \$29 million, and that \$15 million of this amount be devoted to training physicians' assistants. We will also encourage medical schools to train future doctors in the proper use of such assistants and we will take the steps I described earlier to eliminate barriers to their use in the laws of certain States.

In addition, this administration will expand nationwide the current MEDIHC program—an experimental effort to encourage servicemen and women with medical training to enter civilian medi-

cal professions when they leave military duty. Of the more than 30,000 such persons who leave military service each year, two-thirds express an interest in staying in the health field but only about one-third finally do so. Our goal is to increase the number who enter civilian health employment by 2,500 per year for the next five years. At the same time, the Veterans Administration will expand the number of health trainees in VA facilities from 49,000 in 1970 to over 53,000 in 1972.

#### D. A SPECIAL PROBLEM: MALPRACTICE SUITS AND MALPRACTICE INSURANCE

One reason consumers must pay more for health care and health insurance these days is the fact that most doctors are paying much more for the insurance they must buy to protect themselves against claims of malpractice. For the past five years, malpractice insurance rates have gone up an average of 10 percent a year—a fact which reflects both the growing number of malpractice claims and the growing size of settlements. Many doctors are having trouble obtaining any malpractice insurance.

The climate of fear which is created by the growing menace of malpractice suits also affects the quality of medical treatment. Often it forces doctors to practice inefficient, defensive medicine—ordering unnecessary tests and treatments solely for the sake of appearance. It discourages the use of physicians' assistants, inhibits that free discussion of cases which can contribute so much to better care, and makes it harder to establish a relationship of trust between doctors and patients.

The consequences of the malpractice problem are profound. It must be confronted soon and it must be confronted effectively—but that will be no simple matter. For one thing, we need to know far more than we presently do about this complex problem.

I am therefore directing—as a first step in dealing with this danger—that the Secretary of Health, Education, and Welfare promptly appoint and convene a Commission on Medical Malpractice to undertake an intensive program of research and analysis in this area. The Commission membership should represent the health professions and health institutions, the legal profession, the insurance industry, and the general public. Its report—which should include specific recommendations for dealing with this problem—should be submitted by March 1, 1972.

#### E. NEW ACTIONS TO PREVENT ILLNESSES AND ACCIDENTS

We often invest our medical resources as if an ounce of cure were worth a pound of prevention. We spend vast sums to treat illnesses and accidents that could be avoided for a fraction of those expenditures. We focus our attention on making people well rather than keeping people well, and—as a result—both our health and our pocketbooks are poorer. A new National Health Strategy should assign a much higher priority to the work of prevention.

As we have already seen, Health Maintenance Organizations can do a great deal

to help in this effort. In addition to encouraging their growth, I am also recommending a number of further measures through which we can take the offensive against the long-range causes of illnesses and accidents.

1. To begin with, we must reaffirm—and expand—the Federal commitment to biomedical research. Our approach to research support should be balanced—with strong efforts in a variety of fields. Two critical areas, however, deserve special attention.

The first of these is cancer. In the next year alone, 650,000 new cases of cancer will be diagnosed in this country and 340,000 of our people will die of this disease. Incredible as it may seem, one out of every four Americans who are now alive will someday develop cancer unless we can reduce the present rates of incidence.

In the last seven years we spent more than 30 billion dollars on space research and technology and about one-twenty-fifth of that amount to find a cure for cancer. The time has now come to put more of our resources into cancer research and—learning an important lesson from our space program—to organize those resources as effectively as possible.

When we began our space program we were fairly confident that our goals could be reached if only we made a great enough effort. The challenge was technological; it did not require new theoretical breakthroughs. Unfortunately, this is not the case in most biomedical research at the present time; scientific breakthroughs are still required and they often cannot be forced—no matter how much money and energy is expended.

We should not forget this caution. At the same time, we should recognize that of all our research endeavors, cancer research may now be in the best position to benefit from a great infusion of resources. For there are moments in biomedical research when problems begin to break open and results begin to pour in, opening many new lines of inquiry and many new opportunities for breakthrough.

We believe that cancer research has reached such a point. This administration is therefore requesting an additional \$100 million for cancer research in its new budget. And—as I said in my State of the Union Message—"I will ask later for whatever additional funds can effectively be used" in this effort.

Because this project will require the coordination of scientists in many fields—drawing on many projects now in existence but cutting across established organizational lines—I am directing the Secretary of Health, Education, and Welfare to establish a new Cancer Conquest Program in the Office of the Director of the National Institutes of Health. This program will operate under its own Director who will be appointed by the Secretary and supported by a new management group. To advise that group in establishing priorities and allocating funds—and to advise other officials, including me, concerning this effort—I will also establish a new Advisory Committee on the Conquest of Cancer.

A second targeted disease for concentrated research should be sickle cell

anemia—a most serious childhood disease which almost always occurs in the black population. It is estimated that one out of every 500 black babies actually develops sickle cell disease.

It is a sad and shameful fact that the causes of this disease have been largely neglected throughout our history. We cannot rewrite this record of neglect, but we can reverse it. To this end, this administration is increasing its budget for research and treatment of sickle cell disease fivefold, to a new total of \$6 million.

2. A second major area of emphasis should be that of health education.

In the final analysis, each individual bears the major responsibility for his own health. Unfortunately, too many of us fail to meet that responsibility. Too many Americans eat too much, drink too much, work too hard, and exercise too little. Too many are careless drivers.

These are personal questions, to be sure, but they are also public questions. For the whole society has a stake in the health of the individual. Ultimately, everyone shares in the cost of his illnesses or accidents. Through tax payments and through insurance premiums, the careful subsidize the careless, the nonsmokers subsidize those who smoke, the physically fit subsidize the rundown and the overweight, the knowledgeable subsidize the ignorant and vulnerable.

It is in the interest of our entire country, therefore, to educate and encourage each of our citizens to develop sensible health practices. Yet we have given remarkably little attention to the health education of our people. Most of our current efforts in this area are fragmented and haphazard—a public service advertisement one week, a newspaper article another, a short lecture now and then from the doctor. There is no national instrument, no central force to stimulate and coordinate a comprehensive health education program.

I have therefore been working to create such an instrument. It will be called the National Health Education Foundation. It will be a private, non-profit group which will receive no Federal money. Its membership will include representatives of business, labor, the medical profession, the insurance industry, health and welfare organizations, and various governmental units. Leaders from these fields have already agreed to proceed with such an organization and are well on the way toward reaching an initial goal of \$1 million in pledges for its budget.

This independent project will be complemented by other Federal efforts to promote health education. For example, expenditures to provide family planning assistance have been increased, rising fourfold since 1969. And I am asking that the great potential of our nation's day care centers to provide health education be better utilized.

3. We should also expand Federal programs to help prevent accidents—the leading cause of death between the ages of one and 37 and the fourth leading cause of death for persons of all ages.

Our highway death toll—50,000 fatalities last year—is a tragedy and an outrage of unspeakable proportions. It is all the more shameful since half these

deaths involved drivers or pedestrians under the influence of alcohol. We have therefore increased funding for the Department of Transportation's auto accident and alcohol program from \$8 million in Fiscal Year 1971 to \$35 million in Fiscal Year 1972. I am also requesting that the budget for alcoholism programs be doubled, from \$7 million to \$14 million. This will permit an expansion of our research efforts into better ways of treating this disease.

I am also requesting a supplemental appropriation of \$5 million this year and an addition of \$8 million over amounts already in the 1972 budget to implement aggressively the new Occupational Safety and Health Act I signed last December. We must begin immediately to cut down on the 14,000 deaths and more than two million disabling injuries which result each year from occupational illnesses and accidents.

The conditions which affect health are almost unlimited. A man's income, his daily diet, the place he lives, the quality of his air and water—all of these factors have a greater impact on his physical well being than does the family doctor. When we talk about our health program, therefore, we should not forget our efforts to protect the nation's food and drug supply, to control narcotics, to restore and renew the environment, to build better housing and transportation systems, to end hunger in America, and—above all—to place a floor under the income of every family with children. In a sense this special message on health is one of many health messages which this administration is sending to the Congress.

#### F. A. NATIONAL HEALTH INSURANCE PARTNERSHIP

In my State of the Union Message, I pledged to present a program "to ensure that no American family will be prevented from obtaining basic medical care by inability to pay." I am announcing that program today. It is a comprehensive national health insurance program, one in which the public and the private sectors would join in a new partnership to provide adequate health insurance for the American people.

In the last twenty years, the segment of our population owning health insurance has grown from 50 percent to 87 percent and the portion of medical bills paid for by insurance has gone from 35 percent to 60 percent. But despite this impressive growth, there are still serious gaps in present health insurance coverage. Four such gaps deserve particular attention.

First—too many health insurance policies focus on hospital and surgical costs and leave critical outpatient services uncovered. While some 80 percent of our people have some hospitalization insurance, for example, only about half are covered for outpatient and laboratory services and less than half are insured for treatment in the physician's office or the home. Because demand goes where the dollars are, the result is an unnecessary—and expensive—overutilization of acute care facilities. The average hospital stay today is a full day longer than it was eight years ago. Stud-

ies show that over one-fourth of hospital beds in some areas are occupied by patients who do not really need them and could have received equivalent or better care outside the hospital.

A second problem is the failure of most private insurance policies to protect against the catastrophic costs of major illnesses and accidents. Only 40 percent of our people have catastrophic cost insurance of any sort and most of that insurance has upper limits of \$10,000 or \$15,000. This means that insurance often runs out while expenses are still mounting. For many of our families, the anguish of a serious illness is thus compounded by acute financial anxiety. Even the joy of recovery can often be clouded by the burden of debt—and even by the threat of bankruptcy.

A third problem with much of our insurance at the present time is that it cannot be applied to membership in a Health Maintenance Organization—and thus effectively precludes such membership. No employee will pay to join such a plan, no matter how attractive it might seem to him, when deductions from his paycheck—along with contributions from his employer—are being used to purchase another health insurance policy.

The fourth deficiency we must correct in present insurance coverage is its failure to help the poor gain sufficient access to our medical system. Just one index of this failure is the fact that fifty percent of poor children are not even immunized against common childhood diseases. The disability rate for families below the poverty line is at least 50 percent higher than for families with incomes above \$10,000.

Those who need care most often get care least. And even when the poor do get service, it is often second rate. A vicious cycle is thus reinforced—poverty breeds illness and illness breeds greater poverty. This situation will be corrected only when the poor have sufficient purchasing power to enter the medical marketplace on equal terms with those who are more affluent.

Our National Health Insurance Partnership is designed to correct these inadequacies—not by *destroying* our present insurance system but by *improving* it. Rather than giving up on a system which has been developing impressively, we should work to bring about further growth which will fill in the gaps we have identified. To this end, I am recommending the following combination of public and private efforts.

1. I am proposing that a National Health Insurance Standards Act be adopted which will require employers to provide basic health insurance coverage for their employees.

In the past, we have taken similar actions to assure workers a minimum wage, to provide them with disability and retirement benefits, and to set occupational health and safety standards. Now we should go one step further and guarantee that all workers will receive adequate health insurance protection.

The minimum program we would require under this law would pay for hospital services, for physicians' services—both in the hospital and outside of it, for

full maternity care, well-baby care (including immunizations), laboratory services and certain other medical expenses. To protect against catastrophic costs, benefits would have to include not less than \$50,000 in coverage for each family member during the life of the policy contract. The minimum package would include certain deductible and coinsurance features. As an alternative to paying separate fees for separate services, workers could use this program to purchase membership in a Health Maintenance Organization.

The Federal Government would pay nothing for this program; the costs would be shared by employers and employees, much as they are today under most collective bargaining agreements. A ceiling on how much employees could be asked to contribute would be set at 35 percent during the first two and one-half years of operation and 25 percent thereafter. To give each employer time to plan for this additional cost of doing business—a cost which would be shared, of course, by all of his competitors—this program would not go into effect until July 1, 1973. This schedule would also allow time for expanding and reorganizing our health system to handle the new requirements.

As the number of enrollees rises under this plan, the costs per enrollee can be expected to fall. The fact that employees and unions will have an even higher stake in the system will add additional pressures to keep quality up and costs down. And since the range within which benefits can vary will be somewhat narrower than it has been, competition between insurance companies will be more likely to focus on the overall price at which the contract is offered. This means that insurance companies will themselves have a greater motivation to keep medical costs from soaring.

I am still considering what further legislative steps may be desirable for regulating private health insurance, including the introduction of sufficient disincentive measures to reinforce the objective of creating cost consciousness on the part of consumers and providers. I will make such recommendations to the Congress at a later time.

2. I am also proposing that a new Family Health Insurance Plan be established to meet the special needs of poor families who would not be covered by the proposed National Health Insurance Standards Act—those that are headed by unemployed, intermittently employed or self-employed persons.

The Medicaid program was designed to help these people, but—for many reasons—it has not accomplished its goals. Because it is not a truly national program, its benefits vary widely from State to State. Sixteen States now get 80 percent of all Medicaid money and two States, California and New York, get 30 percent of Federal funds though they have only 20 percent of the poverty population. Two States have no Medicaid program at all.

In addition, Medicaid suffers from other defects that now plague our failing welfare system. It largely excludes the working poor—which means that all benefits can suddenly be cut off when

family income rises ever so slightly—from just under the eligibility barrier to just over it. Coverage is provided when husbands desert their families, but is often eliminated when they come back home and work. The program thus provides an incentive for poor families to stay on the welfare rolls.

Some of these problems would be corrected by my proposal to require employers to offer adequate insurance coverage to their employees. No longer, for example, would a workingman receive poorer insurance coverage than a welfare client—a condition which exists today in many States. But we also need an additional program for much of the welfare population.

Accordingly, I propose that the part of Medicaid which covers most welfare families be eliminated. The new Family Health Insurance Plan that takes its place would be fully financed and administered by the Federal Government. It would provide health insurance to all poor families with children headed by self-employed or unemployed persons whose income is below a certain level. For a family of four persons, the eligibility ceiling would be \$5,000.

For the poorest of eligible families, this program would make no charges and would pay for basic medical costs. As family income increased beyond a certain level (\$3,000 in the case of a four-person family) the family itself would begin to assume a greater share of the costs—through a graduated schedule of premium charges, deductibles, and co-insurance payments. This provision would induce some cost consciousness as income rises. But unlike Medicaid—with its abrupt cutoff of benefits when family income reaches a certain point—this arrangement would provide an incentive for families to improve their economic position.

The Family Health Insurance Plan would also go into effect on July 1, 1973. In its first full year of operation, it would cost approximately \$1.2 billion in additional Federal funds—assuming that all eligible families participate. Since States would no longer bear any share of this cost, they would be relieved of a considerable burden. In order to encourage States to use part of these savings to supplement Federal benefits, the Federal Government would agree to bear the costs of administering a consolidated Federal-State benefit package. The Federal Government would also contract with local committees—to review local practices and to ensure that adequate care is being provided in exchange for Federal payments. Private insurers, unions and employees would be invited to use these same committees to review the utilization of their benefits if they wished to do so.

This, then, is how the National Health Insurance Partnership would work: The Family Health Insurance Plan would meet the needs of most welfare families—though Medicaid would continue for the aged poor, the blind and the disabled. The National Health Insurance Standards Act would help the working population. Members of the Armed Forces and civilian Federal employees would continue to

have their own insurance programs and our older citizens would continue to have Medicare.

Our program would also require the establishment in each State of special insurance pools which would offer insurance at reasonable group rates to people who did not qualify for other programs: the self-employed, for example, and poor risk individuals who often cannot get insurance.

I also urge the Congress to take further steps to improve Medicare. For one thing, beneficiaries should be allowed to use the program to join Health Maintenance Organizations. In addition, we should consolidate the financing of Part A of Medicare—which pays for hospital care—and Part B—which pays for outpatient services, provided the elderly person himself pays a monthly fee to qualify for this protection. I propose that this charge—which is scheduled to rise to \$5.60 per month in July of this year—be paid for instead by increasing the Social Security wage base. Removing this admission cost will save our older citizens some \$1.3 billion annually and will give them greater access to preventive and ambulatory services.

#### WHY IS A NATIONAL HEALTH INSURANCE PARTNERSHIP BETTER THAN NATIONALIZED HEALTH INSURANCE?

I believe that our government and our people, business and labor, the insurance industry and the health profession can work together in a *national partnership* to achieve our health objectives. I do not believe that the achievement of these objectives requires the *nationalization* of our health insurance industry.

To begin with, there simply is no need to eliminate an entire segment of our private economy and at the same time add a multi-billion dollar responsibility to the Federal budget. Such a step should not be taken unless all other steps have failed.

More than that, such action would be dangerous. It would deny people the right to choose how they will pay for their health care. It would remove competition from the insurance system—and with it an incentive to experiment and innovate.

Under a nationalized system, only the Federal Government would lose when inefficiency crept in or when prices escalated; neither the consumer himself, nor his employer, nor his union, nor his insurance company would have any further stake in controlling prices. The only way that utilization could be effectively regulated and costs effectively restrained, therefore, would be if the Federal Government made a forceful, tenacious effort to do so. This would mean—as proponents of a nationalized insurance program have admitted—that Federal personnel would inevitably be approving the budgets of local hospitals, setting fee schedules for local doctors, and taking other steps which could easily lead to the complete Federal domination of all of American medicine. That is an enormous risk—and there is no need for us to take it. There is a better way—a more practical, more effective, less expensive, and less dangerous way—to reform and renew our Nation's health system.

#### CONFRONTING A DEEPENING CRISIS

"It is health which is real wealth," said Ghandi, "and not pieces of gold and silver." That statement applies not only to the lives of men but also to the life of nations. And nations, like men, are judged in the end by the things they hold most valuable.

Not only is health more important than economic wealth, it is also its foundation, it has been estimated, for example, that 10 percent of our country's economic growth in the past half century has come because a declining death rate has produced an expanded labor force.

Our entire society, then, has a direct stake in the health of every member. In carrying out its responsibilities in this field, a nation serves its own best interests, even as it demonstrates the breadth of its spirit and the depth of its compassion.

Yet we cannot truly carry out these responsibilities unless the ultimate focus of our concern is the personal health of the individual human being. We dare not get so caught up in our systems and our strategies that we lost sight of *his* needs or compromise *his* interests. We can build an effective National Health Strategy only if we remember the central truth that the only way to serve our people well is to better serve each person.

Nineteen months ago I said that America's medical system faced a "massive crisis." Since that statement was made, that crisis has deepened. All of us must now join together in a common effort to meet this crisis—each doing his own part to mobilize more effectively the enormous potential of our health care system.

RICHARD NIXON.

THE WHITE HOUSE, February 18, 1971.

#### LITHUANIAN INDEPENDENCE DAY—53 YEARS OF RESISTANCE

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 60 minutes.

(Mr. FLOOD asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. FLOOD. Mr. Speaker, today we observe the 53d anniversary of the declaration of independence of the Lithuanian people. On November 15, 1917, the Soviet Government under Lenin declared that all the nations of Russia had the right of self-determination, including independence and the formation of sovereign governments. On February 16, 1918, the Lithuanian Council, speaking for all of the people of Lithuania, declared the nation an independent, democratically ordered state. But Lithuania is still not free.

The roots of the Lithuanian independent spirit reach deep into the history of this Baltic nation. During the second half of the 14th century, vast empires were being built by powerful lords who conquered great expanses of land and established dynasties. By the mid-15th century, the Lithuanian empire extended over 300,000 square miles, stretching south from the Baltic Sea to the Black

Sea and east almost to Moscow, an area larger than any country in modern Europe.

The ruling classes managed to control this vast territory because of their unquestionable political talent and their spirit of religious tolerance. Lithuania at that time was a proud and powerful multinational state and the Baltic peoples who inhabited the land were intensely nationalistic, proud of their religion, language, and customs.

The struggle of these proud peoples to maintain their freedom began in the 16th century when the Russian rulers in Moscow proclaimed themselves czars of all the Russias and began to sweep across the surrounding nations. Russian invasions of Lithuania began in the 17th century and continued for over 100 years, culminating finally in the fall of Vilnius, the capital, during the second invasion in 1721. Her gallant citizens had fought vehemently, but finally, the Russian Empire proved the stronger. Thus, the inherent right of mankind to liberty and with it man's sense of human dignity were shut in darkness. For the 120 years of the czarist occupation, endless attempts were made to break down the nationalistic spirit of the Lithuanian people in favor of a stronger feeling of oneness with the Russian Empire. During these dark times, Lithuanian schools were closed; the land was seized and put in the hands of Russian landlords; Lithuanian language and literature were outlawed; the press became Russian dominated, its principal purpose to spread Russian nationalist propaganda throughout the land; the people's religion was persecuted, and even the name of this once proud state was abolished, the Russians referring to their newest colony as the "Territory of the Northwest."

In 1917, Woodrow Wilson's words expressing the right of all peoples to self-determination gave voice to the hopes of the Lithuanians, and the demand for independence, for liberty, flared anew. Throughout the horrors of the German occupation and World War I, Lithuanian statesmen strove for independence, leading delegation after delegation first to Berlin, later to Moscow demanding the right of self-government. On February 16, 1918, at Vilnius, the people of Lithuania declared themselves free.

It was necessary at once for the fledgling government to prove its mettle, for Bolshevik and German eyes were upon Lithuanian soil as fat enrichment of their empires. However, the people had savored the sweet joy of liberty and intended to make it last. In 1921, the country took a proud place as member of the League of Nations in status equal to every other European country, and by 1922, she had been recognized as a sovereign state by all of the major powers of the world. Lithuania was to enjoy 22 years of growth, prosperity, and freedom.

During this consummate period in Lithuanian history, the citizens proved what an energetic and dedicated people they are, for they put themselves to work building the government structure and attacking the problems which must be surmounted to make a sovereign state a

great nation. Much had to be done to erase the Russian foundations set up during the 120 years' colonization. Lithuanian spirit ardently burst forth across the land, patriotically, eager to rebuild the Lithuanian homeland. Various social reforms were initiated, new elementary and secondary schools were established as well as vocational schools and many fine colleges. Existing networks of transportation were improved and new ones constructed, and attempts were made to augment industry. As a major step toward a flourishing economy, the people made the most of their greatest asset, the fertile soil, by inaugurating land reforms, establishing new farms, and teaching improved farming techniques. Agricultural exports increased rapidly and the Lithuanian economy began to boom.

Suddenly across the landscape of this rapidly growing and thriving country fell the shadow of the terrifying specter of imperialism. In 1939, the European nations began to comprehend that a massive militant German state, ready to march on sovereign nations, was threatening their liberty. At this time, the Soviet Union began embroiling the Lithuanian Government in complicated diplomatic maneuvers and mutual assistance pacts with hidden strings attached. Soviet armed forces were sent to occupy the country for the purpose of thwarting the Nazi invaders and "protecting" the naive Lithuanian nation. Germany attacked the Soviet Union in 1941 and hapless Lithuania fell to the Nazis.

Then followed the bloodiest period in Lithuanian history. Free men will never fully understand the torments which the terrified people endured during the Nazi invasion and the ensuing Soviet occupation. Under the Soviets, hundreds of thousands of people were rounded up and deported to Soviet camps in Siberia. Thousands more were murdered as political enemies. Hitler's policy of conquering and colonizing resulted in more mass executions and inconceivable abuses to the Lithuanian people. As the Nazi onslaught subsided and the German armies fell back, the Soviet Army moved in to occupy Lithuanian territory again, this time under the noble pretense of freeing the worker and the peasant. Soviet subversion begun in 1939 now showed its strength. The Lithuanian people, who had been terrorized by Nazi power and confused by Soviet pressures for union in complex assistance treaties, had been the victims of skilled subversive tactics. Under the guise of protecting the country against the Nazi invaders, the Soviets had managed to implant Communist rule in every corner of Lithuania, and their lethal subterfuge had undermined the structure of the Lithuanian state. Expulsion of the Soviets after World War II was hopeless. Thus, the gallant citizens once more fell under the yoke of oppression.

The story does not end here; indeed, the courageous resistance of the Lithuanians to Sovietization goes on today in the same way it did during the first Russian occupation under the czars. The people of Lithuania living today have known freedom; although they have

suffered the bitterness of Russian tyranny, they have also tasted the sweet fruits of liberty. Remembrance of their great history and their once-proud moment of independence has kept alive their hope of self-determination. Every effort is made to instill in the youth this same feeling of pride in the past and determination to achieve liberty in the future. Freedom's spirit endures.

On this 53d anniversary of the declaration of Lithuanian independence, as we pause to honor the brave Lithuanians, let us consider the words of Nadas Rastenis, Lithuanian-born poet and now U.S. citizen:

For brutal brawls and wicked wars,  
All men are blamable, of course.  
No king, no ruler, ever could  
Disrupt the tranquil brotherhood  
Of men and nations on this Sphere,  
If mortals, honest and sincere—  
The men who think, the men who slave,  
Would rise united, peaceful, brave . . .

Mr. Speaker, the people of Lithuania will again be free.

As part of my remarks today, Mr. Speaker, I would like to include the text of an address I delivered on Sunday, February 7, 1971, before the American Lithuanian Society of the District of Columbia at the Hotel Washington on the occasion of the society's observance of the 53d anniversary of Lithuanian independence.

The address follows:

It is truly a privilege and pleasure for me to be here with you today to share in the celebration of the 53d Anniversary of the Independence of modern Lithuania. I say modern because the history of Lithuania—its people and its culture—extends back to the early middle ages, to the period marked by the coming of Christianity in the 13th century and the planting of that deep faith in God which has always been the glory of the Lithuanian national heritage. However, it was but half a century ago that the aspirations of the Lithuanian people for political freedom found their precious opportunity: In December of 1917 a national council assembled at Vilna, and on February 16 of 1918 a formal declaration of independence was issued, marking the end of centuries of alien rule. Through those difficult and momentous years Americans of Lithuanian descent helped to win official American recognition for the cause of an independent Lithuania.

In commemorating those heroic days our joy is overcast with sadness as we consider the unhappy history of Lithuania since 1918—twice overrun by Soviet and once by German armies, and, since 1944, deprived of political and religious freedom alike by the grim realities of continued Soviet occupation. Nevertheless, love of freedom and loyalty to religious faith have survived in Lithuania and, by God's grace, will continue to flourish in the days to come. Lithuania has known oppression and persecution in the past; she has seen "the wicked flourish like the green bay tree", in the words of the psalmist, and her people have learned that, however strong and ruthless the oppressor, his days are surely numbered while freedom lives. Lithuanians have had to fight long and hard and often to obtain and to preserve their independence, a continuing struggle in which the language, culture, and tradition of a great people have become their means to identity and, in a very real sense, their salvation, under God. From the tragic, moving history of their struggle all people everywhere may find inspiration in these troubled times.

In our beloved America, formed from many peoples, races, and faiths, there are approximately a million Lithuanians, of whom the great majority—some 70 per cent—are Americans of Lithuanian descent, and the rest naturalized Americans born in the old country. Lithuanians have contributed much to this Nation—profound religious commitment, passionate love of freedom, stable family life, and a deep sense of social and community organization built upon cooperation and concern for the common good. Lithuanian-Americans have distinguished themselves in the arts, in education, in business, and in sports. Their patriotism has been vindicated time and again in proven loyalty to America and her heritage of freedom and dignity, a heritage especially precious to Lithuanians, who know at what great cost freedom is won and preserved.

As it happens, this year marks the 20th anniversary of the Voice of America, one of the strongest weapons possessed by the free world in its unending conflict with the forces of tyranny and repression. For many millions of people, the Voice of America is virtually the only means by which they are able, if only for a moment, to escape the Iron Curtain of alien rule and to come into contact with the outside world. It was my privilege in that period in which the Voice of America was first established to make the first broadcasts into Lithuania, conveying the assurance of support for the aspirations of her people and their inextinguishable hope for independence. It so happens that in 1951, I was a member of the Appropriations Subcommittee for the Department of State, when the Director of Voice of America appeared before my subcommittee to tell us about his proposed broadcasts behind the Iron Curtain, he listed the countries, but did not include Lithuania. I insisted that Lithuania be included, and it was included, and as I just mentioned I made the first broadcast on Voice of America to Lithuania on February 16, 1951. I inserted this in the CONGRESSIONAL RECORD March 13, 1951, and I think it would be a historic and warming experience for you if I read that statement now:

"My name is Dan Flood, I was elected by the people of my district in Pennsylvania, a district in the hard-coal-mining fields of the State. My constituents live in Luzerne County, the principal city of which is Wilkes-Barre. Among the people who have asked me to represent them in the Congress of the United States, there are more than 30,000 of Lithuanian stock. Most of them are third generation Lithuanians, which means that their grandparents immigrated to this country. When they came here, they found the opportunity which America offers to all those who cherish freedom and who are ready to work to build up their own lives and the future of their children. I am glad to say that all these Lithuanian-Americans are well established American citizens now who uphold the democratic ideals and traditions of this country and who are highly respected by their fellow Americans of other origins. It is one of the great privileges of American citizenship that we who are loyal to the United States of America do not forget our ties with the country of origin of our ancestors. We cherish and continue many of the good European traditions within the framework of our American way of life. And this is also true of the Lithuanian-Americans in my constituency. They have formed Lithuanian-American societies and clubs, and they have many churches in which the parish priests are Lithuanian-Americans who preach to their flock in Lithuanian.

Now all these Lithuanian-Americans speak Lithuanian among themselves a great deal and celebrate today as every year; on February 16 the birthday of the Republic of Lithuania, with folk songs and festivals.

It is therefore my particular pleasure, as a representative of those citizens, to take the

opportunity of the first Lithuanian language program of the Voice of America, to relay my best wishes as well as those of my constituents to the people of Lithuania.

My Lithuanian-American constituents are very proud of the fact that the United States has refused to recognize the Soviet claim to the Baltic States and that we recognize the Minister of Lithuania to Washington as a representative of the Lithuanian people in the United States. My Lithuanian-American constituents look forward to the day when the Lithuanian people will again have their free choice as to their form of Government and their national life.

Among these Lithuanian-Americans many have achieved positions of respect and importance in our community. As an example, I can cite Mr. Peter Margia, a business-man of Wilkes-Barre who is a Senator in the legislature of the State of Pennsylvania.

All these people, as American citizens, are supporting fully the policy of peace with freedom and justice for all people, which is the policy of the Government of the United States. And that is why I think that on this day I can speak for all of them when I wish you, the people of Lithuania, that you may regain your freedom and may be able to work out your own destiny. It is with these thoughts that I am repeating to you what my Lithuanian-American constituents always say with conviction and confidence: kas bus nebus, Lietuva neprazus (no matter what will happen, Lithuania will not perish)."

Today no less than at that time I am confident that we shall see the restoration of Lithuania as a free nation. I need hardly remind you who are gathered here of the fact that Lithuania and her people have seen great days in the past and have survived dark times. In the 14th and 15th centuries Lithuania took her place as one of the great powers in eastern Europe, enjoying a vigorous and creative national life. Subsequent centuries saw the seeming eclipse of that greatness and the curse of foreign occupation. Then, in 1918, the rebirth and renewal of freedom proved to all the world the tenacity and durability of Lithuanian culture and identity. So, today, under Soviet rule, Lithuania and her traditions refuse to be absorbed, assimilated, or obliterated. To no small degree, this is due to the continuing concern which Lithuanian-Americans have manifested for their land or origin, its language and its proud heritage.

You hold before us the reality of the "captive nations"—all those ancient peoples who share the plight of Lithuania under Soviet rule—and whose aspirations serve to rouse our conscience. They must not—they shall not—be forgotten!

Recent events have served to remind us all anew of the price which oppression exacts of freedom and of the grim fate which awaits those who are determined to risk all for freedom. The names of Simas Kudirka and Vitautas Simokaitis will live among Lithuanians and all peoples who yearn to be free. Americans recall with shame the return of Kudirka to the vessel from which he had sought to defect. Let us hope that such a situation will never recur, and that this Nation will always be a haven for those seeking the blessings of a free society. The fate of Simas Kudirka is unknown.

It is now more than two months since the forced repatriation of the Lithuanian seaman, Simas Kudirka, who unsuccessfully attempted to defect to the United States from a Soviet trawler operating in American waters.

To the regret and consternation of the American people—who learned of this tragedy only after it was too late to help—Mr. Kudirka was not granted sanctuary on the U.S. Coast Guard cutter "Vigilant." Instead, Russian seamen were permitted to board the cutter and, in the presence of the American crew, were allowed to capture, forcibly re-

strain, and beat Mr. Kudirka into unconsciousness.

This tragedy should never have taken place. Hopefully, sufficient steps are being taken to insure that a similar incident in the future will be met with compassion and intelligent alternatives.

I have proposed to co-sponsor with the Honorable Roman Pucinski, a House Joint Resolution, that the American Coast Guard cutter "Vigilant" be renamed the "Simas Kudirka" as a significant and effective way of reminding the world and our own authorities of the contempt we hold for forced repatriation.

That of Vitautas Simokaitis—he was originally sentenced to death, but a Reuters news agency report in the Washington Post on January 31, 1971, states that his death sentence was commuted to 15 years in a labor camp. This in itself, for the mere attempt, is a harsh and unseemly sentence. At least, thank God, we hope and pray that the death sentence was commuted. . . .

. . . As a Congressman, as an American, and as a human being, I share the concern of men and women everywhere for these unhappy victims, and I am glad to join my voice to those who are urging that the Soviet authorities exercise clemency and spare the life of Simokaitis. I can assure you that whatever can be done through every channel of peaceful suasion, we shall do.

In the meantime, the heroism of such men and women is proof—were proof needed—that the spirit of 1918 lives among Lithuanians and that the fire of freedom kindled half a century ago has not been extinguished. So long as free men humbly acknowledge their liberties as derived from God and securely rooted in Him, that fire shall burn until its brightness shall usher in a new era of justice, freedom, and peace for Lithuania and for all peoples everywhere.

Mr. GERALD R. FORD. Mr. Speaker, this week Americans of Lithuanian descent and their millions of friends across the Nation join in observing two important Lithuanian anniversaries—the 720th anniversary of the founding of the Lithuanian State and the 53d anniversary of Lithuanian Independence.

Mr. Speaker, I am proud to be a part of this commemoration, this salute to a gallant people. For me the words "Lithuania" and "courage" are synonymous. In thinking of the Lithuanian people, I shall ever be mindful of the regretfully unsuccessful but stunningly brave attempt of the seaman Simas Kudirka to defect to the U.S. Coast Guard cutter *Vigilant*. The spirit of seaman Kudirka is typical of his people. This is the kind of spirit that stirs men's souls.

It was in February 1261, more than seven centuries ago, that Lithuania first was formed. It was on February 16, 1918, that Lithuanians broke the bonds of Russian domination and German occupation and declared their nation free and independent. For 22 years thereafter Lithuania took her rightful place in the family of free nations, but then Russian Communist invaders acting in the name of a new imperialism destroyed her precious independence.

Although stamped on by the iron heel of Communist dictatorship, the Lithuanians have never lost their zeal for freedom and independence. Lithuanians living under the Soviet yoke still yearn for the day when they shall again be free.

We who enjoy the blessings of liberty must encourage the spirit of independ-

ence in Lithuania and other nations held captive by the Soviets. We must ever champion their righteous cause. The truth is on their side—and there we must be also. I urge that the administration do everything within reason to implement House Concurrent Resolution 416, which calls for freedom for the Baltic States.

Mrs. HICKS of Massachusetts. Mr. Speaker, today, I urge the Members of the U.S. House of Representatives to join with me in observing the 720th anniversary of the Lithuanian State and the 53d anniversary of the modern Republic of Lithuania.

For more than 50 years, the Lithuanian people have been suffering under Communist totalitarianism imparted upon them by the Soviet Union. It is one of the ironies and tragedies of contemporary history that these gallant and gifted people—totaling over 1 million in the United States—have been fated to have their beloved homeland suffer under alien tyrants for so long.

The modern history of the Lithuanian people is the story of their ceaseless struggle for their inalienable birthright: Freedom and independence.

The terrible and tragic event of November 23, 1970, in which a Lithuanian sailor, Simas Kudirka, was denied sanctuary aboard an American Coast Guard vessel, should serve as a constant reminder of the importance of freedom. Simas Kudirka must not be forgotten.

I have recently cosponsored legislation which would rename the Coast Guard cutter *Vigilant*, on which this terrible tragedy occurred, the U.S.S. *Simas Kudirka*.

Many Lithuanians fled their homeland to escape tyranny but each carried with him a strong sense of nationalism and an unswerving commitment to freedom. Despite five decades of Soviet oppression, the idea of self-determination has endured and flourished.

It is a privilege to be able to join with my God-fearing and freedom-loving people throughout the United States in commemorating the 53d anniversary of the modern Lithuanian Republic.

Let us never forget the sacrifices these Lithuanian patriots have made for the cause of freedom and let us always remember the ancient precept that so long as some men are enslaved none of us are totally free.

Mr. STEELE. Mr. Speaker, Lithuanians in this country and all over the world are celebrating two important anniversaries this month.

They observe the 720th anniversary of the formation of the Lithuanian State when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251; and second, they are marking the 53d anniversary of the establishment of the Republic of Lithuania on February 16, 1918.

The freedom of Lithuania lasted only 22 years. In 1940 the Soviets moved in and annexed the country. By various inhuman means the Soviets have tried to suppress the Lithuanian identity ever since that time. But Lithuanians are intensely proud of their heritage and they will not accept the taking away of their

freedom. We must not forget the tragedy this nation suffered over the past three decades under Soviet occupation.

At a time when the Western powers have granted freedom and independence to nations in Africa and Asia, we must insist that the Soviet Union likewise extend freedom and independence to those countries which it simply incorporated into its empire. Particularly, Lithuania, Latvia, and Estonia, which were unjustly occupied, must be restored to their rightful place among free nations.

In the past Congress has recognized that we have a responsibility to keep up the moral pressure on the Soviet Union, lest their Government think that the incorporation of these nations has been accepted. Congress has passed House Concurrent Resolution 416 that calls for freedom of Lithuania as well as Latvia and Estonia. I would like to include that resolution in the RECORD at this time to remind us of our obligation to the freedom of these countries.

#### H. CON. RES. 416

Whereas the subjugation of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

*Resolved by the House of Representatives (the Senate concurring)*, That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Mr. COTTER. Mr. Speaker, I rise today to commemorate Lithuanian Independence Day.

This year there are two reasons to remember this day. First, it is the 720th anniversary of the unification of the Lithuanian State into one kingdom in 1251 by Mindaugas the Great and, secondly, the 53d anniversary of the modern Republic of Lithuania.

I would like to take this opportunity to recognize these anniversaries and to share with Americans of Lithuanian descent and Lithuanians still behind the Iron Curtain the hope and promise for

the future that these justifiably proud people will be able to walk free in their own land.

Mr. Speaker, I am sure that the courage and forbearance of these great people will provide inspiration to the peoples of all nations. On this week dedicated to the memory of these proud people I am prayerful that the future will bring them the happiness they deserve.

Mrs. GRIFFITHS. Mr. Speaker, today, we in the House of Representatives call to the attention of the American people the 53d anniversary of the declaration of independence of the Lithuanian people. This is a glorious anniversary as well as a time of great sorrow for free men everywhere.

On February 16, 1918, the Lithuanian nation declared its independence—an independence that had not been theirs for more than two centuries of Russian domination and German occupation during World War I. For two decades from that day in 1918, the Lithuanian people lived and thrived in the light of freedom which we Americans believe is the birthright of all men. But now, 53 years later, freedom has still eluded the over 3 million captive citizens of Lithuania.

Independent Lithuania again fell under Russian domination when it was occupied by the Red army in World War II. It was declared a constituent republic of the U.S.S.R. on August 3, 1940. Following German attack on the Soviet Union 10 months later, Lithuania was in Nazi hands until reoccupied by the Soviet Army in 1944. Since then it has been considered by the Soviet Union as a component republic. The United States have never recognized the Soviet incorporation of Lithuania or the other two Baltic States, Estonia and Latvia.

The Lithuanians have had a long and rich history in their continuing struggle for freedom and independence. It is a credit to the courageous Lithuanian people that after all these years they have maintained their freedom in mind and spirit. The continued determination of the Lithuanian people to recapture their freedom and independence is an example for the entire world. I join free men everywhere in expressing my continued admiration for these people and in supporting their campaign for freedom and self-determination.

Mr. CONABLE. Mr. Speaker, this week we in the United States join with Lithuanian Americans and their many friends in commemorating two great events in Lithuanian history: we mark the 720th anniversary of the unification of the country by Mindaugas the Great, and the 53d anniversary of the founding of the modern Republic of Lithuania. This is not a happy commemoration, however, for we are reminded that the proud country of Lithuania, which possesses the oldest existing European language, has been under the domination of the Soviet Union for more than 30 years.

Despite the harshness of the Russian occupation of their country, Lithuanians have kept alive the struggle against the suppression of their independence and their rights of freedom of speech, press, and assembly. As a nation that upholds the guarantee of fundamental human

liberties for all peoples, we find the repression of individual liberty in this small Baltic nation as unacceptable as similar repression would be within our own borders. Therefore, as Lithuanians continue their efforts with the other Baltic captive nations for self-determination, it is appropriate that our country should stand in the forefront among the free world nations in condemning the Soviet Union's oppression of Lithuania and in expressing support for the continuing struggle of this Baltic people for the right of political, economic, and cultural self-determination.

Mr. KEMP. Mr. Speaker, Americans of Lithuanian origin or descent and their friends in all parts of our great Nation will commemorate two very important anniversaries this month: First, they will observe the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251; and second, they will mark the 53d anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918.

Therefore, at this point I would like to include an essay prepared by the Lithuanian American Executive Committee and a resolution adopted by the Lithuanian Club of Buffalo to emphasize the need to continue the crusade to free the Baltic States. The essay and resolution follow:

**LITHUANIA'S FIGHT FOR FREEDOM—30 YEARS OF SOVIET OPPRESSION**

For too long too many people throughout the world have been unaware of what happened to the people in Lithuania. The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of Lithuania shows this to be a cruel fiction. The Communist regime did not come to power in Lithuania by legal or democratic process. The Soviets invaded and occupied Lithuania in June of 1940, and the Lithuanian people have been suffering in Russian-Communist slavery for more than 30 years.

Americans of Lithuanian origin or descent, numbering over 1,000,000 in the United States, and their friends in all parts of the country will commemorate two very important anniversaries during the second part of February, 1971: (1) They will observe the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251; and (2) They will mark the 53rd anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918. But this celebration of Lithuania's Independence Day will not be similar to American celebration of the Fourth of July. It will contain no note of joy, no jubilant tone of achievement and victory. On the contrary, the observance will be somber, sorrowful, underlined with the grim accent of defeat and tragedy. For Lithuania has lost its independence, and today survives only as a captive nation behind the Iron Curtain.

The Lithuanians are proud people who have lived peacefully on the shores of the Baltic from time immemorial. Lithuania has suffered for centuries from the "accident of geography." From the West the country was invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Lithuanians, it should be kept in mind, are ethnically related neither to the Germans nor the Rus-

sians. Their language is the oldest in Europe today.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into Lithuania and annexed this republic in June of 1940. In one of history's greatest frauds, "elections" were held under the Red army guns. The Kremlin then claimed that Lithuania voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Lithuanians were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic Siberia. The people of Lithuania have never experienced such an extermination and annihilation in their long history through centuries as during the last three decades. Since June 15, 1940, Lithuania has lost more than one-fourth of the country's population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet-Russian occupation, however, the Lithuanians have waged an intensive fight for freedom. This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June of 1941 the people of Lithuania succeeded in getting rid of the Communist regime in the country: freedom and independence were restored and a free government was re-established. This free, provisional government remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself. During the period between 1940 and 1952 alone, more than 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of Lithuania's resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The persecution of Solzhenitsyn, the clamp on Rostropovich and other dissenters in the Soviet Union received a great deal of publicity in the free world's press. Very well publicized were the Simas Kudirka-Coast Guard tragedy, the hijacking of a Russian jet liner by Brazinskas and his son, death sentences imposed on two Jews and a young Lithuanian, Vytautas Simokaitis, for trying to escape the Communist tyranny. But this is only the tip of the iceberg of desperation in the Soviet empire. In slave labor camps in the Soviet Union millions of people are still being held. Many dissenters are being confined to psychiatric institutions and being murdered by the Kremlin thugs. It is an established fact that a brilliant Lithuanian linguist, Dr. Jonas Kazlauskas, 40 years old, was murdered in a psychiatric hospital in Moscow three months ago. His only "crime" was that he had received an invitation to come to the University of Pennsylvania (in Philadelphia, Pennsylvania) as a guest professor for this very spring semester of 1971.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Government of Lithuania. Since June of 1940, when the Soviet Union took over Lithuania, all the Presidents of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of Lithuania by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering peo-

ple of Lithuania to get rid of the Communist regime in their country.

At a time when the Western powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia, Estonia and other captive nations whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

**RESOLUTION**

We, the Lithuanian-Americans of Buffalo, New York and environs, assembled this 14th day of February, 1971, at the International Institute to commemorate the restoration of Lithuania's independence, do hereby resolve the following:

Whereas, the Union of Soviet Socialist Republics according to the agreement signed with Nazi Germany in 1939, on June 15, 1940, forcibly occupied and illegally annexed the independent Republic of Lithuania as well as Latvia and Estonia, which fact had been officially confirmed by the findings of the Select Committee on Communist Aggression of the House of Representatives, 83d Congress of the United States, and

Whereas, the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation, and

Whereas, the Union of Soviet Socialist Republics, through a program of deportations and resettlement of peoples, continues in its efforts to change the ethnic character of the population of Lithuania and the other Baltic States, thereby committing the offense of genocide, and

Whereas, the Soviet invaders are unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights, as most recently demonstrated by the dramatic hi-jacking of a Soviet aircraft to Turkey by Pranas and Algirdas Brazinskas, the heroic attempt of defection by Simas Kudirka, and the unsuccessful attempt of escape to Sweden by Vytautas Simokaitis and his wife; now, therefore, be it

*Resolved*, That we Americans of Lithuanian origin or descent, reaffirm our adherence to American democratic principles of government and pledge our support to our President and Congress to achieve lasting peace, freedom, and justice in the world,

That we respectfully request the President of the United States to direct the attention of world opinion at the United Nations and at the other appropriate international forums on behalf of the restoration of sovereign rights to the Baltic peoples, which policy was recommended to the President of the United States by the House Concurrent Resolution 416 of the 89th Congress, and

Be it finally resolved that copies of this resolution be forwarded to the President Richard M. Nixon, Secretary of State William P. Rogers, Senators Jacob J. Javits and James L. Buckley, to the Members of Congress Thaddeus J. Dulski, Henry P. Smith, and Jack E. Kemp.

Dr. A. GAMZTUKAS,  
*President.*  
R. MASJULIONIS,  
*Secretary.*

Mr. BURKE of Massachusetts. Mr. Speaker, I feel it very fitting to devote time to commend the Lithuanian people in their continued fight for the reestab-

lishment of independence and self-government. After years of struggle and agitation, Lithuania became an independent state on February 16, 1918. This date marked the triumphant rebirth of a once powerful state whose confines spread far beyond the Baltic littoral. The triumph was short, for during the period following World War I, Red armies marched across Eastern Europe taking control. When the dust of war finally settled, however, an independent Lithuania took her place among the free nations of the world.

The decades of the 1920's and 1930's were happy and prosperous years for the Lithuanian people, but with the lengthening of the clouds of World War II over Europe, Lithuania along with so many other small nations, was an early casualty. Soviet troops moved into Lithuania building airbases on her territory. Under duress, she had little choice in preventing the matter. The Soviets engineered a fixed election, and in a short while absorbed Lithuania. The war thus proved to be a national tragedy and marked the demise of Lithuania as a nation state.

But memories have outlasted political events in this case, as they so often do—memories of happier days of freedom, independence and nationhood. Today, these courageous and brave people still cling to the hope and idea of freedom and independence with a noble tenacity. Let us never forget the fight continuously waged by the Lithuanian people to reestablish their complete independence from Soviet domination.

Let us resolve here today never to lose sight of events in a far-off corner of the globe. If no man is an island, certainly no nation or people are an island—certainly not in this day and age. The denial of identity, the suppression of national urgings, the domination by foreign troops or the threat of imminent invasion that is part of the everyday facts of life for our Lithuanian brothers is something which is a judgment on each and every one of us in this free and prosperous Nation. For Lithuania stands out as more than as enslaved nation. It is a daily reminder of the fact that we are living in an epoch in which one evil leads inexorably to another. Let us not forget Lithuania, because to do so might lead the world to relive past mistakes and errors.

Let us hope and pray that the Lithuanian people will one day soon see the rebirth of a free state and once again enjoy the freedom which is democracy's lifeblood.

Mr. SMITH of California. Mr. Speaker, the fate of Lithuania and its people again comes to the fore as we are reminded of the 720th anniversary of its formation as a state and the 53d anniversary of the modern Republic of Lithuania established on February 16, 1918.

There is no celebration of independence, however, for this land and its people who have been in the captivity of the Iron Curtain since the Kremlin moved troops into Lithuania in June of 1940—following the Nazi and Soviet smashing of Poland in September 1939.

House Concurrent Resolution 416 adopted by the U.S. Congress calls for

freedom for Lithuania and its Baltic neighbors, Latvia and Estonia.

All Americans everywhere should urge the implementation of this resolution and firmly and consistently support the aspirations of these Baltic people to their rights of self-determination and national independence.

The force of world opinion should be brought to bear on the restoration of these rights. No longer should the peoples of Lithuania, Latvia, and Estonia be denied their rightful place among the nations of the world—and the freedom to live as they choose.

Mr. HUNT. Mr. Speaker, precisely 2 years ago, on the occasion of the 51st anniversary of the declaration of independence by Lithuania, I stated:

Self-determination, freedom, and independence, won in these United States by great sacrifice and sustained only by determined vigilance and a dedication to these principles for which men continue to give of their lives and fortunes, must not be denied to any nation whose spirit is bolstered by the hope that the United States will advance their cause. To retreat from this challenge is to diminish our own security as a free nation.

February 16, 1971, marked the 53d anniversary of the restoration of Lithuanian independence and time, especially in light of the commitments of the United States around the globe, has sustained the truth of my words spoken only 2 short years ago. These truths, however, are not self-evident and their validity in the years to come will depend largely, if not solely, upon how faithfully we execute our commitments abroad as a free nation.

Demonstrative of the never-dying spirit of those of our own citizens of Lithuanian descent is the following resolution that was adopted at Newark, N.J., on February 13, 1971, at a mass meeting of the Lithuanian people under the sponsorship of the Lithuanian Council of New Jersey:

#### RESOLUTION

On the occasion of the 53rd Anniversary of the Restoration of Lithuania's Independence, we the representatives of the Lithuanian ethnic community of New Jersey, assembled here on February 13, 1971, in Newark, New Jersey to:

Commemorate Lithuania's Declaration of Independence proclaimed on February 16th, 1918, in Vilnius, whereby a sovereign Lithuanian State, having antecedents in the Lithuanian Kingdom established in 1251, was restored;

Honor the memory of the generations of Lithuanian freedom fighters who fought to defend Lithuania's national aspirations and values against foreign oppressors;

Recall with pride the political, cultural, economic and social achievements of the Lithuanian Republic during the independence era of 1918-1940;

Express our indignation over the interruption of Lithuania's sovereign functions as a result of the military occupations of our homeland by the Soviet Union on June 15, 1940, during the course of which national traditions and values were trampled, the personal freedoms of the people were suppressed and hundreds of thousands of people were liquidated by the Soviet genocidal practices;

And to emphasize once again our confidence that, regardless of what methods the Soviet oppressors devise, they will, in the end, be unable to suppress the aspirations

of the Lithuanian people for freedom and the exercise of their human rights. These hopes were made most evident in the recent successful hijacking of a Soviet aircraft to Turkey by Pranas and Algirdas Brazinskas, as well as in Simas Kudirka's heroic attempt at defection.

Gravely concerned with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the members of the Lithuanian ethnic community of New Jersey,

Demand that Soviet Russia immediately withdraw its armed forces, administrative apparatus, and the imported Communist "colons" from Lithuania, thus permitting the Lithuanian nation to freely exercise sovereign rights to self-determination.

We call upon our Senators and Representatives to make use of every opportunity to urge that President Nixon once again publicly reiterate the long standing United States position of non-recognition of the incorporation of the Baltic States of Estonia, Latvia, and Lithuania into the Soviet Union and to raise this issue in the United Nations and at various international conferences.

Dated at Newark, New Jersey—Feb. 13, 1971.

LITHUANIAN COUNCIL OF  
NEW JERSEY,  
VALENTINAS MELINIS,  
President.

Today, Mr. Speaker, I am also introducing a concurrent resolution as follows:

#### H. CON. RES. 169

Whereas the subjugation of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exists many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

*Resolved by the House of Representatives (the Senate concurring).* That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Mrs. REID of Illinois. Mr. Speaker, on this 53d anniversary of the establishment of Lithuania as a democratic and sovereign state, we pay honor and tribute to a gallant people who have won wide respect and admiration. It was 53 years ago—on February 16, 1918—when the

people of Lithuania proclaimed the restoration of their independence after centuries of Russian rule.

For 22 years the nation flourished—land reform was instituted—industries reestablished—transportation facilities expanded—and educational institutions improved. The people were happy and content with their freedom. Unfortunately, this new independence was of short duration. On June 15, 1940, Lithuania was again invaded by Russia—a ruthless Communist Russia—which used strong-arm methods to take over this and other small Eastern European nations and incorporate them as provinces.

Since then Lithuanians have not known freedom in their homeland and they do not have the privilege of observing their independence day—their national holiday. Our observance of this anniversary is much more than the making of a historic event in the history of nations, it is a recognition of the courageous resolve with which the people of that great Republic have steadfastly maintained their love of freedom in spite of the attempts of their Communist rulers to beat them down by destroying their national culture, language, and even the populations through mass deportations and colonization of their lands.

But, we in the free world must give them the encouragement to continue that fight for freedom. We must let them know that America still stands devoted, as they do, to the principles of justice and the right of self-determination. We must not forget for a minute the fate of this and other nations who have contributed so much to civilization and whose right to self-determination has been taken from them. In the 89th Congress I gave my support to House Concurrent Resolution 416 which urged the President of the United States to direct the attention of world opinion at the United Nations and other appropriate forums by such means as he deems appropriate to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania and to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples. This should continue to be our policy.

All who cherish freedom in the world have a common interest, and likewise we share a common threat. Lithuanian Independence Day, therefore, should be for Americans, a day of prayerful reflection and renewed dedication. I know the people of my district join me in saluting the brave people of Lithuania and in expressing the hope that one day February 16 will again be a day of rejoicing for this valiant nation. As long as we in the free world continue to give them encouragement, I am confident that the people of Lithuania will not abandon their dream and hopes of liberation.

Mr. HELSTOSKI. Mr. Speaker, even as the world's attention has been focused on the war in Vietnam and Southeast Asia, millions of people, friends of the Lithuanians are again showing their close relationship to their enslaved brethren by celebrating the 53d anniversary of the restoration of Lithuanian independence.

It was on February 16, 1918—53 years  
CXVII—198—Part 3

ago—that the Lithuanian people realized a heartfelt desire that had been theirs for two centuries—freedom from Russian tyranny. On that glorious day in Lithuanian history, the ruling council of the land signed the declaration of independence of Lithuania, an action based on the idea of President Woodrow Wilson of the "recognized right of nations to self-determination."

A powerful nation in the middle ages, Lithuania had been annexed by Russia in 1795. Despite many attempts to replace the Lithuanian language and traditions, the Russians failed to erase the Lithuanian sense of nationhood. The Lithuanians made many attempts to throw off Russian rule, and finally World War I provided them with the opportunity for success.

When Lithuania proclaimed to the world its determination to stand as a free and sovereign nation, every citizen of the little nation must have felt at that time the proud thought expressed by Daniel Webster:

"It is my living sentiment, and by the blessing of God, it shall be my dying sentiment, independence now and independence forever!"

That period of its history from independence day in 1918 until its lamented engulfment by the Soviet Union in 1940 was but a relatively brief period in its life as an independent state. For hundreds of years before the Russian takeover in 1795, Lithuania had flourished in its advanced culture and political development. When it emerged from the havoc of the Russian revolution of 1917, as a free and politically independent state, it was not a new country wavering in infancy. There was no doubt about Lithuania taking its place among the countries of the world, firmly established on the international scene as an autonomous republic. During the decades of its independence between World War I and II there was no reason for alteration of this independent status.

But in October 1939, the Communists forced Lithuania to accept a new mutual assistance agreement that in reality amounted to Russian occupation. On June 15, 1940, Russia presented an ultimatum demanding immediate formation of a friendly government. Obviously this meant a government amenable to Moscow.

Following a Russian-sponsored election of July 14–15, the Government of Lithuania unanimously requested incorporation into the Soviet Union. The Soviets lost little time in approving this request, and on August 5, 1940, Lithuania became a corporate member of the Soviet Union.

This action is a clear example of interference into the domestic affairs of another state and outside aggression.

Communist occupation of Lithuania brought much hardship and suffering upon the people, and it is estimated that more than 45,000 Lithuanians lost their lives or were deported between June 15 and the time when the Russian troops fled the onslaught of the German forces in Lithuania around June 21.

However, by the end of 1944 Russian troops were once again in control of the

country after having driven out the Nazi forces. The brutal and arrogant oppression by the Communists has continued unabated since 1944. This means that at least for 27 years Lithuanian citizens had to endure hardships and deprivation as a result of Russian occupation.

By the ever present military might, Russia has been able to maintain its illegal and immoral occupation of Lithuania. It is a certainty that although Lithuanian patriots have been obliged to endure Soviet occupation and incorporation, they do not accept it as being perpetual. Their pride in the sacrifices of previous generations has sustained them and will continue to do so in the hope that one day soon they will see their country free again.

Mr. Speaker, let us not be distracted by the Asian crisis to where we become prone to forget the whole picture, the true state of captivity of nations such as Lithuania.

Officially, the United States has refused to recognize the Soviet occupation of Lithuania and its incorporation into the Soviet orbit of nations. This stand holds out to those held in bondage the precious belief in hope—hope of an eventual freedom. If the Communists convince the Lithuanian people that hope is a myth, then the process of total extinction can be fulfilled.

The ideals of liberty and her craving for independence have not diminished in the hearts of the Lithuanians—rather they have been nurtured by the inner spirit of an honorable people.

Despite oppression, the Lithuanian people continue to resist tyranny and attempt to preserve their heritage of freedom. Today, our prayers and hopes are that this proud nation of people dedicated to the cause of liberty throughout their history will once again join the family of free nations. We honor these people on their 53d anniversary of their independence and join with all Americans of Lithuanian ancestry in renewing our devotion to the cause of freedom and justice.

Mr. Speaker, I would like to insert at this point in the RECORD a resolution which was adopted at a mass meeting on February 13, 1971, at the Lithuanian Hall, 207 Adam Street, Newark, N.J., which commemorated the 53d anniversary of Lithuanian independence.

The resolution follows:

#### RESOLUTION

On the occasion of the 53rd Anniversary of the Restoration of Lithuania's independence, we the representatives of the Lithuanian ethnic community of New Jersey, assembled here on February 13, 1971, in Newark, New Jersey to:

Commemorate Lithuania's Declaration of Independence proclaimed on February 16th, 1918, in Vilnius, whereby a sovereign Lithuanian State, having antecedents in the Lithuanian Kingdom established in 1251, was restored;

Honor the memory of the generations of Lithuanian freedom fighters who fought to defend Lithuania's national aspirations and values against foreign oppressors;

Recall with pride the political, cultural, economic and social achievements of the Lithuanian Republic during the independence era of 1918–1940;

Express our indignation over the interruption of Lithuania's sovereign functions as a

result of the military occupation of our homeland by the Soviet Union on June 15, 1940, during the course of which national traditions and values were trampled, the personal freedoms of the people were suppressed and hundreds of thousands of people were liquidated by the Soviet genocidal practices;

And to emphasize once again our confidence that, regardless of what methods the Soviet oppressors devise, they will, in the end, be unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights. These hopes were made most evident in the recent successful hijacking of a Soviet aircraft to Turkey by Pranas and Algirdas Brazinskas, as well as in Simas Kudirka's heroic attempt at defection.

Gravely concerned with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the members of the Lithuanian ethnic community of New Jersey,

Demand that Soviet Russia immediately withdraw its armed forces, administrative apparatus, and the imported Communist "colons" from Lithuania, thus permitting the Lithuanian nation to freely exercise sovereign rights to self-determination.

We call upon our Senators and Representatives to make use of every opportunity to urge that President Nixon once again publicly reiterate the long standing United States position of non-recognition of the incorporation of the Baltic States of Estonia, Latvia, and Lithuania into the Soviet Union and to raise this issue in the United Nations and at various international conferences.

Dated at Newark, N.J., February 13, 1971.  
LITHUANIAN COUNCIL OF NEW JERSEY,  
VALENTINAS MELINIS, *President*.  
ALBIN S. TRECIOKAS, *Secretary*.

Mr. Speaker, the U.S. Congress has made a right step into the right direction by adopting House Concurrent Resolution 416 in the 89th Congress that calls for freedom for Lithuania and the other two Baltic Republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of liberation to the Baltic States to the United Nations. We should have a single standard for freedom. The denial of freedom in whole or in part, any place in the world, including inside Soviet Russia, is surely intolerable.

Mr. Speaker, at this point of the RECORD, I would like to insert the complete text of House Concurrent Resolution 416.

The resolution follows:

#### H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic

peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

*Resolved by the House of Representatives (the Senate concurring)*, That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Mr. Speaker, I am pleased in being able to join with the Lithuanians everywhere in commemorating the historic struggle they have made for liberty and self-determination, and in marking the 53d anniversary of the national independence.

Lithuanians have helped to make America strong, vigorous, and free. Americans in turn recognize the drive for restoration of a free and independent Lithuania.

Mr. THOMPSON of New Jersey. Mr. Speaker, 53 years ago, on February 16, 1918, the modern Republic of Lithuania was established. This week marks the commemoration of Lithuanian Independence Day.

During the 89th Congress both the House and Senate unanimously passed a resolution in support of the independence of Lithuania, Latvia, and Estonia. In the light of the recent forceful prevention of the attempted escape by the Lithuanian defector, Simas Kudirka, I am inserting that resolution, along with testimonies to Lithuania's fight for freedom, in the RECORD in order to remind ourselves of our commitment to these oppressed countries:

#### H. CON. RES. 416

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(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

#### RESOLUTION

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*Commemorate* Lithuania's Declaration of Independence proclaimed on February 16th, 1918, in Vilnius, whereby a sovereign Lithuanian State, having antecedents in the Lithuanian Kingdom established in 1251, was restored;

*Honor* the memory of the generations of Lithuanian freedom fighters who fought to defend Lithuanian national aspirations and values against foreign oppressors;

*Recall with pride* the political, cultural, economic and social achievements of the Lithuanian Republic during the independence era of 1918-1940;

*Express our indignation* over the interruption of Lithuania's sovereign functions as a result of the military occupation of our homeland by the Soviet Union on June 15, 1940, during the course of which national traditions and values were trampled, the personal freedoms of the people were suppressed and hundreds of thousands of people were liquidated by the Soviet genocidal practices;

*And to emphasize* once again our confidence that, regardless of what methods the Soviet oppressors devise, they will, in the end, be unable to exercise of their human rights. These hopes were made most evident in the recent successful hijacking of a Soviet aircraft to Turkey by Pranas and Algirdas Brazinskas, as well as in Simas Kudirka's heroic attempt at defection.

*Gravely concerned* with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the members of the Lithuanian ethnic community of New Jersey,

*Demand* that Soviet Russia immediately withdraw its armed forces, administrative apparatus, and the imported Communist "colons" from Lithuania, thus permitting the Lithuanian nation to freely exercise sovereignty rights to self-determination.

We call upon our Senators and Representatives to make use of every opportunity to urge that President Nixon once again publicly reiterate the long standing United States position of non-recognition of the incorporation of the Baltic States of Estonia, Latvia, and Lithuania into the Soviet Union and to raise this issue in the United Nations and at various international conferences.

Dated at Newark, N.J. February 13, 1971.

LITHUANIAN COUNCIL OF NEW JERSEY,  
ALBIN S. TRECIOKAS,

*Secretary*.

VALENTINAS MELINIS,

*President*.

#### MEMORANDUM TO THE CONGRESS OF THE UNITED STATES OF AMERICA

Concerning the recent incident involving a would-be Lithuanian defector on board the U.S. Coast Guard cutter Vigilant, we would like to bring to your attention a number of facts having grave implications for U.S. foreign policy toward the Baltic states.

It was noted widely in the press that the name of the Soviet ship from which Simas Kudirka leaped to the Vigilant was Sovetskaya Litva (Soviet Lithuania) and that he himself was Lithuanian. But these facts were generally mentioned without attaching any

particular importance to them. Most newsmen and decision-making officials did not notice or did not want to see the specific political implications of the very term "Soviet Lithuanian".

The U.S. Government explicitly does not recognize the incorporation of Lithuania into the Soviet Union and does not give *de jure* recognition to Soviet Lithuania, nor does it enter into negotiations with the Soviet Union if they have a bearing on Lithuanian territory or Lithuanian citizens. All U.S. Secretaries of State have reaffirmed this policy of the United States at least three times a year for the last thirty years. But unfortunately, this reaffirmation is made only to the diplomatic representatives and exile leaders of Lithuania, Latvia and Estonia, and is seldom, if ever, mentioned publicly. The American press ignores this facet of U.S. policy and the U.S. public has almost completely forgotten it. At the same time the Soviet Union blatantly publicizes these countries as Soviet republics at home and abroad.

The name of the mother ship of the Soviet fishing fleet in Atlantic waters, Sovetskaya Litva, is an example of this propaganda effort and is an affront to U.S. policy toward the Baltic states. Had this policy been appropriately publicized by U.S. officials and not ignored by the U.S. press, then it would have been common knowledge not only to high State Department functionaries but also to all public officials involved in the aforementioned incident, from admirals to captains.

The name of the Sovetskaya Litva is not the only affront to U.S. policy. Although the ship is owned by the Soviet Union and is under its jurisdiction, it is registered in and its operations are based in Klaipeda, which is Lithuanian territory not recognized by the United States as part of the Soviet Union.

Simas Kudirka was not the only Lithuanian crew member of that ship. There are many Lithuanians on the fishing vessels which the Soviet Union operates out of the port of Klaipeda. According to U.S. policy, these Lithuanians are subjects but not citizens of the Soviet Union.

The U.S. Government has promised to commit no acts which would explicitly or implicitly recognize Soviet annexation of the Baltic states. This being the case, the State Department should not have arranged negotiations under its aegis on a ship which by its name and method of operation violates a tenet of U.S. foreign policy.

It is a fact that the negotiations on that ship, undertaken with Coast Guard and State Department cooperation, are a sign that the State Department is not firmly committed to its declared policy concerning the Baltic states. The State Department does not give instructions to U.S. functionaries concerning proper procedures in cases where this policy is affronted. It is not entirely clear exactly when and how the commander of the Vigilant discovered that the would-be defector on his ship was a Lithuanian. But it is all too tragically clear that this fact meant absolutely nothing to him and it is not certain whether he even transmitted this piece of information to his superiors. In all the communications between Coast Guard and State Department officials, it did not occur to anyone that the defector and his ship were from a country which the United States does not recognize as part of the Soviet Union.

As soon as it became clear that the man was Lithuanian, U.S. officials should have refused to enter into any discussions concerning his fate with Soviet authorities, because a Lithuanian refugee from the Soviet Union has full rights to Lithuanian citizenship, which the U.S. Government recognizes. The Lithuanian Legation in Washington should have been notified of the attempted defection before the man was returned.

But in this instance U.S. policy toward the Baltic states was forgotten, and the U.S. officials who were faced with making the decisions were ignorant of this policy and were unable to draw the proper conclusions as events unfolded and civilians on board the Coast Guard ship attempted to inform them. Therefore, it is imperative that at least now U.S. policy concerning the Baltic states be made clear to every single U.S. official from the highest to the lowest rank in all agencies having any dealings with the Soviet Union directly or indirectly.

Guidelines giving instructions concerning political refugees in general are not enough. It is imperative to explain the specific political and legal implications of defection of nationals of the Baltic states. It should be stressed that a Lithuanian, Latvian, or Estonian defector should automatically be treated not as a Soviet citizen but as a refugee who is entitled to protection of Lithuanian, Latvian and Estonian consulates in the free world. These instructions should be made known not only within the pertinent bureaucracies, but also publicly, so that the American public should be aware of the policies of its Government.

It is a fact that the information media have long ignored or underplayed the abnormal political status of the Baltic countries. But this is to a great extent the result of official silence on the subject. Because the State Department barely whispers about this particular policy, the information media, encyclopedias, almanacs, and the general public are increasingly coming to believe in Soviet allegations about the Baltic states.

A policy of silence on the Baltic states serves no U.S. interest and has been shown to violate grievously the rights of citizens of the Baltic nations. We request that you, a member of the Congress of the United States of America, make your opinion known to the President and the Department of State and obtain from them a clear public statement of policy toward the Baltic states.

CITIZENS CONCERNED FOR SIMAS.

FEBRUARY 8, 1971.

#### LITHUANIA'S FIGHT FOR FREEDOM: 30 YEARS OF SOVIET OPPRESSION

For too long too many people throughout the world have been unaware of what happened to the people of Lithuania. The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of Lithuania shows this to be a cruel fiction. The Communist regime did not come to power in Lithuania by legal or democratic process. The Soviets invaded and occupied Lithuania in June of 1940, and the Lithuanian people have been suffering in Russian-Communist slavery for more than 30 years.

Americans of Lithuanian origin or descent, numbering over 1,000,000 in the United States, and their friends in all parts of the country will commemorate two very important anniversaries during the second part of February, 1971: (1) They will observe the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251; and (2) They will mark the 53rd anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918. But this celebration of Lithuania's Independence Day will not be similar to American celebration of the Fourth of July. It will contain no note of joy, no jubilant tone of achievement and victory. On the contrary, the observance will be somber, sorrowful, underlined with the grim accent of defeat and tragedy. For Lithuania has lost its independence, and today survives only as a captive nation behind the Iron Curtain.

The Lithuanians are proud people who have lived peacefully on the shores of the Baltic from time immemorial. Lithuania has suffered for centuries from the "accident of geography." From the West the country was

invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Lithuanians, it should be kept in mind, are ethnically related neither to the Germans nor the Russians. Their language is the oldest in Europe today.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into Lithuania and annexed this republic in June of 1940. In one of history's greatest frauds, "elections" were held under the Red army guns. The Kremlin then claimed that Lithuania voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Lithuanians were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic Siberia. The people of Lithuania have never experienced such an extermination and annihilation in their long history through centuries as during the last three decades. Since June 15, 1940, Lithuania has lost more than one-fourth of the country's population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet-Russian occupation, however, the Lithuanians have waged an intensive fight for freedom. This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June 1941 the people of Lithuania succeeded in getting rid of the Communist regime in the country: freedom and independence were restored and a free government was re-established. This free, provisional government remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself. During the period between 1940 and 1952 alone, more than 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of Lithuania's resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The persecution of Solzhenitsyn, the clamp on Rostropovich and other dissenters in the Soviet Union received a great deal of publicity in the free world's press. Very well publicized were the Simas Kudirka-Coast Guard tragedy, the Hijacking of a Russian jet liner by Brazinskas and his son, death sentences imposed on two Jews and a young Lithuanian, Vytautas Simokaitis, for trying to escape the Communist tyranny. But this is only the tip of the iceberg of desperation in the Soviet empire. In slave labor camps in the Soviet Union millions of people are still being held. Many dissenters are being confined to psychiatric institutions and being murdered by the Kremlin thugs. It is an established fact that a brilliant Lithuanian linguist, Dr. Jonas Kazlauskas, 40 years old, was murdered in a psychiatric hospital in Moscow three months ago. His only "crime" was that he had received an invitation to come to the University of Pennsylvania (in Philadelphia, Pennsylvania) as a guest professor for this very spring semester of 1971.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Government of Lithuania. Since June of 1940, when the Soviet Union took over Lithuania, all the President of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed

our country's nonrecognition policy of the occupation of Lithuania by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering people of Lithuania to get rid of the Communist regime in their country.

At a time when the Western powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia, Estonia and other captive nations whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The United States Congress has made a right step into the right direction by adopting H. Con. Res. 416 that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

Mr. PATTEN. Mr. Speaker, we are gathered here today to commemorate the 53d anniversary of Lithuanian independence. Would not it be wonderful if our people could send a congratulatory message to the people of Lithuania and share with them this celebration of freedom. Unfortunately, Mr. Speaker, there will be no joyful celebration in Lithuania this week.

Since 1940, this tiny nation of freedom-loving people has been occupied by forces from the Soviet Union. This has not been merely a token occupation; it is a determined effort by the Communists to utterly destroy any trace of independence in Lithuania. Since 1940, Lithuania has seen one-fourth of her people eliminated by the Communists. Many were shipped off to Siberia; others never got that far. This reign of terror continues right up to the present time, and still the Lithuanian people hold on to the hope that one day freedom and independence will again be a part of their daily lives.

Americans are born to freedom, and we should take on the responsibility of genuinely helping other nations to achieve freedom for their citizens too. The people of the world will never agree 100 percent on any issue, but I live for the day when we will all have the right to speak our minds openly.

There are over one million Americans of Lithuanian descent in our Nation today. I say to those of you who live in my district, the 15th Congressional District of New Jersey, as well as those of you throughout our great land that I will not cease my efforts until your families, friends, and fellow Lithuanians are once again free. I have met so many of you personally, and I know how strong the feeling is in your heart for those people. America must not only be a symbol of freedom to the rest of the world, but we must be fighters for freedom as well. I sincerely hope that not too many more of these anniversaries will pass before we can truly send that congratulatory message to the people of Lithuania.

In closing, Mr. Speaker, I would like to submit the resolution passed by New Jersey citizens of Lithuanian descent. I think it sums up beautifully all that we in the Congress feel are the issues in this fight to free the world from tyranny and oppression.

#### RESOLUTION

On the occasion of the 53rd Anniversary of the Restoration of Lithuania's independence, we the representatives of the Lithuanian ethnic community of New Jersey, assembled here on February 13, 1971, in Newark, New Jersey to:

*Commemorate* Lithuania's Declaration of Independence proclaimed on February 16th, 1918, in Vilnius, whereby a sovereign Lithuanian State, having antecedents in the Lithuanian Kingdom established in 1251, was restored;

*Honor* the memory of the generations of Lithuanian freedom fighters who fought to defend Lithuania's national aspirations and values against foreign oppressors;

*Recall with pride* the political, cultural, economic and social achievements of the Lithuanian Republic during the independence era of 1918-1940;

*Express our indignation* over the interruption of Lithuania's sovereign functions as a result of the military occupation of our homeland by the Soviet Union on June 15, 1940, during the course of which national traditions and values were trampled, the personal freedoms of the people were suppressed and hundreds of thousands of people were liquidated by the Soviet genocidal practices;

*And to emphasize* once again our confidence that, regardless of what methods the Soviet oppressors devise, they will, in the end, be unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights. These hopes were made most evident in the recent successful hijacking of a Soviet aircraft to Turkey by Pranas and Algirdas Brazinskas, as well as in Simas Kudirka's heroic attempt at defection.

*Gravely concerned* with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the members of the Lithuanian ethnic community of New Jersey,

*Demand* that Soviet Russia immediately withdraw its armed forces, administrative apparatus, and the imported Communist "colons" from Lithuania, thus permitting the Lithuanian nation to freely exercise sovereign rights to self-determination.

*We call* upon our Senators and Representatives to make use of every opportunity to urge that President Nixon once again publicly reiterates the long standing United States position of non-recognition of the incorporation of the Baltic States of Estonia, Latvia, and Lithuania into the Soviet Union and to raise this issue in the United Nations and at various international conferences.

Dated at Newark, New Jersey—Feb. 13, 1971.

Lithuanian Council of New Jersey.

VALENTINAS MELINIS, *President*.

Mr. BYRNE of Pennsylvania. Mr. Speaker, today I join with many thousands of my constituents of Lithuanian origin or descent to mark two important days in Lithuanian history. These will not be occasions of joy and celebration. How can they be happy days when Lithuania remains a captive of the Soviet Union?

This week, we are marking the 720th anniversary of the formation of the Lithuanian nation, accomplished by Mindaugas the Great in 1251 when he

forged a number of principalities into a single country.

And, at the same time, we are remembering the former Lithuanian Republic, which was founded on February 16, 1918, and snuffed out of existence by the invasion of the Soviet Army in June, 1940, as part of the 1939 Hitler-Stalin alliance. Now, for almost 31 years, Lithuania has been a slave state of the Soviets except for a brief 6-week period of freedom between the time that the Soviets were expelled and the Nazis invaded—in 1941.

We of the West know little of the bloody and brutal 8-year war which Lithuanian loyalists waged from 1944 to 1952 in a glorious but impossible search for freedom, independence and liberty.

And that determination for freedom remains in the hearts of the Lithuanian people. This is exemplified to the present day.

This desire for freedom is perhaps epitomized by the desperate leap for freedom of Simas A. Kudirka, who sought refuge on an American Coast Guard ship but was wrongfully turned back to the brutal hands of his oppressors.

It was, of course, a desperate measure; but desperate measures were called for. We now hear on good authority that this brave seaman is now dead; a brutal example to others who would also seek freedom.

But let the Soviet Union be warned that it will never snuff out the light of freedom. We of the Congress recognized this fight for freedom in House Concurrent Resolution 416, in the 89th Congress. This resolution should be implemented, and I sincerely ask all of my colleagues to call upon the President to do so.

To understand this situation better, I ask unanimous consent to include first, the declaration which was pronounced at the commemorative exercises at the Lithuanian Music Hall in Philadelphia on February 12; second, an appeal by the Philadelphia Chapter of the Lithuanian-American Community of the U.S.A., Inc., and signed by Mrs. Austra M. Zerr, chairman; and third, a column by V. Stanley Vardys, professor of political science and director of the University of Oklahoma Munich Center for Soviet Studies, which appeared in the New York Times on Saturday, February 13.

We, the participants in this commemorative exercise on the occasion of the 53rd Anniversary of the Restoration of Independence to Lithuania, on the 21st day of February, 1971, at the Lithuanian Music Hall in Philadelphia, hereby affirm the following:

#### DECLARATION

(1) Lithuania has her own tradition of separate nationhood dating back to the establishment of the Kingdom of Lithuania in 1251.

(2) In 1918 the people of Lithuania had exercised their right of self-determination by declaring the restoration of independence to Lithuania, and Lithuania remained a fully independent and sovereign nation up to the outbreak of World War II.

(3) In the peace treaties of 1920, Soviet Russia recognized the sovereignty and independence of Lithuania and voluntarily and forever renounced all sovereign rights and claims over the Lithuanian people and territory.

(4) Since the occupation by the Soviets in 1940, Lithuania has been ruled by the Soviet Union as if she was its province and, in effect, a Soviet colony. Lithuania shares all essential characteristics of a dominated country with other subjugated and colonially ruled peoples of the world: (a) imposition by an alien rule by force; (b) alien domination of all political and economic activity; (c) systematic depopulation of the original inhabitants and an extensive settlement by nationals of the ruling country; (d) economic exploitation and artificial integration of the economies of the subject country with the economy of the ruling country; (e) forcible imposition of the cultural and spiritual values of the ruling nation in a sustained policy of ethnical assimilation—Russification in this case.

(5) The Soviet Union even today continues to ruthlessly suppress the human rights and aspirations to freedom of the Lithuanian people as most recently revealed by the clandestine efforts of the Soviets to force the return of Pranas and Algirdas Brazinskas after their dramatic escape to Turkey, by the Soviets' brutal beatings of Simas Kudirka after his heroically attempted pleas for asylum—in this case denied by the U.S. Coast Guard—and by the unduly harsh and unjust sentence of death imposed by the Soviets upon Vytautas Simokaitis after he and his wife sought to escape to Sweden.

We urge that, without further delay, the United States initiate action in the United Nations to implement the Declaration on Granting of Independence to Colonial Countries and People in reference to Lithuania by restoration of her independence since she has already exercised her right of self-determination by the Declaration of Restoration of Independence to Lithuania of Feb. 16, 1918.

We further strongly urge the United States Government to issue explicit directives which would establish conclusive guidelines for the handling of political asylum requests. We especially emphasize that such directives necessarily be clear, precise and readily available to the public so that no such tragedies as that of Simas Kudirka would re-occur in the future.

AUSRA M. ZERR, *Chairman.*

#### WHY THE BALTS REBEL

(By V. Stanley Vardys)

NORMAN, OKLA.—The tragedy of Simas A. Kudirka, the Lithuanian sailor who was cynically returned to the Russians so that this defection would not jeopardize a fishing arrangement, brought national attention to a violation of the American tradition of granting sanctuary to political refugees.

However, the sailor's native country of Lithuania, from which he tried to flee, received hardly any notice. It should, because it helps to explain Kudirka's reasons for defection and also his possible fate.

Today Lithuania is a Soviet republic. Between the two World Wars, however, it was an independent nation. Together with Estonia and Latvia it became a victim of the Soviet-Nazi nonaggression pact of August, 1939. Stalin first won Hitler's approval for the introduction of military bases on the Baltic soil, and then, upset by Hitler's easy successes on the Western front, on June 15-17, 1940, occupied and annexed Lithuania and the other Baltic states.

The United States, Canada and several other nations never recognized this Soviet annexation. The Lithuanians themselves revolted against the Soviet rule at the outbreak of the Nazi-Soviet war of 1941. A guerrilla war that Lithuanian loyalists for eight years (1944-52) waged against the Soviets is hardly known in the West. Yet its destructive effects were worse than those of the Algerian insurrection against the French and

cost, according to Soviet sources, 40,000 dead in military actions alone.

Generally, Lithuanian population losses due to Stalinist policies were so staggering that only in the late nineteen-sixties did the republic reach the approximate population figure it had in 1940.

Shortly before Stalin died in 1953, the country was pacified and Sovietized. After the dictator's death, Moscow allowed sufficient funds for rapid industrial expansion. As a consequence, Lithuania specializes in making electric motors, metal cutting laces, appliances. The republic builds ships and administers a sizable fishing fleet that actually is Russian-controlled as, in effect, are most of the top offices of the Lithuanian republic itself. *Sovetskaja Litva* (translated, Soviet Lithuania; in Lithuanian it would be *Tarybu-Lietuva*), the ship whose crew captured and beat up Kudirka, is a mother ship of this fleet. Together with Estonia and Latvia, Lithuania is the top dairy and meat producer in the Soviet Union and has the highest Soviet indices of productivity and consumer services.

These improvements, together with Khrushchev's policies of de-Stalinization, helped to normalize Lithuania but did not erase memories of independence nor the desire for "at least as much sovereignty as Poland has" within the "Socialist" system of nations. In 1956, students demonstrated in support of the Hungarian revolution. In 1959, a number of officials were purged, among them the rector (president) of Vilnius University who lost his party card as well. Antanas Y. Sneckus, the first party secretary, kept warning—as he still does—against the evils of "national Communism."

After the overthrow of Khrushchev, the Lithuanian situation did not change for almost five years. However, in 1969, a period of gradual retrenchment began. It was started by a warning published in Moscow's *Pravda* of Jan. 24, 1969, that remnants of "bourgeois nationalism" still exist in Lithuania, even among the Communists. Several administrators of cultural institutions were replaced by more conservative, dogmatic and pliable personalities. Despite improved relations with the Vatican, the regime reneged on a promise to make available to the Catholics the new liturgical texts in the vernacular. Forty priests of the Vilnius archdiocese signed a petition to Premier Aleksei N. Kosygin and President Nikolai V. Podgorny asking them to enforce constitutional guarantees of religious worship. They listed a number of vulgar suppressive measures, including a prohibition to ordain more than 4-5 priests annually while 30 die in the same period.

In the summer of 1970 the Lithuanian intellectuals were upset by Moscow's refusal to let Dr. J. Kazlauskas, an internationally known professor of Baltic linguistics, go for lectures to Pennsylvania State University, which had invited him. Without the professor's knowledge, an official of the Ministry of Higher and Secondary Special Education in Moscow wrote the university that Dr. Kazlauskas was "too busy" to come. On Oct. 8 Dr. Kazlauskas disappeared and on Nov. 17 his body was found in the Neris river that flows through the city of Vilnius. The party press implied suicide. Private sources connect his death with a protest by Dr. Kazlauskas to authorities against his treatment. The shock the intellectuals suffered at his death was further intensified by the appointment, effective Nov. 12, of a former chief of security police as minister of justice in Lithuania.

Simas Kudirka apparently had decided he had enough of all this. However, he did not succeed in his leap to freedom.

The case of the most recent Lithuanian defector is instructive in this instance. Apparently encouraged by a successful hijacking of a Soviet plane into Turkey that two

Lithuanians executed in October of last year, a young Lithuanian couple, Mr. and Mrs. Vytautas Simokaitis tried their luck in December. They attempted to seize a plane flying to a Lithuanian resort town of Palangra and to direct it to Sweden. Their attempt, however, failed. Mr. Simokaitis was tried in Vilnius and sentenced to death. His pregnant wife received a three-year sentence. Later, Mr. Simokaitis's sentence was reported to have been commuted to fifteen years in labor camp.

Mr. ST GERMAIN. Mr. Speaker, this week marks the 53d anniversary of the establishment of the Republic of Lithuania, February 16, 1918. Lithuanians cannot rejoice, however, for a Communist regime occupies their territory, oppresses the populace, and denies Lithuania a place among the independent nations of the world.

I consider it a solemn duty on this occasion to speak out against the Russian-Communist domination of a freedom-loving and independent people. The story of the Soviet takeover and subsequent harsh occupation is one of the tragedies of this century.

Ever since the annexation of Lithuania in 1940, suffering and persecution have been the daily lot of a courageous but hopelessly overpowered people. Hundreds of thousands of Lithuanians have been deported to Siberia, thousands have been executed and terrorism of every kind has stalked the land.

The recent brutal treatment of Simas Kudirka by his Russian captors symbolizes how the Soviets have dealt with a whole nation for 30 years.

In the 89th Congress, the House and the Senate passed House Concurrent Resolution 416, arguing the cause of Lithuania and the other Baltic States, Estonia and Latvia, for self-determination and national independence. I am enclosing the text of that resolution here, to urge again that our Government do everything possible to bring freedom to the Baltic States.

#### CONCURRENT RESOLUTION

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all people have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of

Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Mr. SANDMAN. Mr. Speaker, for too long too many people throughout the world have been unaware of what happened to the people of Lithuania. The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of Lithuania shows this to be a cruel fiction. The Communist regime did not come to power in Lithuania by legal or democratic process. The Soviets invaded and occupied Lithuania in June of 1940, and the Lithuanian people have been suffering in Russian-Communist slavery for more than 30 years.

Americans of Lithuanian origin or descent, numbering over 1 million in the United States, and their friends in all parts of the country will commemorate two very important anniversaries during the second part of February 1971: First, they will observe the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251; and second, they will mark the 53d anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918. But this celebration of Lithuania's Independence Day will not be similar to American celebration of the Fourth of July. It will contain no note of joy, no jubilant tone of achievement and victory. On the contrary, the observance will be somber, sorrowful, underlined with the grim accent of defeat and tragedy. For Lithuania has lost its independence, and today survives only as a captive nation behind the Iron Curtain.

The Lithuanians are proud people who have lived peacefully on the shores of the Baltic from time immemorial. Lithuania has suffered for centuries from the "accident of geography." From the west the country was invaded by the Teutonic Knights, from the east by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Lithuanians, it should be kept in mind, are ethnically related neither to the Germans nor the Russians. Their language is the oldest in Europe today.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into Lithuania and annexed this republic in June of 1940. In one of history's greatest frauds, "elections" were held under the Red Army guns. The Kremlin then claimed that Lithuania voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Lithuanians were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic Siberia. The people of Lithuania have never exper-

enced such an extermination and annihilation in their long history through centuries as during the last three decades. Since June 15, 1940, Lithuania has lost more than one-fourth of the country's population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet Russian occupation, however, the Lithuanians have waged an intensive fight for freedom. This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June of 1941 the people of Lithuania succeeded in getting rid of the Communist regime in the country; freedom and independence were restored and a free Government was reestablished. This free, provisional Government remained in existence for more than 6 weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself. During the period between 1940 and 1952 alone, more than 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of Lithuania's resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The persecution of Solzhenitsyn, the clamp on Rostropovich and other dissenters in the Soviet Union received a great deal of publicity in the free world's press. Very well publicized were the Simas Kudirka-Coast Guard tragedy, the hijacking of a Russian jetliner by Brazinskas and his son, death sentences imposed on two Jews and a young Lithuanian, Vytautas Simokaitis, for trying to escape the Communist tyranny. But this is only the tip of the iceberg of desperation in the Soviet empire. In slave labor camps in the Soviet Union millions of people are still being held. Many dissenters are being confined to psychiatric institutions and being murdered by the Kremlin thugs. It is an established fact that a brilliant Lithuanian linguist, Dr. Jonas Kazlauskas, 40 years old, was murdered in a psychiatric hospital in Moscow 3 months ago. His only "crime" was that he had received an invitation to come to the University of Pennsylvania—in Philadelphia, Pa.—as a guest professor for this very spring semester of 1971.

The Government of the United States has refused to recognize the seizure and forced "incorporation" of Lithuania by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Government of Lithuania. Since June of 1940, when the Soviet Union took over Lithuania, all the Presidents of the United States—Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon—have stated, restated, and confirmed our country's nonrecognition policy of the occupation of Lithuania by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering people of Lithuania to get rid of the Communist regime in their country.

At a time when the Western Powers have granted freedom and independence to many nations in Africa, Asia, and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia, Estonia, and other captive nations whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The U.S. Congress has made a right step into the right direction by adopting House Concurrent Resolution 416 that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

Mr. MORSE. Mr. Speaker, this month Americans of Lithuanian descent will commemorate two important anniversaries: the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251; and the 53d anniversary of the modern Republic of Lithuania.

It is indeed an honor for me to join my colleagues in the House and all Lithuanian-Americans throughout the Nation in marking these dates, and to insert here in the RECORD an eloquent statement prepared for this occasion by the Lithuanian American Community of the U.S.A., Inc., and a copy of the resolution passed by the 89th Congress which calls for freedom for the three Baltic States.

#### LITHUANIA'S FIGHT FOR FREEDOM—THIRTY YEARS OF SOVIET OPPRESSION

For too long too many people throughout the world have been unaware of what happened to the people of Lithuania. The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of Lithuania shows this to be a cruel fiction. The Communist regime did not come to power in Lithuania by legal or democratic process. The Soviets invaded and occupied Lithuania in June of 1940, and the Lithuanian people have been suffering in Russian-Communist slavery for more than 30 years.

Americans of Lithuanian origin or descent, numbering over 1,000,000 in the United States, and their friends in all parts of the country will commemorate two very important anniversaries during the second part of February, 1971: (1) They will observe the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251; and (2) They will mark the 53rd anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918. But this celebration of Lithuania's Independence Day will not be similar to American celebration of the Fourth of July. It will contain no note of joy, no jubilant tone of achievement and victory. On the contrary, the observance will be somber, sorrowful, underlined with the grim accent of defeat and tragedy. For Lithuania has lost

its independence, and today survives only as a captive nation behind the Iron Curtain.

The Lithuanians are proud people who have lived peacefully on the shores of the Baltic from time immemorial. Lithuania has suffered for centuries from the "accident of geography." From the West the country was invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Lithuanians, it should be kept in mind, are ethnically related neither to the Germans nor the Russians. Their language is the oldest in Europe today.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into Lithuania and annexed this republic in June of 1940. In one of history's greatest frauds, "elections" were held under the Red army guns. The Kremlin then claimed that Lithuania voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Lithuanians were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic Siberia. The people of Lithuania have never experienced such an extermination and annihilation in their long history through centuries as during the last three decades. Since June 15, 1940, Lithuania has lost more than one-fourth of the country's population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet-Russian occupation, however, the Lithuanians have waged an intensive fight for freedom. This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June of 1941 the people of Lithuania succeeded in getting rid of the Communist regime in the country: freedom and independence were restored and a free government was re-established. This free, provisional government remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself. During the period between 1940 and 1952 alone, more than 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of Lithuania's resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The persecution of Solzhenitsyn, the clamp on Rostropovich and other dissenters in the Soviet Union received a great deal of publicity in the free world's press. Very well publicized were the Simas Kudirka-Coast Guard tragedy, the Hijacking of a Russian jet liner by Brazinskas and his son, death sentences imposed on two Jews and a young Lithuanian, Vytautas Simokaitis, for trying to escape the Communist tyranny. But this is only the tip of the iceberg of desperation in the Soviet empire. In slave labor camps in the Soviet Union millions of people are still being held. Many dissenters are being confined to psychiatric institutions and being murdered by the Kremlin thugs. It is an established fact that a brilliant Lithuanian linguist, Dr. Jonas Kazlauskas, 40 years old, was murdered in a psychiatric hospital in Moscow three months ago. His only "crime" was that he had received an invitation to come to the University of Pennsylvania (in Philadelphia, Pennsylvania) as a guest professor for this very spring semester of 1971.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania by the Communists into the Union of Soviet Socialist Republics. Our Government main-

tains diplomatic relations with the former free Government of Lithuania. Since June of 1940, when the Soviet Union took over Lithuania, all the Presidents of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of Lithuania by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering people of Lithuania to get rid of the Communist regime in their country.

At a time when the Western powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia, Estonia and other captive nations whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The United States Congress has made a right step into the right direction by adopting H. Con. Res. 416 that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

#### H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Passed the House of Representatives June 21, 1965.

Mr. REUSS. Mr. Speaker, once again today we pause to commemorate the

establishment on February 16, 1918 of the independent state of Lithuania. Tracing their national history back to the year 1251, the Lithuanians can lay claim to being one of the oldest distinct national groups in Europe. As such, they yearn to follow as a free people their own cultural, social, and economic traditions.

History, regrettably, has not been kind to the nation, and somberness rather than joy is the mood which marks each year's commemoration of this occasion. Each year the brief period of independence we recall becomes a dimmer memory. Yet even years of suffering cannot destroy the Lithuanians' spirit or their longing for liberty.

Today we join with more than 1,000,000 Americans of Lithuanian descent as they celebrate the rich heritage of the past and look with continued hope to the future of their native land. We too look forward to the time when the Lithuanians and all peoples everywhere can share the blessings of freedom.

Mr. NEDZI. Mr. Speaker, this is an age where momentous event follows momentous event in a succession so rapid that the average person soon tends to forget even the names of the first Americans on the moon.

When it comes to international political events, public memory is short. Moreover, half of the Americans living today had not been born when the Soviet Union occupied the Baltic States, Lithuania, Estonia, and Latvia, in 1940, and half the nations which presently form the United Nations also were not in existence. Those who do remember have an obligation to inform their fellow citizens.

Militarily speaking, the Soviet Union leads from strength in Eastern Europe. Morally speaking, it leads from weakness.

Recent events in Poland and the 1968 events in Czechoslovakia remind us that there may be satellite states, but as Seymour Fried in observed in his "Forgotten People:"

The people are not satellites.

Today marks the 53d anniversary of the declaration of Lithuanian independence. In observing this day, we remind ourselves that Lithuania is not a make-believe country. On the contrary, Lithuania has had a long and honorable history dating back to 1009 A.D., which was nearly 500 years before the discovery of America.

Admittedly, the heavy boot of Russian oppression, and reliance on tactics of intimidation, deportation, and colonization, makes difficult Lithuania's survival as a people. Nevertheless, Lithuania, which emerged from the ashes of hopelessness in 1918 after 120 years of Russian occupation, continues to see manifestations of Lithuanian resistance and ethnic solidarity.

In the long term, we cannot predict an early end to Communist control of the Baltic States, but we can and we must take note of individual acts which reflect a national impulse toward Lithuanian independence.

I am pleased to join my colleagues in expressing our sympathy with the Lithuanian people and to express our

hope for their deliverance to the ranks of free men.

Mr. GREEN of Pennsylvania. Mr. Speaker, the month of February is important to over 1 million Americans of Lithuanian origin or descent. During this month they will commemorate the 720th anniversary of the formation of the Lithuanian State when Mindaugas the Great unified Lithuania in 1251 and, second, they will commemorate on February 16, the 53d anniversary of the establishment of the modern Republic of Lithuania.

Though it is an important month for the Lithuanians, it is a month without celebration. The Lithuanian nation will remember its past in silence, sorrow, and with a somber reserve for a nation that has lost its independence and exists today as a captive nation.

In another speech at another time I said:

If the common desire of all men today is to be free it is because oppression and injustice have most often sprung up when one nation has been oppressed by another.

It is this desire and this spirit that is a distinguishing factor of Lithuanians today. No Iron Curtain can crush an identity because a fiercely proud and productive Lithuanian people will refuse to allow that identity to wilt or die.

The entire history of the Lithuanian people mitigates against this happening. From the Teutonic invasions, to the Kremlin invasions a peaceful people has found itself challenged and threatened—but the independence of mind and culture remains as strong as ever.

Our Government, from Presidents Roosevelt to Nixon, has steadfastly pursued a policy of nonrecognition of the occupation of Lithuania by the Soviets. We have time and time again deplored the subjugation of one people by another. This Congress has adopted House Concurrent Resolution 416 which calls for the freedom of Lithuania and the other two Baltic republics—Latvia and Estonia. We should bring this issue to the attention of the United Nations. We must continue to pursue a policy of freedom throughout the world. We must use the force of our moral authority and our powers of persuasion to change the world.

To deny freedom to the Lithuanian people is intolerable.

Mr. MONAGAN. Mr. Speaker, as a long-time friend of the Lithuanian people, I am pleased to join my colleagues in marking the 53d anniversary of the establishment of the modern Republic of Lithuania and the 720th anniversary of the formation of the Lithuanian State.

Lithuania has continually suffered from what can only be called an accident of geography. Surrounded by hostile neighbors, she has lived through numerous and lengthy occupations, and has been used by other countries for their own ends, with little consideration for the needs of the Lithuanian people themselves. Throughout the current occupation, Lithuania has managed to maintain her spirit of freedom. It is reported that between 1940 and 1952 alone, more than 30,000 Lithuanian freedom

fighters lost their lives in organized resistance and guerrilla warfare. This sacrifice symbolizes the Lithuanian love of liberty despite the overwhelming odds its people fight against. Lithuanians have not given up their hope for independence. Despite attempts to suppress it, the dedication remains.

Recognizing this spirit, the U.S. Congress recently passed House Concurrent Resolution 416, a resolution which I authored and which urges the President to direct the attention of world opinion at the United Nations and other appropriate international forums to the denial of the right of self-determination for the people of Estonia, Latvia, and Lithuania. It also urged the President to bring the force of world opinion to bear on behalf of the restoration of the rights of the Baltic people.

The Congress must, of course, continue such efforts. The Lithuanian people this week mark the 53d anniversary of the establishment of the modern Republic of Lithuania, but the celebration is not a happy one. There can be no real sense of achievement and freedom for Lithuanians do not enjoy the same rights as the more than 1,000,000 people of Lithuanian origin who now live in America. The spirit of today's anniversary should not end with the day. Those of us who enjoy the basic rights which are the necessary claim of every man must rededicate ourselves to obtain these rights for those who are captive.

At this point in the RECORD, I enter a copy of House Concurrent Resolution 416, expressing the concern of Congress for the rights of the Lithuanian people:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to

bear on behalf of the restoration of these rights to the Baltic peoples.

Mr. HOGAN. Mr. Speaker, Lithuanian Americans in all parts of this great Nation will this week commemorate two very important anniversaries. They will observe the 720th anniversary of the formation of the Lithuanian State when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251, and they will mark the 53d anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918.

But, Mr. Speaker, this celebration of Lithuania's Independence Day will not be similar to American Independence Day celebrations. It will contain no note of joy, no jubilant tone of achievement and victory. On the contrary, the observance will be somber, sorrowful, underlined with the grim accent of defeat and tragedy. For Lithuania has lost its independence, and today survives only as a captive nation behind the Iron Curtain.

Similarly, Americans of Estonian and Ukrainian descent are also commemorating anniversaries at this time. Estonian-Americans are commemorating the 53d anniversary of the Estonian Declaration of Independence and Ukrainian Americans last month commemorated the 53d anniversary of the Ukrainian Declaration of Independence.

All of these Americans, whether they are the friends and relatives of people living in captivity in the Baltic States or living within the confines of the Soviet Union, share the same aspirations and hopes for their loved ones.

At a time when the Western powers have granted freedom and independence to many nations in Africa, Asia, and other parts of the world, these dedicated Americans, who understand the captive nations concept, insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Estonia, the Ukraine, and other captive nations whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied.

Mr. Speaker, it is not often that one can cite concrete evidence to bolster the hopes of the Americans of Eastern European descent. However, just last month the American relatives of a Russian subject imprisoned in Lithuania did receive a spark of hope which may rekindle the spirits of other Americans in similar circumstances.

For the benefit of these Americans and my colleagues in the Congress I would like to relate the circumstances of this incident which might encourage others to take similar action. Nearly 2 years ago, when I was first elected to the House of Representatives, I was asked to help in whatever way I could to secure the release of an elderly and ill Russian woman who had received a life prison sentence in 1962 for alleged currency speculation. She was then confined in a Lithuanian prison hospital. This woman's relatives in Pennsylvania and Maryland asked for my assistance because they were convinced that she was not guilty of the charges and felt that her case should be

reviewed by the Soviet Presidium. Her husband was given a death sentence on the same charge and was executed. She had also, many years before, lost her two young daughters in the Nazi terror.

I became interested in the case and initiated action with the Soviet Embassy here in Washington, with the State Department, with the Lithuanian Presidium, and, indeed, even with Premier Kosygin of the Supreme Soviet. Our attempts in her behalf were, at first, barely heeded by the Soviet authorities, and later received only a cursory acknowledgment. But, last month I was informed that the Soviet Union had, at long last, released this poor woman from her prison cell in Lithuania.

Mr. Speaker, I hope that the case I just mentioned will bolster the resolve of all Lithuanian Americans and give them the needed inspiration not to give up their struggle in behalf of the people in the captive nations.

Mr. DINGELL. Mr. Speaker, the month of February marks two anniversaries of great importance to persons of Lithuanian origin or descent and their friends throughout the world for it is in this month that they observe the 720th anniversary of the formation of the Lithuanian State when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251 and it also marks the 53d anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918.

Unfortunately, our commemoration of these two events of such great importance to Lithuanians and their friends must be on a somber note. This is so because Lithuania has lost its independence and today survives only as a captive nation behind the Iron Curtain.

After the Nazis and the Soviets had brutally smashed Poland in September of 1939, the Soviet Russian troops moved into Lithuanian and annexed this republic in June of 1940. From the very beginning the Lithuanian people have waged an intensive fight to be free of Russian occupation.

The events of June 1941 make clear the views and desires of the Lithuanian people for it was at that time that they successfully rose in revolt against the Soviet Union and established a free government. Unfortunately, the Nazi armies moved into Lithuania some 6 weeks later and suppressed the activities of the free government. The Nazis were in turn replaced by the Russians who continue to this day to dominate Lithuania.

It is the hope of Lithuanians everywhere that independence will one day be restored to their homeland.

Mr. ZABLOCKI. Mr. Speaker, it is an honor and a privilege to join my distinguished colleagues in memorializing two treasured anniversaries in Lithuanian history. The 720th anniversary of the consolidation of the Lithuanian state and the 53d anniversary of the establishment of the Republic of Lithuania are commemorated this week.

Recalling these great events in Lithuania's struggle for freedom serves a twofold purpose. First, it rekindles the patriotism which reaffirms the commitment to freedom in the hearts of both Lithuanians and Americans. Second, it en-

courages placing before the United Nations the plea of the captive Baltic nations for a Soviet withdrawal from Lithuania, Latvia, and Estonia.

For too long too many people have been apathetic to what really happened in Lithuania. Contrary to most popular belief, the Communist regime did not come to power in those lands by legal or democratic means. Russia occupied Lithuania in June 1940, and has held a stranglehold on the country ever since. Yet, the fight for freedom continued. Late in June 1941 the Lithuanian people succeeded in ridding their country of the Communist regime. Although this free government lasted only 6 weeks, the passion for liberty did not die. Guerrilla resistance until 1952 and now passive resistance reminds her oppressors of Lithuania's thirst for freedom.

The example of Lithuanian exiles in America is a vivid demonstration that their desire of freedom for their homeland has not diminished. In Lithuania itself, recent attempts by the Soviets to discourage freedom have proved futile. The longing for freedom in the hearts of the captive Balkan people grows stronger.

It is, therefore, fitting that we pause today in our legislative business to pay tribute to the indomitable spirit of the Lithuanian people. Their history is filled with courageous deeds in defense of their independence. It is equally fitting to commend the Lithuanian American Council and the Americans for Congressional Action To Free the Baltic States for their determined efforts to promote the freedom Lithuania knew prior to those fateful June days.

However, the commemoration of these anniversaries contains no note of joy, no jubilant tone of achievement or victory. This observance is somber, sorrowful, and underlined with the grim accent of tragedy. Because we share their love for freedom, we join all Lithuanians in hoping for a brighter tomorrow when Lithuania—and the world—can once again enjoy peace and freedom.

Mr. McCLODY. Mr. Speaker, during February, Americans of Lithuanian descent commemorate the founding of that nation, first as a cohesive people in 1251, and the establishment in 1918 of the modern Republic of Lithuania. Thus, it is appropriate that we mark the occasion in this body and recognize the long fight for freedom by the people of Lithuania.

As the world knows, Lithuania was invaded by the U.S.S.R. in June of 1940. While there was a brief period of independence, brought about by their own heroic efforts, Lithuanians since that time have lived as a captive people under Soviet domination.

House Concurrent Resolution 416 was adopted by the House of Representatives, by unanimous vote, on June 21, 1965, and had like passage in the Senate on October 22, 1966. This resolution calls for the Congress to urge the President of the United States to: "direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and "to

bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples."

Mr. Speaker, I am pleased to echo the statements herein continued and to remind the administration of the importance and equity of these objectives.

In behalf of the Americans of Lithuanian birth and descent who reside in the 12th Congressional District of Illinois, and in furtherance of the independence of the Lithuanian nation, I urge continued support for the freedom of this and the other captive nations of the world.

Mr. Speaker, it is my hope that this subject may be brought before the General Assembly of the United Nations.

Mr. MURPHY of Illinois. Mr. Speaker, February 16, 1918, is a memorable occasion in the history of the small Baltic State of Lithuania. This year marks the 53d anniversary of this historic day, a day which this brave and courageous people had fought for so ardently, throughout a long period of Russian domination—1795–1915—and German occupation during the First World War. For 22 years, Lithuania and its people thrived in an atmosphere of national sovereignty. However, this brief period of peace and progress was terminated by the advent of World War II, although Lithuania attempted to maintain a policy of neutrality.

The small Baltic State was one of the first countries to experience the aggression of both Hitler and the Soviet Union. Two decades of independence was cut short by the mutual assistance treaty of October 10, 1939, forced on Lithuania by the Soviet Union.

Lithuania was coerced into granting air bases to the Soviet Union and admitting Soviet garrisons in spite of the Soviet-Lithuanian treaty of nonaggression which had been signed in Moscow on September 28, 1926. The Soviet Union further tightened its vise-like grip on the tiny nation by occupying the country and demanding the formation of a "friendly" government.

In July 1940 the Soviets forced a rigged election producing a congress which "requested" the incorporation of Lithuania into the Soviet Union. The door to independence slammed shut on August 3, 1940, when Lithuania was declared a constituent republic of the U.S.S.R.

During this first period of Soviet occupation, Lithuania suffered the loss of an estimated 45,000 people, with an equal number being arrested or deported. The Soviet assault, followed by German occupation in 1941, resulted in the execution of almost all Lithuanian Jews. The end of the war did not, however, end the nation's sufferings, but rather reestablished Soviet domination. In light of these tragic events, February 16 is a day of rejoicing as well as a day of sorrow.

That brief period of independence has continued to be an inspiration to the brave Lithuanians. The experience of independence was successful and productive. Great emphasis was placed on long-needed land reform programs, industrialization, and the implementation of social legislation. Economic and social progress was complemented by cultural reawakening. Nationalistic fervor and

pride were reflected in the works of Lithuanian writers and musicians. These people enjoyed but a brief, enthusiastic period of independence, yet, its memory cannot be erased from the minds of Lithuanians who still live in their captive homeland or those who are living abroad.

Like other Eastern European states, Lithuania continues to have its sovereignty violated and its freedom suppressed by the Soviet Union. However, the Lithuanian people continue to yearn for freedom and the reestablishment of a truly independent Lithuanian State.

The spirit of Lithuanian independence is not dead. It continues to exist as an undying flame in the hearts of its people. I join all Americans and particularly the Lithuanians in my constituency, in the celebration of Lithuania Independence Day and with them hope for the future freedom of the Lithuanian people and their homeland.

#### GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material concerning the subject of my special order today, and that they may do so immediately following my remarks.

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

There was no objection.

#### THE CONSTITUTIONAL CONFRONTATION BETWEEN THE CONGRESS AND THE PRESIDENT RELATIVE TO LAOS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McCloskey) is recognized for 60 minutes.

(Mr. McCloskey asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. McCLOSKEY. Mr. Speaker, in these opening days of the 92d Congress, the major issue before us is whether or not we will act to end our involvement in Vietnam this year—1971—rather than continue to leave the time and circumstances of our disengagement solely to the discretion of the President.

I would like to respectfully suggest that the House undertake immediate consideration of resolutions to terminate aerial warfare in Laos and Cambodia, and to terminate as of December 31, 1971, the further funding of American troop presence in Vietnam.

I would further urge that early consideration of these issues is the obligation of the Congress under our Constitution, and that we can no longer stand by in blind acceptance of the policies that the President is presently pursuing, and states that he intends to continue to pursue for the indefinite future.

These policies, in brief, are as follows:

First, the President is pursuing a timetable of withdrawal which obviously contemplates leaving American troops in Vietnam as late as 1973, if not indefinitely. By May 1 of this year he will

have withdrawn less than half of the 540,000-odd troops which were in Vietnam at the time he took office over 2 years ago. This in spite of a recent poll which indicated that nearly three-fourths of the American people feel that all American troops should be withdrawn by the end of this year.

Second, despite an overwhelming vote by the Congress to repeal the Gulf of Tonkin resolution on December 31, 1970, now, less than 2 months later, the President is stating unequivocally that there are no limits to his potential use of air power in all of Southeast Asia, and that he has ordered the massive bombardment and aerial invasion of Laos and Cambodia by American airpower.

A reasonable argument can be made that the President's recent decision to employ American airpower in support of South Vietnamese and Cambodian forces in the neutral countries of Laos and Cambodia exceeds his constitutional powers, and is, at best, a deliberate flouting of the will of Congress.

The Constitution grants to Congress, not the President, the sole power to determine where and when we go to war. If war is to be waged in Laos, if Laotians are to be killed and Laotian villages and countryside destroyed by American firepower, then it would seem appropriate that Congress is the only body in our Government to properly make that decision.

It is true that the President's powers in this regard were not limited so long as the Gulf of Tonkin resolution was in effect. That resolution, adopted overwhelmingly by the House and Senate on August 10, 1964, provided specifically:

That the Congress approves and supports the determination of the President, as Commander-in-Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

The resolution went on to state:

The United States is prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

Finally the resolution provided that it should expire when the President determined, except that it might be terminated earlier by concurrent resolution of the Congress.

The resolution specifically referred to the people of Southeast Asia and was not limited to just Vietnam.

A clearer grant of authority to the President to wage war in Southeast Asia could not have been made. Significantly, in 1965, the State Department advised the Congress that a formal declaration of war against North Vietnam was not only undesirable, but unnecessary, citing the Gulf of Tonkin resolution as a clear indication of congressional intent, support and approval for the use of armed force in Southeast Asia.

This being so, what possible conclusion can be drawn from the repeal of the resolution save that Congress expressly intended to terminate the President's authority to "prevent further aggression," "assist" South Vietnam, and most

certainly, to terminate his authority to wage offensive warfare in Laos and Cambodia.

No one would question that the President retains his power, and duty, as Commander in Chief to protect the lives of Americans remaining in Vietnam, and to take all steps reasonably necessary to this end. Is it reasonable, however, to contend that American lives are being saved by giving close air support to Cambodian forces 60 miles from South Vietnam, engaged in opening a road through the Pich Nil Pass between Kompong Som and Phnom Penh? Under no military theory can this be claimed to be the interdiction of supply lines to the enemy forces which might pose a threat to American troops in South Vietnam.

Likewise, with regard to the recent invasion of Laos, can it honestly be argued that American lives are being saved by moving 9,000 American troops into the mountainous and rugged terrain on the Laotian border, and by flying thousands of bombing and helicopter support sorties into Laos itself?

For at least 6 months now, there has existed no major threat to the American troops remaining in Vietnam from the North Vietnamese troops scattered widely throughout Cambodia, Laos, and the jungles of South Vietnam. Present intelligence estimates consider North Vietnamese strength in Cambodia at not exceeding 55,000; in Laos, 70,000; and in South Vietnam 150,000; plus perhaps 120,000 Vietcong. These troops are allegedly hungry, of low morale, and at the end of supply lines hundreds of miles in length. They are opposed by South Vietnamese Army, regional, popular, and people's self-defense forces who outnumber them at least 4 to 1, and who are better armed, better fed, and better equipped. According to the official figures of the Department of Defense, during 1970, when the South Vietnamese forces could lure the North Vietnamese and Vietcong units into combat, the South Vietnamese killed their enemies at a 5-to-1 ratio. If the South Vietnamese Government forces outnumber their opponents by 4 to 1, and are killing them in combat at a 5-to-1 ratio, what possible risk is there to the American troops so effectively shielded by the victorious South Vietnamese? What need is there for any Americans to remain any longer in South Vietnam than the time necessary to march to the coastal cities and thence to the ships and aircraft waiting to bring them home?

The foregoing statistics tend to support the conclusion that the President's incursions into Laos and Cambodia are not intended to protect American lives, but rather to kill the maximum number of North Vietnamese possible, wherever they may be found, and despite whatever number of Laotian and Cambodian people and villages may have to be destroyed in the process. The real purpose is not to protect American lives, but to so damage the North Vietnamese capacity to wage war that we can leave Vietnam with a reasonable hope that South Vietnam's Government will not fall so rapidly that our tremendous expenditure

of both dollars and human life will be proven valueless and we will suffer the humiliation and defeat to which the President referred in his speech of some months ago.

I do not question the sincerity of purpose of the administration, and it is possible that the tactics involved may suffice to permit the South Vietnamese to preserve an independent new nation for some time after we have finally withdrawn. I do question, however, the administration's attempts to label the present massive aerial bombardment in Laos and Cambodia as an effort to save American lives. If the use of airpower is not to save American lives, then of course it can only be justified under some form of congressional authority to wage war, and it was precisely this authority which Congress withdrew from the President when the Gulf of Tonkin resolution was repealed.

I have heard it argued that the President's authority to use airpower in Laos and Cambodia can be implied from the language of the Cooper-Church amendment which we added to the supplemental foreign aid authorization bill last year. It is argued that by expressly limiting the use of ground combat troops in Laos and Cambodia, we impliedly authorized the use of airpower. This would be a valid argument, save for the fact that at the time Cooper-Church was adopted by both the House and Senate on December 22, the underlying Gulf of Tonkin authority to wage war in Southeast Asia was still in effect. It was not until 9 days later, on December 31, that the House and Senate approved the repeal of the Gulf of Tonkin resolution, and at the time Cooper-Church was adopted no one, with any certainty, could predict that Congress would ultimately rescind the Gulf of Tonkin resolution itself.

As one of the authors of the move to repeal the Gulf of Tonkin resolution in the House, I can confirm that the repealing amendment, originally introduced in October 1969, to be effective December 31, 1970, was accompanied by a letter to colleagues specifically stating that it was the authors' intention to terminate the warmaking authority of the President as of December 31, 1970.

A further argument of implied Presidential power has been advanced, that being that the long history of American Presidential commitment of U.S. Armed Forces in foreign countries shows that the President, by custom at least, has an inherent power to send American forces into combat to protect American lives and interests without a prior declaration of war and without consulting with the Congress.

Again, there is no question but that the President has this power under emergency circumstances, and that there have been occasions in our history when the President has exercised the power when it was extremely dubious that an emergency existed. There are over 130 instances where American military forces, usually marines, were sent into foreign countries without prior congressional action.

I have been unable to discover a single

instance in our history, however, where an American President ordered offensive operations in a foreign country immediately after Congress had specifically repealed a prior resolution authorizing him to wage war in such country.

Supreme Court decisions provide some basis for the conclusion that the President may have inherent powers in foreign affairs so long as Congress has not acted, but that the President's powers are limited once Congress specifically acts with respect to the situation involved.

In the case of the *Flying Fish*, in 1804, *Little v. Barreme*, 2 Cranch 170, Chief Justice Marshall ruled that the President did not have the power to seize a vessel bound from a French port, because Congress had previously passed a law permitting the seizure of vessels only if they were bound to a French port, not from such a port.

The opinion stated:

It is by no means clear that the president of the United States whose high duty it is to 'take care that the laws be faithfully executed,' and who is commander in chief of the armies and navies of the United States, might not, without any special authority for that purpose, in the then existing state of things, have empowered the officers commanding the armed vessels of the United States, to seize and send into port for adjudication, American vessels which were forfeited by being engaged in this illicit commerce. But when it is observed that (an act of Congress) gives a special authority to seize on the high seas, and limits that authority to the seizure of vessels bound, or sailing to, a French port, the legislature seems to have prescribed that the manner in which this law shall be carried into execution, was to exclude a seizure of any vessel not bound to a French port.

This same principle of law was later confirmed by the U.S. Supreme Court in 1952 when the Court held unconstitutional the seizure of the steel mills by President Truman on the basis that there was no statute which expressly or impliedly authorized such a seizure, and to the contrary, in enacting the Taft-Hartley Act in 1947, Congress had expressly refused to authorize governmental seizures of property as a means of preventing work stoppages and settling labor disputes. President Truman's action in the steel seizures, interestingly enough, provoked several House Republicans to demand his impeachment.

For all of these reasons, it seems possible that the President, in ordering the use of American airpower in Laos and Cambodia after the repeal of the Gulf of Tonkin resolution, has exceeded his constitutional powers as well as ignored the clear the clear message of congressional intent which that repeal represented.

I do not suggest that the case against the President is sufficient to justify the extraordinary remedy of impeachment which the Constitution gives to the Congress in cases of Presidential abuse of his obligation to "take care that the laws shall be faithfully executed." I do not advocate impeachment, but the question is certainly one which justifies a national discussion and debate, if only to bring home to the President the depth of despair many of us feel over his recent moves without prior consent of the Congress.

I think it worthy of note in these difficult times to recall the words of Edmund Randolph during the debate over the impeachment clause in the Constitutional Convention of 1787. As reported by James Madison, Randolph's argument was as follows:

The Executive will have great opportunities of abusing his power; particularly in time of war, when the military force, and in some respects the public money, will be in his hands. Should no regular punishment be provided, it will be irregularly inflicted by tumults and insurrections."

We need only to look back to the events of last May following the Cambodian invasion to recognize the validity of Mr. Randolph's prediction.

The great issue before us, however, is not what the President has done or has not done, but what Congress, and particularly the House of Representatives, should now do in its leadership capacity, in the Speaker's words, "its rightful place, a preeminent place among the branches of the National Government."

If I may, I would like to discuss for a moment the possibility that through habit or neglect, the House of Representatives has gradually abandoned some of its key constitutional responsibilities with respect to the executive branch of Government. In reviewing the history of major policy decisions in America, I am struck by the fact that some of our gravest policy errors have been attended by the near-unanimous support of the Congress itself and the American people. A unanimity of opinion at any given time is no guarantee that the chosen course of action is correct. Some examples of error might well include the deportation of Japanese-Americans in 1942, the McCarthyism furor of the early 1950's, the Gulf of Tonkin resolution of August 1964.

In reviewing the historical prerogatives of the legislative branch, it is apparent that the framers of the Constitution gave the war power to Congress because of a healthy fear and concern over its misuse by the executive branch.

Abraham Lincoln once described it thusly:

The provision of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our Convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

Earlier, Alexander Hamilton in *Federalist Paper No. XXVI*, had explained the reason for the limitation of funds for the standing army in a similar vein:

The legislature of the United States will be obliged by this provision, once at least in every two years, to deliberate upon the propriety of keeping a military force on foot; to come to a new resolution on the point; and to declare their sense of the matter, by a formal vote in the face of their constituents. They are not at liberty to vest in the executive department permanent funds for the support of an army, if they were even incautious enough to be willing to repose in it so improper a confidence.

Tying this together with the provision that only one branch of Government would face election every 2 years, the House of Representatives thus becomes the crucial body in the Government which must obtain and keep the approval of the people for any proposed course of action involving warfare. It seems particularly significant that the Constitution also reposes in the House the responsibility for initiating all revenue measures to tax the people for the support of the Government. Thus, the costs of war and standing armies must be justified by that body in the Government which faces the electorate not every 4 years or every 6 years, but every 2 years. Taken together, all of these provisions provide a constitutional safeguard to the American people that the use of armed force over any prolonged period will be regulated and controlled by those representatives closest to the people rather than by the Chief Executive.

This is not to derogate the powers of the President as Commander in Chief of the Armed Forces of the United States as to the conduct of a war once embarked upon by congressional authorization. However, as to the question of whether or not wars should be fought, whether other countries are to be invaded, and what expenditures will be authorized to support such wars, Congress not only has the sole power, but the sole obligation under the Constitution.

Against this background I would like to discuss some specific areas where it might be said that Congress has allowed its constitutional powers with respect to the war in Southeast Asia to be usurped and eroded.

First, We have repeatedly allowed the administration to conceal from both Congress and the American people facts which were highly relevant to our own decisionmaking process and the support of our constituents. For years, we permitted the administration to conceal the fact that we were bombing in Laos well beyond the area of the Ho Chi Minh Trail; American ground combat forces have been sent into Laos and told to conceal the fact; the present operation "Dewey Canyon II" is an expanded version of a former operation into Laos by American combat troops called "Dewey Canyon I"; the wives of American pilots shot down over Laos were instructed by our Defense Department not to reveal that their husbands had been shot down over Laos; we have pursued the fiction that American combat operations directed by the U.S. Ambassador and civilian employees of the Central Intelligence Agency in Laos did not really constitute American combat activity at all.

Perhaps, most amazingly of all, we have permitted the administration to conceal from most of us in the Congress the precise amount of the Defense Department appropriations necessary to conduct the war in Vietnam and Laos. Understandably, an administration which wants to retain popular support for a war in Southeast Asia may not want the American people to know how much that war is costing. That is no excuse, however, for the failure of the House of Representatives to insist that

the administration disclose both to us, and to our constituents, the true cost of the war and the diversion of defense funds authorized for other purposes which we might have felt could be more appropriately used other than in the rice paddies and jungles of Southeast Asia.

Second, As a corollary to our acceptance of the concealment of Vietnam war costs during our consideration of Defense Department budget requests, we have permitted our strategic weapons strength and research and development to lag behind that of our real Communist opponent, Soviet Russia. Shortly before his death, our distinguished colleague, Mendel Rivers, made an impassioned speech in this Chamber, suggesting that the United States had never been in graver peril because of the deterioration of our comparative strategic position vis-a-vis the Soviet Union. Mr. Rivers stated that the three basic reasons for this deterioration lay in our great expenditures in Vietnam over the previous 5 years, the inflation of which such expenditures were the primary cause, and increased domestic priorities. In his remarks, Mr. Rivers made it clear, to many of us for the first time, that in order to conduct the war in Vietnam, this country had cut back many essential defense programs of construction, repair and particularly in the field of research and development.

The magnitude of Russia's gain from our Vietnam involvement is reflected by the fact that while we have spent well over \$120 billion in Vietnam over the past 5 years, the Soviets have spent less than \$10 billion. Since their defense budgets are roughly similar to ours in size, say in the \$70 billion range, the \$110-plus billion saved by them has presumably gone into missiles, naval vessels, submarines and research and development which last year surpassed our own.

The Soviets must feel they are receiving a great deal of aid and comfort every day that we remain in Vietnam.

Third, We have tacitly permitted the United States to gradually adopt methods of waging war which are repugnant to our highest traditions of military history and honor. Having lost the stomach for fighting this war and suffering the casualties involved, we have grown to accept the idea of hiring mercenaries to do our fighting for us. We have paid the salaries of South Koreans, Thais and others, failing to connect this with our own history antipathy to the concept of the British hiring the hated Hessians to put down our own revolution against the British Crown.

Less than 25 years after Nuremberg, where we insisted that the wanton destruction of villages and the forced relocation of civilians should be considered war crimes against humanity, we adopted the same sort of tactics in Vietnam, forcing Vietnamese peasants to leave the villages and farmlands where they had lived for generations, and then destroying the villages themselves, as well as any of the inhabitants who might escape from our refugee centers and return to their home areas.

I was personally advised by a top CORP's official, while in Vietnam a year ago, that in a single province, Quang

Nam, American and allied forces had destroyed and razed 307 of the original 555 hamlets of the province. I was flown over square mile after square mile where every village, home, and treeline had been burned to the ground; this was part of a rice denial and search and destroy program admittedly based on the need to deny the Vietcong the ability to obtain food, hospitalization, cover and concealment which the villages would otherwise afford.

Granted that these tactics were necessary to save the lives of American boys committed to the pacification of the areas involved, should not the Congress long ago have weighed the benefits to be gained from fighting a war of this kind against the terrible break with our traditional concepts of military responsibility?

Fourth, We likewise seem to have fallen into the view, now so vigorously espoused by the President, that it is all right to destroy the villages and people of small countries like Laos and Cambodia, if we only do it through airpower, rather than in head-to-head ground combat where those who pull the triggers actually see the people they are killing. Somehow it is now acceptable to drop bombs from 50,000 feet while it is unacceptable to suffer the casualties incident to infantry warfare. I suspect that all over the world where unaligned peoples may be considering the relative merits of democracy versus communism, we are thoroughly hated and condemned for the disregard of human life and humanity we betray by our use of sophisticated airpower, napalm, and helicopter gunships against the people of villages like Skoun in Cambodia and Sarabane in Laos. In the long run, as we wage the continuing battle for the hearts and minds of people of other races against the blandishments of communism, we may very well have cause to rue the willingness of Congress to accept these particular decisions of our executive branch.

Fifth, We seem to have likewise fallen into an acceptance of the nomenclature thrust on us by the public relations experts of DOD and the White House—that the peasant soldiers against whom we fight are all "Communists," that somehow they are "wrong" to be fighting to reunite their homeland; that we are "right" in seeking to permanently divide Vietnam into a South Vietnam and a North Vietnam, this in spite of our acquiescence in the Geneva Accords of 1954 where the Viet Minh were promised that Vietnam would be reunited as one country within 2 years—and further in spite of our growing understanding that the most dangerous sources of world war III may well be those countries divided against the will of their peoples, Korea, Germany and, perhaps, the Middle East. We seem to have forgotten that the history of Vietnam is one of native inhabitants rebelling against a colonial power, France, in much the same way we once rebelled against Great Britain; that our love of country and knowledge of the terrain were the decisive factors in our own 8-year war against the world's mightiest military nation 200

years ago. We perhaps should be beginning to wonder what provides the staying power and will to fight for these impoverished, lean, and hungry people who have thus far remained steadfast in their devotion to their cause, despite the most massive bombing destruction in the history of the world.

Whatever our views on Vietnam policy, I should think we in the Congress might afford this worthy people the same grudging respect our fighting men have come to give them.

Sixth. We might also reflect on the secondary burdens that this continuing war has imposed on the basic military potential and strength of this country. We have managed to convince most of our young people that a Congress, as an institution, is unresponsive to their desire to refrain from killing people they do not hate, in a cause in which they do not believe. Since all of us in the Congress are beyond the age of required military service, I suspect we are prone to forget that fighting wars requires young 18- and 19-year-olds who are willing to take the risk of being blinded or losing both legs because of their belief that the Nation's interests and idealism justify that risk. Do any of us know any reasonably young men today who are willing to serve as combat infantrymen in a cause in which we have admittedly given up the will to win? In years to come, the United States will be in desperate need of professional military men who are the equivalent of our best minds in science, the professions and the business community. Our military establishment will need the pride and esprit de corps that have characterized it since Lexington and Concord. By turning away from the pleas of our young people to end this war now, we may be depriving our future military forces of the ability to attract men of the necessary dedication and abilities, no matter what pay raises we may choose to later give them from a Treasury already suffering a chronic deficit.

It has been my observation in combat circumstances that the bravest of men wish to avoid being killed during a retreat or in the final days of combat. Recent reports from Vietnam indicating that both enlisted men and junior officers are perilously close to direct disobedience of orders to attack raise the possibility of widespread mutiny that could endanger not only our ability to maintain a credible military deterrent, but which could further endanger the lives of any Americans the President decides should be left in Vietnam over the next several years.

Once a retreat is commenced, it can only accelerate; it cannot be interrupted or stopped. To the men who walk the rice paddies and fly the combat air missions, we have been in a full-scale retreat for some time. They are being asked to carry the sole burden of preventing shame and humiliation for an American people, most of whom are enjoying the benefits of the highest standard of living and conveniences the world has ever known. As the primary body which keeps them exposed to death or maiming, I suggest that it might be well for the

Congress to put a fixed termination date on their continued exposure to risks we do not share with them, if we are to meet our responsibility of protecting the Nation's security through a competent force in readiness in the years ahead.

Seventh. In addition to the secondary military problems caused by our continued involvement in Vietnam, what of the threat to our economic stability? In order to afford the costs of this war, we are embarking upon a new concept, that of a \$30 billion budget deficit over the next 2 years, concealed beneath the label of a "full employment budget." Inflation may or may not be under control, but the impacts of inflation have been disastrous to date, and as I have listened to the comments of my older and wiser colleagues during the past 2 years, I have gathered the impression that competent economists feel that Government deficit spending has been a primary cause of inflation. This was the primary argument advanced by the President last year when he asked us to sustain his vetoes of several hundred extra million dollars over his housing and education budget proposals. I have been accustomed to hear my Republican colleagues refer to the historic virtue of "fiscal responsibility" as a desirable congressional goal. If this is so, might we then not deliberate with some seriousness over whether we can afford to continue this war at the tremendous cost which the administration is so reluctant to specify in its otherwise carefully detailed budget?

Eighth. It is the situation of our prisoners of war that should perhaps cause our most serious reflection on the wisdom of the Government's present policies. The prisoners and their families after all, along with those who have been killed or wounded, are the individuals to whom this Nation owes the highest degree of effort and service, since they have been the very cutting edge of a national policy which has imposed hardship on a relatively small percentage of our people.

There has perhaps never been a body of American fighting men who carried out an American military policy more bravely and unselfishly.

It seems clear that the North Vietnamese are not about to release any of our prisoners so long as U.S. pilots continue to bomb in every country in Indochina. The North Vietnamese have made it clear that the prisoners will not be released until the last American has left Vietnam or the date of departure has been fixed with certainty. There is no cause to believe that any military action that the President has announced he will take will cause any softening of the North Vietnamese position. Indeed, White House spokesmen now concede that they have about given up hope of any success at the negotiating table. Under these circumstances, our continued presence in Vietnam can only prolong the period of captivity of our POW's. While there is no guarantee that our withdrawal from Vietnam will result in the speedy return of our prisoners, there is no reason to believe that they will not be returned when there is no benefit to the North Vietnamese in keeping them. This was

true of the *Pueblo* crew, and it is the general belief that the North Koreans have been far harsher and crueler captors than have the North Vietnamese.

There is also no real way we can insist upon better treatment of our POW's as long as it remains our policy to turn enemy POW's over to the tender mercies of the South Vietnamese, whose past cruelties to prisoners are fairly well documented.

For these reasons it would seem that the best means of helping our POW's and their families is to effect our withdrawal from South Vietnam at the earliest practicable date.

Ninth. In conclusion, I wonder if perhaps our primary duty in the Congress is not to show the Nation some leadership in the basic thought that we should be big enough to admit our mistakes. Clearly the administration is not about to admit something which nearly all of us now admit—that it was a mistake to have ignored the admonitions of Generals MacArthur and Ridgeway that we should not become involved in a land war on the Asian continent, considering the history and terrain of Vietnam—that it was a mistake to have stayed in as long as we did—and that it is a mistake to think that somehow we can now wrest victory out of defeat if we will only hang in a little longer and kill every possible North Vietnamese and Vietcong that we can find anywhere in Indochina, using only bombs, napalm, and strafing runs where the enemy has chosen to mix in with the native population.

There are a great many good things to do in America—building houses and rapid transit systems, doing research in medicine, high energy physics and better education methods, cleaning up our air and water. I should think that the chances of achieving a "generation of peace" might actually be enhanced if we could bring ourselves to stop participating in the killing of people in Southeast Asia and leave it to the Vietnamese themselves as to how they decide to govern themselves and possibly even reunite a country which, in times of peace, is one of the most beautiful in the world.

I suspect they will find peace with far fewer people killed than if we continue the authorization the President presently claims for the unlimited use of airpower.

Therefore, I would reiterate the hope that the House will give immediate consideration to both cutting off the funds for our involvement in Vietnam as of December 31, 1971, and for directing the early cessation of the use of airpower in Laos and Cambodia, two countries with which we are not at war and whose people can only suffer from our attempts to ally them with the present Government of South Vietnam.

I make these comments with the highest respect for our President, but in complete disagreement with this single aspect of the foreign policy which he now pursues. I hope to continue to support him in the challenging and innovative proposals he has offered in the domestic field, but I have a far greater hope that he and Dr. Kissinger will reconsider their Vietnam policy as stated as forcefully in yesterday's press interview.

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

Mr. McCLOSKEY. I yield to the gentleman from New York.

Mrs. ABZUG. Mr. Speaker, I commend the gentleman from California (Mr. McCLOSKEY) for his excellent remarks and for his constitutional treatment and historical treatment of what is indeed probably a high point of illegal activity on the part of the President of the United States. With the war in Indochina escalating, and President Nixon placing emphasis on the U.S. air role there and with the threat of South Vietnamese invasion of North Vietnam, Congress has seen its constitutional prerogatives violated by the executive branch, and Congress must indeed have its power restored. I agree with the gentleman from California, Mr. McCLOSKEY, that it can do so by voting to end this war by a date certain, by voting to withdraw all our troops in Indochina and by voting to cut off all funds for the war in Indochina by a date certain at the end of this year.

The administration's mounting of major invasion expeditions into the countries neighboring South Vietnam in violation of the neutrality and sovereignty of Laos and in violation of the Geneva Accords of 1962 and in violation of the clear intent of the Cooper-Church, if not the letter, has been scandalous enough.

In view of the possibility of a blatant and outright violation of Cooper-Church—and the news reports indicate more than mere possibility of such an affront to the Congress of the United States—I have today introduced a resolution into the House calling for an immediate on-the-spot investigation by the Government Operations Committee of possible violations of the Cooper-Church amendment passed by the 91st Congress. I think this investigation is necessary to determine the exact nature of the activities of the United States troops in Laos.

In the face of a rigid news embargo, the United Press International reported on February 10 that at least 100 American ground troops of the 3d Platoon, 7th Battalion, 17th Air Cavalry had entered Laos during the preceding 3 days and fought there.

The Columbia Broadcasting System reported in the first week of February on groups of GI's working in civilian clothes out of the Pnompenh Airport.

That same week an American soldier wearing a South Vietnamese Army uniform was brought back over the border by South Vietnamese troops.

A National Broadcasting Co. telephone poll of over 1,000 Americans discovered that 46 percent of the people interviewed in the sample believed American ground troops are fighting in Laos.

The administration will no doubt reassure us that these things are not as they seem to the press, to the Congress, to the American people; that soldiers on the ground in Laos recovering helicopters, fighting, being returned over the border were all part of our air support of the South Vietnamese invasion and, therefore, not in violation of public law.

For the Nixon administration is tak-

ing us deeper into the war rather than out of it, in express repudiation of the wishes of 73 percent of the American people. And of the NBC telephone survey only 14 percent of the sample felt that the current invasion would be of any help in getting the United States out of Southeast Asia. And 55 percent felt Congress ought to have a bigger role.

The Congress must respond to the mandate of the people. The Congress and the people of the United States must act to bring our illegal and immoral interference in Indochina to an end before the year is out, and those decisions must be based on facts and not administration reassurances.

Investigating allegations of clear violations of the congressional mandate to end the war in Laos is only a necessary beginning.

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

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

Mr. MIKVA. I thank the gentleman for yielding.

I wish to compliment the gentleman from California (Mr. McCLOSKEY) on seeking to focus the attention of his colleagues and the country on a war that has no end. I recognize how difficult it is for the gentleman in the well to criticize the Administration of his own party just as it was difficult for some of my predecessors on this side of the aisle to criticize the administration when it was of their own party.

As I read the President's remarks yesterday I could not help but think that they were so similar to the remarks of his predecessor. We seem to be threatening North Vietnam now with extended use of air power. It seems to me that a previous President threatened the North Vietnamese with the use of air power, too. We found out in 1965 and 1966 and 1967 and 1968, that the extended use of air power in North Vietnam did not bring the war to an end. I doubt that the bombardiers of 1971 are any more accurate than were those of earlier years. I doubt that we have any secret weapons with which we are going to make the air power more effective now than it was 5 years ago.

The President said yesterday that he would keep troops in South Vietnam as long as necessary in order to free our prisoners from the North Vietnamese prison camps. As the gentlemen in the well has pointed out, the easiest way to seek to get negotiations going on that kind of freedom would be if, at Paris, we would commit ourselves to a date certain when our troops would be leaving South Vietnam.

In short, it seems to me that this war without end continues to offer the same rhetoric day in and day out and year in and year out. It is very important, therefore, for the gentleman in the well to document the case against the war as he has done; there are some of us on both sides of the aisle who realize the deep concern he has shown and the difficulties he has carved out for himself in the role that he is playing. All I can say in reassurance is that if we find our way out of the miasma that we are in, it will be because of the efforts of the

gentleman in the well and others like him. I am proud to be one of his colleagues. His love of country is a benchmark for patriotism in its highest sense.

Mr. CARTER. Mr. Speaker, would the distinguished gentleman yield?

Mr. McCLOSKEY. Yes, I yield to my colleague from Kentucky.

Mr. CARTER. Mr. Speaker, I have opposed our being in Vietnam since I think it was a bad military move. However, I want to compliment the President for having removed 200,000 troops from South Vietnam.

About this so-called invasion in Laos, if we search the records today we will find that in 1966 under President Johnson we had no fewer than 5,000 soldiers of fortune or mercenaries in Laos.

If such an impeachment procedure were necessary, then it should have been taken at the time we had these troops in Laos in July of 1966.

I asked the acting Ambassador of Thailand if this was not true, that we had 5,000 troops and he said that the answer to that question was "No." A little later, however, as I left the room and he told me or confirmed that we actually had 5,000 troops there in Laos and that that was correct.

So, actually, today we have fewer people in Laos than we had at that time.

Of course, Mr. Speaker, many became excited about the incursion into Cambodia. I was upset about it at that time, but based upon the facts which have been developed later as to what has been accomplished as a result of that incursion, this was the most successful military operation of the war and was prosecuted in the most successful manner. Our casualty rate has dropped 50 percent and more.

Mr. Speaker, it is my feeling that we should continue to support the President in his attempt to withdraw our troops from South Vietnam.

Certainly, I wish to commend the President again upon his removal of 200,000 men from South Vietnam. In this instance, if he feels that by cutting the Ho Chi Minh Trail it will bring that goal nearer of the removal of all of our troops, then I would say to cut the Ho Chi Minh Trail.

Mr. McCLOSKEY. Mr. Speaker, in response to the gentleman's statement, apparently, the gentleman I do not believe heard the entirety of my remarks.

Mr. CARTER. I read about them in the press.

Mr. McCLOSKEY. During 1966 and up until the end of 1971 we did not have any troops in Laos. I want the record to show that the measure by which the Congress gave to the President the power to intervene, the Gulf of Tonkin resolution, has specifically since that time been repealed with reference to all of Southeast Asia.

Mr. CARTER. That is rather debatable.

Mr. McCLOSKEY. This is especially true since the repeal of the Gulf of Tonkin resolution which gave the President the power to act in this area up until December 31, 1970. However, there is a group today that says he still has that power but we must focus upon the question of the confrontation between

the President and the Congress on the one hand, because our commitments there before December 31, 1970, were clearly different than they are at this time since the repeal of the Gulf of Tonkin resolution.

Mr. CARTER. Mr. Speaker, if the gentleman will yield further, as far as I can find out there is no concrete evidence at the present time that we have men in Laos, contrary to some of the reports we hear on the floor.

I thank the distinguished gentleman for yielding.

Mr. McCLOSKEY. Mr. Speaker, I now yield to the gentleman from Illinois, Mr. ANDERSON.

Mr. ANDERSON of Illinois. Mr. Speaker, first of all I would certainly assure the gentleman now in the well that I do believe he is a man of courage, conviction, and compasion, and the remarks that I will make are not intended in any way to cast any doubt either on his patriotism or on his right to stand before this body and express the views that he has.

I would in general associate myself with the remarks of the gentleman from Kentucky (Mr. CARTER), in praising what actions the President has taken in an effort to wind down the war in Vietnam. My purpose in rising, however, is twofold: first of all to express appreciation to the gentleman for the fact that he has made it clear that he is not suggesting the impeachment of the President of the United States, contrary to what seems to have been implied in some newspaper stories. And secondly, that when he talks about a National discussion and debate, that he is talking about a discussion along the lines of his statement—which I think on the whole is one that has been pretty low keyed—a discussion which hinges on whether or not the President does in fact have the implied power under our Constitution to take the kind of action he has taken in defense of American soldiers in the field.

Mr. McCLOSKEY. That is correct.

Mr. ANDERSON of Illinois. On that score, if I may pursue that for one moment further, I think the gentleman's argument, as I have listened to his statement, and have rather quickly examined what is in the gentleman's prepared speech, seems to make much of the fact that the actions both with respect to Cambodia and Laos took place subsequent to the repeal of the Gulf of Tonkin resolution. For example, on page 7 of his prepared statement he says:

I have been unable to discover a single instance in our history, however, where an American President ordered offensive operations in a foreign country immediately after Congress had specifically repealed a prior resolution authorizing him to wage war in such country.

I would remind the gentleman that it was not this administration, but rather a prior administration, that regarded the Gulf of Tonkin resolution as the functional equivalent of a declaration of war. This has never been the position of the Nixon administration. Indeed, as I understand it, at the time the proposition of repeal of the Gulf of Tonkin resolution was before the other body the ad-

ministration expressed some disinterest in whether or not it was repealed at all, because the President was not resting his constitutional power upon what admittedly is a very fragile reed. I think it is already clear that it is on his implied power that the President bases his action to defend American forces in the field, and to protect those lives.

And even the gentleman in the well would concede, as he does on page 3 of his prepared statement:

No one would question that the President retains his power, and duty, as Commander-in-Chief to protect the lives of Americans remaining in Viet Nam, and to take all steps reasonably necessary to this end.

The question then is one, is it not, of judgment? The President and his advisers believe that this is the reasonable action to take, to try to cut off the trails in Laos, and to take actions against the sanctuaries in Cambodia, and does represent therefore action taken and designed for the purpose of defending American lives.

The gentleman in the well has drawn a contrary conclusion, to be sure. But is it not important to draw the distinction that the administration is not resting its authority in this case on the Gulf of Tonkin resolution? It therefore seems to me that the rationale of that does not have much relevance to the conclusions that the gentleman tries to make.

Mr. McCLOSKEY. In response to the gentleman from Illinois, I think the case of the intrusion into Laos to interdict the Ho Chi Minh Trail is far more reasonable argued as an action by the President to save American lives than was the January intrusion into Cambodia, because at the end of the Ho Chi Minh Trail are forces that can threaten the American Forces in Vietnam. With respect to the intrusion into Cambodia and the close air support to open the Pich Nil Pass last month, however, I do not believe it can be rationally argued that assisting Cambodian troops to open their own highway between their own seaport and their capital represents a saving of American lives. Certainly by doing this we do not interdict Communist supply lines which might pose a threat to American troops in South Vietnam.

I am reminded of the President's express statement on June 3 of last year when he said that future Cambodian air action would be limited to interdiction of enemy supply lines that might endanger American Forces in South Vietnam.

The use of close air support to assist the Cambodians to open the Pich Nil Pass cannot be considered except as an action to hurt the North Vietnamese who were trying to block the road.

I cannot conceive of any rational military theory that would say that the Pich Nil Pass action represented an attempt to interdict North Vietnamese supply lines. This is the reason that when those two cases are taken into context and read together, the inability to justify the Cambodian close air support effort in January as an interdiction of enemy supply lines casts some doubt on what the President's real intention is with respect

to the interdiction of the Ho Chi Minh Trail.

I agree with the gentleman that the present incursion into Laos could otherwise be considered a possible effort to protect American lives.

Mr. ANDERSON of Illinois. Mr. Speaker, if the gentleman will yield further, I do not profess to be a military expert. However, even as a layman it is not too difficult for me in retrospect to see the importance of the highway linking the port through which the POL supplies have to come and then go up to the capital of that country. In that way the highway might have a certain importance so far as maintaining the integrity of the country's defense is concerned and if all the defenses fell entirely, the country then again might become a sanctuary from which the enemy might launch operations against South Vietnam and the remaining American troops in South Vietnam.

It seems to me you can at least make that argument—and maybe we are elasticizing the meaning of the word "interdiction" and torturing it beyond its usual meaning.

It seems to me you can see some relationship between action along that highway and the protection of our American troops in South Vietnam.

Mr. McCLOSKEY. I agree with the gentleman. My only regret is the President chose to do this without prior consultation and consent of the Congress. We learned of this matter later than the North Vietnamese did and later than did the Laotians, Cambodians and the South Vietnamese. I think this is regrettable because under the gentleman's theory the President could interdict roads in China along which supplies are conveyed to North Vietnam and could bomb Russian ships in Haiphong Harbor. All things considered, it seems to me in this day and age that in a case where no emergency is involved, the Constitution reposes the war power in Congress alone. This justifies the Congress asking the President to advise us and obtain our consent before allowing acts of war in third countries that are not connected with the country in which our troops are presently engaged.

This is the reason I am making this speech today on the floor of the House. The thrust of my remarks is not so much in criticism of the President, but to point out that over the last several decades the constitutional powers and the responsibilities of the Congress have gradually been permitted to erode until today the Congress merely acts in acquiescence with whatever the Presidential decision happens to be.

It is time for the Congress to remedy this situation. The Congress should insist that its sole power to declare war be respected by the Chief Executive.

Congress has permitted itself to be informed of major changes in American foreign policy after they have occurred, rather than insisting that Congress participate in the decision itself as contemplated by the Constitution.

This is the problem that I address my remarks to, primarily that we in the Congress have that obligation to speak

up and participate in major decisions as to where and when we go to war.

Mr. ANDERSON of Illinois. I thank the gentleman.

Mr. McCLOSKEY. I thank the gentleman from Illinois for making clear what I tried to make clear. Under no circumstances have I urged the impeachment of the President nor do I urge the impeachment of the President. I have great respect for the President and the problems he has. But I disagree strenuously with him on these most recent decisions.

#### OUR ALLIES IN SOUTH VIETNAM DESERVE OUR FULL SUPPORT

The SPEAKER pro tempore (Mr. PATEN). Under previous order of the House, the gentleman from California (Mr. SCHMITZ) is recognized for 15 minutes.

Mr. SCHMITZ. Mr. Speaker, my presentation is on the same subject matter as that just concluded. This seems to be Marine Reserve Officers Day on this subject.

Mr. Speaker, the South Vietnamese thrust into areas of Laos under enemy control is one of the real breakthroughs in the allied effort against North Vietnamese aggression. It shows we have finally realized that limiting active opposition to enemy advances to those areas where he prefers to fight, and allowing him sanctuary in those areas he needs to prolong the war, are not sound methods of coping with an invasion.

Senator GOLDWATER has rightly stated that this operation against the enemy's lifeline—which has been the "death line" to tens of thousands of people in Southeast Asia—should have been carried out long ago. While we cannot bring back the lives which would have been saved if we had done this earlier, lives will be saved in the future by this action.

The truth is that the North Vietnamese Communists, heavily supplied by the Soviet bloc and Red China, have shown by word and deed that their protracted campaign to bring all of Indochina under their heel can be stopped only by removing the implements they need to continue the war. The level of Communist military activity is directly connected with their level of military capability. By cutting the enemy's lines of supply, the South Vietnamese are helping to choke off the war which has devastated their nation for so many years.

The United States has attempted to use diplomatic channels to deny the North Vietnamese resupply routes and staging areas in Laos. Just last March President Nixon sent a letter to both Prime Minister Wilson of Great Britain and Soviet Premier Kosygin, as cochairmen of the 1962 Geneva Accords which guaranteed the neutrality of Laos, asking their help in removing foreign troops from that nation. The President pointed out that the North Vietnamese had been violating this agreement ever since it went into effect, not only by using Laotian territory as a base and conduit for operations against their neighbors in South Vietnam and, more recently, Cambodia, but also by mounting military

campaigns against the neutralist government of Laos.

This appeal did not produce any notable results, probably because the manner in which the agreement was set up by our Ambassador at the time, Averell Harriman, required Soviet cooperation for enforcement. The Soviets would hardly be likely to agree to anything which would hinder the efforts of their North Vietnamese proxy forces who were doing so well against allied forces unwilling to utilize their superior power correctly.

This diplomatic failure left the broad complex of enemy roads and base camps, known to some as the Ho Chi Minh Trail and to others as Harriman's Highway, operational. During this year's dry season, which will end in May, the Communists have been starting up to 179 tons of supplies per day down this access route to their forces fighting in the south. While U.S. air power has been able to lower substantially the amount of material finally reaching the enemy forces in southern Laos, Cambodia and South Vietnam, the significant amount still getting through necessitated the disruption and blockage of this enemy resupply route by ground forces.

Air power by itself cannot halt a flow of this magnitude by attacking intermediate points of transshipment. It is necessary either to dam the flow with armed forces in the traffic-bearing area, or to degrade the ability of the source of output—North Vietnam—to initiate the shipments. While, in my view, the best strategy is to stem the flow at those areas which serve as initial points of input, such as Haiphong Harbor, the type of operation being carried out by our allies in Laos will certainly damage the enemy's capabilities and should be welcomed by all who wish to shorten the war.

There has been little reasonable criticism of this latest effort to hinder the Communist efforts to conquer Indochina. Many talk about "widening the war" and "opening a new front" leading to an "unending conflict," but in fact we are narrowing the areas where the enemy moves at will, responding to an enemy front which has been in existence for many years, and moving the enemy farther from those areas where he would like the conflict to take place. The enemy's containment of freedom's forces has ended.

Our allies have taken the initiative in defending their nation. They deserve our full support.

#### BILLS INTRODUCED BY CONGRESSMAN RONCALIO

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wyoming, Mr. RONCALIO, is recognized for 60 minutes.

##### PROPOSED AMENDMENT OF THE RAILWAY LABOR ACT

Mr. RONCALIO. Mr. Speaker, today I am introducing a bill to amend the Railway Labor Act to permit selective strikes in the railroad industry.

My proposal is a move in place of the Nixon administration's Emergency Public Interest Protection Act proposal

which provides for a single set of procedures for dealing with national emergency disputes in the transportation industries.

President Nixon's proposal would virtually scrap the Railway Labor Act by substituting the provisions of the Taft-Hartley Act and adding certain cumbersome procedures including a form of compulsory arbitration as a means of settling disputes in the transportation industries.

I believe that a concerted effort should be made to amend the Railway Labor Act to permit unhampered collective bargaining in all transportation industries.

##### DESIGNATING THE GROS VENTRE AREA OF THE TETON NATIONAL FOREST IN THE STATE OF WYOMING AS THE GROS VENTRE WILDERNESS AREA

Mr. Speaker, today I am introducing a bill to designate the Gros Ventre Area of the Teton National Forest in the State of Wyoming as the Gros Ventre Wilderness Area. In this I am joined by two of my colleagues, Mr. SAYLOR and Mr. EDMONDSON.

The Gros Ventre Area of the Teton is one of the most scenic areas in the world—one enjoyed not only by Wyomingites but by thousands of tourists who come to enjoy the Tetons in summer and in winter.

If I could do but one thing toward the preservation of scenic areas in the West it would be to set aside this beautiful area so that it might be enjoyed by your children and mine.

##### TIME FOR A BASIC CHANGE

Mr. Speaker, the 92d Congress bears the awesome responsibility of resolving an environmental and governmental crisis unequaled in the history of this Nation.

At the core of this problem is the chaotic growth of metropolitan areas. The cumulative effect of the attending demands on our human and physical resources represents a genuine threat to our very survival.

In this plight of the cities, Washington seems to be sorrowfully leading the Nation. During the last decade alone, Washington has experienced a growth rate of 38 percent, second only to that of Los Angeles.

In this period, the gain in office space alone has exceeded 45 million square feet, and the groundwork has been set up for an additional 55 million square feet of office space in the next 10 years.

The consequences of this topsylike growth are regrettably manifest. The congestion and destruction of environment even now threatens to make Washington a capital example of the host of problems this Congress must resolve.

I direct the attention of my colleagues to an isolated, but not insignificant, instance of this irrational and inhumane concentration of resources.

In the Washington Post of January 15, 1971, plans were outlined for the movement of the U.S. Army Materiel Command from its temporary buildings at National Airport to two new, privately owned buildings in Alexandria, Va.

The selection of permanent head-

quarters for this vital installation represented an excellent opportunity to reverse this self-destructive policy of overcentralization.

Instead, the Federal Government has once again ignored its capability to disperse and deploy population and has reached a decision which will aggravate the problem.

The cramming of yet another Department of Defense agency into the Greater Washington area appears to me to violate the best interests not only of the defense of America, but also of environmental improvement, pollution abatement, and of the general quality of living in this city.

I have respectfully submitted to the Secretary of the Army an alternative proposal which I believe could honestly command the support of millions of Americans.

The Army Materiel Command Headquarters could be located in any one of some 45 States away from this general area, States where a Federal installation would represent a welcome and beneficial introduction of population.

As an illustration, I would report that between 1960 and 1968, the number of persons employed by the Federal Government actually declined in four States: Alabama, Louisiana, Nebraska, and Maine.

In my home State of Wyoming, the net gain was 40 jobs, the smallest net gain in the Union.

In contrast, the States of Virginia, Maryland, California, and Texas showed a combined gain of 222,899.

I believe the location of the permanent headquarters of the Army Materiel Command in an area of the country not suffering from the exodus from the cities and their satellite suburbs would not only relieve the pressure on Washington, but would also result in excellent dispersal, a commonsense deployment of population, and a long overdue recognition that a reasonable and balanced growth throughout the Nation is imperative to survival.

I respectfully submit for the attention of my colleagues both the newspaper article from the Washington Post describing the proposal and the text of my letter to the Secretary of the Army, Stanley Resor, calling attention to the fact that that move should be stopped.

The letter and document referred to are as follows:

MATERIAL COMMAND TO BE RELOCATED  
(By Paul G. Edwards)

The U.S. Army Materiel Command, now housed in World War II temporary buildings at National Airport, will be relocated in a new office building to be built in Alexandria's Capital Beltway corridor, city and federal officials said yesterday.

The agency's move to a privately owned building is expected to cost at least \$10 million and will give a significant boost to Alexandria's property tax base. The move also may result in the razing of the bleak-looking temporary buildings now lining George Washington Memorial Parkway at the airport.

The impending relocation was first announced by City Councilman Wiley F. Mitchell Jr. He had headed a long campaign by

Alexandria officials to win a bigger share of government office space in privately owned buildings leased by the General Services Administration.

A GSA spokesman said the agency has advertised for 455,326 square feet of office space to accommodate the Materiel Command and will not locate the building anywhere but in Alexandria. Two proposals to construct the buildings have been made and will be reviewed by the GSA Jan. 21, the spokesman said.

The spokesman would not identify the bidders, but there are only two building permits currently listed in Alexandria for structures large enough to accommodate the agency. GSA requires bidders to have building permits in hand.

Both were issued Dec. 29. One went to real estate investor Hubert Hoffman for a 13-story building on Eisenhower Avenue east of Telegraph Road and the other to the LNT Corp. for an 11-story building on Eisenhower Avenue south of the Army's Cameron Station supply depot.

Each application estimated the cost of the building at \$10 million. Permit estimates usually are conservative.

In their campaign for GSA-leased space, city officials have argued that Alexandria has done a better job than any other suburban Washington jurisdiction of meeting the need for low- and moderate-income housing, but has fared the worst in the competition for federal agencies.

GSA has been criticized for moving large agencies out of Washington and into high-priced housing areas, such as Montgomery County, without regard for low-income black employees who cannot afford to commute long distances or to buy suburban housing.

Alexandria's supply of low- and moderate-income housing is not sufficient to meet the demand. But in their campaign for office space, officials cited the city's 1,034 public housing units, the City Council's encouragement of housing projects that offer federal rent and mortgage payment subsidies, and a significant supply of moderately priced private housing in the city's northeast and southern sections.

The city campaign also included complaints to GSA that millions of square feet in government office space has been leased in Arlington's Rosslyn and Crystal City areas in recent years, although there is no publicly assisted housing in the county.

The Materiel Command directs development, production, procurement and maintenance of all materials used by the Army.

The headquarters at National Airport employs 2,803 persons, all but 304 of them civilians. It has been located in temporary building T-7 for nine years.

GSA officials could not confirm yesterday that T-7 would be demolished after the new building is occupied, but the government has followed a policy in recent years of razing temporary buildings as agencies are relocated.

FEBRUARY 17, 1971.

HON. STANLEY D. RESOR,  
Secretary of the Army,  
The Pentagon,  
Washington, D.C.

MY DEAR MR. SECRETARY: I write to register my objection to the proposed move of the Army Materiel Command from its present location at Washington National Airport to two "leased" buildings in the heart of Alexandria. I would also like to know if these new buildings are now being built or are yet to be built, and I would like the latest information regarding the posture of this proposed move.

The cramming of yet another Department of Defense agency into the greater Washington area appears to me to violate the best

interests, not only for the defense of America, but also for environmental improvement, for pollution abatement and for generally trying to improve living and working conditions in the Washington area.

I respectfully submit that there are numerous potential site locations in some 45 states away from this general area which would prove more satisfactory and more adequate to serve the function of the Army Materiel Command that would be more acceptable to the general defense of the Nation and more beneficial to the country than the planned change which you have announced.

Our largest American cities already suffer from overconcentration of population. Washington seems to sorrowfully lead the rest. While the movement of the Materiel complex less than a half mile or so to Alexandria would only aggravate environmental problems, its location to any of the remaining open areas of America would result in excellent dispersal, a common sense deployment long overdue if even the most basic laws of survival are to be heeded in this country.

I would be grateful to you for a review of this decision.

Respectfully yours,

TENO RONCALIO,  
Member of Congress.

Mr. RONCALIO, Mr. Speaker, I submit that there ought to be an end to further construction, to housing Federal facilities in the Greater Metropolitan Washington area. I believe the statistics will show that if one-third of all governmental activity in this area were now to be moved elsewhere, that the natural ordinary growth of this area would not be impeded in any way. It is the only way in which I see any hope to alleviate the congestion and the environmental destruction, the choked highways, the impossible transportation problems that seem to come now and plague what was once our beautiful Washington area.

In conclusion, Mr. Speaker, this morning at the White House the President of the United States ended a meeting with leaders of the House and the Senate touching on the highlights of executive reorganization, the need for reform for the 1970's, and for a renewal of progress which is so necessary in the 1970's. We were reminded by the President himself that there is growing in this Nation a distrust and a disgust with men in public life and a frustration on the part of all the people in this Nation with their elected public leaders—we politicians. There is need for the executive reorganization and the reducing of Cabinet departments from 12 to nine as is now requested by the President. We have observed a number of major independent agencies which have grown from 27 to 41 in less than a decade. We now see the number of Washington Federal employees at nearly 3 million and a budget which has grown from \$42 billion to well over \$200 billion. We have seen domestic programs and categorical grant-in-aid programs that require a needed revenue-sharing program which is now foremost in this administration's mind. The specific needs are present for physical as well as structural reorganization of the executive departments. I submit that it must be accomplished physically as well as organizationally so that the day may

come, Mr. Speaker, when in this great Capital of ours there will be a White House, the head of the executive branch of the Government, the Department of State, the Department of the Treasury, the Department of Defense, and the Department of Justice and their related agencies.

All other structures, functions, bureaus, agencies, offices, and creations of this Government should fall into four additional Cabinet positions as now requested by the President: namely, the Department of Natural Resources, the Department of Human Resources, the Department of Economic Development, and the Department of Community Development. Each and every person employed in these latter four organizations, in those four departments, should be moved away from the Greater Metropolitan area if this area is to find a lasting solution to its problems, and if the quality of life is to be improved in the National Capital.

#### LEGISLATIVE PROGRAM OF VETERANS OF WORLD WAR I

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. HALEY) is recognized for 20 minutes.

Mr. HALEY. Mr. Speaker, on February 10, 1971, the Committee on Veterans' Affairs heard testimony from the national commander of the Veterans of World War I, Mr. J. B. Koch, who presented the legislative program of his organization for the 92d Congress.

I think it is important that this entire body be made aware of some of the needs of this group of combat veterans who so valiantly served our Nation in time of peril.

I would therefore like to include in the RECORD the following transcript of Mr. Koch's presentation to the House Veterans' Affairs Committee:

##### PRESENTATION BY J. B. KOCH

Mister Chairman and members of this distinguished committee: It is a privilege for me to appear before you to present the legislative program of the Veterans of World War I of the U.S.A., Inc., and I express my sincere gratitude for the opportunity.

The Veterans of World War I of the U.S.A. believe that the contribution America's veterans have made during the first 200 years of our history has insured our security. And that in the future, our security, our stability, our economic progress and moral fiber will be measured in proportion to the willingness of our citizens to render service for our country.

Twice in our lifetime, the veteran has stood between the crushing wheels of tyranny and freedom. We represent that group of veterans who, in 1917 and 1918, met the most powerful war machine the world had known to that time. An imperial army with a will to win and the power to do so, until they met this American Army only 30 miles from Paris on May 30, 1918 and were stopped and thrown back and crushed November 11, 1918.

Later, in 1941, some of us, and our sons, had the task of standing between the worldwide forces of the Axis Powers and dictatorship of Fascism, and the freedom of our homes in America in the greatest war known

to man. We would not be here today enjoying the freedom we take for granted had it not been for the dedication of these men standing firm before, and throwing back, those forces who would have destroyed us.

We believe, and logic will attest, that America with all her power, factories, teaming cities, schools and homes owes its existence to her veterans who in former years believed in the principles upon which our Country was founded, and made their contribution of service in uniformed services, and as veterans, stand today as a united block espousing the same patriotic spirit of earlier years.

We believe that the existence of America, her strength and her prestige, now and in the future, continues to depend upon this contribution of her citizens of service to our country in the uniformed forces, and that should any generation fail in their contribution of participation in the service of our country, America would take a place in the history of the future only as a Nation that was, for our enemies would crush us. There is no alternative.

We also believe that the continued success of our way of life as a Nation of prestige and power, depends upon the mutual obligation and commitment between government and its citizens.

As compensation to veterans for their services, the government has accepted some basic principles as fundamental commitments to the past, present, and future veterans. The implementation of these is the concern of our organization. And we recommend to the Congress to strengthen the laws governing this, and to the Administrative Branch of our government to execute them as fundamental to the needs of American veterans.

##### 1. Hospitalization:

We believe that the Veterans Administration should be adequately funded to care for the needs of this group of special citizens who, by their commitment to service for their country, deserve special consideration above those who have not, and did not, and some were not willing to make a contribution for their country. We recommend the up-dating of many of our V.A. facilities to meet current needs of modern equipment. That the staff and equipment be enlarged to meet the present needs. Our findings are that there is a shortage of medical and nursing personnel. This we recommend be given high priority.

##### a. Hospitalization for the families of all combat veterans.

In view of the hospitalization privilege of those on public welfare who have made no contribution to the preservation of this nation, we recommend that the families of all combat veterans of all wars be eligible for hospitalization in Veterans Administration Hospitals. As stated before, we believe that veterans and their families should have preferential treatment, not less.

##### b. We believe that prescription drugs should be provided on an outpatient basis to cases after they leave the hospital by the government, or prior to hospitalization if the attending physician deems it necessary to all combat veterans.

##### 2. Nursing Homes:

We believe that the time limit clause in Nursing Home care should be eliminated.

##### 3. National Cemeteries:

We believe that our National Cemetery system should be placed under the jurisdiction of the Veterans Administration. We further believe that Arlington National Cemetery should be opened to all veterans until filled, and when filled, be recognized as a National Shrine. And, that additional space be acquired adjacent to the National Capitol Area for another National Cemetery.

We recommend that National Cemeteries be provided in areas of population shifts to meet the needs of veterans who desire to be interred in a National Cemetery or Crematory.

##### 4. Burial:

We believe that the cost of burial has become so expensive that the present allowance is unrealistic, and recommend that the burial allowance be increased to \$400.00 with an additional \$150.00 allowed toward the purchase of a burial lot for those desiring to be buried in a private cemetery, or being denied burial in a National Cemetery.

##### 5. Certain funds not be counted as income for pension purposes.

Inasmuch as insurance and retirement income is a part of our economic system, we believe that income from any program to which a veteran has contributed should not be counted as income for pension purposes.

##### 6. Wife's income not to be counted against veteran for pension purposes.

According to our records, certain veterans have lost their pension or had it drastically reduced due to his wife's income being charged to the veteran. Example, a veteran whose wife while working did not affect the veteran's pension, after her retirement with less income, her retirement income was charged against the veteran and the total, though less than formerly, caused the veteran to go over the limit and he lost his pension.

We feel this is discriminatory, and recommend that the wife's income from whatever source be excluded as income for veterans' pension purposes.

##### 7. Increase in pension in laws prior to July 1, 1960:

The veterans of all categories acknowledge with gratitude the recent enactment of P.L. 91-588, and express our thanks to the Congress for the passage of H.R. 15911, and to the President for signing it into law. This law provides among other things, an average increase in pensions of approximately 9.5 percent.

We believe and pray the Congress to introduce legislation granting a similar increase of 9.5 percent to the pension of veterans and widows on all laws in effect prior to July 1, 1960, and earnestly solicit the President to sign such legislation granting this small group of our oldest veterans and widows a cost of living increase.

##### 8. Life Insurance as income:

Inasmuch as government Life Insurance beneficiaries need not consider the proceeds as income from that source, and we feel rightly so, we find that many veterans dropped their government Life Insurance, and have Commercial life insurance, and since many widows and dependent parents receiving commercial life insurance settlements upon the death of a veteran are eliminated from V.A. pension benefits for the year in which the settlement is made, we recommend that the law be amended to read, "All over \$10,000 excluded" in each column after "Commercial Life Insurance."

##### 9. Internal Security:

We reaffirm our complete opposition to Communism, Fascism and World Government. We wholeheartedly oppose any weakening of any of the security laws of the United States, and urge further strengthening when needed.

We support both recognition and toleration of the right of peaceful and honest dissent by sincere and loyal citizens. However, we urge prosecution and punishment of all who encroach upon the rights of others by voice or act, or who engage in vandalism under the guise of dissent. We endorse and support the Federal Bureau of Investigation, and all other Federal, State and local law enforcement agencies, including the National

Guard, the Internal Security Committee of the House and Senate, and other Congressional Committees whose purpose it is to strengthen and protect our country from subversive forces of whatever alien philosophy of government they represent. We call upon the Congress of the United States to enact legislation specifically outlawing groups and organizations responsible for campaigns against the internal security of this nation.

We urge the vigorous prosecution of all who violate the provisions of the Selective Service Act.

We urge the Attorney General of the United States to make a review of all subversive organizations of the United States and make public the list enabling our citizens an opportunity to know who is for our country, and those who seek its overthrow. And further, we urge that Federal Funds be denied to any organization engaged in violent or subversive actions.

We, the Veterans of World War I of the United States of America, believe that the security of this Nation is paramount to individual welfare.

Mr. Chairman, this is the legislative program of the Veterans of World War I of the U.S.A., Inc., and again, we thank you for the privilege of appearing before you and the distinguished members of your committee to make our presentation.

#### ABOLISH STRIP MINING OF COAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 15 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, minerals have always played an important role in the development of the United States. Without minerals, many of the businesses and household goods we take for granted could not have been developed. Without mining, we would lack the minerals we need to maintain our present standards and to increase our growth in the future.

According to a January 25, 1971, press release of the Bureau of Mines, the "mineral industry output was valued at \$29.5 billion in 1970." The Bureau said this represents a "value gain of \$2.6 billion over 1969," but much of that gain "was directly attributable to higher prices."

One of the most important of these minerals is coal. The demand for coal has risen sharply since the early 1960's. Production of bituminous coal and lignite rose nearly 5 percent from 560.5 million tons in 1969 to an estimated 590 million tons in 1970, according to the Bureau of Mines. The output of Pennsylvania anthracite declined in 1970 to an estimated 9.3 million tons. Domestic consumptions of bituminous coal rose to 519 million tons in 1970, up 12 million tons from 1969. The foreign market for bituminous coal grew by about 13 million tons in 1970 over the 56 million tons exported in 1969.

But this production over the years has occurred with little or no concern for the consequences to our environment from mining. This fact is clearly stated in the Bureau of Mines 1969 draft report "Environmental Effects of Underground Mining and of Mineral Processing" which was made available for review by the

press and the public at the Bureau of Mines but has never been published as a report to Congress as promised by the Interior Department in March 1968. The draft report states on page 2:

*The by-products and waste generated by mining and mineral processing activities have deleterious and often costly effects on both man and his environment. Our mining forefathers, hard pressed to satisfy the demands of a rapidly expanding manufacturing industry, gave scant heed to the adverse environmental effects which might follow their persistent burrowing beneath the earth's surface for those minerals so urgently needed. The country was big and the population small and widely dispersed. The Nation demanded the minerals and was willing to accept the then relatively insignificant environmental disturbances associated with mining and processing. Under such conditions it is easy to understand the philosophy of those early operators.*

*Today, however, the cumulative damage is no longer insignificant and each year our environment becomes more and more degraded.*

*Projections of the Nation's future needs for the products of mining and mineral processing industries foreshadow the possibility of much greater damage to our environment than we are now experiencing. (Italics supplied.)*

I am not ready to sit by and let "the philosophy of those early operators" which, all too often, still remains the philosophy of present-day coal operators be applied to current mining so that the Bureau's prediction of "greater damage to our environment" will come true.

I do not believe the public is willing to accept that philosophy either. Too much environmental damage has already occurred from mineral development.

I believe that is possible with available technology to develop our coal resources for society's benefits with little damage to our environment. I do not, however, believe it is possible or practicable to do so through surface coal mining operations, because the resultant damage to the environment by such operations is so great that even the best of reclamation practices does not eliminate some of its ugly scars, such as highwalls.

The bill which I am introducing today—with 33 cosponsors from 16 States—is designed to cope with the problems of environmental damage associated with coal mining. Let me now discuss some of its principal features:

First, my bill applies to surface and underground coal mines located or planned anywhere in the United States, including those in Federal lands and Indian lands.

The administration's bill transmitted to the Congress on February 10, 1971, does not apply to Indian lands. Further, the administration's bill does not require any regulation of these operations in the case of coal mining on "federally owned lands or land held in trust by the United States for Indians." It merely authorizes—see title III—Federal agencies "which have jurisdiction over land on which mining operations are permitted"—but apparently not those where minerals are reserved—to promulgate, at their discretion, "environmental reg-

ulations to govern such mining operations."

In my judgment this is a significantly weak feature of the administration's bill. The coal industry—indeed the oil industry—is turning more and more to the public lands of the United States to develop the coal resources therein. Why should the administration, in one breath, tell the States that they must regulate their coal mining operations to protect our environment, but, in another, say that, as to Federal lands and Indian lands located within the States, the Federal Government may choose to regulate these operations?

The administration's bill covers all minerals.

My bill applies only to coal mining operations. I believe that the principal environmental problem that has caught the attention of the public is coal mining. I do not wish to confuse this issue by trying to regulate these other industries at the same time, although I would not object to efforts to control all minerals where necessary.

Second, my bill provides that it be administered by the Environmental Protection Agency.

The administration's bill proposes that the Interior Department administer the program.

The Interior Department is a management agency; it manages lands and resources. It is also interested in increased mineral production. Its record in trying to regulate the coal industry for health and safety has been dismal.

My bill and, for that matter, the administration's bill, does not provide a management function. Both bills are standard-setting and regulatory bills. EPA now has a similar function in the case of air and water pollution control and the control of pesticides. Many of the environmental problems associated with coal mining center around air and water pollution. It is, therefore, logical and reasonable for EPA to have this function. Furthermore, inasmuch as forest lands of the Department of Agriculture's Forest Service are involved, it is logical to place control in the Environmental Protection Agency rather than the Interior Department.

Third, my bill declares that "the public has a right to enjoy a safe and healthy human environment" and to expect that Federal, State, and local governments "will protect this right."

The administration's bill has no similar declaration.

Fourth, my bill prohibits the opening of any new abandoned, or inactive surface coal mine. It also requires, in the case of existing surface coal mines, that EPA shall promulgate regulations within 30 days after enactment governing the content of reclamation plans for such mines; the regulations shall require that all surface coal mining operations shall cease within 6 months after enactment, except those necessary to reclaim the lands; the operators of such mines shall submit for EPA's approval reclamation plans within 60 days after enactment; and the failure of an operator to submit a plan for approval or to comply with it

shall not relieve him of his responsibility to do so.

The administration's bill does not prohibit all surface coal mining. In fact, for at least 2 years such mining would go unregulated under the administration's bill.

The Bureau of Mines in 1965 said that over 1.3 million acres in the United States had been strip mined by coal operators. The Bureau estimates that over the last 6 years another 480,000 acres have been stripped by such operators. Of that total, the Bureau estimates that only 56,000 acres have been reclaimed. Need I say more?

Fifth, my bill would prohibit any underground and surface coal mining in areas of the national wilderness system.

The administration's bill has no similar provision.

Sixth, my bill would require that no surface coal mining be conducted at national forests, and that underground coal mining in the national forests be conducted so as not to damage or destroy any area of the forests or the natural resources thereof.

The administration's bill has no similar provision.

Seventh, my bill would control underground coal mining so as to reduce or eliminate adverse environmental effects. It would require that EPA publish, within 90 days after enactment, regulations prescribing national environmental control standards for active and planned underground coal mines and that those regulations, after public comment, shall be finally promulgated 90 days later. Then, each of the 50 States must adopt, after public hearings, and submit to EPA, within 6 months after such promulgation, a plan for the effective implementation, maintenance, and enforcement of these promulgated EPA regulations. EPA will approve those plans which provide for permits or licenses for underground coal mines and for renewal thereof at least every 3 years; for performance bonds; for reports on the actions taken or planned to protect the environment and the effectiveness of such actions; for prohibiting the opening of new underground coal mines where such mining would result in a violation of applicable air or water quality standards or would be detrimental to health or welfare; for timetables to insure compliance with the plan; and for periodic revision of the plans.

If EPA finds that a State has failed to submit a plan, or that it has been disapproved, or that a State fails to make revisions in it after notice from EPA, the Administrator of the Environmental Protection Agency must issue regulations covering such operations in the State which shall then apply to such operations.

The administration's bill would give the States up to 2 years to submit approvable regulations governing surface and underground coal mines.

The administration's bill also provides, in section 201(a)(2) that the mining operations must not "result in a violation of applicable water or air quality standards." But section 201(b) of the admin-

istration's bill directs that the State regulations "shall be further elaborated" by the Secretary of the Interior through "guidelines" which he must issue 30 days after enactment. These are issued without any opportunity for public comment on them. We have seen the disastrous effects of not providing for public review of regulations and guidelines before they are finalized in the case of coal mine health and safety regulations published by Under Secretary Fred J. Russell—since resigned.

This section of the administration's bill also directs that the guidelines "shall attempt to assure that State regulations provide the operator of a mining operation sufficient flexibility to choose the most economically efficient means of meeting the requirements of section 201(a)(2)" which relate to air and water quality standards.

I cannot understand the meaning of this provision or the need for it. Neither the Clean Air Act, nor the Federal Water Pollution Control Act, prevent anyone subject to air or water quality standards from choosing whatever means necessary to achieve the requirements of the standards. Thus, this provision is not necessary.

If that is the case, why is it in the bill?

The Clean Air Act amendments of 1970 specifically provide that air quality standards and requirements are mandatory and that only technological considerations, not economic considerations will be applied. This provision of the administration's bill appears to change this requirement of the 1970 law. I hope that the report of EPA, which is required under section 309 of the Clean Air Act in proposed legislation of a Federal agency, and the environmental statement of the Interior Department, under the National Environmental Policy Act, will clarify this point. I fail to see how we can ever achieve the goals of the Clean Air Act and the Federal Water Pollution Control Act if we give this "flexibility" to the coal operators.

The administration's bill provides that if a State fails to submit environmental regulations within 2 years after enactment, the Secretary of the Interior must "promptly" issue them, but no time is established for doing so.

Eighth, my bill provides for civil and criminal penalties and for injunctions and other actions to enforce its provisions, regulations, and plans.

The administration's bill has similar provisions, but its civil penalties are only applied after 15 days of continuing violations.

Ninth, my bill provides for citizen class action suits as does the Clean Air Act Amendments of 1970.

The administration's bill contains no similar provision.

Tenth, my bill protects employees who notify EPA of violations or testify regarding enforcement of the act from being discharged or discriminated against. This provision is also in the Federal Coal Mine Health and Safety Act of 1969.

The administration's bill does not. Eleventh, my bill provides up to 90 percent grants for reclaiming abandoned

or inactive coal mines under plans to be submitted to EPA for approval and where the Administrator finds such reclaiming is feasible. The requirements for such plans is set forth in the bill.

The administration's bill has no similar provision.

Mr. Speaker, I believe that my bill, which is cosponsored by 33 of my colleagues, will provide greater protection to our environment than the administration's bill. I believe that this legislation is long overdue. The public is demanding it. Let us respond to this demand.

At this point, there follows a list of cosponsors, a "fact sheet" containing its provisions, the text of the bill, and a public statement I made upon introduction of the bill:

COSPONSORS OF ANTI-STRIP-MINING BILL

Representative Bella Abzug, Democrat, of New York.

Representative Jonathan Bingham, Democrat, of New York.

Representative Phillip Burton, Democrat, of California.

Representative Silvio O. Conte, Republican, of Massachusetts.

Representative John D. Dingell, Democrat, of Michigan.

Representative John Dow, Democrat, of New York.

Representative Robert Eckhardt, Democrat, of Texas.

Representative Thomas S. Foley, Democrat, of Washington.

Representative William Ford, Democrat, of Michigan.

Representative Cornelius Gallagher, Democrat, of New Jersey.

Representative Henry Gonzalez, Democrat, of Texas.

Representative Ella T. Grasso, Democrat, of Connecticut.

Representative Seymour Halpern, Republican, of New York.

Representative Michael Harrington, Democrat, of Massachusetts.

Representative William D. Hathaway, Democrat, of Maine.

Representative Augustus Hawkins, Democrat, of California.

Representative Henry Helstoski, Democrat, of New Jersey.

Representative Robert Leggett, Democrat, of California.

Representative Clarence Long, Democrat, of Maryland.

Representative Abner Mikva, Democrat, of Illinois.

Representative Patsy Mink, Democrat, of Hawaii.

Representative Parren Mitchell, Democrat, of Maryland.

Representative F. Bradford Morse, Republican, of Massachusetts.

Representative John Moss, Democrat, of California.

Representative Otis Pike, Democrat, of New York.

Representative Ogden Reid, Republican, of New York.

Representative J. Edward Roush, Democrat, of Indiana.

Representative Charles W. Sandman, Jr., Republican, of New Jersey.

Representative Paul Sarbanes, Democrat, of Maryland.

Representative John Seiberling, Democrat, of Ohio.

Representative Guy Vander Jagt, Republican, of Michigan.

Representative Charles A. Vanik, Democrat, of Ohio.

Representative Lawrence Williams, Republican, of Pennsylvania.

## FACT SHEET

	My bill	Administration bill of Feb. 10, 1971
1. Does the bill apply to all underground and surface coal mines?	Yes	No.
2. Are regulations required for all such mines?	Yes	No. The administration's bill does not require it for Federal lands or Indian lands, but merely authorizes it on these lands at the discretion of Federal agencies.
3. Does it apply to Indian lands?	Yes	No.
4. Does it apply to all minerals?	No—just coal.	Yes.
5. Who administers the bill?	EPA	Interior Department.
6. Would the bill prohibit all surface coal mining within 6 months?	Yes	No.
7. Would the bill prohibit underground and surface coal mining in wilderness areas?	Yes	No.
8. Would it limit underground coal mining in national forests?	Yes	No.
9. Will EPA issue national standards of environmental control for active and planned underground coal mines?	Yes—they must be published within 90 days after enactment and effective 90 days later.	No.
10. Must 50 States submit plans or regulations for reclamation at active and planned underground coal mines?	Yes—within 1 year after enactment.	Yes—within 2 years after enactment and covers surface mines also.
11. Does the bill provide civil and criminal penalties and injunctions?	Yes, civil penalties—\$10,000 for each violation; criminal penalties of \$25,000 or imprisonment for 1st violation, and \$50,000 for 2nd.	Yes, civil penalties—\$1,000 per day after 1st 15 days; criminal—\$10,000 for violations or 1-year imprisonment.
12. Does the bill provide for class action suits similar to the Clean Air Act?	Yes	No.
13. Does the bill provide grants for reclaiming abandoned and inactive coal mines?	Yes—up to 90-percent grants.	No.

## H.R. 4556

A bill to provide for the control of surface and underground coal mining operations which adversely affect the quality of our environment, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be cited as the "Environmental Protection and Enhancement Act of 1971."

## DEFINITIONS

SEC. 2. For the purposes of this Act, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "Commerce" means trade, traffic, commerce, transportation, or communication between any State, the Commonwealth of Puerto Rico, the District of Columbia, or any territory or possession of the United States and any other place outside the respective boundaries thereof, or wholly within the District of Columbia or any territory or possession of the United States, or between points in the same States, if passing through any point outside the boundaries thereof;

(3) "Coal" includes bituminous coal, lignite, and anthracite;

(4) "Coal Mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon, under, or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area coal from its natural deposits in the earth by any means or method, and the work of preparing or processing the coal so extracted, and includes custom coal preparation facilities;

(5) "Surface coal mine" means any surface mine from which coal, is extracted from its natural deposits in the earth by surface mining;

(6) "Surface mining" means the mining of coal from a surface coal mine after removal of all or part of the overburden above the mineral deposit to be mined in a series of rows or strips, and includes 'auger mining' when conducted in conjunction with surface mining;

(7) "Overburden" means the earth, rock, and other materials which lie above a natural coal deposit;

(8) "Spoil" means any overburden material removed from a surface coal mine which is either deposited onto the surface coal mine area from which it is extracted or on land outside the boundaries of such mine;

(9) "Spoil bank" means the spoil deposited on the surface so that the underlying coal may be recovered;

(10) "Stripping pit" means any trench, cut, hole, or pit formed by removal of the surface or mineral as a result of surface coal mining;

(11) "Reclamation" or "reclaim" means the reconditioning or restoration, when appropriate, of all or part of the area of land affected by surface coal mining operations and includes such contiguous lands as may be necessary for an effective reclamation program;

(12) "Underground coal mining operations" means those mining operations carried out beneath the surface by means of shafts, tunnels, or other underground mine openings;

(13) "Operator" means any owner, lessee, or other person who operates, controls, or supervises a surface or underground coal mine;

(14) "Agent" means any person charged by an operator with responsibility for the operation of all or part of a coal mine;

(15) "Person" means any individual, partnership, association, corporation, firm, subsidiary of a corporation, or other organization;

(16) "Area of land affected" means the area of a surface coal mine from which the overburden is removed, except that in stripping pits not more than one hundred feet in depth the area shall include the area occupied by the spoil banks, and includes all lands affected by roads constructed to gain access thereto and to haul coal;

(17) "Operation" means all of the premises, facilities, roads, and equipment used in the process of extracting minerals from a designated surface or underground coal mine; and

(18) "State" includes a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Virgin Islands, American Samoa, Guam, Trust Territory of the Pacific Islands, and Indian Tribes.

## FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that unregulated surface or a underground coal mining operations—

(1) destroys or otherwise adversely affects entire communities and private residences and businesses,

(2) menaces and adversely affects the public health and safety,

(3) destroys natural beauty,

(4) damages or destroys the usefulness of the terrain for other purposes and, in the case of surface coal mines, leaves ugly high-walls that cannot be reclaimed,

(5) causes erosion of the soil,

(6) contributes to air and water pollution,

(7) adversely affects commercial and industrial development,

(8) damages or destroys agricultural use of the terrain,

(9) destroys forests, wildlife habitat, fishery resources and spawning grounds, and other natural resources,

(10) cannot, in the case of surface coal mines, be made subject to uniform conservation requirements because physical and

chemical conditions of spoil and spoil-bank characteristics differ from State to State, political subdivision, bank to bank, and even from spot to spot on a particular bank, and

(11) creates, because of the diversity of State regulations, or the lack thereof, competitive disadvantages for persons operating in a given market area and thereby interferes with the orderly and fair marketing of minerals in commerce, and that these results are detrimental to the economy of the Nation.

(b) The Congress finds and declares that the public has a right to enjoy a safe and healthy human environment and to expect that the Federal Government, the States, and local government will utilize all practicable means and measures to protect and enhance the quality of our environment.

(c) It is therefore the purpose of this Act to provide for participation by the Federal Government with State and local governments, private individuals and other interested persons in a comprehensive program to prevent further damage to the lands, waters, and natural resources of the Nation from unregulated or inadequately regulated surface and underground coal mining operations, to reclaim lands and waters damaged by surface coal mining, and to promote an effective continuing conservation land-use and management program through—

(1) the establishment of criteria and standards for the reclamation, conservation, and protection of abandoned or inactive surface coal mines;

(2) the termination of surface coal mine operations in accordance with this title;

(3) the establishment of means and measures, including but not limited to, financial and technical assistance and enforcement, to protect, foster, and promote that right set forth in subsection (b) of this section in order to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the requirements of present and future generations of Americans;

(4) financial aid to provide for research and development, and technical advisory assistance, and the installation of demonstration projects;

(5) cooperative programs with State and local governments to provide, where appropriate, Federal assistance for the reclamation and conservation of publicly and privately owned surface and underground coal mines;

(6) the promotion of the public health and safety and public recreation, flood control, and soil erosion control, air and water pollution control, forestry, agriculture, restoration and preservation of natural beauty, enhancement of fish and wildlife habitat, and other natural resources values; and

(7) the elimination of competitive disadvantages for persons operating in a given market area which interfere with the or-

derly and fair marketing of coal in commerce.

#### COAL MINES SUBJECT TO ACT

SEC. 4. Each coal mine, the products of which enter commerce, or the operations or products of which affect commerce, and each operator of such mine, shall be subject to the provisions of this Act.

#### SURFACE COAL MINES

SEC. 5. (a) On and after the enactment date of this Act, no person shall open in any State any new, inactive, or abandoned surface coal mine for the purpose of conducting surface coal mining operations thereon.

(b) (1) On and after the enactment date of this Act, any operator of a surface coal mine who is conducting operations therein to extract coal from such mine shall develop and submit to the Administrator a plan for the effective reclamation of such surface mine. Such plan shall be submitted by the operator within 60 days after such enactment.

(2) The Administrator shall promulgate, within 30 days after enactment of this Act, regulations governing the content of any reclamation plan submitted to him under this subsection. As a minimum, such regulations shall prescribe (A) the prevention of all adverse offsite effects from such mining and (B) effective requirements for the planned reclamation of such mines and for the termination of all surface coal mining operations at all surface coal mines within six months after the date of enactment of this Act, except those operations necessary to carry out any approved plan.

(3) The Administrator shall approve any plan submitted to him under this section if he determines that it meets the requirements of such regulations. The failure of any operator of a surface coal mine to submit to the Administrator an approvable reclamation plan under this section shall not relieve or be construed as relieving such operator of his obligation under this Act to carry out effective reclamation of such mine and to terminate surface coal mining operations at such mine within six months after the date of enactment of this Act.

If an operator does not comply with the plan or submit it for approval, the Administrator may reclaim such lands and the operator shall be liable to the United States for all such costs of reclamation and the Administrator shall sue for the same in the appropriate district court which shall have jurisdiction.

#### NATIONAL STANDARDS FOR UNDERGROUND COAL MINES

SEC. 6. (a) The Administrator shall within 90 days after the date of enactment of this Act, publish proposed regulations prescribing national environmental control standards for underground coal mines opened on or before the enactment of this Act and for such mines opened or activated after the date of enactment of this Act and for contiguous areas affected by operations within such mines.

(b) After a reasonable time for interested persons to submit written comments thereon (but no later than 90 days after the publication of such proposed regulations), the Administrator shall by regulation promulgate such regulations with such modifications as he deems appropriate to carry out the purpose of this Act. Such regulations may be revised in the same manner as promulgated.

#### IMPLEMENTATION PLANS

SEC. 7. (a) (1) Each of the several States shall, after reasonable notice and public hearings, adopt and submit to the Administrator, within six months after the promulgation of reasonable regulations under section 6(a) of this Act, a plan which provides for the effective implementation,

maintenance, and enforcement of such regulations within such State.

(2) The Administrator shall, within four months after the date required for submission of a plan under paragraph (1) of this subsection, approve or disapprove such plan or any portion thereof. The Administrator shall approve such plan, or each portion thereof, if he determines that it was adopted after reasonable notice and public hearing and that—

(A) it is in conformance with the regulations promulgated under section 6 of this Act;

(B) it includes provisions—

(i) for the issuance of permits or licenses by the State for all underground coal mining operations subject to such regulations and for the review and renewal thereof at a minimum of every three years;

(ii) for the posting by the operator of each underground coal mine of an adequate performance bond to provide for the appropriate reclamation of such mine simultaneously with such mining operations (whether or not such operator completes mining operations at such mine), and the forfeiture of which shall automatically result in the denial of future permits or licenses applied for by such operator or his successors in interest to conduct operations at any other such mine in said State;

(iii) for mining operations to be planned and approved prior to the issuance or renewal of any license or permit;

(iv) for reports which shall be available to the public by the operator of the mine concerning compliance with his permit or license;

(v) for prohibiting the opening of any new underground coal mine or expanding the operations of any such existing mine where the State finds that such mining would result in, or contribute to, the violation of applicable air or water quality standards or where such mining would be detrimental to the public health or welfare; and

(vi) for insuring that during operations at such mine effective controls will be established and maintained to prevent environmental damage consistent with the purposes of this Act;

(C) it includes limitations, schedules, and timetables for compliance with such plan and such other measures as may be necessary, including, but not limited to, land use controls, to insure attainment and maintenance of the regulations promulgated under section 6 of this Act;

(D) it includes provision for establishment and operation of appropriate devices, methods, systems, and procedures necessary to (i) monitor, compile, and analyze data on surface mining operations and reclamation work, and (ii) upon request, make such data available to the Administrator and to the public;

(E) it provides necessary assurances that the State will have adequate personnel, funding, and authority to carry out such implementation plan;

(F) it provides for revision, after public hearings, of such plan (i) from time to time as may be necessary to take account of revisions of such regulations or the availability of improved or more expeditious methods of achieving such regulations; or (ii) whenever the Administrator finds on the basis of information available to him that the plan is substantially inadequate to achieve such regulations; and

(G) it includes such other provisions as the Administrator may require to carry out the purposes of this Act.

(b) (1) The Administrator shall, after consideration of any State hearing record, promptly prepare and publish proposed regulations setting forth an implementation plan, or portion thereof, for a State if—

(A) the State fails to submit an implementation plan within the time prescribed; (B) the plan, or any portion thereof, submitted by such State is determined by the Administrator not to be in accordance with the requirements of this section; or

(C) the State fails, within 60 days after notification by the Administrator or such longer period as he may prescribe, to revise an implementation plan as required pursuant to a provision of its plan referred to in subsection (a) (2) (F).

(2) If such State held no public hearing associated with or respect to such plan (or revision thereof), the Administrator shall provide opportunity for such hearing within such State on any proposed regulation. The Administrator shall, within six months after the date required for submission of such plan (or revision thereof), promulgate and enforce any such regulations unless, prior to such promulgation, such State has adopted and submitted a plan (or revision) which the Administrator determines to be in accordance with the requirements of this section.

#### UNDERGROUND COAL MINES IN NATIONAL FORESTS AND WILDERNESS AREAS

SEC. 8. (a) Underground coal mining operations on lands within the National Forest System shall be conducted in a manner that will not damage or destroy any area within the System or the natural resources of such area. Each operator of any existing or planned underground coal mine shall submit to the Secretary of Agriculture a plan for his approval that will insure that no mining shall be allowed on such area after 120 days from the enactment of this Act, until regulations are promulgated which will assure that there will be no adverse effects, such as subsidence, acid mine drainage, or any adverse onsite or offsite effects from such mining. Such regulations shall also provide for both a certification by the operator, at no less than six-month intervals, that such regulations are being followed, and the posting of a bond which will be sufficient to cover the cost of all restoration work in the event the regulations are not followed.

(b) No person shall hereafter be permitted to conduct any underground coal mining operations in any areas heretofore or hereafter established as a wilderness area pursuant to, or by, the Wilderness Act.

#### RECLAMATION AND CONSERVATION OF ABANDONED AND INACTIVE SURFACE AND UNDERGROUND COAL MINED LANDS OWNED BY STATE AND LOCAL GOVERNMENTS IN THE UNITED STATES

SEC. 9. (a) It is the purpose of this section to facilitate, when appropriate, the reclamation and conservation of lands owned by State and local governments that have been adversely affected by surface and underground coal mining operations, and that have not been reclaimed prior to the date of enactment of this Act to a level commensurate with the criteria and standards to be established pursuant to this Act by the Administrator, and by providing authority to the Administrator to enter into agreements with the States and local governments to provide financial and other assistance for their reclamation and conservation. When the intended use of the lands to be reclaimed is for parks, recreation or fish and wildlife purposes, the Administrator shall enter into agreements respecting such lands only after consultation with the Secretary of the Interior.

(b) (1) To carry out the purpose of this section, the Administrator is authorized to enter into agreements with the various States and local governments for the conservation and reclamation of abandoned and inactive surface and underground coal mined lands owned or hereafter acquired by them, and for providing technical and financial assist-

ance thereto. Before entering into such agreements he shall satisfy himself that such conservation and reclamation of a particular area is feasible and consistent with the purpose of this section.

(2) Each such agreement shall describe (A) the actions to be taken by the Administrator and by the State or local government; (B) the estimated cost of these actions; (C) the public benefits expected to be derived, including, but not limited to, the benefits to the economy of the State or local area, abatement or alleviation of land and water pollution, public recreation, fish and wildlife, and public health and safety; (D) the share of the costs to be borne by the Federal Government and by the State or local government; except that, notwithstanding any other provision of law, the Federal share of the cost shall not exceed the direct identifiable benefits which the Administrator determines will accrue to the public, and shall not in any event exceed 90 per centum of such cost and the share of the State or local government shall not consist of funds granted under any other Federal program; and (E) such other terms and conditions as the Administrator deems desirable.

(3) The Administrator, shall require as a part of any agreement under this section that adequate provision be made for access to, and use by, the public of lands reclaimed under the provisions of this Act.

(4) Each agreement entered into under this section shall contain a reasonable assurance by the State or local government that the reclaimed lands which are devoted to public use will be adequately maintained.

(5) Whenever the Administrator, after reasonable notice and opportunity for hearing, determines that there is a failure to expend funds in accordance with the terms and conditions governing the agreement for approved projects, he shall notify the State that further payments will not be made to the State from appropriations under this Act until he is satisfied that there will no longer be any such failure.

(6) The programs authorized to be assisted pursuant to this Act shall be completed not later than January 1, 1980.

(C) The Administrator is authorized to pay not more than 90 per centum of the actual cost of the acquisition of surface or underground coal mined lands by a State or local government to carry out the purpose of this section. In selecting such lands for such cost sharing, the Administrator shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, and other public purposes, and (3) be satisfied that all reasonable efforts have been made and exhausted to require the operator of such lands to reclaim them pursuant to this Act or to donate such lands free to the State or local government.

(D) The Administrator shall take legal remedies against any operator of a coal mine for the costs of reclaiming such lands (where such reclamation was required but not performed under previously existing agreements) to the extent of any Federal grant made for such reclamation. For the purpose of this subsection, Congress finds and declares that such lands impede commerce and adversely affect the public health and welfare.

#### FEDERAL ENFORCEMENT

SEC. 10. (a) (1) Whenever, on the basis of any information available to him, the Administrator finds that any operator is in violation of any requirement of an applicable implementation plan, the Administrator shall notify the operator in violation of the plan and the State in which the plan applies of

such finding and publish such finding. If such violation extends beyond the 30th day after the date of the Administrator's notification, the Administrator shall issue an order requiring such operator to comply with the requirements of such plan or he shall bring a civil action in accordance with subsection (b) of this section.

(2) Whenever, on the basis of information available to him, the Administrator finds that violations of an applicable implementation plan are so widespread that such violations appear to result from a failure of the State in which the plan applies to enforce the plan effectively, he shall so notify the State. If the Administrator finds such failure extends beyond the 30th day after such notice, he shall give public notice of such finding. During the period beginning with such public notice and ending when such State satisfies the Administrator that it will enforce such plan (hereafter referred to in this section as 'period of Federally assumed enforcement'), the Administrator may enforce any requirement of such plan with respect to any person—

(A) by issuing an order to comply with such requirement, or

(B) by bringing a civil action under subsection (b) of this section.

(3) Whenever, on the basis of any information available to him, the Administrator finds that any operator is in violation of sections 5 or 8 of this Act, he shall bring a civil action in accordance with subsection (b) of this section, requiring such operator to comply with such sections.

(4) An order issued under this section shall take effect immediately. A copy of any order issued under this section shall be sent to the State in which the violation occurs. Any order issued under this section shall state with reasonable specificity the nature of the violation, specify, a time for compliance which the Administrator determines is reasonable taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. In any case in which an order or notice under this section is issued to a corporation, a copy of such order shall be issued to appropriate corporate officers.

(5) All notices or orders issued or the termination thereof under this section shall be published in the Federal Register.

(b) The Administrator may commence a civil action for appropriate relief, including a permanent or temporary injunction, whenever any operator—

(1) violates or fails or refuses to comply with any order issued under subsection (a) of this section; or

(2) violates any requirement of an applicable implementation plan during any period of Federally assumed enforcement more than 30 days after having been notified by the Administrator under subsection (a) (1) of this section of a finding that such person is violating such requirement; or

(3) violates sections 5 or 8 of this Act; or

(4) fails or refuses to comply with any requirement of this Act or any regulation issued hereunder.

Any action under this section may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given to the appropriate State.

(c) (1) Any operator or agent of an operator who knowingly (A) violates any requirement of an applicable implementation plan during any period of Federally assumed enforcement more than thirty days after having been notified by the Administrator under subsection (a) (1) of this section that such person is violating such requirement,

or (B) violates or fails or refuses to comply with any order issued by the Administrator under subsection (a) of this section, or (C) violates sections 5 or 8 of this Act, shall be punished by a fine of not more than \$25,000 per day of violation, or by imprisonment for not more than one year, or by both. If the conviction is for a violation committed after the first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$50,000 per day of violation, or by imprisonment for not more than two years, or by both. One-half of said fine shall be paid to any person giving information which shall lead to a conviction and he may sue for the same.

(2) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than six months, or by both.

(d) (1) The operator of a surface mine who violates sections 5 or 8 of this Act or any implementation plan or portion thereof or fails or refuses to comply with any order issued under this section shall be assessed a civil penalty by the Administrator which penalty shall not exceed \$10,000 for each such violation. If any violation is a continuing one, each day of such violation shall constitute a separate violation for the purpose of computing the applicable civil penalty. The Administrator shall have the power to compromise, mitigate, or remit such penalties.

(2) Whenever the Administrator has reason to believe that a person has become subject to the imposition of a civil penalty under the provisions of this subsection, he shall notify such person in writing (A) setting forth the date, facts, and nature of each act or omission with which the person is charged, (B) specifically identifying the particular provision or provisions of the section, rule, regulation, order, or plan involved in the violation, and (C) advising of each penalty which the Administrator proposes to impose and its amount. Such written notice shall be sent by registered or certified mail by the Administrator to the last known address of such person. The person so notified shall be granted an opportunity to show in writing, within such reasonable period as the Administrator shall by regulation prescribe, why such penalty should not be imposed. The notice shall also advise such person that upon failure to pay the civil penalty subsequently determined by the Administrator, if any, the penalty may be collected by civil action.

(3) On the request of the Administrator, the Attorney General is authorized to institute a civil action to collect a penalty imposed pursuant to this section. The Attorney General shall have the exclusive power to compromise, mitigate, or remit such civil penalties as are referred to him for collection.

#### INSPECTIONS, MONITORING, AND ENTRY

SEC. 11. (a) For the purpose (i) of developing or assisting in the development of any implementation plan, or any regulation, or (ii) of determining whether any person is in violation of any requirement of such a plan or any provision of this Act—

(1) the Administrator may require the operator of any coal mine to (A) establish and maintain such records, (B) make such reports, (C) install, use, and maintain such monitoring equipment or methods, (D) sample such emissions (in accordance with such methods, at such locations, at such

intervals, and in such manner as the Administrator shall prescribe), and (E) provide such other information as he may reasonably require; and

(2) the Administrator or his authorized representative, upon presentation of his credentials—

(A) shall have a right of entry to, upon, or through any coal mine or any premises in which any records required to be maintained under paragraph (1) of this subsection are located, and

(B) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under paragraph.

(b) Any records, reports or information obtained under subsection (a) shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof, to which the Administrator has access under this section if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such record, reports, or information or particular portion thereof confidential, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.

#### CITIZEN SUITS

Sec. 12. (a) Except as provided in subsection (b) of this section, any person may commence a civil action on his own behalf—

(1) against any person (including (i) the United States, and (ii) any other governmental instrumentality or agency to the extent permitted by the Eleventh Amendment to the Constitution) who is alleged to be in violation of (A) any implementation plan or sections 5 or 8 of this Act or (B) an order issued by the Administrator or a State with respect to such plan or sections, or

(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator.

(b) The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such plan or section, or such order, or to require the Administrator to perform such act or duty, as the case may be.

(c) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or the common law to seek enforcement of this title or to seek any other relief, including relief against the Administrator or any State agency.

#### APPEARANCE

Sec. 13. The Administrator shall request the Attorney General to appear and represent him in any civil action instituted under this Act to which the Administrator is a party. Unless the Attorney General notifies the Administrator that he will appear in such action, within a reasonable time attorneys appointed by the Administrator shall appear and represent him.

#### FEDERAL PROCUREMENT

Sec. 14. (a) No Federal agency may enter into any contract with any operator who is convicted of any offense under this Act for the procurement of goods, materials, and services to perform such contract at any coal mine at which the violation which gave rise to such conviction occurred. The prohibition in the preceding sentence shall continue until the Administrator certifies that the condition given rise to such a conviction has been corrected.

(b) The Administrator shall establish procedures to provide all Federal agencies with

the notification necessary for the purpose of subsection (a).

(c) In order to implement the purposes and policy of this Act, the President shall, not more than 180 days after enactment of this Act cause to be issued an order (1) requiring each Federal agency authorized to enter into contracts and each Federal agency which is empowered to extend Federal assistance by way of grant, loan, or contract to effectuate the purpose and policy of the Act in such contracting or assistance activities, and (2) setting forth procedures, sanctions, penalties, and such other provisions, as the President determines necessary to carry out such requirement.

(d) The President may exempt any contract, loan, or grant from all or part of the provisions of this section where he determines such exemption is necessary in the paramount interest of the United States and he shall notify the Congress of such exemption.

(e) The President shall annually report to the Congress on measures taken toward implementing the purpose and intent of this section, including but not limited to the progress and problems associated with implementation of this section.

#### GENERAL PROVISION RELATING TO ADMINISTRATIVE PROCEEDINGS AND JUDICIAL REVIEW

Sec. 15. (a) For the purposes of obtaining information, the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and he may administer oaths. Upon a showing satisfactory to the Administrator by such owner or operator that such papers, books, documents, or information or particular part thereof, if made public, would divulge trade secrets or secret processes of such owner or operator, the Administrator shall consider such record, report, or information or particular portion thereof confidential, except that such paper, book, document, or information may be disclosed to other officers, employees or authorized representatives of the United States concerned with carrying out this title, or when relevant in any proceeding under this Act. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena served upon any person, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator to appear and produce papers, books, and documents before the Administrator, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) (1) A petition for review of action of the Administrator in promulgating any regulation under this Act, may be filed only in the United States Court of Appeals for the District of Columbia. A petition for review of the Administrator's action in approving or promulgating any reclamation plan or any implementation plan may be filed only in the United States Court of Appeals for the appropriate circuit. Any such petition shall be filed within 30 days from the date of such promulgation or approval, or after such date if such petition is based solely on grounds arising after such 30th day.

(2) Action of the Administrator with respect to which review could have been obtained under paragraph (1) shall not be subject to judicial review in civil or criminal proceedings for enforcement.

(c) In any judicial proceeding in which review is sought of a determination under

this Act required to be made on the record after notice and opportunity for hearing, if any party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, in such manner and upon such terms and conditions as the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original determination with the return of such additional evidence.

#### EMPLOYEE PROTECTION

Sec. 16. (a) No person shall discharge or in any other way discriminate against or cause to be discharged or discriminated against any employee of a surface mine or any authorized representative thereof by reason of the fact that such employee or representative (1) has notified the Administrator or his authorized representative of any alleged violation or danger, (2) has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or (3) has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(b) Any such employee or representative who believes that he has been discharged or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such violation occurs, apply to the Secretary of Labor for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to enable the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein, requiring the person committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative to his former position with back pay. If he finds that there was no such violation, he shall issue an order denying the application. Such order shall incorporate the Secretary's findings therein. Any order issued by the Secretary under this paragraph shall be subject to judicial review in accordance with section 11 of this Act. Violations by any person of subsection (a) of this section shall be subject to the provisions of section 11 of this Act.

(c) Whenever an order is issued under this section, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary of Labor to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

**PUBLIC STATEMENT OF REPRESENTATIVE KEN HECHLER, DEMOCRAT, OF WEST VIRGINIA, ON INTRODUCTION OF BILL**

Giant gouging machines are ruthlessly ravaging our precious hillsides, soil and forests, polluting our streams with acid mine drainage, and making vast areas start to look like the surface of the moon. Because the strip mining of coal has caused the most irreparable damage to our environment, this bill is designed to phase out the strip mining of coal within six months of the enactment of the bill. It will also place such restrictions on underground mining in national forests as to disallow any coal mining resulting in any damage to the soil, forests, streams and hills in those areas.

Enforcement of these regulations is placed in the Environmental Protection Agency, with authority to assess civil and criminal penalties. Provision is made for citizen suits to assist enforcement. Federal assistance to the states on a 90-10 basis is provided for the states to acquire and reclaim those lands which the Administrator of the Environmental Protection Agency deems worth reclaiming for parks, recreation or fish and wildlife purposes.

I feel the strip mining control bill proposed by the President does not go far enough. By giving two years for states to submit plans to control strip mining, and then on top of that allowing some vague time beyond that for the Secretary of the Interior to act, we are inviting the same old artful dodging and delay which characterized attempts to control air pollution during the '60's. You can't expect a toothless law, administered by an agency primarily interested in minerals production, to slow down the ruthless rape of the environment by the strippers who scalp the surface from the land.

Many states have attempted to limit and regulate the strip mining of coal. Public interest has been roused in West Virginia through the courageous leadership of those officials who have defied powerful economic interests in a drive to ban strip mining in West Virginia. I would not want to see the strippers pull up stakes and leave those states with strict laws, merely to continue their depredations elsewhere. I don't want to see any state suffer economically just because it has the courage to enact stiff and effective regulations to save the environment.

The damages caused by strip mining of coal are steadily rising. Stripping is cheaper and quicker, so the amount is rapidly increasing. Ten years ago, an estimated 29 percent of the nation's coal production came from strip mining. This year it will be over 35 percent. And the damages are getting worse each time the gouging machines get bigger and deadlier.

Is stripping obscene? Webster defines "obscene" as "disgusting to the senses." The strip mining of coal accurately fits this definition.

There are those who taunt the conservationists and ecologists with threats that jobs will be lost if strip mining is abolished. What about the jobs that will be lost if the strippers continue to ruin the tourist industry, wash away priceless topsoil, fill people's yards with the black muck which runs off from a strip mine, rip open the bellies of the hills and spill their guts in spoil-banks? This brutal and hideous contempt for valuable land is a far more serious threat to the economy than a few thousand jobs which are easily transferable into the construction industry, or to fill the sharp demand for workers in underground mines.

Now the coal operators, banded together with those who sell their expensive equipment hardware to the strippers, are scream-

ing that our entire economy will be wrecked if we attempt to protect our beautiful hills against the jack-hammers, the bulldozers and the power shovels which methodically gash and mutilate nature's handiwork. They charge that jobs will be lost in areas like West Virginia where jobs are scarce and the population is declining. Such a charge by this unholy combine comes with ill grace from the giant coal industry which presided without blinking an eye over the loss of some 300,000 jobs when the mines were mechanized and the railroads were dieselized. Thousands of middle-aged and elderly miners and their wives and families deserted by the United Mine Workers and their heartless and mismanaged Welfare and Retirement Fund, were left to eke out an existence on the scar-torn land of Appalachia.

The despoilers realize that they are merely buying time, until the sleeping giant of an outraged public opinion forces them to cease their decapitation of the hills.

That is why it is so important to move swiftly, surely, forcefully and decisively to stop the strip mining of coal before it is too late. Compromises, delays, yielding to the pressure of the powerful and well-financed strip mining interests, and wishy-washy non-regulations will only spur the strip miners to hurry even faster to rip up and scar the land. The time for decision action to end strip mining of coal is now.

#### TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. 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. Benjamin Banneker wrote the first scientific publication by an American Negro. It was a series of annual almanacs containing information on eclipses, tides, and medicine. In 1761 he built the first American clock made exclusively of American-made parts and later participated in the surveying and founding of our Nation's Capital.

#### MISSOURI SESQUICENTENNIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 45 minutes.

Mr. RANDALL. Mr. Speaker, it was my privilege to be present Friday evening, February 5, at the Governor's banquet in the ballroom of the Three Flags Hotel in St. Charles, Mo.

As all Missourians know, St. Charles was chosen for the first event in Missouri's year-long celebration of its 150th birthday because St. Charles was our first State capitol.

The celebration began with a concert by the Lindenwood Woodwind quintet featuring members of the St. Louis Symphony Orchestra on Thursday, February 4, 1971, at 8 p.m.

During the afternoon of February 5, there had been a parade from Lindenwood College campus over to the first capital drive which included many historical floats together with a large number of antique autos, courtesy of the

Horseless Carriage Club of Missouri. At 2 p.m. there was a flag-raising ceremony at our restored first State capitol. This flag ceremony was presented by the Color Guard of Missouri's Air National Guard. Then there was a flame-lighting, officially opening Missouri's Sesquicentennial year by our beloved Governor, Warren E. Hearnes.

The program from the gallery, on the Riverside of the restored capitol which followed the flame lighting included a dedicatory address by our Governor and an official opening of our first State capitol by Conn C. Winfrey, chairman of the Missouri State Park Board. After the address by Governor Hearnes and the remarks by Chairman Winfrey, guided tours of the capitol were provided while mock legislative sessions of our first legislature were being enacted. The vice president of Lindenwood College, Richard Berg, portrayed Alexander McNair, the first Governor of Missouri and repeated portions of the first inaugural address delivered on June 4, 1821.

Now, Mr. Speaker, Missouri did not wait until 1971 to set about restoring its first State capitol. The facts are that Gov. James T. Blair started the move toward restoration by purchasing the site as early as January of 1861, over 10 years ago. While Jim Blair made the first effort, Gov. John M. Dalton and Gov. Warren E. Hearnes enthusiastically supported the restoration project and appointed the first State Capitol Restoration and Sesquicentennial Commission.

Our restored capitol building consists of three connected brick structures built about 1819. One building was the former Charles Peck residence, another was the Chauncey Shepard residence and a third was the store. The early Senate and House chambers, together with the Governor's office, were on the second floor of these connected structures. Our first Missouri General Assembly consisting of 14 senators and 43 representatives, held its sessions in this building from 1821 till 1826 when the seat of government was moved to Jefferson City, Mo.

The capitol complex, opened to the public for the first time on February 5, 1971 constituted the opening of Missouri's sesquicentennial celebration. Our restored capitol will be maintained hereafter by the Missouri State Park Board, under the direction of Joseph Jaeger, Jr.

The Governor's banquet was a gala affair, preceded by an hour-long reception. The guests were entertained by August Ponstingl and his Viennese Sere-naders. The master of ceremonies, according to the program, was to have been THOMAS F. EAGLETON, our junior U.S. Senator. Because he was ill, he was unable to leave the city of Washington. Taking his place was WILLIAM L. HUNGATE, U.S. Representative of Missouri's 9th District. Congressman BILL HUNGATE displayed his talents as an able and entertaining master of ceremonies. To one who sat at the speaker's table, it seemed almost unbelievable that one who did not know until just a few minutes before the start of the banquet that he would be tapped on the shoulder to do the job

could so ably and so quickly come into command of all the details that must be fitted into place by a master of ceremonies of such an important event. To say he performed brilliantly the job of master of ceremonies is a commendation but not an exaggeration.

During the meal most entertaining music was provided by the Sesquicentennial Trio.

At the speakers table on the banquet floor were such distinguished personalities as Speaker of the State House of Representatives, James E. Godfrey. Also present were the members of the Sesquicentennial Commission, including Senator Don Owens, Representative Clarence Heflin, Senator Lawrence J. Lee, Senator Omer H. Avery, Senator Edward Stone, Senator Nelson B. Tinnin, and Representatives Arlie H. Meyer, Herman Johnson, Edward Cannon and D. R. Osbourn, as well as Fred Baue, Henry J. Elmendorf and Lee White, all of St. Charles and Dr. R. S. Brownlee of Columbia. Also present were Senator Don Manfred of Kansas City, chairman of the Missouri Senate Appropriations Committee, Henry C. Vogt, distinguished mayor of St. Charles, and Glen Goellner, general chairman of the St. Charles Sesquicentennial Commission.

At the head table were Dr. Walter C. Daniel, president of the Lincoln University, Rev. Paul C. Reinert, S.J., president of St. Louis University, Dr. Robert J. Rodisch, president of the Missouri Council of Churches, Dr. Homer Clevenger, chairman of the Missouri Sesquicentennial Commission, our beloved Secretary of State, Jim Kirkpatrick and our new State Auditor, Christopher "Kit" Bond.

Among the highlights of the evening was the presentation of Missouri's birthday cake to Governor Hearnes by Miss Missouri, the lovely Marcia Mossbarger of Brookfield, Mo. Also at the head table was Edward A. Cahill, Jr., president of the Missouri Society of Washington, D.C., Robert Clayton II of Hannibal, Mo., and the main speaker of the evening, Lew Larkin of Kansas City, Mo.

One of the most interesting portions of the evening's program was an impersonation of Mark Twain by Robert Clayton II. Dressed in his white linen suit, his voice and mannerisms were much like that great Missourian as he proceeded to recite many of the humorous and entertaining words of the original Samuel Clements.

It was my honor before the banquet concluded to be permitted to offer a toast to my native State of Missouri in which I simply raised a glass and asked those present to join with the words "To our great State of Missouri, may her future be as great and glorious as her past."

Before I share with my colleagues the words of the principal speaker of the evening I hope I can adequately describe the fireworks finale out on the Missouri River bank just to the east of the Three Flags Hotel. First there was a colorful likeness of Missouri's first capitol, as restored. The scene which followed was that of the present capitol of Missouri at Jefferson City. Next there

was presented an outline of our State of Missouri as it looks on the map with the word "Sesquicentennial" beneath. The last pyrotechnics display of the evening was a beautiful salutation "Happy Birthday Missouri."

As most Missourians know, the Three Flags Hotel is located on the north side of Interstate Highway No. 70 at the west end of the St. Charles Bridge over the Missouri River. There is probably more out-of-State traffic using this route than local traffic. As I looked at our beautiful display of fireworks from inside the Three Flags, cars were stopped bumper to bumper on the Missouri bridge watching the colorful show. For those travelers who did not know it was Missouri's 150th birthday, I wondered whether they were thinking, "do they have fireworks such as this in Missouri every Friday night?" Well, anyway, it was a great way to conclude an inspiring evening.

The honor to introduce the principal speaker of the evening belonged to President Cahill of the Missouri Society who had journeyed from Washington, D.C. to make the introduction. He introduced Lew Larkin, author, historian, and journalist, of Kansas City, Mo. It should be remembered Lew Larkin was for many years the Missouri correspondent of the Kansas City Star at our State capitol in Jefferson City, Mo. Best of all he is a student of Missouri's history. I am sure the content of his address gave proof that he had researched Missouri's history very carefully and proceeded to present these items of personal research for the first time.

The large audience of more than 600 persons listened with an attention generated not only by the interesting content of Mr. Larkin's remarks but by the respect and love that every Missourian holds in his heart for our great State.

The remarks of Mr. Larkin's address were first so interesting and next so important from a historical standpoint, that I quickly concluded they should be shared with my colleagues of the U.S. House of Representatives, to become a part of the CONGRESSIONAL RECORD and thus perpetuated forever as a part of the archives of the United States. At this time I shall repeat Mr. Larkin's speech entitled "What Made Missouri Great":

#### WHAT HAS MADE MISSOURI GREAT

We Missourians, outside of St. Charles, must make our apologies to you people of St. Charles for being a bit later with our own Sesquicentennial celebration, because it was 30 years ago when you observed your own Sesquicentennial.

And, of course, if there is needed more apologies for Sesquicentennial tardiness, we must go to St. Louis, Ste. Genevieve and some other towns that have grown.

But we are gathered here today to observe the greatest Sesquicentennial of all, that when Missouri officially became a state, 150 years ago next August 10.

The 1820 Constitutional convention was held in St. Louis, and in the first general assembly that followed almost immediately there was considerable argument where the first capitol should be located. St. Louis was in the running for a short time but someone noted that the population was moving westward and that it might be a good idea to consider a "western city". When you consider today the idea of going

westward, the speed was geared then to horse-power of the four-footed category and not the Apollo moon-shot speed.

Among the towns considered were St. Louis, St. Charles, Potosi, Franklin, Florissant, Boonville, Ste. Genevieve and Herculaneum. Some were too far and it was decided that 25 miles west of St. Louis was sufficiently far west, and so the capitol was established here.

St. Charles, known as "Little Hills" with a population of 800, was selected. And this was our capitol city and our capitol until 1826 when it was moved to Jefferson City.

But we are concerned here with what made Missouri great. The establishment of the capitol in St. Charles certainly was a motivating point, but in the overall analysis it is my opinion there are five major ones which I hope to develop in this talk.

I have a few dates to use in establishing my analysis. The first two are linked; the Louisiana Purchase of 828,000 square miles in 1803 by Thomas Jefferson for a paltry 15 million dollars from France, and the famous Lewis and Clark expedition that followed.

These events kicked open the door to the West.

So, point No. 1 involves Public Relations. You think this is a relatively modern term and category. The one basic yardstick even today is that, if you can get a top writer to write something mighty favorable about you, or your company, on a completely voluntary basis, you really have something.

When the time arrived for the United States to take over the vast territory, Thomas Jefferson selected a 23 year old captain of the United States Army, Amos Stoddard, to do this. This he did efficiently but there was something of the historian and reporter in Stoddard. He knew the territory well. He liked it, the people, the promising possibilities. Why not let the whole world know about this wonderful area?

So Stoddard wrote the first complete book about the area and large part of it was about the Missouri that we know today.

It was so complete and so accurate that it was a sort of definitive textbook-travelogue of the new territory for 30 years. Henry Brackenridge came to Missouri and in 1811 wrote about a voyage up the Missouri River.

John Bradbury, an English Botanist, came here, wrote about the New Madrid earthquake and then turned out a book. He wrote, "There is no part of the Western country that holds out greater advantages to the new settler than the Missouri territory."

Henry Rowe Schoolcraft and Edmund Flagg also sang the song of Missouri. Remember there was no chamber of commerce then to hire these writers, no public relations firms.

They came, they saw and they were conquered. So, for a period roughly between the Louisiana Purchase and 1821, Missouri received favorable and voluntary publicity worth untold millions. It was the kind of public relations executives dream of today—the kind you can't buy and of the very top quality.

And then, there was travel in the land and bitterness in Congress. Missouri, the territory, knocked for admittance as a state. Petitions flowed to Congress. Meetings by the hundreds were held in Missouri.

Arguments galore. Tennessee, Ohio and Mississippi, with lesser populations, had been admitted ahead of Missouri. But the argument was whether Missouri should be admitted as a slave state or a free state.

The arguments in Congress continued, and there were many smallbore, narrow minded, provincial and myopic congressmen and senators.

That rather odious document, the "Missouri Compromise" was effected and the "Child of the Storm" was admitted to the Union as a slave state.

My second point concerns the 1820 Constitutional Convention. Missouri territorial officials were told to go ahead and establish a Constitution and de facto government, that official statehood was around the corner, so to speak.

I am firmly convinced that this convention was the greatest assembly in the entire history of Missouri and ranks even with the Continental Congress.

Why? The abilities of the members, their sincerity, vision and honesty. Let's look at the 41 delegates. David Barton, the president and one of the state's first United States Senators, was an acknowledged leader among giants, agreed to by almost all historians. The average age was 38. Edward Bates, who would later help spearhead Mr. Lincoln's campaign and become the first cabinet member (Attorney General) west of the Mississippi, was the "youngster" of the assembly at 27. The "old man" was John Rice Jones at 61. Barton was 37. Other leaders included Duff Green at 29 and Horace Dodge at 38.

Religion. There were Methodists, Baptists, Catholics, Presbyterians and Episcopalians. Seven were self-educated and the others had some formal education, several with college degrees or with years spent in college.

Fourteen were independently wealthy and the others enjoyed good incomes from their farms, businesses, professions or occupations. They were in law, mining, education, business, industry, farming, engineering, medicine and journalism.

They were of Anglo-Saxon stock, Welsh, Scotch, Irish, French and German. Seventeen came originally from Virginia, Maryland and Kentucky and the others from New York, Pennsylvania, Vermont and Wales.

The "old man" John Rice Jones, whose sons would play important roles in the formation of the Republic of Texas, spoke Welsh, Greek, Latin, French, Spanish and English.

Three served in the Revolutionary war and 18 in the War of 1812. Several others would serve in the Black Hawk war and the War with Mexico. Dodge would serve 29 years in the United States army and Nathan Boone, Daniel's son, 31 years.

So, what a diversified group, an extraordinary hodge-podge of outstanding personalities, to write Missouri's first Constitution.

They met from June 12, 1820, in St. Louis to July 19. The Constitution was a model of brevity, 18½ pages, whereas the journal printing the proceedings required 48 pages.

This Constitution sharply shaped up the powers of the Executive, the Legislature and the Judiciary, granted certain civil rights to slaves denied by Southern states and contained many provisions that would be tagged "liberal" today. It lasted for a long time before being amended and many other states copied it.

The de facto government operated, Alexander McNair was elected governor and Missouri officially became a state August 10, 1821, when the Congressional document was signed by President Monroe.

My third point actually revolves around Four Important Dates. Within two months of each other, these four events occurred. They are and the area of importance:

1. August 10, statehood, already mentioned.

2. July, when Mexico obtained independence from Spain.

3. August 12, when Stephen Austin arrived in San Antonio to carry out the colonization plans of his late father that eventually resulted in the formation of the Republic of Texas which later became a state.

4. September 1, Capt. William Becknell and several men left Franklin, Missouri for Santa Fe.

The first point is self-explanatory, but

official statehood meant Missouri could hold its head high among the other states and had a diplomatic status in the coming trade with Mexico.

Point 2 was most important and tied in with No. 4. Spain did not want to trade with the United States, at least via the Santa Fe Trail and jailed several who tried it. With its independence now, Mexico was most willing to trade and that is why Becknell and his men journeyed to Santa Fe. The trade gates were opened and Missourians, along with others, began a most lucrative trade with Mexico. Becknell is known today as the "Father of the Santa Fe Trail."

These four dates would mean the significant turning point in Missouri, catapulting this frontier territory and fledgling state into a galaxy of states in which Missouri would be a leader for 150 years.

In the historical evaluation of any state or nation, the military record must be considered. No state can match Missouri, unless it be Virginia.

Missouri was producing military victories 30 years before she became a state. George Rogers Clark and his small band of men turned the British-led Indian tribes back from the gates of St. Louis in the later stages of the Revolutionary War. Of course, there was no Missouri per se then, nor were his men called Missourians, but many came from the St. Louis-Kaskaskia area.

But in the War of 1812 there was a Missouri—Territory, that is, and Nathan Boone and his Missouri Rangers not only turned the British-led tribes back from St. Louis but they chased them to the Great Lakes, established an army of occupation and then after pow-wows won almost all of the tribal leaders away from the British. There also were many Missourians in Andrew Jackson's army at the Battle of New Orleans.

Many Missourians fought in the Black Hawk war of 1832 and Col. Richard Gentry led a regiment to Florida in the Seminole War of 1837.

Then there was the 18 minute battle when a small band of Texans including many Missourians, won independence from Mexico in 1836. Gen. Sam Houston's chief of staff was Edward Burleson, a Missourian; one Missourian died at the Alamo and several wounded in the 18 minute fracas at San Jacinto.

The march of Alexander Doniphan and his 1,000 volunteer Missourians into the Southwest and their unbelievable victories at Brazito and Chihuahua, Mexico, further brightened the military record.

They marched 3,600 miles, occupied three capitols, four Mexican states and negotiated treaties with two Indian nations. William Cullen Bryant called Doniphan the modern Xenophon. In addition Missouri furnished 5,000 men to the regular armies.

And then finally, this "Child of the Storm" this state scorned by Eastern and Northern congressmen and tagged as a slave state, proved its worth as a staunch supporter of the Union.

The Civil War. Missouri sent 109,000 men to the Union armies, more than all Northern states except New York, Pennsylvania, Ohio, Illinois and Massachusetts, all with much heavier populations. And it sent the Confederacy 30,000 men.

Missourians knew how to fight on horseback or afoot. Only New York, with 446,000 men in the Union armies, had more cavalry regiments than Missouri. And of all the Northern states, Missouri was first in the number of infantry regiments, infantry battalion and infantry companies.

When the ground fighting got rough, Grant and Sherman sought Missourians. When General Pemberton surrendered his 32,000 man army to Grant after the siege of Vicksburg, he said that if he had more Mis-

sourians, and he had thousands, he would have won. It just happened that Grant had more Missourians in his army there.

Missouri furnished 11,000 men in the War with Spain, being superseded only by New York, Illinois, Ohio and North Dakota, and the University of Missouri set a national record among colleges by sending one-fourth of its total enrollment into the armed conflict. One of the young officers to attract attention was a Missourian, John J. Pershing, who led the allied armies to victory in the first World War.

And the record of World War II is well known when another Missourian Omar Bradley, led the biggest army in world history to smashing victories in France that broke the back of the German armies. Missourians also have distinguished themselves in the Korean and Vietnam wars.

And now for Point Five. Any family is proud when its sons and daughters go out into the world and distinguish themselves in a dozen different endeavors.

You've heard that Missouri was the "Mother of the West", and it is true that Missourians took the lead in settling and developing the West. The evidence is so detailed in this category it would take 10 more pages to list most of the names, but consider a few:

Bennett Riley, a St. Louis Irishman, was the last military governor of the Territory of California, and Peter Burnett of Liberty was the first elected governor of the State of California. I speak of Missourians only here.

Joseph O'Toole was the first governor of Montana, Augustus Dodge the first governor of Iowa, Henry Dodge became the first governor of Territorial Wisconsin, William Gilpin the first governor of the Territory of Colorado and Jerome Chafee the first United States senator in Colorado. Nine Missourians were governor of the Territory of New Mexico.

These are mainly "firsts," and the governmental list could go on and on and especially down into congressmen, mayors and other officials.

Stephen Austin is known as the "Father of Texas." Edwin Waller established the City of Austin and became its first mayor. James Perry laid out the City of Galveston, John Smith was three times mayor of San Antonio, a son of John Rice Jones was the first postmaster general of the Republic of Texas and a grandson of Moses Austin was Secretary of War.

Missouri has produced two presidents Harry Truman, who served for seven years, and David Rice Atchison, who served one day.

George Washington Carver is regarded as the nation's greatest Negro leader and one of the world's immortal scientists.

Thomas Hart Benton and George Caleb Bingham lead the vanguard in painting. In writing the list is equally long but led by Mark Twain, Eugene Field and others.

The intrepid trail blazers, scouts and pathfinders were Missourians, and led off with Daniel Boone, who regarded himself as a Missourian and became a legend 25 years before his death; they include Kit Carson, Jim Bridger, Shirley (Old Bill) Williams, Joe Walker, the first sheriff of Jackson County, the Robidoux brothers, one of whom founded St. Joseph, General William Henry Ashley, Missouri's first lieutenant governor and many others.

Amos Stoddard and others weren't writing malarkey about Missouri's advantages because a large number of the men in the Lewis and Clark expedition, some recruited in other states, decided to remain in Missouri upon their return. Both William Clark and Meriwether Lewis were territorial governors of Missouri and Clark liked the state so well he remained 17 years until his death.

Missouri led in the population of most western states for many years—first in California 8 years, first in Oregon 60 years, first in Idaho 10 years, first in Colorado 20 and first in Montana 20 years. And first in Texas until the Texans began spinning their tall tales.

The glory of Rome, the greatness of Greece and the grandeur of Genghis Kahn's court are gone, but the achievements of thousands of immortal Missourians are indelibly etched in the record of Time.

#### CONGRESS MUST HOLD THE LINE ON 4¼ PERCENT CEILING: FALSE COMPROMISE UNACCEPTABLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 20 minutes.

Mr. PATMAN. Mr. Speaker, once again we have a Republican administration which believes you get lower interest rates by voting in higher interest rates.

This apparently is the upside-down logic behind Secretary of the Treasury John Connally's proposal that the Congress relinquish the 53-year-old ceiling of 4¼ percent on long-term Government obligations.

First, the administration proposed that the ceiling just be wiped out completely. Now it appears that there is a possibility that the administration will push for a "partial" removal of the 4¼-percent ceiling. This so-called compromise would allow the Treasury to market something like \$10 billion of long-term obligations without regard to the 4¼-percent ceiling.

Mr. Speaker, this is no compromise at all. This is just a back door removal of the ceiling. Such a compromise is totally unacceptable to anyone who really wants low interest rates.

If we allowed a temporary or partial removal of the ceiling, that would be the end of 4¼ percent for all times. In future years, we would simply have quiet little requests for extensions of the temporary authority to gouge the American taxpayer with high interest rates. The ceiling might as well be removed now if we are going to allow \$10 billion of long-term bonds to be marketed without regard to this low-interest mandate.

Mr. Speaker, I urge all Democrats—and Republicans who want low interest rates—to speak out against this attempted assault on the taxpayers. It is regrettable that we must once again marshal the forces in the Congress to restate the people's desire to maintain the 4¼-percent ceiling. The Nixon administration and the Treasury Department are obviously out of touch with the people on this important issue.

As the Congress has stated time and again—the 4¼-percent ceiling is the principal low-interest symbol of our Federal Government. There have been many assaults on this 53-year-old standard, but it has stood the test of time. It has provided an anchor for all interest rates in the economy.

The existence of the 4¼-percent ceiling has required the Federal Government to finance its deficits with short-term borrowings in periods of high interest

rates. If the Congress had not retained the 4¼-percent ceiling, we would have seen the Treasury Department out in the market obligating the taxpayers to 6, 7, and possibly 8 percent interest on bonds with maturities of 30, 40, or even 50 years. But the 4¼-percent ceiling prevented this disaster.

It is true that the Treasury Department has been required to enter the market many times with short-term issues at relatively high interest rates. But this is much preferable to locking in high interest rates for generations to come.

The Treasury Department always contends that the 4¼-percent ceiling makes debt management difficult. However, I think it is the intent of Congress to make it difficult for the Treasury Department to impose high interest payments on the people. I do not think Congress would be doing its job if it made it easy for the bureaucrats in the executive branch to run up 50-year debts at 6 and 7 percent interest rates. Let us continue to make it difficult for the Federal Government to gouge the taxpayer.

In fact, the financing of deficits on a short-term basis is the wisest policy that could be followed in periods of high interest rates. When interest rates are now—below 4¼ percent on long-term borrowings—the Federal Government can enter into 30, 40, and 50-year obligations. Most businesses avoid long-term borrowings when interest rates skyrocket, resorting to short-term debt that can be rolled over rapidly as interest rates fluctuate. Why should not the Federal Government follow the same sound business practices?

The 4¼-percent ceiling has traditionally applied pressure on whatever administration was in power to hold down interest rates. So long as the 4¼-percent ceiling has remained it has been an incentive for the debt managers to seek lower interest rates.

The removal of the 4¼-percent ceiling would leave the debt managers free to impose any kind of charge on the American taxpayer.

In recent years, Congress has relinquished many of its powers to the executive branch and in many cases these abdications have resulted in great detriment to the public interest. The 4¼-percent ceiling on long-term Government bonds is a congressional mandate—a ceiling imposed by the Congress—and it is an area in which the elected representatives of the people should maintain their authority. The 4¼-percent ceiling is a congressional statement for low interest rates. Its removal would be a signal that the Congress no longer cares and no longer endorses the concept of the lowest possible interest charges on the national debt.

The Ways and Means Committee is considering an increase in the national debt to \$435 billion—an enormous figure by any calculation. So it is obvious that the interest rates paid on this debt have a strong bearing on other interest rates in the economy. Therefore, the removal of the 4¼-percent ceiling on the long-term areas of this debt would have a tremendous impact throughout the economy

and would send interest rates up at all levels.

The removal of the 4¼-percent ceiling does not make good sense at any time, but to propose it under present economic conditions is especially foolhardy. In recent months, interest rates have been declining. The prime rate now stands at 5¼ percent and there are possibilities of other reductions of this rate. Unfortunately, most of the interest-rate reductions have gone to the upper levels of the economy and are just beginning to trickle down to the consumer, the farmer and the small businessman. The little man in the economy is just getting his chance to benefit from this trend toward lower interest rates.

So what happens?

The administration runs up a proposal to remove the 4¼-percent ceiling, to break the trend toward lower interest rates, and to start a new psychological push for higher rates. Under this administration proposal, the consumer is going to get socked again.

Today, short-term Treasury bills are selling below 4 percent as a result of recent interest rate reductions. Yet, we have an administration which now says that it needs to pay more than 4¼ percent for long-term Government obligations. When the Treasury can borrow for less than 4 percent, why is it so anxious to seek authority to charge the taxpayers more than 4¼ percent?

Just last Thursday, interest rates for 6-month Treasury bills fell to their lowest level in more than 6 years. In fact, the Treasury sold \$1.4 billion of 182-day bills for an interest rate of 3.6 percent—the lowest since the days of the last Democratic administration.

Mr. Speaker, let me emphasize that the 4¼-percent ceiling is a broad gage symbol of low interest rates. The Democrats in the Congress have stood off numerous assaults on this 4¼-percent ceiling. Many Members of this Congress will remember the formation of a Democratic steering committee to block the Eisenhower administration's attempt to lock in high interest policies through the removal of the 4¼-percent ceiling. More than 100 Members of the House of Representatives served on that steering committee, of which I had the opportunity to serve as chairman. We stopped the high interest boys in the Eisenhower administration and I hope that this Congress will block the Nixon administration's efforts in this same area.

#### THE CONGRESS SHALL HAVE POWER—TO COIN MONEY, REGULATE THE VALUE THEREOF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) will be recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, the national debt of the United States—officially termed "the gross public debt"—represents the total amount of U.S. Government securities plus securities of the U.S. Government agencies guaranteed by the Federal Government that have been issued and that are still outstanding. As

of June 30, 1968, our national debt amounted to \$348,146,992,325.88. As of January 27, 1971, the national debt—the mortgage of the politicians have put against the people's future earnings—had risen to \$393,141,662,732.88. The additional deficit to be incurred by the President's proposed programs would increase the national debt to an estimated \$404.7 billion.

To carry out his New American Revolution, the President and his financial advisers confess that the Federal Establishment will end up the fiscal year in the red by \$11.6 billion. Other knowledgeable national leaders estimate the deficit for the year may be as high as \$25 to \$30 billion.

For every proposal of spending exceeding the legal debt ceiling, the Secretary of the Treasury must sell U.S. bonds to raise revenue by pledging the full faith and credit of the U.S. Government.

On March 19, 1969, the Congress, at the President's request, increased the permanent debt ceiling to \$365 billion and the temporary ceiling to \$377 billion.

On June 3, 1970, the Congress, at the President's request, increased the permanent debt ceiling to \$380 billion and the temporary ceiling to \$395 billion—authorizing the executive branch to sell U.S. bonds and pledge future tax revenues to that extent.

Secretary of the Treasury, John Connally, testified yesterday before the House Committee on Ways and Means that the debt will rise this month to within \$1 billion of the \$395 billion ceiling, and asked that the ceiling be increased to \$435 billion before the end of March. Mr. Connally also called for the elimination of the 4½-percent ceiling on interest which the Government—that is, the American taxpayer—can pay on long-term borrowing.

In spite of the fact that a solution to our money system and the national debt is the key to the solution to many ills in our society, there remains widespread apathy and general unconcern regarding the public debt as a national issue.

Because of the complexity of the budget, the machinations of the Federal Reserve banking system, and the staggering size of the debt as well as the publicity and overemphasis given to pollution, sex, pornography, and other problems by the mass media, the average man in the street pays little attention to something made to seem as complicated as the national debt.

Why our Government leaders do not consider the national debt to be one of our most pressing problems to be solved by means other than annually increasing the legal debt limit is open to speculation.

An indication of the administration's cut and dried attitude toward the debt problem is revealed by the fact that only 1 day was set aside for public hearings on something as crucial to the American people and their money as this. It has become a routine matter to spend recklessly in excess of income and simply increase the debt ceiling each year. But it is also inflationary, irresponsible, and immoral.

Still another explanation for this indifference toward the ever-rising na-

tional debt is the concept that has been drummed into the consciousness of the American people that the size of the debt does not matter since we owe it to ourselves. It is estimated that only 11.6 percent is owed to the small investor in the form of savings bonds in small amounts. The preponderant bulk of it is owed to the international bankers and financiers.

Since 1913, American taxpayers, unbeknown to most, have been paying billions of dollars of interest to the Federal Reserve banking system to issue their own money. Why should not the Congress issue our money as the U.S. Constitution prescribe—article 1, section 8, clause 5? One Republican President refused to succumb to the banker's demands to pay interest to issue the people's money. Some speculate that this may have been the reason for Lincoln's assassination.

Now is an appropriate time to give to the people "a bigger voice in deciding for themselves those questions that so greatly affect their lives." Now is the time to return power to the people to control their money. Presently the people and their elected representatives have little or no control over the issuance and value of their money. There has been no independent audit of the books of the Federal Reserve banking system since its establishment as a private monopoly in 1913.

To return control of the people's money back to Congress as the Constitution intended, I have introduced a bill, H.R. 351. I urge its support by my colleagues interested in giving power to the people over their money and in saving the taxpayers billions of dollars annually. It is anticipated that the interest payment on the national debt this year will be over \$20 billion. The periodical Government Executive of February 1971 estimates that interest on the debt equals combined incomes of 2,231,000 average families. If the United States did not have to pay this cost, average family Federal income tax could be reduced \$294.

I insert the text of H.R. 351 at this point in my remarks:

#### H. R. 351

A bill to vest in the Government of the United States the full, absolute complete, and unconditional ownership of the twelve Federal Reserve banks

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the Secretary of the Treasury of the United States is hereby authorized and directed forthwith to purchase the capital stock of the twelve Federal Reserve banks and branches, and agencies thereof, and to pay to the owners thereof the par value of such stock at the date of purchase.

(b) All member banks of the Federal Reserve System are hereby required and directed to deliver forthwith to the Treasurer of the United States, by the execution and delivery of such documents as may be prescribed by the Secretary of the Treasury, all the stock of said Federal Reserve banks owned or controlled by them, together with all claims of any kind or nature in and to the capital assets of the said Federal Reserve banks, it being the intention of this Act to vest in the Government of the United States the absolute, complete, and unconditional

ownership of the said Federal Reserve banks.

(c) There is hereby authorized to be appropriated, out of any funds not otherwise appropriated, such sums as may be necessary to carry out the purposes of this Act.

In order "to lower interest rates and fight inflation; to help housing, small business, and employment; to increase the availability of mortgage credit; and for other purposes" such as to reduce the public debt and cease payment at once of billions of the taxpayers' money to the Federal Reserve bankers, I have introduced a bill, H.R. 4409. I urge support for this measure by those interested in achieving the above stated purposes. The text of H.R. 4409 follows:

#### H. R. 4409

A bill to provide a moratorium in which the payment of interest on United States obligations will be suspended, to provide that for this period interest bearing obligations will be refunded with twenty-year non-interest bearing obligations, and to provide that the savings to the United States will be used to reduce the public debt

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby declared a moratorium on the interest accruing on all obligations of the United States. Such moratorium shall become immediately effective upon the enactment of this Act. During the moratorium, no interest shall accrue or be paid on any obligation of the United States.

SEC. 2. As soon as possible after the date of the enactment of this Act, the Secretary of the Treasury shall provide for the refunding of all outstanding interest-bearing obligations of the United States when due with 20-year non-interest bearing obligations.

SEC. 3. An amount equivalent to the amount of the interest saved by the United States as the result of this Act shall be used solely for the purpose of reducing the public debt.

In a truly progressive nation the cost of living goes down, not up. In a truly progressive nation, there are not millions on welfare who make a living by exploiting the millions of employed. In a truly progressive nation there is a labor shortage, not millions of unemployed.

The ever spiraling cost of living, the millions on welfare rolls and millions of unemployed caused by huge debts, budget deficits and confiscatory taxes are irrefutable evidence that America is going backward. Initiative is being stifled, the free enterprise system which made America the most prosperous nation on earth is being destroyed, and business, seeking lower taxes and lower costs of production, is being driven to foreign countries.

A nation with the natural resources and the productive capacity of America has never gone financially bankrupt without first suffering moral bankruptcy at the top. The lamebrains, weak sisters, and Keynesians already have plunged the U.S. Government into almost hopeless insolvency. Continued deficits will result in total bankruptcy. Can there be any doubt about the end of the road backward? The deficit financing road is the freeway to total state socialism, known by some as communism.

The answer to the financial morass that our Nation is in is to restore fiscal responsibility, which traditionally has

meant a balanced budget, and for the Congress to reassume the constitutional power, which it relinquished in 1913 to the Federal Reserve banking system, "to coin money, regulate the value thereof."

Following my remarks, I insert a statement and supplementary testimony of a distinguished patriot, Col. Curtis B. Dall, chairman of Liberty Lobby on February 17, 1971, before the House Ways and Means Committee with regard to increasing public debt ceiling and removing interest ceiling on U.S. Government bonds; an American Mercury article entitled "Government Gives Bankers Another \$15 Billion"; and a newsclipping:

STATEMENT OF CURTIS B. DALL

Mr. Chairman and members of the committee, I am Curtis B. Dall, chairman of Liberty Lobby's board of policy. I express my appreciation for the opportunity to appear before you today, and discuss the Administration's request for your consideration to increase the legal public debt ceiling, and to remove the 4¼% interest ceiling which Congress placed on long-term U.S. Government bonds.

Liberty Lobby is known as "the people's lobby" on Capitol Hill. Therefore, the far-reaching importance of these two proposals for submission to the Congress is of great importance to us. A continuing interest, shall I say, recalling our appearance before your committee on the subject of increasing the public debt ceiling last May.

I stand somewhat aghast at the allocation of but one day for public hearings on these proposals, involving as they do the very economic life and death of the American people! What will be your considered position—you who have been selected by the people to represent them—not the money powers, with their avid aim for one world money control?

Liberty Lobby feels that the Congress should be fully informed as to what lies behind this pressure, and what may lie behind the statement made by President Nixon to one of his interviewers after he concluded a recent public address, euphemistically described as "State of the Union." It was headlined in a leading newspaper on Jan. 10, 1971, as follows:

NIXON'S PROGRAM—"I AM NOW A KEYNESIAN"

Mr. Chairman, I venture to say that few assembled here know the *why* of the political importance attached to some observations of the late John Maynard Keynes, often described as a British economist. Briefly, Keynes was coached and brought forward by the powerful London banking interests to aid their long-range program, aided by their associates here in the U.S.A.

I also venture to say that few know *why* John Keynes was knighted by the British Crown. It was because he performed so well in the delicate task set for him to accomplish—namely, to employ various arguments, half truths, and propaganda in the political arena to establish a trend in government here, designed to lower the value of our dollar, ultimately to bring it into close proximity with the shaky British pound! Keynes was no friend of this country! Inflation and taxation are the "medicine" that have made this country sick, very sick—and now, as a cure, you and I are being asked to take a *double dose* of it.

The U.S.A. was wealthy when he first came here to get the "ear" of my former father-in-law Franklin Roosevelt. But when armed with a favorable "nod" from "king-maker" Bernard Baruch, Keynes not only got the ear of F.D.R., he got both ears—and also the ears of those who followed him into the White House. Before his election, President Nixon severely belabored the hidden

tax called "deficit financing" occurring in a Democratic administration, but now he publicly embraces it. Figuratively speaking, he seems about to move from the White House to occupy a second floor office in Arthur Burns' Federal Reserve Bank. One wonders whether the President looks more to the Federal Reserve System for money than to Congress, as Congressman John R. Rarick thoughtfully commented on Feb. 3, 1971.

In making this remark, I do not speak in a partisan manner, because Liberty Lobby is strictly nonpartisan. I do speak, however, as an American citizen who is not afraid to point out to what extent the international money lords have bled the people of this country. It is an *astronomical* sum! Further details concerning the privately-owned Federal Reserve Bank System are attached in a supplementary statement.

In respect to item 1, under consideration by your committee, we recommend that the legal public debt ceiling not be increased at this time unless the administration cuts its budget commitment by a figure of not less than \$20 billion. To increase the legal debt limit for unwise Government expenditures we cannot afford is but to woo more deficit financing which robs the people by decreasing the purchasing power of their hard earned dollars.

To remove the 4¼% interest rate ceiling on new issues of U.S. Government bonds is very dangerous, and gives a self-serving group of private bankers of great wealth, here and abroad, access to *all* of our valued holdings and property. On all new issues of bonds, we recommend that Congress should have the final say! Of course, some flexibility in interest rates should exist, but Congress should have the last say on each new issue of bonds. This matter leads directly into the current defects of our expensive, privately owned and controlled fractional reserve central bank of money issue—the Federal Reserve, as further detailed in our supplement.

Any banking system which makes a people dependent upon debt for their well-being violates natural laws, on which their good is based, thus condemning them to a tyranny which is far more ruthless than one can imagine. Recall that "the policy of the monarch is the policy of his creditors." Are we, therefore, a free people, or are we merely industrious puppets of the privately-owned Federal Reserve banking system?

Congress must face this awesome issue and repel the attack of the foreign and domestic money creators. In so doing, gentlemen, you will keep faith with the American people. In so doing, you and your families and heirs will then have a chance to retain and enjoy liberty, by avoiding this sinister debt-money trap that leads but to slavery.

SUPPLEMENT

The most important political matter that we, as a Nation, should consider and solve is to improve our present confiscatory debt finance system known as the Federal Reserve. All else falls into secondary importance! Regrettably, few citizens have taken the trouble to analyze the cause for all our vexing major problems today. The results are catastrophic in nature—but they all stem from the one evil source—debt financing. The same holds true for England, France, Germany, Holland, etc.; in fact, for all our Western civilized nations.

In 1913, the Federal Reserve Banking System—sometimes referred to as Warburg's Pawn Shop—was established. It was carefully foisted on the back of the American people by the late unfortunate Woodrow Wilson, guided by Paul Warburg and Sen. Nelson Aldrich. Woodrow Wilson thus paid off his major campaign obligation. The Federal Reserve Banking System of Mr. Warburg was copied after the privately-owned central banks of Europe! It is a privately-owned and controlled fractional reserve central bank of

money issue. It is not an agency of the U.S. government, as some self-styled experts would have you believe, although it does handle some agency work. Being privately owned, the system is operated to make a profit for itself. It does!

The many member banks of this system, operating through 12 regional Federal Reserve Banks, are all privately owned. The Federal Reserve Bank of New York usually "cracks the whip" for the other 11 reserve banks to follow, through its Open Market Committee operations. Your friendly, local member banker, on Main St., must fall in line with New York—or else!

By means of controlling the quantity of our outstanding money supply, the Federal Reserve Banking System plans and puts into effect economic cycles known as "boom and bust"—good times (with easy money), or hard times (with high interest). The one world money proprietors also plan wars, which yield them enormous profits.

Under the Federal Reserve Act of 1913, the U.S. has to *borrow all* its money requirements, and pays interest on *its own credit*! This is a very drastic and expensive procedure for the people, but very fine for the lending "Federal" Reserve Banks! The interest bill on our Federal indebtedness will run around \$20 billion for 1971, maybe more! This vast sum will continue to increase unless Congress modifies the present Federal Reserve Act, and *wisely decides* to authorize our Treasury, under careful controls, to *issue our own U.S. lawful money, interest free at the point of origin*, as provided by the Constitution! This the Congress must do! Why should we pay interest on our own credit?

Please realize that our present banking system, misnamed the Federal Reserve, which was adopted in 1913, albeit by gross misrepresentation, must be held strictly responsible by the Congress, and by the people today for the following dire results for which it is the cause, and which now confront us:

1. The imposition upon us, as a people, of DEBT as the source of this unstable money system, with the specter of our wealth being *confiscated*.

2. The substitution of this unstable money system as the means to attain the right to administer real wealth, via private property.

3. The growing disrespect for *contracts*—a cornerstone in supporting our civilized existence.

4. The acceptance by us, as a people, of *expediency* as a substitute for *discipline*, to which we once submitted, because of its inherent morality. Note the use of the concept "temporary debt ceiling" as a substitute for "legal" debt ceiling.

5. The increasingly evident transformation of our schools, colleges, and churches into channels aimed at conditioning those in attendance to accept *collectivism* as the dominating feature of our national life.

6. The obvious inability of federal, state, and local government to maintain law and order.

It is hoped that the revelation shown here of these duly planned results will show the path to the cause and thus help eliminate it. The cause is DEBT, and the violation of the sanctity of private property—the home of *liberty*. Thoughtful American citizens should carefully ponder this situation and take action via representative government to cause a new day in our monetary policy. Let us no longer allow ourselves to be the subject of exploitation and allow our culture to be completely distorted.

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[From the American-Mercury, October 1959]

GOVERNMENT GIVES BANKERS ANOTHER  
\$15 BILLION

(By Stephen Paulsen)

In the June, 1959, issue of *MERCURY*, page 23, we exposed the fact that during 1958, the U.S. Government gave \$10,410 million to the banks. We quoted the various figure cited by Congressman Wright Patman of Texas, who is Chairman of the House Banking Commission. On June 2, 1959, Congressman Wright Patman again served the American people by telling them of another give-away bank program totaling \$15 billion. We quote from the *Congressional Record* of June 2, 1959:

"Mr. Speaker, someone should let the American people know about this bond 'give-away' bill. It will reach deep into the pockets of every family in the United States. This will be the biggest give-away of Government property in all history. All the Teapot Domes, Dizon-Yates deals, public-land grabs, timber steals, and defense contract riggings put together amount to only pennies by comparison.

"This is no 'vault-cash' bill, as the bankers' lobby calls it. It is nothing more nor less than a bill to give away \$15 billion of the people's property to the private bankers.

"I doubt if one person in a million—other than the bankers—ever heard of this bill. And I doubt if even that many people understand that this Congress is enacting legislation to give away \$15,000,000,000 of their property to the private bankers.

"The American people have certainly not learned about this legislation from the newspapers. And unlike Members of Congress, they do not have the *Congressional Record* and the committee reports which let us know what this legislation is all about. If this legislation were not being slipped through Congress and given the silent treatment by the newspapers, I think we could be sure that a few patriotic citizens would be writing or wiring their Congressmen in indignation. I think these people would say to us plainly they do not approve of our confiscating their property and giving it to the bankers.

"This legislation, S 1120, approves a proposal to give away to the private banks about \$15 billion of U.S. bonds and other interest-bearing obligations of the United States which are now in the vaults of the Federal Reserve banks. I use the term, 'Give-away,' in a quite literal sense.

"Quite a few American families would like to have a slice of these bonds on the same basis as we are about to let the banks have them. What family would not like an opportunity to 'buy' these bonds on the basis that we give them the money with which to buy them? If we divided up this \$15 billion among each family in the country, each family's share would go a long way toward putting the children through school or college. It would help pay for a house, a new automobile, or pay medical bills. The only reason which has been given for this legislation is that it will increase bank profits. Well, I could make a better argument that we ought to increase family incomes. Yes; the American people would like to own these bonds. In fact, they do own the bonds, because the Government owns them. The bankers have no claim to them whatever. Furthermore, the

interest payments on these bonds are now paid back into the U.S. Treasury and go to help meet Government expenses. If we give away the bonds, the interest payments will then go into bank profits, and every family in the country will have to help make up the loss by paying increased taxes.

"Here we are with the Federal debt at an all-time high. And the administration is about to ask Congress to increase the debt ceiling by another \$12 billion, so that the debt can be increased by another \$12 billion. More than that, we know that as soon as this bond giveaway legislation is disposed of, Congress will be asked to raise the ceiling on interest rates—the administration has already warned us of that. *The Federal Reserve has pushed interest rates up so high that U.S. bonds are now selling in the open market at yields above 4 1/2 per cent.* So we know that Congress will be asked to raise the interest-rate ceiling at which the Treasury can issue new bonds since Congress will be asked to break the legal ceiling which has been in effect since World War I, or, to be exact since 1918.

"Why should we increase the Federal debt and pile up more debt? Why should we not amend this bill to transfer to the Treasury for cancellation \$15 billion of the bonds? Why should we not reduce the Federal debt by \$15 billion instead of giving bonds to private banks?"

These are just a few of the many high spots of Congressman Patman's speech under the caption of "The Bankers' Bond Giveaway Bill Is Being Rushed Through Congress—Congress Could Reduce the Federal Debt by \$15 Billion Instead of Giving Away Bonds Now Owned by the Government."

It must be obvious to the taxpayers of our country, who have been robbed and lied to, that the press of the country is dominated by the International Bankers. Therefore, as Congressman Patman says, you saw no publicity last year about the \$10 billion given to the banks, nor is there any publicity about the current \$15 billion being given to banks.

Of course, the abused taxpayers will hereafter be paying high interest to the International Banks on this \$25,410 million of additional debt. Again, it is urgently suggested that you read *MERCURY's* vital book, *Money Made Mysterious*. It tells you the source of all your troubles, which is the dishonest debt-money system that has been fastened on to these United States. This system makes economic slaves of the citizens of the U.S.

In his book, *Money and Its True Function*, F. R. Burch has the following comment: "As long as Jesus confined his teachings to the realm of morality and righteousness, He was undisturbed; it was not until He assailed the established economic system and cast out the profiteers and overthrew the tables of the money changers, that He was doomed. The following day He was questioned, betrayed on the second, tried on the third and on the fourth crucified."

The United States Government during its 1959 fiscal year had its biggest peace time deficit in history, which totaled \$13 billion. Without the gift last year of \$10.4 billions to banks—it would only be \$2.6 billion deficit.

Most of the existing mortgages on G.I. housing bear interest at four per cent. On June 30, 1959, the Government increased the interest rate to a record high of five and one-fourth percent. Will you wake up?

[From the Houston Tribune, Feb. 11, 1971]

DEBT CALLED NEGLECTED ISSUE

(By Henry C. Chen)

The public debt, which stands at a staggering sum of about \$381 billion as of August 1970, is perhaps the most neglected major issue of public policy today. Seldom

does it become a subject of serious conversation in the financial circles, this despite its enormous size and persistently rising trend.

The general apathy toward the debt as a national issue is understandable, though inexcusable. Currently, the public is deeply engulfed in such over-riding problems as war and peace, law and order, crime and violence, environment and pollution, sex and pornography, unemployment and inflation, to name just a few.

The average man in the street is simply too pre-occupied to be interested in such a seemingly unimportant subject as the public debt.

To him the debt, it seems, has become some sort of "a stigma wrapped up in an enigma," to borrow a Churchillian phrase.

ECONOMISTS

The silence on the subject in the academic circles is equally deplorable. Most economists look at the public debt as a kind of wild animal that has already been tamed and domesticated, and any one who is even slightly apprehensive about it would be branded as a Neanderthal. Their arguments generally run as follows:

First, the public debt is an internal debt, owed by the nation to its own citizens and residents. An internal debt entails no loss of capital or wealth to the outside world because "we owe it to ourselves," and the making of interest payments merely involves the transfer of funds within the country from taxpayers to bondholders and thus has no effect on the total income of the people as a whole.

Second, it is true that the size of the public debt has been on the rise in recent years, but the burden of the debt, on the contrary, has been lessening. Thus, as a percentage of gross national product (hereinafter referred to as GNP which is defined as the nation's total production of goods and services for any given year, valued in terms of their current market prices), the public debt has steadily drifted downward from a peak of about 130 per cent at the end of World War II to a little over 40 per cent today.

INTEREST

Interest charges on the debt tell a similar story. Although interest rates have risen measurably since Pearl Harbor, the current interest payment of \$18 billion amounts to less than 2 per cent of gnp, and over the past decade interest charges have averaged about 1.2 per cent only. Surely an economy that is fast approaching one trillion dollars in size like ours can foot the bill without undue hardship.

Third, the public debt has served for many a generation as one of the best outlets of investment for the public's savings. Government securities have good marketability and are virtually riskless. They make an excellent purchase for small and conservative investors.

Indeed, they are so safe that they are often classified as money bonds. The reason is that our government always honor the payment of its debt and that it will never go bankrupt for it has the twin powers to tax and to borrow to assure its financial integrity.

REDEMPTION

Fourth, the suggestion that the government immediately embark upon a vigorous program of debt redemption should be pooh-poohed as unsound and unnecessary. Remember that of our present money supply of \$206 billion, \$100 billion represents money created as a result of the monetization of the debt during World War II. A wholesale reduction of the debt and therefore siphoning off of an equal amount of the money stock would create the most disruptive impact on the economy.

All these are plausible arguments that contain an element of truth. Does it follow

that we shouldn't worry about the debt? As a matter of fact, a huge debt particularly when it is persistently increasing in size, does pose some real and potential problems for the economy that no concerned citizen should brush aside.

First, a huge public debt has the tendency to encourage wasteful government spending. Experience has shown that as a matter of practical politics Congress almost invariably appropriates more funds than the budget asks for since it is under no obligation to make expenditures conform to tax receipts.

#### PORK BARREL

And Congressmen, whether facing reelection or not, certainly would do their utmost to please their constituents by sponsoring as many pork barrel projects as feasible regardless of the fiscal condition of the government. To be sure, there is still a constitutional ceiling on the amount of debt which the government may incur at any given time.

But the irony is that Congress always gives in by raising the ceiling whenever a request is made by the chief executive. As a result, the public debt has taken on the nature of an open-end corporate mortgage to whet the appetite of mother inflation.

Second, the existence of a huge debt may make it difficult if not impossible for the Treasury to adopt a positive contracyclical debt management policy.

Pursuit by the Treasury of such a policy calls for the adoption of two important rules: (1) lengthening the debt structure near the peak of a business expansion by selling long-term bonds to nonbank investors for its refunding operations, and (2) shortening the debt structure near the trough of a business downturn by selling short-term securities to the commercial banks so as to increase the money stock and the liquidity of the economy.

#### BIASED

Under existing circumstances the hands of the Treasury is generally known to be extremely biased toward minimizing the interest cost of the debt. Since contracyclical debt management requires the Treasury to sell long-term bonds at a time when long-term rates are highest, it is doubtful that the Treasury will be willing to play the game according to the rules of the game. Even if it wished, its efforts would be thwarted by the 4½ per cent interest ceiling on long-term bonds.

Second, high interest-rate patterns associated with rising business activity reflect large private demands for capital funds. For fear of putting a damper on the boom and thereby reducing tax revenue, the Treasury is always chary of competing aggressively at such times with the private sectors of the economy for the limited supply of long-term loanable funds.

#### REFUNDING

The alternative is to raise the funds from the short-end of the money market in order to carry on its refunding operations. However, by so doing the liquidity of the economy is increased precisely at a time when more of it is deemed undesirable.

Indeed, the choice faced by the Treasury is one between Scylla and Charybdis, and the lot of the Secretary of the Treasury in this respect can hardly be considered enviable at all.

Finally, a persistently rising debt may compound the ill effects on the redistribution of income. The "we owe it to ourselves" thesis has overlooked the fact that taxpayers and bondholders are often different groups of individuals, and when this is the case it will have the robbing-Peter-to-pay-Paul effect.

#### REGRESSIVE

Today public holdings of government securities are mostly concentrated in the hands

of high-income groups, such as commercial banks and nonbank financial institutions, whereas taxes are more uniformly spaced among the various income categories. Consequently a large public debt does tend to be regressive in its effect, and the larger the debt the more telling will be this effect on the distribution of income.

Now that the two sides of the case have been heard, we must raise one final question: How big can the public debt be? Unfortunately, there is no simple answer to this question.

### BLOUNT AND UNDERLING PENTZ DISREGARD THE LAW, THE CONSTITUTION, AND THE CONGRESS IN "CLARIFYING" JANUARY EDICT

The SPEAKER pro tempore (Mr. PATTEN). Under a previous order of the House the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 20 minutes.

Mr. SAYLOR. Mr. Speaker, I realize my comments on the Post Office Department which appeared in the RECORD on January 22 were considered "harsh" by some. Apparently they were not strong enough. If you will recall, at that time I addressed myself to the dictatorial edict laid down by the Postmaster General on January 12 which would have restricted contacts between postal employees and their elected representatives in the Congress. I termed the edict as "Fascist," and in the light of subsequent events, there is no reason to back away from that description.

After raising a hue and cry over the January edict—not by myself mind you—but in conjunction with the press, individual postal employees, and some postal unions, the Department issued a "clarification" in the Postal Bulletin of January 21 (No. 20798). In a section entitled "Employees Retain Right To Petition," the Department stated:

In order to clarify the foregoing procedures on congressional contacts as they relate to individual postal employees and employee organizations, the attention of all postal employees is invited to the provisions of chapter 71 of title 5 of the United States Code.

Thereupon followed a recitation of the laws applying to contacts between postal employees and Members of the Congress. In summary, the bulletin section was intended to take the sting out of the policy laid down by the Postmaster General. I invite you to compare the following two statements to see if you believe the second "clarifies" the first.

The Postmaster General's edict said in part:

Direct contacts with Members of Congress, their staffs, and congressional committees, on all matters involving the Postal Service, will be the exclusive responsibility of the Congressional Liaison Office.

The law says in part:

The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to a committee or Member thereof, may not be interfered with or denied.

The statements are in direct contradiction to each other. Plain and simple. How does one interpret the contradiction? Is the Department specifically telling its employees to disregard the law

in favor of the policy established by the Blount edict?

To top this, I have in my possession another "clarification" which came out of the Post Office Department earlier this month in a memorandum to Postmasters from J. B. Pentz, the regional director of the Philadelphia, Pa., office. You may recall that Mr. Pentz has a long career with the Postal Service, having served since 1969. On February 1, the former Borden Milk Co. official issued a directive to the employees of his region. I will include its full text and accompanying documents at the end of my statement but first I want to give you the "flavor" of this particular "clarification" of the "clarification" of January 21 which was intended to "clarify" the Blount edict of January 12.

Pentz says to his employee:

I consider this message one of the most important I will communicate to you as we convert to the Postal Service. I ask every postmaster to make certain that a copy reaches every supervisor on his staff.

He then goes on to say, regarding congressional contacts:

Direct contacts with Members of Congress, their staffs and Congressional Committees, on all matters involving the Postal Service, will be the exclusive responsibility of the Congressional Liaison Office at Washington.

That sounds very much like the Postmaster General's edict does it not? The procedures outlined by Pentz are also in the same vein as the original and offensive January 12 edict. For example:

1. If you receive a written inquiry from a Congressional office, you are not to answer it directly, but will prepare, within three work days, a candid, forthright and responsive draft reply to the inquiry and forward it directly to: (the Congressional Liaison office).

Two more of Mr. Pentz' directions to his employees state:

5. The draft reply will be typed in final form by the appropriate Headquarters Department for the signature of a Congressional Liaison Officer. Two copies of the final letter will be sent to me; I will send you a copy. 6. If circumstances require that you make direct contact with a Congressional office please coordinate it with me in advance.

At least Mr. Pentz says "please" in that direction but the effect of that slip into courtesy is vitiated just before he signs off.

If there is any doubt that the Post Office Department and/or the Postal Service intends to deprive American postal employees of their constitutional rights, consider how Mr. Pentz ends his letter to postal employees:

You must understand that these procedures in connection with Congressional contacts are mandatory, not optional. If you are still uncertain about your role in a given situation, call me and I will clarify it.

The only call Mr. Pentz should receive is one from the President asking for his resignation. However, I hope the President fires the Postmaster General who evidently has condoned this action.

Our postal employees are already restricted by the provisions of the Hatch Act. There is no reason for them to be further subjected to second-class citizen-

ship status which the recent directives intend to convey.

What Congress has given in authority for postal reform it can equally take away. The Postmaster General and his subordinates had better go slow in not depriving rights that belong to all employees of the postal service, and they had better not tramp too heavily on the toes of Congress lest their temple be toppled. Already, several Members who voted for postal reform legislation have expressed misgivings and tell me they now wish second thoughts had been given to the proposal before voting for it.

Pages 1 and 2 of the January 21 issue of the "Postal Bulletin" are reproduced below in order that there be no misunderstanding about the full intent of the Postmaster General's edict. Following that, I have included the full text of the letter and directions of Mr. J. B. Pentz to his regional postal employees. The items follow:

CONGRESSIONAL PROCEDURES FOR THE U.S.  
POSTAL SERVICE  
BACKGROUND

Postal managers at all levels can share credit for the great progress that has been made to date in our goal to remove political considerations from the Postal Service's decision making process.

For postal managers and employees, this transition will provide expanded career and promotional opportunities that are based upon individual merit and work performance. For the many dedicated persons throughout the Postal Service, this transition will offer challenging opportunities for revitalizing and improving the services that we provide to our "customers"—the people of the United States.

Under the postal reorganization concept, it will be the responsibility of those of us who manage the Postal Service to encourage our "customers" to come directly to us for solutions to their mailing problems. In the past, the field offices of many Representatives and Senators have referred the day-to-day problems of their constituents directly to local postmasters and their staffs for solution.

Also in the past, there has been a hesitancy for anyone throughout the Postal Service to even begin trying to find a workable solution to the legitimate problems of our "customers" until a congressional office had intervened on behalf of their constituent.

The need for this type of reliance on the Congress must now be eliminated by prompt and strong management attention, especially by our local managers, to the legitimate needs of our "customers."

It is mandatory that postal employees immediately cease any direct or indirect contacts with congressional offices on matters involving the Postal Service. At stake is the public credibility of our goal and commitment to completely remove political factors from the decision making process of the Postal Service.

PROCEDURES

In order to achieve these objectives, I am directing that the following procedures, which are applicable to all postal employees, be immediately placed in effect:

1. Congressional contacts

Direct contacts with Members of Congress, their staffs, and congressional committees, on all matters involving the Postal Service, will be the exclusive responsibility of the Congressional Liaison Office.

In implementing these new procedures, Congressmen and Senators will be encouraged to send their postal communications directly to the Congressional Liaison Office. Un-

doubtedly, there may be an occasion when a congressional request, such as a letter, a telegram, a telephone call, or even a personal conversation is addressed directly to you or to one of your employees.

In accordance with the intent of this new procedure, the recipient is to forward, within 72 hours of its receipt (Sundays and holidays excluded), the draft of a candid, forthright, and fully responsive reply on a top priority basis, along with the incoming communications, directly to:

Congressional Liaison Office, U.S. Postal Service, Room 3408, 12th & Pennsylvania Ave. N.W., Washington, D.C. 20260.

Postmasters are encouraged to assist any of their employees who may receive a direct congressional communication in meeting this time schedule.

This centralization of all direct contacts, by the Postal Service, with congressional offices will make it unnecessary for individual postal employees to have direct contacts with congressional offices, including field offices which may be located within a local Post Office building.

In the event that a direct contact with a congressional office becomes necessary, it is to be coordinated in advance with the Congressional Liaison Office.

2. New postal facilities

The Postal Service will no longer hold the traditional formal dedication ceremony upon completion of a new postal facility.

Instead, local postmasters will be authorized to hold an informal open house ceremony and tour of the new facility for our "customers" and the families of our postal employees. The highly successful open house ceremony in Santa Ana, CA, which was featured in the November-December issue of "Postal Life," can serve as a model for this type of ceremony.

All open house ceremonies will be coordinated from Headquarters by the Office of Community Programs. When a new postal facility is ready for occupancy, the Office of Community Programs will automatically provide the local postmaster with a kit of information relating to the open house ceremony.

In the future, postmasters will be allowed a small fund to defray some of the incidental costs of activities related to the open house of a new postal facility.

The purpose of this highly visible change will be to highlight the role of our own postal employees in serving the residents of their community. For this reason, participation in any informal ribbon-cutting ceremonies will be limited to full-time employees of the U.S. Postal Service. Nonpostal participation on any informal program will not be authorized.

3. Public announcements

Public announcements of Postal Service activities will be made concurrently to the news media and to congressional offices, in a nonpartisan manner.

The traditional practice of providing congressional offices with a 24-hour advance notice of Postal Service activities is responsible for conveying the erroneous impression that political considerations play a role in every postal decision.

To eliminate the possibility for such an inference in the future, the Congressional Liaison Office will furnish congressional offices with a copy of the Postal Service's public announcements concurrently with their release to the news media. Under this policy, congressional notifications will be made in a nonpartisan manner.

Under these procedures, congressional matters will be the direct concern of the Congressional Liaison Office and the Postmaster General, who through the Board of Governors, will be accountable to the Congress for the activities of the Postal Service.

In implementing these new procedures, I want you to know that they do not affect the right of any employee to petition, as a private citizen, his U.S. Representative or Senators on his own behalf.

The leadership of individual postal managers in insuring that the intent of these procedures is fully implemented will be vital to the goal of removing political considerations from the Postal Service.

EMPLOYEES RETAIN RIGHT TO PETITION

In order to clarify the foregoing procedures on congressional contacts as they relate to individual postal employees and employee organizations, the attention of all postal employees is invited to the provisions of chapter 71 of title 5 of the United States Code.

5 U.S.C. section 7101 provides in pertinent part that:

"A postal employee may not be reduced in rank or pay or removed from the postal service because of—

"(2) presenting, individually or as a member of a group of postal employees, a grievance to Congress or a Member of Congress."

5 U.S.C. section 7102 provides that:

"The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied."

39 U.S.C. section 410(b), as contained in section 2 of the Postal Reorganization Act, makes the foregoing provisions applicable to the new Postal Service. In addition, 39 U.S.C. section 1002(g), as contained in the Postal Reorganization Act, states that the provisions of section 1002, dealing with political recommendations, shall not affect the right of an officer or employee of the Postal Service to petition Congress as authorized by section 7102 of title 5.

The new congressional procedures are designed to insure that when the Postal Service, as such, speaks to Congress or to individual Members of Congress, it will do so through the Congressional Liaison Office or other authorized channels. While postal employees, and organizations of postal employees, have a statutory right to communicate with Congress or Members of Congress, they may not speak for the Postal Service unless authorized to do so.—Office of the Special Assistant to the Postmaster General, 1-21-71.

MEMORANDUM ON CONGRESSIONAL CONTACTS

Enactment of the Postal Reorganization Act last August provided the mandate for the Postal Service to completely remove itself from the political process. This legislative mandate applies with equal force to postal employees at all levels.

While the Postal Reorganization Act has removed Congress from operational decision making in the Postal Service, we will remain a public service institution whose actions will be subject to a continuing review by both Houses of Congress. In order to avoid the possibility for incorrect information and misinterpretation, it is critical that the Postal Service speak to the Congress with only one voice.

Accordingly, I am directing that the Congressional Liaison Office be the sole voice of the Postal Service in communicating with the Congress.

Yours is a vital role in achieving this transition. For this reason, I have set forth detailed procedures which clarify our future relationships with the Congress. I suggest that you apprise your staff and employees of these new procedures at an early date.

I shall expect the personal commitment of every postal manager in removing political

considerations, of any type, from the Postal Service.

CONGRESSIONAL PROCEDURES FOR THE UNITED STATES POSTAL SERVICE

POSTMASTERS

On January 15, 1971, I addressed a memorandum to you on the subject of Congressional procedures, a matter which continues to be of the utmost importance.

In order to speed the flow of Congressional correspondence into and out of the Congressional Liaison Office, the portion of the memorandum under the heading "Congressional Contacts" has been rewritten.

The attached memorandum revises and supersedes the memorandum of January 15. A copy of the revision should be distributed to every supervisor.

J. B. PENTZ,  
Regional Director.

CONGRESSIONAL PROCEDURES FOR THE UNITED STATES POSTAL SERVICE

ALL POSTMASTERS AND SUPERVISERS OF THE PHILADELPHIA POSTAL SERVICE REGION

I consider this message one of the most important I will communicate to you as we convert to the Postal Service. I ask every postmaster to make certain that a copy reaches every supervisor on his staff.

Postmasters have just received a memorandum from Postmaster General Winton M. Blount which states that the Postal Service is now removing itself from the political process and asks the personal commitment of every postal manager to accomplish that separation quickly and tactfully. The Postmaster General's memorandum tells you (1) how to deal with written, telephone or personal contacts by Members of Congress or their staffs, (2) how to introduce your new postal facility to the customers who will use it, and (3) that Congressional offices will no longer have advance information about the Postal Service's public announcements.

I want to be sure there is no misunderstanding of these procedures.

*Congressional contacts*

Direct contacts with Members of Congress, their staffs and Congressional Committees, on all matters involving the Postal Service, will be the exclusive responsibility of the Congressional Liaison Office at Washington.

1. If you receive a written inquiry from a Congressional office, you are not to answer it directly, but will prepare, within three work days, a candid, forthright and responsive draft reply to the inquiry and forward it directly to:

Congressional Liaison Office, United States Postal Service, Room 3408, 12th and Pennsylvania Avenue NW., Washington, D.C. 20260.

At the same time, please send me a copy of the material you send to the Congressional Liaison Office.

If you require advice or assistance from this office with the preparation of your reply, you may call Mr. Michael J. DeSalls at 215-597-9777 or Mrs. Catherine Kelly at 215-597-9700.

You need not send an advance copy of the inquiry to me or to the Congressional Liaison Office before you prepare your reply.

2. If you receive a telephone or personal inquiry from a Congressional source, you will tactfully acknowledge it with a statement that the information requested will be given directly to the caller's Capitol Hill office by our Congressional Liaison Office. You will then prepare, within three days, a written summary of the telephone conversation or visit, including a recommended reply, and forward it directly to the Congressional Liaison Office. Simultaneously, send a copy of the information to me.

3. The materials that you prepare for the Congressional Liaison Office should be sent by direct pouch or mailed in a penalty en-

velope marked "air mail" where such service is appropriate.

4. The Congressional Liaison Office will refer these materials to the appropriate Headquarters Department for review and, if necessary, verification with the appropriate Regional officials of the information in the draft reply.

5. The draft reply will be typed in final form by the appropriate Headquarters Department for the signature of a Congressional Liaison Officer. Two copies of the final letter will be sent to me; I will send you a copy.

6. If circumstances require that you make direct contact with a Congressional office, please coordinate it with me in advance.

*New facilities*

Several postmasters have recently moved into new facilities—main offices, stations or branches—and have been awaiting instructions on how to formally present the new building to the community.

Formal dedication ceremonies will be replaced with an informal open-house and tour by customers and families of postal employees. If a ribbon-cutting ceremony is used to publicize the move, participation is limited to full-time employees of the Postal Service. An information kit and an allowance for expenses incidental to the affair will be available. For the present, the Special Assistant to the Regional Director will help you with your plans.

You must understand that these procedures in connection with Congressional contacts are mandatory, not optional. If you are still uncertain about your role in a given situation, call me and I will clarify it.

J. B. PENTZ,  
Regional Director.

THE VOLUNTARY MILITARY MANPOWER PROCUREMENT ACT OF 1971

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 15 minutes.

Mr. MATSUNAGA. Mr. Speaker, yesterday I introduced, with Congressman STEIGER of Wisconsin and 80 other cosponsors, legislation that would implement the recommendations of the President's Gates Commission on an all-volunteer Armed Force.

The object of the legislation is to establish an entirely voluntary U.S. military force.

I would venture to say that the bipartisan group of sponsors of the measure represent a wide range of ideological differences and an equally wide range of individual motivations.

Many of us view the draft as an unwarranted infringement on the basic liberty of our citizens, and are seeking a vehicle to accomplish its abolition.

Others see in the Selective Service System a device which permits the Executive to ignore congressional intentions, and are searching for a means to reestablish in the Congress its constitutional responsibility to "raise and support armies."

All of us deplore the plight of the low-ranking enlisted man and seek to lift him from the throes of poverty.

Whatever our preconceptions or original intentions may have been, I believe that each of us is now convinced of the fundamental reasonableness and basic equity of this proposed legislation.

Its main thrust is to make the military service attractive to the point that young

men will volunteer in sufficient numbers to meet our national defense needs, so that resorting to conscription would become unnecessary.

We intend to accomplish this by providing a substantial pay raise for first term military personnel, averaging about 50 percent for enlisted men and 28 percent for officers. This proposal may seem overly generous until we realize that the present pay scale permits 50,000 servicemen to be eligible for Federal food stamps, and provides a gross compensation, to recruits which is \$45 a month below the Federal minimum wage.

Pay, of course, is not the sole factor motivating a young man's decision to enter the military service. Simple patriotism motivates many of them. But a young man considering the military service today is forced to choose between performing what he sees as his patriotic duty, and feeding his family. The proposed legislation would eliminate the need for him to make that disturbing choice.

Whatever our preconceptions or original intentions may have been, I believe our first consideration is to improve the pay and living conditions of its first term servicemen. Our bill provides the vehicle to do this, and it is our strong belief that together with its other provisions the legislation when fully implemented will render forced service unnecessary. An all-voluntary armed force will then become a reality.

It can be flatly stated as a fact: No Member of Congress would associate himself with a piece of legislation if he felt that its enactment would endanger the national security of the United States. The legislation to move toward an all-voluntary armed force is no exception.

Mr. Speaker, one need only look at some of the bill's prominent proponents to debunk the notion that it somehow involves a compromise in our Nation's security. Former Secretary of Defense Thomas Gates, former NATO Commanders Alfred Gruenther and Lauris Norstad, Senator BARRY GOLDWATER—all men with unquestionable commitment to a secure America, and with expertise to evaluate proposals that might affect it—enthusiastically support the all-volunteer force. President Nixon has proposed a similar, but more gradual, movement to an all-volunteer force.

A very important provision of the bill seeks to strengthen our Reserve forces. Our Reserve units have proven in the past to constitute our first line of defense in sudden manpower emergencies, to a far more dependable degree than the Selective Service System which requires weeks, even months, to move significant numbers of men through its pipeline. To those who say "It will never work; men volunteer for military service today only because they know the draft will get them otherwise," we say, "Let's try it, it may work."

In fact, the only evidence we have is that it will. The lottery system of induction gives us a means of estimating how many enlistees are draft-motivated. Most enlistees with high numbers, it is safe to say, would have volunteered without the pressure of the draft. According to Defense Department analyses, fully half

of the enlisted volunteers were "true" volunteers.

We wish to remind the doubtful, too, that in previous periods of national emergency there were more volunteers than the services could use. During World War II, for example, when a call for 1,500 volunteers from Hawaii was issued by the War Department, within 10 days 10,000 had volunteered. The War Department then boosted the quota to 3,000, but was forced to refuse the service of 7,000 volunteers. Those 3,000 volunteers formed the core of the famous 442d Regimental Combat Team, whom Gen. Mark Clark described as "the most fightingest and most highly decorated unit in the entire military history of the United States." Who is to say that our young men of today are less patriotic?

Just in case the skeptics are right, however, we provide in our bill a simple mechanism to cope with an emergency. Upon request of the President, the Congress need simply pass a joint resolution to reinstate the draft. Certainly, no one can seriously believe that congressional approval would be withheld in a time of real emergency.

An all-voluntary force should be preferable to what we have now, for it is most likely to be more efficient. Simply stated, volunteers do better work than men forced to do the same work. Consequently, an all-volunteer force could be much smaller in size than a mixed volunteer-and-conscript force to perform the same assignment.

Ours is not a radical, or reactionary, or liberal or conservative proposal. Our proposal represents a serious effort toward strengthening America, in both a military and a moral sense.

Its enactment is a realistic goal, and we hope to achieve it in this session of the 92d Congress.

At this point, Mr. Speaker, I include a list of the cosponsors of the Voluntary Military Manpower Procurement Act of 1971.

**VOLUNTARY MILITARY MANPOWER PROCUREMENT ACT OF 1971, FEBRUARY 17, 1971**

**LIST OF SPONSORS**

Joseph P. Addabbo, William R. Anderson, Mark Andrews, Bill Archer, Herman Badillo, Charles E. Bennett, Edward G. Blester, Jr., Edward P. Boland, William S. Broomfield, Garry Brown of Michigan, and James T. Broyles of North Carolina.

John Buchanan, Tim Lee Carter, Elford A. Cederberg, Shirley Chisholm, Don Clausen, William (Bill) Clay, James C. Cleveland, Silvio O. Conte, John Conyers, Jr., Philip M. Crane, and John H. Dent.

Harold D. Donohue, John G. Dow, John J. Duncan, Don Edwards, Paul Findley, Hamilton Fish, Jr., James Fulton of Pennsylvania, Barry Goldwater, Jr., Edith Green of Oregon, Charles S. Gubser, and Gilbert Gude.

Seymour Halpern, Lee H. Hamilton, Michael Harrington, James F. Hastings, Ken Hechler of West Virginia, Margaret M. Heckler of Massachusetts, Frank Horton, Harold T. Johnson of California, Edward I. Koch, Robert L. Leggett, and Robert McClory.

William S. Malliard, Spark M. Matsunaga, Romano L. Mazzoli, Patsy T. Mink, Parren Mitchell, F. Bradford Morse, Charles A. Mosher, Morgan F. Murphy of Illinois, James G. O'Hara, Alvin E. O'Konski, and Walter E. Powell.

Jerry L. Pettis, Albert H. Quie, Tom Railsback, Ogden R. Reid, Donald W. Riegle, Jr., Howard W. Robison, Robert A. Roe, Benja-

min S. Rosenthal, John H. Rousselot, William F. Ryan, and Fernand J. St Germain.

Charles W. Sandman, Jr., Paul S. Sarbanes, Fred Schwengel, Keith G. Sebelius, Garner E. Shriver, Henry P. Smith, III of New York, M. G. Snyder, Robert T. Stafford, J. Wm. Stanton, Louis Stokes, and William A. Steiger of Wisconsin.

Vernon W. Thomson of Wisconsin, Morris K. Udall, Guy Vander Jagt, Charles A. Vanik, William B. Widnall, and Gus Yatron.

**AN ANNUAL STATE OF THE JUDICIARY ADDRESS**

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

Mr. PODELL. Mr. Speaker, I have submitted a concurrent resolution to the House today requesting the Chief Justice of the United States to report annually to a joint session of Congress on the state of the Federal judiciary.

The idea for a "state of the judiciary" speech is not a new one, but Congress has never taken action on the matter. During this period of inaction, the problems of the judicial branch of our Government have multiplied and intensified: clogged calendars, crowded courts, jury selection, tenure of office, bail, preventive detention to name a few. If these problems are ever to be solved, Congress must have a clear statement of the problems as seen by participants in the process, and it must have comprehensive information as to their consequences for the system.

It is recognized that such speeches are not panaceas. Neither the constitutionally mandated state of the Union address, nor the state of the economy address, nor the state of the world address result in any immediate solutions.

Yet, what these speeches do accomplish is the setting down of some common ground for an extensive dialog on the problems at hand. They establish such ground in the arenas of the Government that have the responsibility and the authority to act. They offer information as to how they structure their priorities, and what ends and means are deemed relevant.

In his "state of the Federal judiciary" address before the American Bar Association in August 1970, Chief Justice Warren E. Burger stated:

I am confident that if additional costs arise in the process of making needed changes and improvements in the management of the judicial system, Congress will support the Courts. But judges must demonstrate the needs clearly

I wish to concur with Chief Justice Burger's analysis: Congress will support the courts if it has adequate knowledge of the problems—and I believe these ideas and needs should be offered directly before the Congress so they can have a wide hearing.

The Judicial Conference and the Administrative Office of the U.S. Courts have recommended changes in the past, but these have failed to have sufficient impact on the Congress and on the public. Thus the separation of powers has progressed to a type of isolation of power on the matter of dialog between the judicial and legislative branches.

The Chief Justice in a yearly state of the judiciary address before Congress could bring the prestige and the authority of his office to bear on some of the problems mentioned. By providing Congress with some of the information it requires, the long-delayed dialog between the two branches could begin in earnest.

I urge the Congress to act on the concurrent resolution.

**BALANCING THE BUDGET ON THE BACKS OF OUR ELDERLY**

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

Mr. PODELL. Mr. Speaker, I am gravely concerned by recent reports that the Nixon administration is planning to ask for an increase in medicare costs coupled with a cut in program benefits.

I would like to ask Mr. Nixon how he can find limitless money to expand our wars in Vietnam, Cambodia and Laos but cannot find money in the budget to maintain the health of our senior citizens. Clearly, Mr. Nixon thinks the priorities of this country support balancing the budget on the backs of our elderly.

I, for one, cannot understand Mr. Nixon's reasoning—and I surely cannot agree with it. I contend that we do not owe our elderly less than they are now receiving but that we owe them more. Most of the 20 million citizens now participating in medicare have poured a lifetime of work into building the standard of living so many of us enjoy today. Yet once they enter well-earned retirement, many of them find their incomes—despite social security or other income sources—drop by one-half to two-thirds.

One in every five poor persons in the United States today is elderly. One-fourth of all elderly live in households which are below the poverty line. Somehow, Mr. Speaker, this does not seem a fitting thank you for what these citizens have contributed. Yet the President wants to squeeze these people's meager budgets even more. I cannot favor such a move.

Costs have already risen sharply under medicare. For instance, when the program was begun in 1966, premiums for the supplementary voluntary doctors' insurance was \$3 a month—now they are \$5.30 a month and due to go up to \$5.60 a month in July. About 19 million elderly persons participate in this program. At the present a person receiving benefits under it must not only pay the \$5.30 monthly but must also pay the first \$60 of expenses—and it is strongly suspected that the administration is going to ask to raise this figure.

I could not support increasing costs while decreasing benefits. For years I have fought to help our elderly by expanding coverage under medicare. This is a relatively new medical program and as such there are many "bugs" in it which must be worked out. Many needs which are now unmet must be provided for. Some of us are trying to correct deficiencies that exist by providing better coverage.

One of the most critical shortcomings of this medicare program has been the lack of coverage for outpatient drug expense. At the present time, almost 80 percent of the drugs our medicare elderly use must be paid for out of their pockets—even though the drug may have been prescribed by a doctor as part of medicare treatment. We all know how expensive drugs are; for people living on fixed incomes in the midst of rampant inflation, the costs of drugs is felt even more deeply.

To meet this need, I have cosponsored a measure which would provide comprehensive outpatient prescription drug coverage under medicare. Financed under the payroll tax section of medicare with a minimum copayment by the purchaser for each prescription, the bill would cover prescription drugs and certain nonprescription drugs of special life-sustaining value. This bill is designed to assure that every medicare recipient benefits, without having to pay monthly premiums or keep records or file claims.

Furthermore, I proposed a bill which would remove the present limit on the number of days which benefits might be paid to an individual receiving posthospital extended care services. The present limit of 100 days is not sufficient, in many cases, to cover the treatment needed; and the extra expense of extended treatment can wipe out the savings an elderly person or couple may have been able to set aside.

I have also introduced legislation which would eliminate, in certain cases, the requirement that an insured individual must first be admitted to a hospital in order to qualify for extended care services. Furthermore, I have attempted to win passage of a measure which would include dental care, eye care, dentures, eyeglasses and hearing aids under medicare; this has long been recognized as a major shortcoming of medicare. Additionally, I have sponsored a bill to cover the transportation costs of an individual eligible for home health services of the type which may be provided away from his home, to and from the place where such services are provided.

As I said, Mr. Speaker, all of these measures have been introduced to meet specific failings in the current medicare program. All of them are vitally needed to make this program—which now covers only about 50 percent of the medical costs of participants—more comprehensive and beneficial to America's senior citizens who not only need but deserve such treatment. I am hopeful that Congress will look with increasing favor on the passage of such measures and will reject President Nixon's attempt to shortchange the elderly in America.

#### STUDY OF ELEMENTARY AND SECONDARY EDUCATION PROGRAMS AND NEEDS—PART III

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

Mr. PERKINS. Mr. Speaker, on September 24 and on October 8, I inserted in the Record preliminary findings of a portion of the Study of Elementary and

Secondary Education Programs and Needs which was conducted recently by the Committee on Education and Labor. Those reports dealt primarily with the operation of the programs instituted under the Elementary and Secondary Education Act and the Vocational Education Act. My colleagues who have had an opportunity to examine the results will recall that the more than 8,000 responding school superintendents expressed strong and virtually unanimous support and enthusiasm for existing Federal elementary and secondary school programs.

Today I will report on the results of those questions in the survey which inquired about the problems and needs of school districts in connection with federally aided programs. As before, the results are reported in terms of 5 enrollment categories, representing altogether an estimated 25,760,000 schoolchildren. The breakdown of the total by enrollment category is as follows:

Enrollment category 1: under 1,000 pupils; 3,132 respondents times average of 500 per district, equals 1,566,000 pupils.

Enrollment category 2: 1,000 to 4,999 pupils; 3,099 respondents times 1,000 equals 3,099,000 pupils.

Enrollment category 3: 5,000 to 34,999 pupils; 1,141 respondents times 10,000 equals 11,410,000 pupils.

Enrollment category 4: 35,000 to 99,999 pupils; 77 respondents times 60,000 equals 4,620,000 pupils.

Enrollment category 5: over 100,000 pupils; Actual count: 5,065,060 pupils.

Total estimated enrollment represented by respondents: 25,760,060.

The first question asked:

If any of the following represented a serious problem during the 1969-70 school year, please indicate the severity of the problem by ranking from 1 to 3 those that were the most difficult for your district:

- A. Inadequate Federal funding;
- B. Late Federal funding;
- C. Restrictions on the use of Federal funds;
- D. Complexities in securing approvals;
- E. No serious problems;
- F. Other."

In the largest category of schools, those with over 100,000 students enrolled and altogether representing over 5 million children, two-thirds of the responding superintendents cited "inadequate funding" as the most serious problem. This was also the most frequently chosen response in the two categories of districts enrolling 1,000 to 5,000 students and representing over 6 million schoolchildren.

In the two categories of school districts enrolling 5,000 to 100,000 pupils, representing approximately 15 million schoolchildren, "late Federal funding" was most frequently listed as the number one problem.

"Late Federal funding" was the most frequently chosen response as the second most serious problem by all respondents in districts enrolling over one thousand pupils, collectively representing over 23 million children.

In each enrollment category, the most frequently cited problem as third most serious was "restrictions on the use of Federal funds."

The great majority of the responding superintendents listed "inadequate Fed-

eral funding" or "late Federal funding" as their first or second most serious problem, and the comments we received on this question confirm the statistical findings. The figure following the city and State represents the enrollment of the district.

Mercer Island, Wash.—5,612:

Lack of Federal funding curtailed innovative thinking and programs. New, imaginative programs are impossible to implement without the aid of Federal funds and create a poor psychological climate for teachers who may have excellent ideas but find no means of putting them into practice.

Newark Valley, N.Y.—1,950:

Late funding and unrealistic timetable for spending are almost as much of a problem as insufficient funds. More certainty would surely result in better planning.

Paola, Kans.—1,695:

Good programs are the results of good planning. It is impossible to plan without knowledge of funds. We did not know until about April 1970 the amount we were to receive for 1969-70.

San Bernardino, Calif.—37,097:

Inadequate funding levels are of paramount concern. However, the lateness of notification of funding and variation in funding levels from one fiscal year to the next make effective program planning difficult.

Lakehurst, N.J.—766:

Late funding—leads to hasty planning which is not as productive as it should be.

Dearborn, Mich.—21,451:

Although (b) [late Federal funding] is listed as the number 1 problem, (a) [inadequate Federal funding] is a close second. The lateness in Federal funding causes crash programs instead of well-planned programs.

Franklin, W. Va.—1,598:

Knowing how much you are going to get and when is the greatest problem. Give us a sum of money for a year in advance to eliminate funding risks.

Mancos, Colo.—428:

A. Staffing the project was a problem at the late date. B. Inadequate funds limited the program to a few students.

Farmingdale, N.J.—190:

Notification of amounts of money district was eligible to apply for not received in sufficient time. Approvals not secured in enough time to assure Title I personnel of definite positions. Personnel had to be hired pending approval of programs.

Auburn, Ind.—4,332:

Our funds were not available until November, two months after school started. Funding should be done in the spring prior to the school year in question. Such procedures would allow ample time to employ staff and plan for the program.

Jackson, N.J.—5,300:

Year round program cannot be run to accommodate all eligible children due to lack of funding.

Palisades Park, N.J.—1,900:

Inadequate funds cause scheduling problems and insufficient services.

Buhler, Kans.—1,870:

Difficult to maintain good program for regular students when funds are cut back by Title I after starting an approved program. If it was worth starting it is worth continuing!

A second question asked:

Which of the following areas in your school district is in need of expanded programs and services? Please list according to priority.

- A. Compensatory education;
- B. Secondary vocational education;
- C. Postsecondary vocational education;
- D. Preschool education;
- E. Special education;
- F. Inservice education for teachers;
- G. Library and textbooks;
- H. Equipment;
- I. Facilities;
- J. Other.

The most common choices for the No. 1 priority were: secondary vocational education—cited by about a quarter of the respondents from districts enrolling fewer than 5,000 pupils, and compensatory education, which was chosen by 37 percent of the respondents from districts of over 35,000 enrollment. Another response which was frequently chosen as the No. 1 need was preschool education. Ten percent of those in the under 1,000 enrollment category, 20.8 percent in the 5,000 to 34,999 group, and 30.7 percent in the over 100,000 category identified preschool education as the program most in need of expansion.

Similar patterns hold as well for the responses listed as second priority. Compensatory education was chosen by one-fifth of the respondents from districts enrolling 35,000 to 99,999; and one-sixth of those from the over 100,000 group. Preschool education was chosen as second priority by a significant percentage in each enrollment category. In the districts enrolling 35,000 to 99,999, 36.6 percent of the respondents made this response, as did a quarter of those from the over 100,000 group.

When the percentages listing each possible response as first, second, or third priority are combined, a composite picture of the central concerns of the responding superintendents emerges. Again, compensatory education is seen to be of paramount importance particularly for the larger school districts. Thus, 71.5 percent of the respondents from the largest school districts—those of over 100,000 enrollment—chose it as first, second, or third priority. For all categories of responding districts, preschool education was of central importance. Over 70 percent of the respondents from districts enrolling at least 35,000 listed this as first, second, or third in importance. In the lower enrollment categories, expansion of secondary vocational education was listed as one of the three top priorities by close to half of the respondents. Inservice education for teachers was listed by over a third of all respondents as being of high priority as well. The charts showing this information appear at the end of today's report.

Comments received on this question, while revealing the wide diversity of needs felt by local school systems, clearly document the necessity for continued and increased Federal support.

#### Palisades Park, N.J.—1900:

Our experiences with pre-school programs has shown very definite, positive results. The children are more prepared when they enter the regular program and we know more about them and their problems.

#### Picher, Okla.—750:

Over a period of years a school falls behind due to economic problems. It takes longer for low tax based schools and with a high percent of disadvantaged children to catch up.

#### Jasper, Fla.—2,465:

There is a definite need in our school system to develop respect for vocational training from K1-12. There needs to exist a mutual respect and supplementary force between the representatives of the academic and vocational fields; neither is wholly successful without the other since both are essential in the education of all children.

#### Superior, Ariz.—1,060:

Our low evaluation has made growth near impossible. The valuation has been dropping markedly until very recently—now more stable, but about lowest in county in spite of fewness of low economic citizens. Need kindergarten to cut down on failures and dropouts and need vocational in high school, particularly for boys. None now.

#### Osceola, Wis.—1,156:

A lack of funds and facilities prevents this school district from providing educational opportunities for the mentally retarded (educable) of high school age.

#### Henrietta, N.Y.—10,200:

It is obvious that by providing improved and updated education for teachers result in better education for children. The NSF Institutes have proven this.

#### Pratt, Kans.—1,795:

I listed other as number one because learning difficulties need to be identified early and classrooms need to be set up to include specialists in learning difficulties to work with staff in correcting these problems so that children may progress at their own rate. I think that Continuous education by levels or phases that will let children work at their own rate will assist the first priority.

#### Dekalb, Miss.—2,500:

If adequate facilities are made available we can provide education that fits the needs of the children.

#### Van Homesville, N.Y.—355:

Compensatory education is a must. We must secure and develop a skilled diagnostician, fund the position, evaluate carefully our failures, and prescribe correction to be carried out by assistants and regular classroom staff under diagnosticians' supervision.

#### Falls Village, Conn.—2,748:

Students from this district attend a State Vocational School for technical education. There is a need for work-study programs, evening training and educational programs for dropouts, out of school youth, and updating skills for youth working at a trade.

#### Sunman, Ind.—2,353:

Sec. Vocational Ed in our new district area school is wonderful but it is about to fail because of inadequate financing at the State level and Federal level.

#### Kennebunk, Maine—2,200:

We badly need a building program that we are trying hard to get.

#### Phoenix, Ariz.—2,689:

More than anything else, classrooms and funds for kindergarten and pre-school are needed.

#### Marcellus, N.Y.—2,725:

The problem lies in the fact that we do not have large numbers of children of similar age with similar problems. Therefore to meet the needs of the students in our district who

require a compensatory instructional program of some kind calls for a program that is diverse in nature and age levels.

#### Superior, Ariz.—1,060:

We could develop this to be of more use to those entering school and pre-school if we had more space, but we have to use our auditorium for special education classes, the stage for part of this, a basement store-room for our reading special teacher who helps direct this and one boiler room for our physical education change room.

A related question about operational difficulties asked:

If your program is hampered by operational deficiencies, please respond to the following by ranking from 1 to 3 the following problems according to their severity in your district:

- A. Inadequate funds for regular programs;
- B. Inadequate facilities and materials;
- C. Unavailability of qualified professional personnel;
- D. Need for greater parental support of program;
- E. Need for technical assistance;
- F. No operational deficiencies;
- G. Other.

Without exception, the most frequently chosen response as the most severe problem in each enrollment category was "Inadequate funds for regular programs." Over 88 percent of the responding superintendents in the group of schools enrolling over 100,000 chose this response. The percentage of those answering "no operational deficiencies" declined considerably in the upper two categories of enrollment, to 15 percent of those in the districts enrolling between 35,000 and 99,999; and 5.9 percent of those in the districts of over 100,000.

In each enrollment category, the most frequently chosen response as the second most pressing problem was "inadequate facilities and materials." Three-quarters of the respondents in the largest enrollment group—those school systems enrolling over 100,000 pupils—so responded.

The response most frequently cited as the third most serious problem was the "unavailability of qualified professional personnel." Thus, 50 percent of the respondents identified this as their third most serious problem.

The last question in this series asked school superintendents how they feel schools may best be served in the future with regard to Federal education programs. The results here as well confirm the findings of the rest of the survey—that programed Federal aid is of prime necessity to school districts of all sorts:

What do you feel should be the next step in Federal assistance to education? Please list in order of your preference from 1 to 8:

- A. Federal aid for teacher salaries;
- B. Federal aid for construction;
- C. Full funding for existing Federal programs;
- D. General Federal aid in addition to existing programs;
- E. General Federal aid in lieu of existing programs;
- F. Revenue sharing;
- G. Federal aid for comprehensive pre-school programs;
- H. No further Federal assistance.

The response not frequently identified as first priority in districts enrolling over

35,000 pupils, a group representing nearly 10 million schoolchildren, was "full funding for Federal programs." Responding superintendents from the enrollment category of between 5,000 and 34,999 pupils, selected "Federal aid for construction" and "Full funding for existing Federal programs" responses with equal frequency.

The responses chosen most frequently as second priority in all school districts of up to 100,000 enrollment was "General Federal aid in addition to existing programs." The respondents from schools with over 100,000 enrollment ranked "Federal aid for comprehensive pre-school programs" with greatest frequency as second priority.

Respondents from the smallest enrollment categories, those districts enrolling fewer than 5,000 pupils, and from the largest school districts, those of over 100,000 pupils, picked most often as third priority Federal aid in addition to existing programs."

The response most commonly identified as third priority by respondents in the enrollment category of 5,000 to 34,999 was "Federal aid for school construction." Respondents from enrollment schools with 35,000 to 100,000 chose "full funding for existing Federal programs" and "Federal aid for comprehensive preschool programs" as third priority with equal frequency.

Taking into account the wide selection of possible alternatives suggested in the question, it was expected that there would be great diversity in responses. However, in every enrollment category a majority of the superintendents listed

both "Full funding for existing programs" and General Federal aid in addition to existing programs as their first, second, or third preference as to the next step in Federal aid to education. Such unanimity occurred in only two other instances. A majority of the superintendents in the enrollment category 5,000 to 34,999 recommended as either the first, second, or third step "Federal aid for construction"; and in the largest enrollment category—over 100,000—a majority of the respondents recommended "Federal aid for comprehensive preschool programs" as a next step.

The comments on this question provide further guidance as to what further steps should be taken.

**Berne, Ind.—1870:**

Inadequate facilities are due to increased enrollments, consolidation of school districts, and antiquated buildings. . . . They do hamper in the operation of Federal as well as local programs.

**Buffalo, N.Y.—6700:**

Most important will be a Federal commitment of funding which will be a dependable funding source. It is very difficult to make a local commitment of staffing and resources when the Federal program remains so chancy.

**Dearborn, Mich.—21,451:**

We have learned, especially with mid-Eastern ethnic groups, we must reach the children very early. Pre-natal programs should be considered seriously especially in the area of first generation Americans.

**Princeton, W. Va.—14,583:**

In West Virginia, cost of the materials and equipment used in the schools have been purchased with NDEA III and ESEA II funds.

Also, Vocational Education money is almost totally responsible for the vocational program which has developed in the last five or six years.

**New Rochelle, N.Y.—18,000:**

Our school district has reached the limit of its taxing power and, because of increasing salaries, has been forced to go on an austerity budget. Funding for regular school programs must be shifted from local responsibility to the state and federal government.

**Denver, Colo.—13,200:**

By far our greatest need is school buildings. 1 Sr. High School and a Sr. H.S. Vocational building.

**Hutchinson, Kans.—8,428:**

Federal aid to education is urgently needed in less densely populated areas as well as the ghetto areas of cities.

**Picher, Okla.—750:**

Education is our front line defense for the perpetuation of the American way of life. People here do not tear down facilities but wish more opportunity to build and use.

**Marcellus, N.Y.—2,725:**

Public education is the most important bulwark to the democratic system. With the tremendous increase in knowledge in the area of the behavioral sciences coupled with the advances in the technology of communications, it becomes possible for the schools to help students to reach performance levels never before dreamed of.

**Los Angeles, Calif.—692,930:**

The schools of this country need massive funding in order to succeed. We need a nationwide commitment and goal, such as the recent ten year program to reach the moon. We need to draw upon all our national resources to solve our educational ills or else we shall have difficult years ahead.

PERCENT OF RESPONSES BY ENROLLMENT CATEGORY—"IF ANY OF THE FOLLOWING REPRESENT A SERIOUS PROBLEM DURING THE 1969-70 SCHOOL YEAR, PLEASE INDICATE THE SEVERITY OF THE PROBLEM BY RANKING FROM 1 TO 3 THOSE THAT WERE THE MOST DIFFICULT FOR YOUR DISTRICT"

[In percent]

Enrollment category	Under 1,000	1-4,999	5,000-34,999	35,000-99,999	Over 100,000
	(1)	(2)	(3)	(4)	(5)
<b>1st priority:</b>					
(A) Inadequate Federal funding.....	34	38	36	40	66.7
(B) Late Federal funding.....	24	32	39	43	27.7
(C) Restrictions on the use of Federal funds.....	19	17	14	10	5.5
(D) Complexities in securing approvals.....	6	5	3	1	0
(E) No serious problems.....	14	9	7	5	0
(F) Other.....	2	1	1	0	0
<b>2d priority:</b>					
(A) Inadequate Federal funding.....	19	22	28	25	10.5
(B) Late Federal funding.....	31	32	37	39	73.7
(C) Restrictions on the use of Federal funds.....	32	31	25	13	15.8
(D) Complexities in securing approvals.....	16	13	9	8	0
(E) No serious problems.....	2	1	.7	2	0
(F) Other.....	.5	.6	.7	3	0
<b>3d priority:</b>					
(A) Inadequate Federal funding.....	20	22	20	14	13.3
(B) Late Federal funding.....	19	20	15	12	0
(C) Restrictions on the use of Federal funds.....	29	30	38	64	46.6
(D) Complexities in securing approvals.....	26	23	21	4	20.0
(E) No serious problems.....	4	3	3	2	6.7
(F) Other.....	2	2	3	4	13.3

PERCENT OF RESPONSES BY ENROLLMENT CATEGORY—"IF YOUR PROGRAM IS HAMPERED BY OPERATIONAL DEFICIENCIES, PLEASE RESPOND TO THE FOLLOWING BY RANKING FROM 1 TO 3 THE FOLLOWING PROBLEMS ACCORDING TO THEIR SEVERITY IN YOUR DISTRICT"

[In percent]

Enrollment category	Under 1,000	1-4,999	5,000-34,999	35,000-99,999	Over 100,000
	(1)	(2)	(3)	(4)	(5)
<b>1st priority:</b>					
(A) Inadequate funds for regular programs.....	45	49	52	72	88.2
(B) Inadequate facilities and materials.....	14	13	10	4	5.9
(C) Unavailability of qualified professional personnel.....	9	7	8	6	0
(D) Need for greater parental support of program.....	5	3	3	1	0
(E) Need for technical assistance.....	3	2	2	0	0
(F) No operational deficiencies.....	22	24	22	15	5.9
(G) Other.....	2	2	3	1	0

Enrollment category	Under 1,000	1-4,999	5,000-34,999	35,000-99,999	Over 100,000
	(1)	(2)	(3)	(4)	(5)
<b>2d priority:</b>					
(A) Inadequate funds for regular programs.....	12	17	17	4	6.3
(B) Inadequate facilities and materials.....	45	48	48	63	75.0
(C) Unavailability of qualified professional personnel.....	17	1	16	12	6.3
(D) Need for greater parental support of program.....	10	9	11	8	6.3
(E) Need for technical assistance.....	8	7	5	4	6.3
(F) No operational deficiencies.....	2	1	2	0	0
(G) Other.....	1	1	1	10	0
<b>3d priority:</b>					
(A) Inadequate funds for regular programs.....	20	22	20	14	0
(B) Inadequate facilities and materials.....	19	20	15	12	16.7
(C) Unavailability of qualified professional personnel.....	29	30	38	64	50.0
(D) Need for greater parental support of program.....	26	23	21	4	16.7
(E) Need for technical assistance.....	4	3	3	2	0
(F) No operational deficiencies.....	2	2	3	4	8.3
(G) Other.....	0	0	0	0	8.3

PERCENT OF RESPONSES BY ENROLLMENT CATEGORY—"WHICH OF THE FOLLOWING AREAS IN YOUR SCHOOL DISTRICT IS IN NEED OF EXPANDED PROGRAMS AND SERVICES? PLEASE LIST ACCORDING TO PRIORITY"

Enrollment category	Under 1,000	1-4,999	5,000-34,999	35,000-99,999	Over 100,000
	(1)	(2)	(3)	(4)	(5)
<b>Percent ranking each response as 1st priority:</b>					
(A) Compensatory education.....	13.5	15.5	20.9	36.3	38.4
(B) Secondary vocational education.....	24.8	25.1	17.6	10.6	3.8
(C) Postsecondary vocational education.....	1.7	1.6	1.6	3.3	3.8
(D) Preschool education.....	10.5	12.7	20.8	22.7	30.7
(E) Special education.....	19.4	11.5	5.6	1.5	11.5
(F) Inservice education for teachers.....	6.1	8.5	12.2	13.6	7.6
(G) Library and textbooks.....	8.6	3.3	3.3	0	0
(H) Equipment.....	4.3	2.8	2.0	0	3.8
(I) Facilities.....	9.5	17.5	12.6	3.0	0
(J) Other.....	1.1	1.1	2.9	9.0	0
<b>Percent ranking each response as 2d priority:</b>					
(A) Compensatory education.....	6.3	10.0	12.4	20.0	16.6
(B) Secondary vocational education.....	12.7	15.8	16.4	11.6	3.8
(C) Postsecondary vocational education.....	6.6	5.7	3.6	3.3	3.8
(D) Preschool education.....	11.8	12.3	18.0	36.6	25.0
(E) Special education.....	15.7	15.0	15.7	8.3	12.5
(F) Inservice education for teachers.....	13.6	12.5	13.9	15.0	25.0
(G) Library and textbooks.....	12.4	9.4	5.2	0	3.8
(H) Equipment.....	11.7	9.5	5.3	0	3.8
(I) Facilities.....	8.6	8.9	8.3	1.6	0
(J) Other.....	.2	.5	.7	3.3	3.8
<b>Percent ranking each response as 3d priority:</b>					
(A) Compensatory education.....	7.0	9.7	13.2	11.1	16.6
(B) Secondary vocational education.....	7.6	10.7	11.7	23.8	4.1
(C) Postsecondary vocational education.....	4.4	5.1	5.0	4.7	0
(D) Preschool education.....	9.3	11.8	15.0	17.4	25.0
(E) Special education.....	13.1	14.9	14.6	12.6	20.8
(F) Inservice education for teachers.....	15.9	13.5	15.1	19.0	4.1
(G) Library and textbooks.....	19.3	13.0	8.8	1.5	8.3
(H) Equipment.....	14.3	11.7	7.9	3.1	0
(I) Facilities.....	8.5	8.6	7.5	6.3	12.5
(J) Other.....	.1	.5	.9	0	8.3
<b>Percent by enrollment category ranking each response as 1st, 2d, or 3d priority:</b>					
(A) Compensatory education.....	26.8	31.2	46.5	67.4	71.5
(B) Secondary vocational education.....	45.1	51.6	44.7	45.0	11.7
(C) Postsecondary vocational education.....	12.7	12.4	10.3	11.3	7.6
(D) Preschool education.....	31.6	36.8	40.6	76.7	68.2
(E) Inservice Education or teachers.....	35.6	34.5	39.6	48.6	36.7
(F) Special education.....	48.2	41.4	35.2	22.4	44.8
(G) Library and textbooks.....	40.3	25.7	21.5	1.5	12.1
(H) Equipment.....	30.3	23.0	18.0	3.1	7.1
(I) Facilities.....	26.6	35.0	28.4	10.9	12.6
(J) Other.....	1.4	1.1	4.3	12.3	12.5

**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. HALEY, for 20 minutes today, and to revise and extend his remarks and include extraneous matter.

Mr. HECHLER of West Virginia, for 15 minutes today, and to revise and extend his remarks and include extraneous matter.

The following Member (at the request of Mr. BAKER), to revise and extend his remarks and include extraneous matter:

Mr. MILLER of Ohio, for 5 minutes, February 18.

Mr. RANDALL, for 45 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. SCHMITZ, for 15 minutes, today;

to revise and extend his remarks and to include extraneous matter.

Mr. SAYLOR (at the request of Mr. BAKER), for 20 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. MATSUNAGA (at the request of Mr. RONCALIO), for 15 minutes, today; to revise and extend his remarks and to include extraneous matter.

The following Members (at the request of Mr. BERGLAND), to revise and extend their remarks and include extraneous matter:

Mr. PATMAN, for 20 minutes, today.  
Mr. RARICK, for 10 minutes, today.

**EXTENSION OF REMARKS**

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN and to include extraneous matter.

(The following Members (at the request of Mr. BAKER) and to include extraneous matter:)

- Mr. SHOUP.
- Mr. KEMP in four instances.
- Mr. GUDE.
- Mr. BROOMFIELD.
- Mr. PRICE of Texas in two instances.
- Mr. SPRINGER in two instances.
- Mr. STAFFORD.
- Mr. McCLURE.
- Mr. CONABLE in two instances.
- Mr. HASTINGS.
- Mr. VANDER JAGT.
- Mr. ERLBORN.
- Mr. RAILSBACK.
- Mr. LANDGREBE.
- Mr. DEVINE.
- Mr. MICHEL.
- Mr. ZWACH.

Mr. BAKER.  
 Mr. BOB WILSON in four instances.  
 Mr. HUNT.  
 Mr. ANDERSON of Illinois.  
 Mr. REID of New York.  
 Mr. MILLER of Ohio in two instances.  
 Mr. SMITH of California.  
 Mr. CARTER.  
 Mr. BRAY in three instances.  
 Mr. SANDMAN in two instances.  
 Mr. ASHBROOK in three instances.  
 Mr. EDWARDS of Alabama.  
 Mr. BROTZMAN.  
 Mr. THONE.  
 Mr. SCHMITZ in three instances.  
 Mr. SCHWENGL in three instances.  
 Mr. COLLINS of Texas in five instances.  
 Mr. WHALEN.

(The following Members (at the request of Mr. BERGLAND) and to include extraneous matter:)

Mr. CAREY.  
 Mr. EILBERG.  
 Mr. GREEN of Pennsylvania in four instances.  
 Mr. DRINAN in two instances.  
 Mr. GRIFFIN in two instances.  
 Mr. WILLIAM D. FORD in three instances.  
 Mr. BADILLO in three instances.  
 Mr. CHAIMO in 10 instances.  
 Mr. WALDIE in five instances.  
 Mr. SYMINGTON.  
 Mr. PATMAN.  
 Mr. COTTER.  
 Mr. DORN in two instances.  
 Mr. HANNA in five instances.  
 Mr. THOMPSON of New Jersey.  
 Mr. CARNEY.  
 Mr. DANIELSON.  
 Mr. SCHEUER in two instances.  
 Mr. ULLMAN in two instances.  
 Mr. MINISH.  
 Mrs. GRIFFITHS.  
 Mr. RARICK in three instances.  
 Mr. NICHOLS.  
 Mr. VANIK in two instances.  
 Mr. BINGHAM in two instances.  
 Mr. STOKES in two instances.  
 Mr. HOWARD in two instances.  
 Mr. MONTGOMERY.  
 Mr. MONAGAN in six instances.  
 Mr. OBEY in eight instances.  
 Mr. JONES of North Carolina.  
 Mr. BEVILL.  
 Mr. WRIGHT.  
 Mr. ANDERSON of California in three instances.  
 Mr. MOLLOHAN in three instances.  
 Mr. RANGEL.  
 Mr. GALLAGHER.  
 Mr. LEGGETT in two instances.  
 Mr. FASCELL in three instances.  
 (The following Members (at the request of Mr. RONCALIO) and to include extraneous matter:)  
 Mr. KOCH.  
 Mr. KYROS in two instances.  
 Mr. ST GERMAIN in two instances.  
 Mr. BOLAND in three instances.  
 Mr. BURLESON of Texas.  
 Mr. RONCALIO in two instances.

#### SENATE JOINT RESOLUTION REFERRED

A Joint Resolution of the Senate of the following title was taken from the Speak-

er's table and, under the rule, referred as follows:

S.J. Res. 31. Joint Resolution extending the date for transmission to the Congress of the Report of the Joint Economic Committee; to the Committee on Government Operations.

#### ADJOURNMENT

Mr. RONCALIO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until Monday, February 22, 1971, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

294. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Agriculture for "Food Stamp Program," Food and Nutrition Service for fiscal year 1971 has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriations, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

295. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the disposition of funds appropriated to pay a judgment in favor of the Pembina Band of Chippewa Indians in Indian Claims Commission dockets Nos. 18-A, 113, and 191, and for other purposes; to the Committee on Interior and Insular Affairs.

296. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of December 31, 1970, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

297. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend Public Law 91-514; to the Committee on Merchant Marine and Fisheries.

#### RECEIVED FROM THE COMPTROLLER GENERAL

298. A letter from the Comptroller General of the United States, transmitting a report on applying a uniform policy with respect to rental charges for credit unions; to the Committee on Government Operations.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 4503. A bill; National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. BELL (for himself and Mr. HAWKINS):

H.R. 4504. A bill to establish a Criminal Justice Reform Administration in order to provide assistance to encourage States and localities to undertake comprehensive criminal justice reform in order to strengthen police protection, improve the prosecution of

offenders, expedite overcrowded court criminal calendars, and strengthen correctional systems, and for other purposes; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 4505. A bill to amend section 620 of the Foreign Assistance Act of 1961, to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

H.R. 4506. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing-rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4507. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. BROYHILL of North Carolina:

H.R. 4508. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax for a portion of amounts paid for certain educational expenses incurred at an institution of higher learning or vocational training; to the Committee on Ways and Means.

By Mr. CARTER:

H.R. 4509. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time shall begin on Memorial Day and end on Labor Day of each year; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER:

H.R. 4510. A bill to amend section 48 of the Bankruptcy Act (11 U.S.C. 76) to increase the maximum compensation allowable to receivers and trustees; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.R. 4511. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; to the Committee on the Judiciary.

H.R. 4512. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors; to the Committee on the Judiciary.

H.R. 4513. A bill to amend the Merchant Marine Act, 1920, to prohibit transportation of articles to or from the United States aboard certain foreign vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 4514. A bill to amend the Internal Revenue Code of 1954 to provide that certain tuition payments be treated as charitable contributions; to the Committee on Ways and Means.

H.R. 4515. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. CONABLE:

H.R. 4516. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 4517. A bill to amend the National

Environmental Policy Act of 1969 to provide for class actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

H.R. 4518. A bill to amend the Fish and Wildlife Act of 1956 in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. COTTER:

H.R. 4519. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

H.R. 4520. A bill to amend title XVIII of the Social Security Act to fix at \$5 the monthly premium which an individual is required to pay for coverage under the supplementary medical insurance program; to the Committee on Ways and Means.

H.R. 4521. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in benefits thereunder, with a \$100 minimum primary benefit and subsequent benefit increases based on the cost of living, and to raise to \$2,500 a year the amount of outside earnings a beneficiary may have without loss of benefits; to the Committee on Ways and Means.

By Mr. DORN (by request):

H.R. 4522. A bill to amend section 312 of title 38, United States Code, by providing a 5-year presumptive period of service connection for malignant tumors (cancer) which develop within 5 years from the date of separation from active service; to the Committee on Veterans' Affairs.

H.R. 4523. A bill to amend title 38 of the United States Code to provide that veterans with disability rated less than 50 percent shall receive additional compensation for dependents; to the Committee on Veterans' Affairs.

H.R. 4524. A bill to amend title 38, United States Code, to enable certain permanently and totally disabled veterans to receive the full rate of disability compensation payable for service-connected disabilities, and also a proportionate amount of disability pension under a specified formula; to the Committee on Veterans' Affairs.

H.R. 4525. A bill to amend section 312 of title 38, United States Code, by providing a 5-year presumptive period of service connection for a chronic disease becoming manifest to a degree of 10 percent or more within 5 years from the date of separation from service of certain prisoners of war; to the Committee on Veterans' Affairs.

H.R. 4526. A bill to provide for the payment of aid and attendance benefits to certain totally disabled veterans; to the Committee on Veterans' Affairs.

H.R. 4527. A bill to amend section 415 of title 38, United States Code, to standardize the computation of income of dependent parents; to the Committee on Veterans' Affairs.

H.R. 4528. A bill to amend section 410(a) of title 38, United States Code, to provide for the payment of dependency and indemnity compensation to certain survivors of deceased veterans who were rated 100 percent disabled by reason of service-connected disabilities for 20 or more years; to the Committee on Veterans' Affairs.

H.R. 4529. A bill to amend chapter 11 of title 38, United States Code, to provide full wartime benefits for extrahazardous duty; to the Committee on Veterans' Affairs.

H.R. 4530. A bill to amend section 312 of title 38, United States Code, by providing a 2-year presumptive period of service connection for the psychosis which develop within 2 years from the date of separation from active service; to the Committee on Veterans' Affairs.

H.R. 4531. A bill to liberalize the criteria governing the grant of assistance toward the purchase of specially equipped automobiles for certain veterans disabled as the result of service during the Vietnam era; to the Committee on Veterans' Affairs.

H.R. 4532. A bill to amend title 38 of the United States Code to provide that certain veterans who were prisoners of war shall be deemed to have a service-connected disability of 50 percent; to the Committee on Veterans' Affairs.

H.R. 4533. A bill to amend section 314(k) of title 38, United States Code, to provide for a statutory payment of \$47 per month to a veteran who has lost the use of a lung or kidney as the result of a service-connected disability; to the Committee on Veterans' Affairs.

H.R. 4534. A bill to amend section 1901(a) of title 38, United States Code, to make certain veterans of World War I eligible for the automobile assistance allowance provided for certain veterans of World War II and the Korean conflict; to the Committee on Veterans' Affairs.

H.R. 4535. A bill to amend title 38, United States Code, to increase the statutory rates for anatomical loss or loss of use; to the Committee on Veterans' Affairs.

H.R. 4536. A bill to provide for the payment of an aid and attendance allowance to certain seriously disabled veterans; to the Committee on Veterans' Affairs.

H.R. 4537. A bill to amend title 38 of the United States Code so as to increase the period of presumption of service connection for certain cases of multiple sclerosis from 7 to 10 years; to the Committee on Veterans' Affairs.

By Mr. DOW:

H.R. 4538. A bill; the Vietnam Disengagement Act of 1971; to the Committee on Foreign Affairs.

By Mr. DOWNING:

H.R. 4539. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. EDWARDS of Alabama:

H.R. 4540. A bill to amend title 5 of the United States Code to provide that full credit be given for all active military services by retired Armed Forces members for determining retention and annual leave in the civil service; to the Committee on Post Office and Civil Service.

By Mr. ERLBORN (for himself, Mr. BROWN of Ohio, Mr. BROYHILL of North Carolina, Mr. CLEVELAND, Mr. CONABLE, Mr. FRENZEL, Mr. GOODLING, Mr. HANSEN of Idaho, Mr. HAWKINS, Mr. HOSMER, Mr. KEMP, Mr. KUYKENDALL, Mr. LATA, Mr. MICHEL, Mr. SCHWENDEL, Mr. SLACK, Mr. STEIGER of Wisconsin, and Mr. TALCOTT):

H.R. 4541. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Bureau of Consumer Protection in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. FASCELL:

H.R. 4542. A bill to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering, insure the constitutional rights of taxpayers,

to facilitate the collection of such taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. WILLIAM D. FORD:

H.R. 4543. A bill to amend the Department of Defense Overseas Teachers Pay and Personnel Practices Act with respect to the giving of credit to new teachers for prior experience; to the Committee on Post Office and Civil Service.

H.R. 4544. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to regulate the mailing of certain drugs and other controlled substances covered by title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FREY (for himself, Mr. SIKES, Mr. FUQUA, Mr. ROGERS, Mr. PEPPER, Mr. FASCELL, Mr. HALEY, Mr. YOUNG of Florida, and Mr. BENNETT):

H.R. 4545. A bill to authorize the Administrator of the National Aeronautics and Space Administration to convey certain lands in Brevard County, Fla.; to the Committee on Science and Astronautics.

By Mr. FULTON of Pennsylvania:

H.R. 4546. A bill to retain November 11 as Veterans Day; to the Committee on the Judiciary.

H.R. 4547. A bill to retain May 30 as Memorial Day and November 11 as Veterans Day; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.R. 4548. A bill to provide for a coordinated national boating safety program; to the Committee on Merchant Marine and Fisheries.

By Mr. GARMATZ:

H.R. 4549. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GIAIMO:

H.R. 4550. A bill to amend title XVIII of the Social Security Act so as to include chiropractors' services among the benefits provided by the insurance program established by part B of such title; to the Committee on Ways and Means.

By Mr. GRAY:

H.R. 4551. A bill to amend title 38 of the United States Code so as to entitle veterans of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively; to the Committee on Veterans' Affairs.

H.R. 4552. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. GUBSER:

H.R. 4553. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HALEY:

H.R. 4554. A bill to amend section 111(a) of title 38, United States Code, to increase the rate of reimbursement of travel authorized Veterans' Administration beneficiaries, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HARSHA (for himself, Mr. FISH, Mr. MIZELL, and Mr. CARTER):

H.R. 4555. A bill to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended; to the Committee on Public Works.

By Mr. HECHLER of West Virginia (for himself, Mr. ROUSH, Mr. SAND-

MAN, Mr. SARBANES, Mr. SEIBERLING, Mr. VANDER JAGT, Mr. VANIK, Mr. WILLIAMS, and Mr. MIKVA):

H.R. 4556. A bill to provide for the control of surface and underground coal mining operations which adversely affect the quality of our environment, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HECHLER of West Virginia (for himself, Mrs. ABZUG, Mr. BINGHAM, Mr. BURTON, Mr. DINGELL, Mr. DOW, Mr. ECKHARDT, Mr. WILLIAM D. FORD, Mr. GALLAGHER, Mr. GONZALEZ, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. HATHAWAY, Mr. HAWKINS, Mr. HELSTOSKI, Mr. LEGGETT, Mr. LONG of Maryland, Mrs. MINK, Mr. MITCHELL, Mr. MORSE, Mr. MOSS, Mr. PIKE, and Mr. REID of New York):

H.R. 4557. A bill to provide for the control of surface and underground coal mining operations which adversely affect the quality of our environment, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HUNT:

H.R. 4558. A bill to provide for the construction of a new Veterans' Administration hospital in southern New Jersey; to the Committee on Veterans' Affairs.

By Mr. JOHNSON of California (for himself and Mr. BOB WILSON):

H.R. 4559. A bill to preserve and stabilize the domestic gold mining industry and to increase the domestic production of gold to meet the needs of national defense; to the Committee on Armed Services.

By Mr. JONES of North Carolina:

H.R. 4560. A bill to provide for the equalization of the retired pay of members of the uniformed services of equal grade and years of services; to the Committee on Armed Services.

By Mr. JONES of Tennessee:

H.R. 4561. A bill to provide for small-farm participation in the feed grain program; to the Committee on Agriculture.

H.R. 4562. A bill to preserve feed grain history on farms with feed grain bases; to the Committee on Agriculture.

H.R. 4563. A bill to amend section 123(3) of title 28 of United States Code, so as to transfer Obion County and Lake County from the eastern to the western division of the western district of Tennessee; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.R. 4564. A bill to provide relief in patent and trademark cases affected by the emergency situation in the U.S. Postal Service which began on March 18, 1970; to the Committee on the Judiciary.

By Mr. KEE (for himself and Mr. CLARK):

H.R. 4565. A bill to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended; to the Committee on Public Works.

By Mr. KEITH:

H.R. 4566. A bill to provide for the establishment of the Plymouth Rock National Memorial, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4567. A bill to create the Cape Cod National Marine Sanctuary; to the Committee on Merchant Marine and Fisheries.

H.R. 4568. A bill to authorize the Secretary of the Interior to study the most feasible and desirable means of establishing certain portions of the tidelands, Outer Continental Shelf, seaward areas, and Great Lakes of the United States as marine sanctuaries, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. KEMP:

H.R. 4569. A bill to establish a national

land-use policy; to authorize the Secretary of the Interior to make grants to encourage and assist the States to prepare and implement land-use programs for the protection of areas of critical environmental concern and the control and direction of growth and development of more than local significance, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4570. A bill to amend the Rail Passenger Service Act of 1970 to require the Secretary of Transportation to include a route from New York City to Chicago, Ill., via Buffalo, N.Y.; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH:

H.R. 4571. A bill to establish a transportation trust fund, to encourage urban mass transportation, and for other purposes; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. ABOUREZK, Mrs. ABZUG, Mr. ADDABBO, Mr. ANDERSON of California, Mr. ASHLEY, Mr. BELL, Mr. BIAGGI, Mr. BRASCO, Mr. BURKE of Massachusetts, Mr. CORMAN, Mr. DONOHUE, Mr. DRINAN, Mr. WILLIAM D. FORD, Mr. FRASER, Mr. GOLDWATER, and Mrs. GRASSO):

H.R. 4572. A bill to provide for the abatement of air pollution by the control of emissions from motor vehicles; preconstruction certification of stationary sources; more stringent State standards covering vehicular emissions, fuel additives, and aircraft fuels; emergency injunctive powers; and public disclosure of pollutants; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. HALPERN, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HUNGATE, Mr. MATSUNAGA, Mr. MIKVA, Mr. RANGEL, Mr. REES, Mr. ROSENTHAL, Mr. ST GERMAIN, Mr. STOKES, and Mr. WOLFF):

H.R. 4573. A bill to provide for the abatement of air pollution by the control of emissions from motor vehicles; preconstruction certification of stationary sources; more stringent State standards covering vehicular emissions, fuel additives, and aircraft fuels; emergency injunctive powers; and public disclosure of pollutants; to the Committee on Interstate and Foreign Commerce.

By Mr. KYROS:

H.R. 4574. A bill; Vietnam Disengagement Act of 1971; to the Committee on Foreign Affairs.

By Mr. LATTA:

H.R. 4575. A bill to provide for small farm participation in the feed grain program; to the Committee on Agriculture.

H.R. 4576. A bill to insure pay equalization for ASC county commissioners; to the Committee on Post Office and Civil Service.

By Mr. LEGGETT:

H.R. 4577. A bill to facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel; to the Committee on Merchant Marine and Fisheries.

H.R. 4578. A bill to amend the act entitled "An act to establish a contiguous fishery zone beyond the territorial sea of the United States," approved October 14, 1966, to require that the method of straight baselines shall be employed for the purpose of determining the boundaries of such fishery zone, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 4579. A bill to require a radiotelephone on certain vessels while navigating upon specified waters of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 4580. A bill to amend the Fish and Wildlife Act of 1956 to authorize the Secretary of the Interior to make loans to as-

sociations of fishing vessel owners and operators organized to provide insurance against the damage or loss of fishing vessels or the injury or death of fishing crews, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 4581. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. LENNON:

H.R. 4582. A bill making appropriations to the Secretary of Commerce for the fiscal year 1972 to carry out the provisions of the National Sea Grant College and Program Act of 1966; to the Committee on Appropriations.

H.R. 4583. A bill to amend section 403(b) of the Federal Aviation Act of 1958 to require reduced-rate transportation for certain disabled veterans of the Armed Forces of the United States; to the Committee on Interstate and Foreign Commerce.

H.R. 4584. A bill to prohibit the discharge into any of the navigable waters of the United States or into international waters of any military or waste material without a certification by the Environmental Protection Agency and the National Oceanic and Atmospheric Administration approving such discharge; to the Committee on Merchant Marine and Fisheries.

By Mr. McCLURE:

H.R. 4585. A bill to encourage States to establish motor vehicle disposal programs and to provide for federally guaranteed loans and tax incentives for the acquisition of automobile scrap processing equipment; to the Committee on Ways and Means.

By Mr. MELCHER:

H.R. 4586. A bill to authorize the Secretary of Agriculture to establish corn feed grain bases for certain growers whose sugar beets were formerly processed at Hardin, Mont.; to the Committee on Agriculture.

H.R. 4587. A bill to grant all minerals, including coal, oil and gas, on certain lands on the Fort Belknap Indian Reservation, Mont., to certain Indians and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. METCALFE:

H.R. 4588. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. MIKVA (for himself, Mrs. ABZUG, Mr. BADELLO, and Mr. FRASER):

H.R. 4589. A bill to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities, and for other purposes; to the Committee on the Judiciary.

By Mr. MILLS:

H.R. 4590. A bill relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore; to the Committee on Ways and Means.

By Mrs. MINK (for herself, Mrs. ABZUG, Mr. ADDABBO, Mr. BADELLO, Mr. BEGICH, Mr. BURTON, Mrs. CHISHOLM, Mr. DOW, Mr. WILLIAM D. FORD, Mrs. GRASSO, Mr. HECHLER of West Virginia, Mr. LEGGETT, Mr. MATSUNAGA, Mr. MIKVA, Mr. REES, Mr. TIERNAN, Mr. VAN DEERLIN, and Mr. YATES):

H.R. 4591. A bill to amend the Military Procurement Act of 1970 to prohibit the future transportation, deployment, storage, or disposal, of chemical and biological war-

fare munitions outside of the United States; to the Committee on Armed Services.

By Mr. MOLLOHAN:

H.R. 4592. A bill to prohibit the dissemination through interstate commerce or the mails of materials harmful to persons under the age of 18 years, and to restrict the exhibition of movies or other presentations harmful to such persons; to the Committee on the Judiciary.

By Mr. MONAGAN:

H.R. 4593. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 4594. A bill to provide for the conveyance of certain lands of the United States to the city of New York, N.Y.; to the Committee on Government Operations.

H.R. 4595. A bill to provide for the conveyance of certain lands of the United States to the city of New York, N.Y.; to the Committee on Government Operations.

By Mr. OBEY:

H.R. 4596. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act; to the Committee on Agriculture.

By Mr. OBEY (for himself, Mr. COTTER, Mr. SARBANES, and Mr. NIX):

H.R. 4597. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. O'HARA:

H.R. 4598. A bill to provide for the free mailing of absentee ballots, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. O'NEILL:

H.R. 4599. A bill to reorganize the executive branch of the Government by transferring to the Secretary of the Interior certain functions of the Secretary of Agriculture, and for other purposes; to the Committee on Agriculture.

H.R. 4600. A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption as food; to the Committee on Interstate and Foreign Commerce.

H.R. 4601. A bill to amend section 702 of the Public Works and Economic Development Act of 1965; to the Committee on Public Works.

H.R. 4602. A bill to impose an additional excise tax on cigarettes, with the proceeds being used for cancer research programs through a newly established Cancer Research Fund; to the Committee on Ways and Means.

H.R. 4603. A bill to amend title II of the Social Security Act to increase from \$1,680 to \$3,000 the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. PATMAN:

H.R. 4604. A bill to amend the Small Business Act; to the Committee on Banking and Currency.

By Mr. PICKLE:

H.R. 4605. A bill to change the fiscal year of the U.S. Government; to the Committee on Government Operations.

By Mr. PIRNIE:

H.R. 4606. A bill to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces; to the Committee on Armed Services.

By Mr. PRICE of Illinois:

H.R. 4607. A bill to amend title XVIII of

the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 4608. A bill to provide for increased international control of the production of, and traffic in, opium, and for other purposes; to the Committee on Foreign Affairs.

H.R. 4609. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

By Mr. RARICK:

H.R. 4610. A bill to amend the Internal Revenue Code of 1954 to provide that retired individuals having annual gross income of \$10,000 or less will not have to file Federal income tax returns; to the Committee on Ways and Means.

H.R. 4611. A bill to amend the Internal Revenue Code of 1954 to authorize an incentive tax credit allowable with respect to facilities to control water and air pollution, to encourage the construction of such facilities, and to permit the amortization of the cost of constructing such facilities within a period of from 1 to 5 years; to the Committee on Ways and Means.

By Mrs. REID of Illinois:

H.R. 4612. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

H.R. 4613. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

H.R. 4614. A bill to amend title II of the Social Security Act to provide for automatic annual cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

H.R. 4615. A bill to amend title II of the Social Security Act to increase from \$1,680 to \$3,600 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Ways and Means.

H.R. 4616. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. REUSS (for himself, Mr. ADDABBO, Mr. CARNEY, Mr. DRINAN, Mr. DULSKI, Mr. EDWARDS of California, Mr. EILBERG, Mr. FRASER, Mr. HARRINGTON, Mr. HAMILTON, Mr. HAWKINS, Mr. MIKVA, Mr. NEDZI, Mr. OBEY, Mr. POPELL, Mr. REES, Mr. TERNAN, and Mr. YATRON):

H.R. 4617. A bill to improve intergovernmental relationships, and the economy and efficiency of all levels of government, by providing Federal block grants for States and localities where is a demonstration of State intention to modernize State and local government; to the Committee on Government Operations.

By Mr. ROGERS (for himself, Mr. JARMAN, Mr. KYROS, Mr. PREYER of North Carolina, Mr. CARTER, and Mr. HASTINGS):

H.R. 4618. A bill to amend the Public Health Service Act to continue and broaden

eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS:

H.R. 4619. A bill to amend section 4171 of the Revised Statutes to allow the endorsement on certificates of registry of alternate masters; to the Committee on Merchant Marine and Fisheries.

By Mr. RONCALIO:

H.R. 4620. A bill to amend the Railway Labor Act to avoid interruptions of railroad transportation that threaten national safety and health by reason of labor disputes, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RONCALIO (for himself, Mr. SAYLOR, and Mr. EDMONDSON):

H.R. 4621. A bill to designate the Gros Ventre Wilderness, Teton National Forest, in the State of Wyoming; to the Committee on Interior and Insular Affairs.

By Mr. ROSTENKOWSKI (for himself and Mr. YATES):

H.R. 4622. A bill to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. SCHNEEBELI:

H.R. 4623. A bill to amend the Internal Revenue Code of 1954 to provide for the amortization of facilities used for the recycling, reprocessing, or reclamation of ferrous metal; to the Committee on Ways and Means.

By Mr. SCOTT:

H.R. 4624. A bill to transfer to the Attorney General jurisdiction over the District of Columbia penal facilities at Lorton, and for other purposes; to the Committee on the District of Columbia.

By Mr. TEAGUE of California:

H.R. 4625. A bill to authorize a study of the feasibility and desirability of establishing a Channel Islands National Park in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4626. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4627. A bill to provide that certain time spent by Federal employees assigned to the California offshore islands shall be considered as hours of employment; to the Committee on Post Office and Civil Service.

By Mr. TEAGUE of California (for himself, Mr. HALEY, Mr. HOLIFIELD, Mr. GALLAGHER, Mr. MYERS, and Mr. SANDMAN):

H.R. 4628. A bill to provide for a Federal ecological preserve in a portion of the Outer Continental Shelf in the Santa Barbara Channel and to provide for a moratorium on drilling operations pending the ability to control and prevent pollution by oil discharges and to improve the state of the art with respect to oil production from the submerged lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. THOMPSON of Georgia:

H.R. 4629. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ULLMAN:

H.R. 4630. A bill to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases; to the Committee on Interstate and Foreign Commerce.

By Mr. VIGORITO:

H.R. 4631. A bill to amend the Federal Water Pollution Control Act to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

By Mr. BOB WILSON (for himself, Mr. BYRNE of Pennsylvania, and Mr. STEELE):

H.R. 4632. A bill to assist in the efficient production of the needed volume of good housing at lower cost through the elimination of restrictions on the use of advanced technology, and for other purposes; to the Committee on Banking and Currency.

By Mr. WOLFF:

H.R. 4633. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. WYATT:

H.R. 4634. A bill to direct the Secretary of the Army to release on behalf of the United States a condition in a deed conveying certain land to the State of Oregon to be used as a public highway; to the Committee on Armed Services.

By Mr. WYLIE:

H.R. 4635. A bill to amend the Railroad Retirement Act of 1937 to provide for cost-of-living increases in the annuities and pensions (and lump-sum payments) which are payable thereunder; to the Committee on Interstate and Foreign Commerce.

H.R. 4636. A bill to amend title 38 of the United States Code to provide for cost-of-living increases in compensation, dependency, and indemnity compensation, and pension payments; to the Committee on Veterans' Affairs.

H.R. 4637. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

H.R. 4638. A bill to amend title II of the Social Security Act to increase to \$3,000 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Ways and Means.

By Mr. YOUNG of Texas:

H.R. 4639. A bill to authorize a survey of the Chilitipin Creek at and in the vicinity of Sinton, Tex., in the interest of flood control and allied purposes; to the Committee on Public Works.

By Mrs. ABZUG:

H.J. Res. 345. Joint resolution repealing the Military Selective Service Act of 1967; to the Committee on Armed Services.

By Mr. CONABLE:

H.J. Res. 346. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. CORMAN:

H.J. Res. 347. Joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. ABOUREZK, Mrs. ABZUG, Mr. ADAMS, Mr. ANDERSON of Illinois, Mr. ANDREWS of North Dakota, Mr. ASPIN, Mr. BADILLO, Mr. BARRETT, Mr. BEGICH, Mr. BIAGGI, Mr. BYRNE of Pennsylvania, Mr. CARNEY, Mr. CARTER, Mr. CLARK, Mr. DON H. CLAUSEN, Mr. COLLINS of Illinois, Mr. CORMAN, Mr. COTTER, Mr. COUGHLIN, Mr. DRINAN, Mr. EDWARDS of California,

Mr. ESCH, Mr. EVANS of Colorado, and Mr. FORSYTHE):

H.J. Res. 348. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. DINGELL (for himself, Mr. FRENZEL, Mr. GALLAGHER, Mr. GAYDOS, Mr. GOODLING, Mrs. GRASSO, Mrs. GREEN of Oregon, Mr. GREEN of Pennsylvania, Mrs. GRIFFITHS, Mr. GUBSER, Mr. GUDE, Mrs. HANSEN of Washington, Mr. HAWKINS, Mr. HICKS of Washington, Mrs. HICKS of Massachusetts, Mr. HORTON, Mr. HOSMER, Mr. JONES of North Carolina, Mr. KEITH, Mr. KING, Mr. KLUCZYNSKI, Mr. KUYKENDALL, Mr. LENT, Mr. LINK, and Mr. LONG of Maryland):

H.J. Res. 349. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. DINGELL (for himself, Mr. McCLOSKEY, Mr. McDONALD of Michigan, Mr. MAYNE, Mr. MINSHALL, Mr. MURPHY of Illinois, Mr. NICHOLS, Mr. NIX, Mr. PETTIS, Mr. PEYSER, Mr. PIRNIE, Mr. PREYER of North Carolina, Mr. REES, Mr. REID of New York, Mr. RIEGLE, Mr. ROBINSON of Virginia, Mr. ROSENTHAL, Mr. ROUSH, Mr. RUNNELS, Mr. ST GERMAIN, Mr. SARBANES, Mr. SCHNEEBELI, Mr. SCHWENGL, Mr. SHIPLEY, and Mr. SHOUP):

H.J. Res. 350. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. DINGELL (for himself, Mr. STEIGER of Wisconsin, Mr. THONE, Mr. VANDER JAGT, Mr. WAGGONNER, Mr. WATTS, Mr. WHALLEY, Mr. CHARLES H. WILSON, Mr. WOLFF, Mr. WYLIE, Mr. ZABLOCKI, and Mr. SKUBITZ):

H.J. Res. 351. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. DINGELL (for himself, Mr. PELLY, Mr. LENNON, Mr. BYRNE of Pennsylvania, Mr. ROGERS, Mr. MURPHY of New York, Mr. JONES of North Carolina, Mr. LEGGETT, Mr. BIAGGI, Mr. ANDERSON of California, Mr. KYROS, and Mr. STEELE):

H.J. Res. 352. Joint resolution amending the Fishermen's Protective Act of 1967 to insure the safety of U.S. commercial fishing vessels, crews, and equipment against illegal harassment and seizure; to the Committee on Merchant Marine and Fisheries.

By Mr. DOWNING:

H.J. Res. 353. Joint resolution designating June 3 of each year as National Navy Wives Clubs of America Day; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.J. Res. 354. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. GUBSER:

H.J. Res. 355. Joint resolution providing for a White House Conference on Human Public Relations; to the Committee on the Judiciary.

By Mr. McCLOSKEY (for himself, Mr. BROWN of Ohio, Mr. LINK, Mr. METCALFE, and Mr. ROUSH):

H.J. Res. 356. Joint resolution designation of third week of April of each year as "Earth Week"; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.J. Res. 357. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for

men and women; to the Committee on the Judiciary.

By Mr. MILLER of Ohio:

H.J. Res. 358. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public schools and other public buildings; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.J. Res. 359. Joint resolution proposing an amendment to the Constitution of the United States respecting the right of persons who have attained the age of 18 to vote in State and local elections; to the Committee on the Judiciary.

By Mr. PICKLE:

H.J. Res. 360. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. RANGEL:

H.J. Res. 361. Joint resolution to establish a temporary commission to study the relationship between drug addiction and crime and make recommendations for the control of such addiction; to the Committee on the Judiciary.

By Mrs. REID of Illinois:

H.J. Res. 362. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

H.J. Res. 363. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. STAGGERS (for himself and Mr. SPRINGER) (by request):

H.J. Res. 364. Joint resolution to provide alternate procedures to facilitate the settlement of the labor dispute between certain carriers by railroad and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. WAMPLER:

H.J. Res. 365. Joint resolution to extend the time for the proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971; to the Committee on Agriculture.

By Mr. GALLAGHER (for himself and Mr. Dow):

H. Con. Res. 168. Concurrent resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. HUNT:

H. Con. Res. 169. Concurrent resolution that the President of the United States be urged to bring the force of world opinion to bear on behalf of the restoration of self determination for the peoples of Estonia, Latvia, and Lithuania; to the Committee on Foreign Affairs.

By Mr. MOLLOHAN:

H. Con. Res. 170. Concurrent resolution to authorize the President to proclaim the week of April 19, 1971, through April 23, 1971, as "Students' Week Against Drug Abuse"; to the Committee on the Judiciary.

By Mr. PODELL:

H. Con. Res. 171. Concurrent resolution to request the Chief Justice of the United States to appear annually before a joint session of the Congress to report on the state of the Federal judiciary; to the Committee on the Judiciary.

By Mr. RARICK:

H. Con. Res. 172. Concurrent resolution expressing the sense of Congress that officers and employees of the Federal Government residing and working in the District of

Columbia should send their children to the public schools of the District of Columbia; to the Committee on the District of Columbia.

By Mr. ROBISON of New York:

H. Con. Res. 173. Concurrent resolution expressing the sense of Congress that the Secretary of the Interior prescribe and implement regulations for the harvesting of Northern fur seals to insure quick and painless death before skinning; to the Committee on Merchant Marine and Fisheries.

By Mr. WOLFF:

H. Con. Res. 174. Concurrent resolution providing for the appointment of a study team to observe the elections in Vietnam in October 1971; to the Committee on Foreign Affairs.

By Mrs. ABZUG:

H. Res. 235. Resolution to provide for an investigation by the Committee on Government Operations of the activities of ground combat forces of the armed services of the United States operating in Laos; to the Committee on Rules.

By Mr. PRICE of Illinois:

H. Res. 236. Resolution providing funds for the expenses of the Committee on Standards of Official Conduct; to the Committee on House Administration.

By Mr. SANDMAN:

H. Res. 237. Resolution: Continued U.S. control of Panama Canal indispensable; to the Committee on Foreign Affairs.

By Mr. SCOTT:

H. Res. 238. Resolution: Continued U.S. control of Panama Canal indispensable; to the Committee on Foreign Affairs.

By Mr. WHALLEY:

H. Res. 239. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 4640. A bill for the relief of Felipe Martin De Abia; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.R. 4641. A bill for the relief of Emanuel Hadji Rahim Torbati; to the Committee on the Judiciary.

By Mr. BARRETT:

H.R. 4642. A bill for the relief of Francesco Chimienti; to the Committee on the Judiciary.

H.R. 4643. A bill for the relief of Fausto D'Angelo; to the Committee on the Judiciary.

H.R. 4644. A bill for the relief of Teresa Rosa Mirijello; to the Committee on the Judiciary.

H.R. 4645. A bill for the relief of Luisa Pietrangelo; to the Committee on the Judiciary.

By Mr. BURTON:

H.R. 4646. A bill for the relief of Mrs. Gavina A. Palacy; to the Committee on the Judiciary.

By Mr. CLARK:

H.R. 4647. A bill for the relief of Mario Miloz; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.R. 4648. A bill for the relief of Mrs. Carelena K. Goodman; to the Committee on the Judiciary.

By Mr. GRAY:

H.R. 4649. A bill for the relief of Carmela Giordano; to the Committee on the Judiciary.

By Mr. HICKS of Washington:

H.R. 4650. A bill for the relief of Mrs. Hul Cha Lockridge; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 4651. A bill to authorize the Secretary of the Interior to rectify a public land transaction; to the Committee on the Judiciary.

By Mr. LEGGETT:

H.R. 4652. A bill for the relief of Rufino Tomas; to the Committee on the Judiciary.

By Mr. McFALL:

H.R. 4653. A bill for the relief of Manuel Gines Potencio; to the Committee on the Judiciary.

H.R. 4654. A bill for the relief of Abran (Amar) Singh; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 4655. A bill for the relief of Mr. Leulumoega Suesue Lutu; to the Committee on the Judiciary.

H.R. 4656. A bill for the relief of Mrs. Corazon Evangelina Quimino; to the Committee on the Judiciary.

By Mr. O'HARA:

H.R. 4657. A bill for the relief of Amprobe Instrument Division of Soss Manufacturing Co.; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 4658. A bill for the relief of PIETRO ADDAMO; to the Committee on the Judiciary.

H.R. 4659. A bill for the relief of Giuseppe Barile; to the Committee on the Judiciary.

H.R. 4660. A bill for the relief of Miss Giuseppa Bulla; to the Committee on the Judiciary.

H.R. 4661. A bill for the relief of Natale J. Colosi; to the Committee on the Judiciary.

H.R. 4662. A bill for the relief of Mr. and Mrs. Alberto Furelli, and their children, Franca and Concesione; to the Committee on the Judiciary.

H.R. 4663. A bill for the relief of Mrs. Maria Gigante; to the Committee on the Judiciary.

H.R. 4664. A bill for the relief of Anthony Hsieh; to the Committee on the Judiciary.

H.R. 4665. A bill for the relief of Mrs. Carlada G. Lorenzana and her two children, Elizabeth and Gerardo; to the Committee on the Judiciary.

H.R. 4666. A bill for the relief of Fausto Lucignani; to the Committee on the Judiciary.

H.R. 4667. A bill for the relief of Roger Stanley, and the successor partnership, Roger Stanley and Hal Irwin, doing business as the Roger Stanley Orchestra; to the Committee on the Judiciary.

H.R. 4668. A bill for the relief of Giuseppe Pecora; to the Committee on the Judiciary.

H.R. 4669. A bill for the relief of Mr. and Mrs. Halm Ribak, and their children, Dvora and Sara; to the Committee on the Judiciary.

H.R. 4670. A bill for the relief of Mrs. Irma Ruggeri; to the Committee on the Judiciary.

H.R. 4671. A bill for the relief of Miss Margherita Russo; to the Committee on the Judiciary.

H.R. 4672. A bill for the relief of Aurelio Tortora; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 4673. A bill for the relief of Albana Parisi; to the Committee on the Judiciary.

By Mr. SANDMAN:

H.R. 4674. A bill for the relief of Angelo Ciro, Benedetta Ciro, and Francesca Ciro; to the Committee on the Judiciary.

By Mr. SCHNEEBELI:

H.R. 4675. A bill for the relief of Miss Loreta Pulzoni; to the Committee on the Judiciary.

H.R. 4676. A bill for the relief of Andrea

Sciumbata; to the Committee on the Judiciary.

By Mr. SMITH of California:

H.R. 4677. A bill for the relief of Karnig Vosgueritchian and Sara Vosgueritchian; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 4678. A bill to provide for the free entry of a carillon for the use of the University of California at Santa Barbara; to the Committee on Ways and Means.

By Mr. VAN DEERLIN:

H.R. 4679. A bill for the relief of Amparo Coronado Vieuda de Pena and her three minor children: Yolanda Pena, Marisela Pena, and Lorenzo Pena; to the Committee on the Judiciary.

H.R. 4680. A bill for the relief of Parvin Gohari; to the Committee on the Judiciary.

H.R. 4681. A bill for the relief of Gloria Harkness; to the Committee on the Judiciary.

H.R. 4682. A bill for the relief of Julita Hepolo; to the Committee on the Judiciary.

H.R. 4683. A bill for the relief of Tam Wai King; to the Committee on the Judiciary.

H.R. 4684. A bill for the relief of Mihaj Mesaros, his wife, Rozalija, his daughter, Ljolja, and his son, Robert; to the Committee on the Judiciary.

H.R. 4685. A bill for the relief of Muriel Bertha Reed; to the Committee on the Judiciary.

H.R. 4686. A bill for the relief of Victoria B. Toia and her two minor children, Caterina Toia (age 8) and Antonio Toia (age 6); to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 4687. A bill for the relief of Sister Elisa (Antonietta Frongia) and Sister Maria Claudina (Luciana Cancedda); to the Committee on the Judiciary.

H.R. 4688. A bill for the relief of Morad Rashti; to the Committee on the Judiciary.

By Mr. ZABLOCKI:

H.R. 4689. A bill for the relief of Yohko Suzuki Reifenberg; to the Committee on the Judiciary.

By Mr. BOGGS:

H. Res. 240. Resolution to refer the bill, H.R. 4473, entitled "A bill conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of John T. Knight" to the Chief Commissioner of the Court of Claims in accordance with sections 1492 and 2509 of title 28, United States Code; to the Committee on the Judiciary.

#### MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

22. By the SPEAKER: A memorial of the Legislature of the State of Delaware, relative to calling a convention to propose a constitutional amendment providing for a return of tax moneys from the Federal Government to the several States; to the Committee on the Judiciary.

23. Also, a memorial of the House of Representatives of the State of Washington, relative to the restoration of funds for the Hansford diversification project, Washington; to the Joint Committee on Atomic Energy.

#### PETITIONS, ETC.

Under clause 1 of rule XXII,

30. The SPEAKER presented a petition of the City Assembly, Ishikawa, Okinawa, relative to the removal of chemical munition from the Ryukyu Islands, which was referred to the Committee on Armed Services.