In releasing information, except in court or agency proceedings, three provisions are applicable:

(1) Data concerning consumer products and services is to be made public only after it has been determined to be accurate and not within the categories enumerated in 5 U.S.C. 552.

(2) In disseminating test results or other information where product names may be disclosed, it shall be made clear that not all products of a competitive nature have been tested, if such is the case, and that there is no intent to rate the products tested over those which were not tested or to imply that products tested are superior to those not tested.

(3) Additional information which would affect the fairness of information previously disseminated will be promptly disseminated in a similar manner.

Section 210—Procedural fairness requirements

In the exercise of various powers conferred the Agency shall act pursuant to rules issued, after notice and opportunity for comment by interested persons in accordance with administrative procedures required by 5 U.S.C. 553 relating to administrative procedures—rulemaking. This is to assure fairness to all affected parties and provide opportunity for comment on the proposed release of product test data, containing product names, *prior to such release.*

TITLE III

Section 301—Consumer Advisory Council

A Consumer Advisory Council will be established, composed of 15 members appointed for staggered terms of 5 years by the President. It will not be a constituent part of either the Agency or the Office but will work closely with them both.

The Council, whose members are to be experienced in consumer affairs and will be compensated when actually performing their duties, will advise the Administrator and the Director on matters relating to the consumer interest, including means for improving the effectiveness of the Agency and Office and the effectiveness of Federal consumer programs and operations.

The President shall designate the Chairman of the Council and the Administrator of the Agency or his designee will serve as Executive Director of the Council and provide needed staff assistance and facilities.

Section 302—Protection of consumer interest in administrative proceedings

Every Federal agency which takes any action substantially affecting the interests of consumers must give notice of such action to the Office and the Agency at such time as notice is given to the public or upon the request of the Agency; and consistent with its statutory responsibilities take such action with due consideration to the interests of consumers.

In taking such action the agency concerned shall, upon the request of the Agency or in those cases where a public announcement would normally be made, indicate concisely in a public announcement of such action the consideration given to the interests of consumers. To make certain that the failure of Federal agencies to make the required announcement would not result in a proliferation of collateral attacks by private parties on the decisions of the agencies, only the Agency itself may act to enforce this provision in a court.

Section 303—Saving provisions

Nothing in this legislation shall alter or impair the authority of the Administrator of General Services to represent executive agencies in negotiations with carriers and other public utilities and in proceedings involving carriers or other public utilities before Federal and State regulatory bodies. Nor does this legislation alter or impair any provision of the anti-trust laws or any act providing for the regulation of the trade or commerce of the United States or the administration or enforcement of any such provision of law.

However, nothing in the legislation shall be construed as relieving any Federal agency of any authority or responsibility to protect and promote the interests of consumers.

Section 304—Definitions

1. "Agency" means the Consumer Protection Agency.

2. "Office" means the Office of Consumer Affairs.

3. "agency," "agency action," "party," "rule-making," "adjudication," and "agency proceeding" shall have the same meaning as in the Administrative Procedures Act, now codified as 5 U.S.C. 551.

4. A "consumer" is any person who uses for personal, family or household purposes goods and services offered or furnished for a consideration.

5. The term "interests of consumers" means the cost, quality, purity, safety, durability, performance, effectiveness, dependability and availability, and adequacy of choice of goods and services offered or furnished to consumers; and the adequacy and accuracy of information relating to consumer goods and services (including labelling, packaging and advertising of contents, qualities and terms of sale).

Section 305—Conforming amendments

The Director of the Office and the Administrator of the Agency are both placed on the Executive Schedule at Level III ($40,000 per annum).

The Deputy Director of the Office and the Deputy Administrator of the Agency are placed on the Executive Schedule at Level IV ($38,000 per annum).

Section 306—Appropriations

Authorizes the appropriation of such sums as may be required to carry out the provisions of this Act. No limitation is placed and fixing the amount will be in accordance with the annual appropriations process.

Section 307—Effective date

The legislation takes effect 90 days after it has been approved, or earlier if the President so prescribes.

HOUSE OF REPRESENTATIVES—*Saturday, January 6, 1973*

The House met at 12 o'clock noon.

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

If any man will come after Me, let him deny himself and take up his cross daily and follow Me.—Luke 9: 23.

New every morning is the love
Our wakening and uprising prove;
Through sleep and darkness safely brought,
Restored to life and power and thought.

The trivial round, the common task,
Will furnish all we ought to ask;
Room to deny ourselves, a road
To bring us daily nearer God.

Only, O Lord, in Thy dear love
Fit us for perfect life above;
And help us this and every day,
To live more nearly as we pray.

Guided by Thy spirit may we accept the challenge of this hour to build a world where righteousness, justice, and good will may prevail for the good of man and to the glory of Thy holy name. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a concurrent resolution of the House of the following title:

H. Con. Res. 1. Concurrent resolution making the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States.

The message also announced that the Vice President, pursuant to Public Law 92–352, appointed Mr. MANSFIELD as a member of the Commission on the Organization of the Government for the Conduct of Foreign Policy in lieu of Mr. Spong.

The message also announced that the Vice President, pursuant to title 20, United States Code, sections 42 and 43, appointed Mr. JACKSON as a member of the Board of Regents of the Smithsonian Institution in lieu of Mr. Anderson.

The message also announced that the President pro tempore, pursuant to Public Law 92–599, appointed Mr. LONG, Mr. FULBRIGHT, Mr. TALMADGE, Mr. HARTKE, Mr. BENNETT, Mr. CURTIS, Mr. FANNIN, Mr. MCCLELLAN, Mr. STENNIS, Mr. PASTORE, Mr. BIBLE, Mr. YOUNG, Mr. HRUSKA, Mr. COTTON, Mr. PROXMIRE, and Mr. ROTH as members, on the part of the Senate, of the Joint Committee To Review Operation of Budget Ceiling and To Recommend Procedures for Improving Congressional Control Over Budgetary Outlay and Receipt Totals.

The message also announced that the President pro tempore, pursuant to Public Law 92–489, appointed Mr. MCCLELLAN, Mr. BURDICK, Mr. HRUSKA, and Mr. GURNEY as members, on the part of the Senate, of the Commission on Revision of the Federal Court Appellate System.

The message also announced that the President pro tempore, pursuant to Public Law 92–484, appointed Mr. CASE as a member of the Technology Assessment Board in lieu of Mr. Allott.

SWEARING IN OF MEMBER-ELECT

The SPEAKER. Will any Member-elect who has not been sworn come to the well of the House and take the oath of office.

Mr. SMITH of New York appeared at the bar of the House and took the oath of office.

MAJORITY WHIP

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

Mr. O'NEILL. Mr. Speaker, I would like to announce that with the Speaker's approval I have today appointed JOHN J. MCFALL of the 15th District of California as majority whip.

RECESS

The SPEAKER. The Chair desires to make a statement.

The Chair desires deferment of unanimous-consent requests and also 1-minute speeches until after the formal ceremony of the day, which is the counting of the electoral votes for President and Vice President. Therefore, pursuant to the order adopted on Wednesday, January 3, 1973, the Chair declares the House in recess until approximately 12:45 o'clock p.m.

Accordingly (at 12 o'clock and 3 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 54 minutes p.m.

COUNTING ELECTORAL VOTES—JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF SENATE CONCURRENT RESOLUTION 1

At 12 o'clock and 54 minutes p.m. the Doorkeeper (Hon. William M. Miller) announced the Vice President and the Senate of the United States.

The Senate entered the Hall of the House of Representatives, headed by the Vice President and the Secretary of the Senate, the Members and officers of the House rising to receive them.

The VICE PRESIDENT took his seat as the Presiding Officer of the joint convention of the two Houses, the Speaker of the House occupying the chair on his left.

The joint session was called to order by the Vice President.

The VICE PRESIDENT. Mr. Speaker, Members of Congress, the Senate and the House of Representatives, pursuant to the requirements of the Constitution and the laws of the United States, have met in joint session for the purpose of opening the certificates and ascertaining and counting the votes of the electors of the several States for President and Vice President.

Under well-established precedents, unless a motion shall be made in any case, the reading of the formal portions of the certificates will be dispensed with. After ascertainment has been made that the certificates are authentic and correct in form, the tellers will count and make a list of the votes cast by the electors of the several States.

The tellers on the part of the two Houses will take their respective places at the Clerk's desk.

The tellers, Mr. COOK and Mr. CANNON on the part of the Senate, and Mr. HAYS and Mr. DEVINE on the part of the House, took their places at the desk.

The VICE PRESIDENT. The Chair hands to the tellers the certificates of the electors for President and Vice President of the State of Alabama, and they will count and make a list of the votes cast by that State.

Senator CANNON (one of the tellers). Mr. President, the certificate of the electoral vote of the State of Alabama seems to be regular in form and authentic and it appears therefrom that Richard M. Nixon, of the State of California, received nine votes for President and SPIRO T. AGNEW, of the State of Maryland, received nine votes for Vice President.

The VICE PRESIDENT. There being no objection, the Chair will omit in further procedure the formal statement just made for the State of Alabama and we will open the certificates in alphabetical order and pass to the tellers the certificates showing the vote of the electors in each State; and the tellers will then read, count, and announce the result in each State as was done in the case of the State of Alabama.

The Chair hears no objection.

There was no objection.

The tellers then proceeded to read, count, and announce, as was done in the case of the State of Alabama, the electoral votes of the several States in alphabetical order.

The VICE PRESIDENT. Gentlemen and gentlewomen of the Congress, the certificates of all of the States have now been opened and read, and the tellers will make the final ascertainment of the result and deliver the same to the Vice President.

The tellers delivered to the Vice President the following statement of the results:

THE UNDERSIGNED, MARLOW W. COOK AND HOWARD W. CANNON, TELLERS ON THE PART OF THE SENATE, WAYNE L. HAYS AND SAMUEL L. DEVINE, TELLERS ON THE PART OF THE HOUSE OF REPRESENTATIVES, REPORT THE FOLLOWING AS THE RESULT OF THE ASCERTAINMENT AND COUNTING OF THE ELECTORAL VOTE FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES FOR THE TERM BEGINNING ON THE TWENTIETH DAY OF JANUARY, NINETEEN HUNDRED AND SEVENTY-THREE.

States	Electoral votes of each State	For President			For Vice President		
		Richard M. Nixon	George McGovern	John Hospers	Spiro T. Agnew	R. Sargent Shriver	Theodora Nathan
Alabama	9	9			9		
Alaska	3	3			3		
Arizona	6	6			6		
Arkansas	6	6			6		
California	45	45			45		
Colorado	7	7			7		
Connecticut	8	8			8		
Delaware	3	3			3		
District of Columbia	3		3			3	
Florida	17	17			17		
Georgia	12	12			12		
Hawaii	4	4			4		
Idaho	4	4			4		
Illinois	26	26			26		
Indiana	13	13			13		
Iowa	8	8			8		
Kansas	7	7			7		
Kentucky	9	9			9		
Louisiana	10	10			10		
Maine	4	4			4		
Maryland	10	10			10		
Massachusetts	14		14			14	
Michigan	21	21			21		
Minnesota	10	10			10		
Mississippi	7	7			7		
Missouri	12	12			12		
Montana	4	4			4		
Nebraska	5	5			5		
Nevada	3	3			3		
New Hampshire	4	4			4		
New Jersey	17	17			17		
New Mexico	4	4			4		
New York	41	41			41		
North Carolina	13	13			13		
North Dakota	3	3			3		
Ohio	25	25			25		
Oklahoma	8	8			8		
Oregon	6	6			6		
Pennsylvania	27	27			27		

States	Electoral votes of each State	For President			For Vice President		
		Richard M. Nixon	George McGovern	John Hospers	Spiro T. Agnew	R. Sargent Shriver	Theodora Nathan
Rhode Island	4	4			4		
South Carolina	8	8			8		
South Dakota	4	4			4		
Tennessee	10	10			10		
Texas	26	26			26		
Utah	4	4			4		
Vermont	3	3			3		
Virginia	12	11		1	11		1
Washington	9	9			9		
West Virginia	6	6			6		
Wisconsin	11	11			11		
Wyoming	3	3			3		
Total	538	520	17	1	520	17	1

HOWARD W. CANNON,
MARLOW W. COOK,
Tellers on the Part of the Senate.
WAYNE L. HAYS,
SAMUEL L. DEVINE,
Tellers on the Part of the House of Representatives.

The VICE PRESIDENT. The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows: The whole number of the electors appointed to vote for President of the United States is 538, of which a majority is 270. Richard M. Nixon, of the State of California has received for President of the United States 520 votes; GEORGE MCGOVERN, of the State of South Dakota, has received 17 votes; John Hospers, of the State of California, has received one vote.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows: The whole number of the electors appointed to vote for Vice President of the United States is 538, of which a majority is 270. SPIRO T. AGNEW, of the State of Maryland, has received for Vice President of the United States 520 votes; R. Sargent Shriver, of the State of Maryland, has received 17 votes; Theodora Nathan, of the State of Oregon, has received one vote.

This announcement of the state of the vote by the President of the Senate shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning on the 20th day of January, 1973, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

Members of the Congress, the purpose for which the joint session of the two Houses of Congress has been called, pursuant to Senate Concurrent Resolution No. 1, 93d Congress, having been accomplished, the Chair declares the joint session dissolved.

(Thereupon, at 1 o'clock and 46 minutes p.m., the joint session of the two Houses of Congress was dissolved.)

The House was called to order by the Speaker.

The SPEAKER. Pursuant to Senate Concurrent Resolution No. 1, the Chair directs that the electoral vote be spread at large upon the Journal.

COMPENSATION OF SPECIAL COUNSEL

Mr. HAYS. Mr. Speaker, I offer a resolution (H. Res. 92) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 92

Resolved, That the Clerk of the House of Representatives is hereby authorized to appoint and fix the compensation of such special counsel as he may deem necessary to represent the Clerk and the interests of the House in any suit now pending or hereafter brought against the Clerk arising out of his actions while performing duties or obligations imposed upon him by the Federal Corrupt Practices Act, 1925, or the Federal Election Campaign Act of 1971; and be it further

Resolved, That any expenses incurred pursuant to these resolutions, including the compensation of such special counsel and any costs incurred thereby, shall be paid from the contingent fund of the House on vouchers approved by the Committee on House Administration.

The SPEAKER. Without objection this resolution will be considered and the gentleman from Ohio is recognized.

Mr. GROSS. Mr. Speaker, will the gentleman yield for a question?

Mr. HAYS. I will yield to the gentleman from Iowa (Mr. GROSS), Mr. Speaker.

Mr. GROSS. May I ask the gentleman, is this a normal procedure, this resolution, or is it some special procedure?

Mr. HAYS. Mr. Speaker, may I say this is not a normal procedure, because we do not have normal circumstances.

As the gentleman knows, there are several organizations, one of which is one which is called Common Cause, and this is an organization which is suing the Clerk right and left and harassing the Congress, and there are several suits filed.

Mr. Speaker, this resolution is simply to allow the work to be accomplished and to have counsel to represent the Clerk in suits filed in the various courts.

Mr. GROSS. Mr. Speaker, I thank the gentleman for his explanation.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING COMPENSATION AS GRATUITY TO WIDOW OF HON. GEORGE W. COLLINS, LATE REPRESENTATIVE-ELECT FROM ILLINOIS

Mr. O'NEILL. Mr. Speaker, I offer a resolution (H. Res. 93) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 93

Resolved, That there shall be paid out of the contingent fund of the House a sum equal to the annual compensation of a Representative in Congress as a gratuity to Cardiss R. Collins, widow of George W. Collins, late a Representative-elect from the State of Illinois.

Resolved, That there shall be paid from the contingent fund of the House, until otherwise provided by law, such sums as may be necessary to compensate the clerical assistants designated by former Representative George W. Collins in the 92d Congress and borne upon the clerk hire pay rolls of the House of Representatives at the close of the 92d Congress at the rates of compensation then payable to said clerical assistants, until a successor is elected to fill the vacancy in the 7th Congressional District of the State of Illinois caused by the death of the late George W. Collins: *Provided,* That the Clerk is authorized to make, from time to time, such salary adjustments as he deems advisable with respect to the aforementioned employees.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE TO ATTEND MEMORIAL SERVICES FOR THE LATE HONORABLE NICK BEGICH OF ALASKA

Mr. O'NEILL. Mr. Speaker, I offer a resolution (H. Res. 94) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 94

Resolved, That the Speaker be authorized to appoint a committee of the House, to-

gether with such Members of the Senate as may be joined, to attend memorial services to be held for the Honorable Nick Begich in Anchorage, Alaska, on January 7, 1973.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary to carry out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints as members of the committee to attend the memorial services for the Honorable Nick Begich the following Members on the part of the House: Hon. JOHN A. BLATNIK, Hon. JOHN N. CAMP, Hon. JAMES J. HOWARD, and Hon. TENO RONCALIO.

ELECTION OF MEMBERS TO COMMITTEE ON APPROPRIATIONS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a resolution (H. Res. 95) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 95

Resolved, That until March 1, 1973, unless a resolution providing otherwise is adopted by the House, the following named Members are hereby elected to the Committee on Appropriations: George H. Mahon of Texas, Chairman; Jamie L. Whitten, of Mississippi; John J. Rooney, of New York; Robert L. F. Sikes, of Florida; Otto E. Passman of Louisiana; Joe L. Evins, of Tennessee; Edward P. Boland, of Massachusetts; William H. Natcher, of Kentucky; Daniel J. Flood, of Pennsylvania; Tom Steed, of Oklahoma; George E. Shipley, of Illinois; John M. Slack, of West Virginia; John J. Flynt, Jr., of Georgia; Neal Smith, of Iowa; Robert N. Giaimo, of Connecticut; Julia Butler Hansen, of Washington; Joseph P. Addabbo, of New York; John J. McFall, of California; Edward J. Patten, of New Jersey; Clarence D. Long, of Maryland; Sidney R. Yates, of Illinois; Bob Casey, of Texas; Frank E. Evans, of Colorado; David R. Obey, of Wisconsin; Edward R. Roybal, of California; Louis Stokes, of Ohio; J. Edward Roush, of Indiana; K. Gunn McKay, of Utah; Tom Bevill, of Alabama.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO COMMITTEE ON RULES

Mr. TEAGUE of Texas. Mr. Speaker, I offer a resolution (H. Res. 96) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 96

Resolved, That until March 1, 1973, unless a resolution providing otherwise is adopted by the House, the following named Members are hereby elected to the Committee on Rules:

Ray J. Madden, Indiana, Chairman, James J. Delaney of New York; Richard Bolling of Missouri; Thomas P. O'Neill, Jr., of Massachusetts; B. F. Sisk of California; John Young of Texas; Claude Pepper of Florida, and Spark M. Matsunaga of Hawaii.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO COMMITTEE ON HOUSE ADMINISTRATION

Mr. TEAGUE of Texas. Mr. Speaker, I offer a resolution (H. Res. 87) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 97

Resolved, That until March 1, 1973, unless a resolution providing otherwise is adopted by the House, the following named Members are hereby elected to the Committee on House Administration:

Wayne L. Hays, Ohio, Chairman; Frank Thompson, Jr., of New Jersey, John H. Dent of Pennsylvania, Lucien N. Nedzi of Michigan, John Brademas of Indiana, Kenneth J. Gray of Illinois, Augustus F. Hawkins of California, Tom S. Gettys of South Carolina, Jonathan B. Bingham of New York, Bertram L. Podell of New York, Frank Annunzio of Illinois, Joseph M. Gaydos of Pennsylvania, Ed Jones of Tennessee, and Robert H. Mollohan of West Virginia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO COMMITTEE ON APPROPRIATIONS

Mr. ANDERSON of Illinois. Mr. Speaker, I offer a resolution (H. Res. 98) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 98

Resolved, That the following-named Members be, and they are hereby elected members of the standing committee of the House of Representatives on Appropriations:

Elford A. Cederberg, Michigan; John J. Rhodes, Arizona; William E. Minshall, Ohio; Robert H. Michel, Illinois; Silvio O. Conte, Massachusetts; Glenn R. Davis, Wisconsin; Howard W. Robison, New York; Garner E. Shriver, Kansas; Joseph M. McDade, Pennsylvania; Mark Andrews, North Dakota; Louis C. Wyman, New Hampshire; Burt L. Talcott, California; Donald W. Riegle, Jr., Michigan; Wendell Wyatt, Oregon; Jack Edwards, Alabama; Del Clawson, California; William J. Scherle, Iowa; Robert C. McEwen, New York; John T. Myers, Indiana; J. Kenneth Robinson, Virginia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION ON COMMITTEE ON RULES

Mr. ANDERSON of Illinois. Mr. Speaker, I offer a resolution (H. Res. 99) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 99

Resolved, That the following-named Members be, and they are hereby elected members of the standing committee of the House of Representatives on Rules:

John B. Anderson, Illinois; Dave Martin, Nebraska; James H. Quillen, Tennessee; Delbert H. Latta, Ohio.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION TO COMMITTEE ON HOUSE ADMINISTRATION

Mr. ANDERSON of Illinois. Mr. Speaker, I offer a resolution (H. Res. 100) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 100

Resolved, That the following-named Members be, and they are hereby elected members of the standing committee of the House of Representatives on House Administration:

Samuel L. Devine, Ohio; William L. Dickinson, Alabama; James C. Cleveland, New Hampshire; James Harvey, Michigan; Orval Hansen, Idaho; Philip M. Crane, Illinois; John Ware, Pennsylvania; Victor V. Veysey, California; Bill Frenzel, Minnesota.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM FOR THE WEEK OF JANUARY 8, 1973

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

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader the program for next week.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

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

Mr. O'NEILL. Mr. Speaker, in reply to the gentleman from Michigan may I say that when we adjourn today we are going to adjourn until Tuesday next, January 9, 1973. Of course, there is no business scheduled for Tuesday next. The Members have just heard the various committees that have been appointed, and, after having talked with the Speaker, there would be only one possibility of some type of resolution which would come out of the committee on House Administration of which the gentleman from Ohio, Mr. HAYS, is the chairman; however, the gentleman from Ohio has stated to me that he knows of nothing at the present time. So I would have to say that there would be no business on the floor for Tuesday next.

So on Tuesday next we will then adjourn until Thursday, under the rule. We have no business so far as we know that will be scheduled for Thursday next. So that while we will be meeting on Tuesday and Thursday next week, there will be no formal business of any type.

Mr. GERALD R. FORD. I thank the gentleman.

POSTPONEMENT OF DEMOCRATIC CAUCUS ON WEDNESDAY NEXT

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

Mr. O'NEILL. Mr. Speaker, I have been asked by the Chairman of the Democratic Caucus to make this announcement, and that is that the caucus that had been scheduled for next Wednesday has been postponed subject to the call of the Chair.

ADJOURNMENT OVER TO TUESDAY, JANUARY 9, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12 o'clock noon on Tuesday next.

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

There was no objection.

A TRIBUTE TO FRANK ELEAZER

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

Mr. GERALD R. FORD. Mr. Speaker, I rise today to salute a man who for nearly 2 decades headed the UPI staff in the House, a man whose sparkling and perceptive writing has illuminated House activities in the eyes of the reading public for 25 years.

Mr. Speaker, Frank Eleazer has left his post with UPI to become an editorial writer for the St. Petersburg, Fla., Times. I know I speak for all Members of the House when I say we shall miss him. Now that Frank is gone, it will be a challenge for the many other fine reporters covering the House to maintain the excellence of coverage we have enjoyed in the past.

On behalf of the House, I wish Frank the best in his new position. It is pertinent to point out that Eugene Patterson, editor and president of the St. Petersburg Times, is himself a former UPI staffer. It is small wonder that Mr. Patterson took it upon himself to lure Frank away from UPI. He was familiar with the excellence of Frank's work.

Frank Eleazer was born November 3, 1916, in Nashville, Tenn., and went to school in Atlanta and De Kalb County, Ga. He was graduated from Emory University in 1937 and received a master's degree from the Columbia School of Journalism in 1938. He then went to work as a cub reporter at the Macon, Ga., Telegraph and later became city editor of the Macon News. He went from the News to the Richmond Times-Dispatch as a reporter, arriving in Richmond with the grand total of $100 in his pocket. But he was rich because he was accompanied by his new bride.

Frank served for 13 months in the military, was discharged because of a leg injury. After release from the service, Frank joined United Press in November 1943 in Atlanta. He covered the Georgia and Florida Legislatures as a relief man and was transferred to Washington in July 1945. Here he covered veterans news during the big demobilization after World War II. Also, as a swing man for UP he saw something of most Washington news runs. Frank was UP's backup man at the White House during the middle of the Truman administration. He was assigned to the House in late 1947. He became chief of UP's House staff in January 1954 and continued in that role until the end of 1972 except for a stint of several months when he wrote the UPI humor column, "The Lighter Side."

Mr. Speaker, Frank Eleazer's departure is a loss to all of us. We will miss his fine coverage of the House and UPI's reporters will miss his wise counsel.

HARRY S TRUMAN

(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, the death of Harry S Truman saddened America as few events have done. He was given universal acclaim for his courageous administration as President. This is a very different story from the one which generally prevailed when he was President. I recall very well that he left office widely condemned by the news media for having been a poor President. Now 20 years later they say he was one of America's 10 best Presidents. I think the latter assessment is the correct one.

Here was a most interesting individual. Harry S Truman was a man who did not want to be Vice President. The Nation viewed him with concern and apprehension when he succeeded to the Presidency. He had been very much in FDR's shadow and there was little understanding nationwide of his ability or his determination.

The public gained an awareness of his qualities of leadership just in time for him to be elected over Tom Dewey. The experts had not given him a chance. Here again, courage and determination saw him through.

He was destined to continue to grow in public esteem with each passing year particularly after he left office. Now the history books properly record him as a strong and courageous and yet a humble President who did not duck the issues—and they were heavy. Few national leaders in our time now are held in higher regard. Here was a man—a great man.

THE DECISION TO HOMEPORT IN GREECE

(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, let us review the long history of close alliance between the people of America and the people of Greece. The people of few nations have had closer association with those of our own country than the people of Greece. The continuous and unflinching friendship shown to our Government by the Greek Government is best reflected in the manner in which Greece has stood with the United States in all matters of the common defense and in the continuing fight against the spread of Communist ideology. We in America will do well to show our understanding and appreciation for this courageous little nation in ways other than through criticism of its internal processes.

I note with concern and regret the critical report by a subcommittee of the House Foreign Affairs Committee on the decision to provide U.S. Navy facilities for homeporting in Greece. Homeporting is a concept which is of particular importance to the Navy in that it gives families an opportunity to be with servicemen assigned to the fleet overseas.

In brief, homeporting is important because it alleviates two very serious problems being faced by today's Navy. The first is retention and the second is the ability to meet present commitments with declining force levels. The high operational tempos sustained by naval forces has taken a toll in a lessening ability to recruit and retain career personnel due to family separations. Budget constraints have severely impacted on the numbers of ships, and their materiel readiness, available to the Navy to meet our alliance commitments.

Under the overseas homeporting concept, families follow the ships overseas and remain there until the ships return to the United States for overhaul—usually a period of 2 to 3 years. While overseas, the ships would visit their homeports at 1- to 2-month intervals, instead of being away from homeport for a minimum of 6 months, a much more satisfactory arrangement from a career-enhancing standpoint and a much happier situation for families.

There are concomitant benefits for ships homeported in the United States also. For instance, because a carrier is homeported in the Mediterranean, the remaining Atlantic Fleet carriers would be requested to deploy less frequently and their materiel condition could be maintained at a higher level in addition to enjoying increased family time. Consequently our carriers would be more available and in better materiel condition.

There are experienced results which cannot be overlooked. Navy men are eager to volunteer for duty with overseas homeported units. The destroyer squadron—six destroyer types—homeported in Athens in September 1972 sailed with 88 percent officers and 82 percent enlisted volunteers. Retention statistics indicated that overseas homeported units enjoy a higher first-term reenlistment rate than other fleet units, 22 percent as opposed to 18 percent.

Now let us look at expected results. Based on the reenlistment rates of those ships already homeported overseas and the results of retention studies and surveys, it is reasonable to expect an improvement of 1 to 2 percent in navywide reenlistment rates through the resultant increase in homeport times. Cost effectiveness is a result of the fact that each first-termer reenlisted saves $15,400 in retraining costs, and reduction in personnel turbulence is a result of more stabilized tours.

So much for the need for homeporting. The next question is, of course, why was Athens selected.

Comprehensive surveys of Mediterranean ports were conducted utilizing the following criteria:

Strategic location;

Adequate harbor;

Jet capable airfield;

Adequate ship repair facilities;

Large urban area capable of absorbing population; and

Local acceptability.

Survey results indicated that Athens was the most satisfactory port from the standpoint of the selection criteria. Experience with the six destroyers and 1,250 dependents already located in Athens bears out the fact that Athens is capable of assimilating Navy personnel and dependents with little or no affect on the economy. Cultural problems have been minimal.

The Athens homeporting initiative does not increase the Navy's reliance on shore support facilities in the Mediterranean except for modest airfield facilities. All other logistic support requirements will be met by afloat logistics units as has always been the case with the 6th Fleet.

Contrary to the subcommittee report the concept of homeporting supports the Nixon doctrine. At Guam in the summer of 1969 and in his address to the Nation on November 3, 1969, the President described the elements of the new approach to foreign affairs, among them—

> The United States will keep all of its treaty commitments we inherited—both because of their intrinsic merit, and because the impact of sudden shifts on regional or world stability.

Homeporting is part of an attempt by the Navy to continue to do what it has been doing in the Mediterranean with fewer resources—in other words to avoid just such a sudden shift in regional stability as referred to by the President. In his report to the Congress of February 25, 1971, the President, in referring to the "lowering of our overseas presence and direct military involvement," noted that—

> While cutting back overseas forces prudently, we must resist the automatic reduction of the American presence everywhere without regard to the consequences.

During the hearings members of the subcommittee supported the role of the 6th Fleet in the Mediterranean. Homeporting does not increase the strength of the 6th Fleet or the number of 6th Fleet personnel. What increase there is in the presence of a number of noncombatant dependents. Homeporting is entirely compatible with the Nixon doctrine.

The subcommittee report suggests a lack of cooperation between the State Department and the Defense Department in the decision to homeport at Athens. In fact in final analysis these two major Departments of Government were in full accord in the choice of a Greek site for homeporting. It is well to note the minority report which accompanies the subcommittee report states:

> We do not agree that the administration failed to cooperate fully with the committee. On the contrary, it is clear that the executive branch furnished the committee with all information requested. Furthermore, we are convinced that the Department of State thoroughly considered all of the relevant political factors before making the final decision in favor of homeporting in Athens. Indeed, testimony showed that it was the State Department's insistence that all homeporting options in the Mediterranean be exhaustively explored which led to a one-year study of the issue.

There are a number of conclusions in the report that I believe to be both unfortunate and incorrect. For instance the report states the Greek homeporting decision is an example of the danger of preeminence of military and strategic considerations over political values in American foreign policy.

Actually the decisionmaking process within our Government is clearcut. In the case of homeporting Athens, subsequent to its proposal by the Navy, it had to undergo review and gain approval at two different and important levels, Secretary of Defense and Secretary of State. Although the Navy proposal was primarily military in nature, the subsequent reviews, and particularly that of the State Department, were increasingly political in nature as they should have been. Here, as in every other case, followed a system of checks and balances which placed the State Department in the final positions of determination to insure that political requirements would not be subjugated by those of a military nature. The fact that Greece has always been a viable member of NATO and has shown no indication of change in attitude toward the alliance accentuates the unwarranted and unjustified nature of this conclusion.

And again, I quote from the minority view:

> We question the statement that Greece is a "potentially unreliable defense partner." Although it is of course impossible to predict with certainty future political developments in any country, nothing to support such a prediction was presented in this year's testimony on homeporting, nor during the hearings in 1971 on Greece, Spain, and the southern NATO strategy. Regardless of changes in its government, Greece since 1952 has always been a staunch member of the NATO alliance and, as such is worthy of our trust.

The subcommittee makes the statement that:

> Homeporting in Greece today does a serious disservice to American relations with the Greek people, to our ties with our NATO allies, and, most importantly, to our own democratic traditions.

By contrast I find that the minority view stated:

> Throughout the report runs an obsessive dislike for the present Greek Government. Indeed, apart from issues relating to the nature of the Greek regime, the report finds little negative to say about the decision to homeport in Athens. When these diversionary issues are set aside, the decision emerges for what it is—an honest attempt by reasonable men to solve, or at least alleviate some of the budgetary and personnel problems of the Navy.

NATO did not express any opposition to homeporting in Greece and apparently did not interpret our effort to move in that direction as any sign of support of that particular government—ASD (ISA) testimony on March 7, 1972—further, there were no derogatory comments made by the NATO Ministers of Defense at the most recent meeting of the Defense Planning Committee in December 1972.

The decision reflects 20 years of close Greek-United States ties under NATO and not any particular form of government. In fact, frequent statements have been made on U.S. policy which urges our Greek allies speediest return to constitutional government.

All other arguments aside, any student of Mediterranean affairs knows that the Soviet presence in that part of the world is growing both in power and prestige. Among the countries which ring the Mediterranean, more and more have fallen into the Russian orbit. There are fewer and fewer ports in which the American flag is welcome. Yet Greece remains a constant and loyal friend. The Greek Government, about which some Americans complain, has produced stability and progress instead of the increasingly chaotic condition which existed under the monarchy. If we are to retain a responsible and significant posture in the Mediterranean, we need the base which is projected at Athens. Homeporting is a very welcome thing for the families of U.S. naval personnel who so frequently have no opportunity to accompany their men on tours of duty away from home. From every logical standpoint, our Nation is on sound ground in its decision to homeport in Athens. It is unfortunate that criticism of the Greek Government and the American presence in Greece from congressional circles so often is directed along ideological rather than practical grounds.

GALLERY SPACES SHOULD BE RESERVED FOR FAMILIES AND FRIENDS OF NEW MEMBERS AT THE OPENING SESSION OF A NEW CONGRESS

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

Mr. SIKES. Mr. Speaker, the opening session of a new Congress is always an important event, but its greatest significance is to new Members. There are few things in the life of an individual that are of greater importance than being sworn in for the first time as a Member of Congress. This very meaningful ceremony is also highly important to the family and friends of the first-termers. Always there are serious problems about space in the galleries for them on opening day. Would it not be a gracious and sound thing to reserve all gallery spaces for the families and friends of new Members, saving only one ticket for each of the older Members?

THE WASHINGTON EVENING STAR-NEWS COMMENTS EDITORIALLY ON THE HOUSE ARMED SERVICES COMMITTEE REPORT REGARDING THE RECOMPUTATION OF MILITARY RETIRED PAY

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

Mr. STRATTON. Mr. Speaker, in the 92d Congress I had the honor of serving as chairman of the special subcommittee of the House Armed Services Committee which made a thorough study of the military pay situation, with special reference to the proposal to reinstitute the practice of recomputing retired military pay on the basis of the latest increases in active duty pay.

That report was officially released on December 29 and I believe that Members of the House, and also of the Senate, who have been very much interested in the recomputation proposal, will find the facts contained in our report of considerable interest to them.

Also, Mr. Speaker, I am very pleased that our report has received editorial support for its conclusions from a very important source, the Washington Evening Star-News in its issue of January 4, 1972. Under leave to extend my remarks I include herewith the text of this supporting editorial:

[From the Evening Star and News, Jan. 4, 1973]

MILITARY PENSIONS: DRAWING THE LINE

Old soldiers might fade away, as General MacArthur said, but they do so on the most handsome retirement system to be found anywhere in the world.

This year the cost of military retirement pay is $4.3 billion, more than four times what it was ten years ago. Assuming active-duty pay scales rise 5 percent annually, that cost will run to $7.9 billion by 1980 and $13 billion by 1990. It will, that is, if the basic structure of the military pension system is unchanged.

And yet there is a move in Congress to change the structure so that the pensions can shoot up even farther. It began last year when the Senate, after distressingly little debate but mindful that retired military men cast votes, approved a bill to recompute retirement pay on the basis of the increased 1972 active-duty scales. The bill, which could come to a showdown vote in the House this year, would provide pension boosts of up to 40 percent at a cumulative long-term cost running in the multi-billions of dollars.

In a report as welcome as it is stern, a House Armed Services subcommitte now has denounced the legislation as both prohibitive and unnecessary, and has urged its defeat. We hope the House has courage enough to take the advice.

Advocates of the bill are likely to draw attention to some oldtimers who are not making out so well. And there may be such cases. But it makes no sense at all to get at the problem with a plan that gives big raises to hundreds of thousands of ex-officers and enlisted men who are in no financial trouble at all.

It should be remembered that, unlike the great majority of existing pension plans, military retirement pay has a built-in cost-of-living escalator. The pay goes up 4 percent every time the consumer price index goes up 3 percent. Then, too, the typical officer or enlisted man gets out of the service while still in his forties. He is young enough to begin another career, and in nearly every case he does, his income bolstered by a steadily rising government retirement check.

Well, it has gone far enough, and with military pay now competitive with civilian salaries, perhaps it has gone too far even without the big bonus represented by the Senate-passed bill. The military themselves, both active and retired, ought to recognize the inevitable squeeze ahead for the defense dollar, as well as the entire federal budget. Dealing irresponsibly on the retirement-pay scene is a sure-fire formula for eroding an already weakened public confidence in how tax money is spent.

ONE HOUR ON TUESDAY NEXT TO EULOGIZE THE LATE PRESIDENT HARRY S TRUMAN

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

Mr. RANDALL. Mr. Speaker, it has been my honor and privilege for the past 14 years to represent the district of former President Harry S Truman. At this time I wish to announce there will be time for the purpose of paying tribute to this great man on Tuesday next.

SPECIAL ORDER

Mr. Speaker, at this time I ask unanimous consent that at the conclusion of the legislative business on Tuesday next that 1 hour be set aside so that all Members may have the opportunity to pay tribute to this great American.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

GENERAL LEAVE FOR TUESDAY NEXT

Mr. RANDALL. Mr. Speaker, I ask unanimous consent at this time that all Members may have 5 legislative days following Tuesday next to submit for the RECORD any tributes of a personal nature that they may have for our former President, Mr. Truman.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

RIGHT OF PEOPLE TO HAVE HONEST ELECTION

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

Mr. GONZALEZ. Mr. Speaker, we have a plain duty to protect the right of the people to have an honest election. If we approve the votes from Virginia as counted, we will, in effect, be placing our seal of approval on a fraudulent election.

I believe that we can, within the Constitution, deal with the problem of the faithless elector. Not only can we do this, but we are obliged to.

When Elector Roger L. MacBride took it upon himself to violate his pledge and promise to vote for Richard M. Nixon and SPIRO T. AGNEW and, instead, voted for John Hospers and Theodora Nathan, he violated a good part of the Virginia election. It was an act of simple fraud.

These faithless electors may be only seeking a footnote in history. They may be seeking only to demonstrate the weakness of the electoral college system. But whatever the purpose of MacBride's act, it was a fraud upon the people of his State, who elected him for the sole purpose of voting for the Republican nominees. He held himself out for that purpose, was pledged to it, and had the duty to act on his pledge. Therefore, his failure to vote for the Republican candidates was an act of fraud and corruption.

Mr. Speaker, the Supreme Court has held that Congress has a right to protect the choice of electors from fraud or corruption—*Burroughs and Cannon* v. *U.S.*, 290 U.S. 534.

I believe that this means that we have the power to cancel the vote of a faithless elector, because such an elector has, in fact, defrauded the election process and corrupted it.

The duty and right of Congress to legislate a clean election does not begin and end with laws protecting the ballot box, with laws against this and that form of criminal behavior; it also extends to the right to see that the election itself is not stolen. When a faithless elector like MacBride chooses to cast his ballot for some person other than the person he is pledged to vote for, he does, in fact, steal the election.

Now, it may be true that the Constitution is silent as to the independence of the electors. But it is also true that the Constitution contemplates an honest election. A faithless elector is not simply an anomaly; he is not simply demonstrating his independence; he is stealing an election, and I am convinced that a fair interpretation of the court decision in the Burroughs and Cannon case would be that we can protect the people of the States against such frauds as MacBride.

If we needed any further basis upon which to act, we need only remember that the courts have upheld the right of the States to require their electors to pledge their votes in advance. A great many States have laws to protect their people against faithless electors. There is nothing unconstitutional about that, and neither would it be unconstitutional for us to reject a fraudulent vote such as has been rendered here.

Let us remind you that this is a matter of great urgency. Faithless electors are appearing with more and more regularity. We had one in 1960 from Oklahoma; we had one in 1968 from North Carolina; and now we have one from Virginia. Up until these past few years faithless electors have been rare indeed, but now we see them in practically every election. How long will it be before we draw the line against these frauds? I believe we must do so now, and I do not believe that we have to amend the Constitution to do it.

Now it may be argued that electors are independent. But the truth is that they can be legally bound by their States, as the Blair case proved. And if they are not legally bound we can refuse to count the votes of those who violate their pledges and defraud the election. I think that we must look to the heart of this matter, and the heart of it is corruption and fraud. We can put a stop to it, and I am convinced that no one would contest our action. And if a contest were to be made, I am persuaded that the courts would rule in our favor.

However, in order to regulate a formal protest, the law and rules requires a Member of the House to have a Senate cosponsor. I was unable to obtain a Senator to cosponsor and be present with me in order to protest, and for that reason only did not protest the faithless Virginia elector's vote.

THE VOLUNTARY MILITARY SPECIAL PAY ACT OF 1973

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

Mr. BENNETT. Mr. Speaker, on the

first day of this session I introduced with several cosponsors the Voluntary Military Special Pay Act of 1973. This legislation is identical to legislation which passed the House last year.

The Special Pay Act provides the authority to the Secretary of Defense to offer incentives to specific volunteers in return for a service commitment for a stipulated number of years. Incentives offered can be readily started, stopped or modified to reflect changing needs of the Armed Forces for quantity, quality and experience level of members in specific skills. They are a traditional military compensation tool. Recent experience of the Department of Defense with a variable bonus applied in the flexible manner envisioned for the future has proved most successful.

With the draft authority expiring in June of this year it is timely that the Congress promptly handle this legislation in an orderly manner.

COUNTING OF ELECTORAL VOTE

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

Mr. O'HARA. Mr. Speaker, the Members of this House, meeting jointly with their colleagues from the other body, have just performed a constitutional function for what many of us hope will be the last time in the history of this great Republic.

I refer, of course, to the counting of the electoral vote which makes official what the votes of the American people made real last November—the reelection of President Nixon and Vice-President AGNEW.

Last November, after a long and hard-fought campaign, the American people performed one of the most impressive rituals in the whole liturgy of freedom. They went to the polls, and in the secrecy of voting booths from Hawaii to Maine, they exercised their right to cast a secret ballot indicating their choice for the most powerful executive office free men have yet devised. The act put into concrete form the cherished American belief that the Government is the gift of the governed.

Subsequently, a group of mostly unidentified, mostly unknown functionaries went to their respective State capitols and cast votes in their brief capacity as presidential electors, ratifying the choice made by the people. One of those electors, deeming himself to be wiser than the great people of the great State of Virginia, betrayed his trust and voted for another ticket than the one he had been appointed to vote for, but in spite of that flaw in the proceedings, the electoral college, as it has in virtually every election in the history of the Nation, neither added to nor subtracted from the fact that the people's choice for the Presidency had been in fact elected.

We have been fortunate all through these nearly 2 centuries, that the electoral mechanism has really not performed any noticeable function in the conferring of power upon the elected President. We have been fortunate because that mechanism, of all the institutions created by the Constitution, is easily the least functional, the most undemocratic, and the one most likely to break down under stress.

We cannot expect to be lucky forever, Mr. Speaker. One day, if we allow this constitutional anomaly to persist, the will of the American people is going to be distorted, and their choice of a President is going to be frustrated—perhaps by a group of faithless electors, perhaps only by the natural distortions of electoral arithmetic. One day, Mr. Speaker, the electoral college is not going to work the way the people intend it to work—unless we rid ourselves of it first.

In this spirit, a number of Members of this House have joined with me in submitting a statement calling on the House to repeat, as a first order of business, its approval—already given by an overwhelming majority of the House in 1969—to an amendment providing for direct election of the President.

Although many of the Members who joined with me in signing this statement have also joined with me in cosponsoring the exact amendment which was passed by the House in 1969, I must take note that other Members, including the distinguished gentleman from Massachusetts (Mr. CONTE) and several others, have themselves introduced other direct election amendments, different in detail, but much the same in substance. I am not today asserting the superiority of one of these proposals over another. And nothing in the statement we have signed binds any of the signers to one form of words over another. What we are agreed upon, is the urgent necessity of acting on an amendment to provide for direct election—and doing so as one of the first orders of business in this 93d Congress.

The American people are clearly demanding that their Government be more responsive to their wishes and their sovereign authority. The first step we should take is to dismantle that symbol of distrust of the people—the electoral college.

Mr. Speaker, I include the statement to which I refer at this point in the RECORD, with the names of the signers:

TEXT OF THE STATEMENT

Four years ago, on the occasion of the counting of the electoral vote in a joint meeting of the House and Senate, a number of us stood and objected to the counting of the vote of one faithless elector—a man who violated his obligation to the people of the State of North Carolina by exercising his imagined option to cast their vote his way.

Others among us, while in no way expressing any approval of the decision of that elector, voted against the objection, because we believed the electoral system did, and still does permit any elector to disregard his mandate from those who elected him.

After a very thoughtful debate, the House and the Senate each voted, four years ago, to allow the faithless elector's vote to be counted. One electoral vote made no difference four years ago. The candidates who received a plurality of the popular vote, and whose pledged electors constituted a majority of the Electoral College were chosen, and the one maverick electoral vote of 1968 faded into a minor historical footnote.

But throughout that debate four years ago, Members on both sides expressed concern over the possibility that the electoral system as presently constituted might some day indeed fail to reflect the will of the American people. Some day, member after member pointed out, the Electoral count itself might be so close that a single faithless elector or a small group of faithless electors could steal the election. Or—even more dangerously, the popular vote might once again, as it has in the past, go one way, and the electoral vote might go another.

The debate was more than an academic discussion of historical possibilities. That concern made itself felt in this House when, on September 18, 1969, the House of Representatives by an overwhelming vote approved an amendment to the Constitution to provide for the election of the President and Vice-President of the United States by direct popular vote, without the intervention of electors or other mechanisms to dilute or distort the decision of the American people.

Unfortunately, the action of the House was not duplicated in the other body, and the direct election amendment was not submitted to the States for ratification.

Four years after the "faithless elector" debate in 1969, the House and Senate meet again in joint session to count the votes of the electors. Once again, as in 1969, there is a faithless elector—this time a man who has taken it upon himself to second-guess the people of the great State of Virginia.

Once again, the faithless elector's decision has, fortunately, no visible effect. In 1973, as in 1969, the electoral vote goes by a very substantial majority, to one set of candidates. In this election, too, the popular vote went, by an overwhelming majority, to the same set of candidates. There exists in 1973, no serious possibility of a conflict between the popular vote, the electoral vote as announced in November, and the electoral vote as cast in December and counted in January.

Once again, then, we have been lucky enough to avoid a confrontation between the way we think we elect our President, and the way he can be chosen if there is a peculiar combination of circumstances.

But the fact that this year's faithless elector is only an incident—the fact that last fall's election was decided in a landslide, cannot blind us to the possibility that the electoral system stands in need of immediate reconstruction.

For this reason, while those of us who four years ago objected to the counting of the faithless elector's vote are not doing so this time, all of the undersigned, those who in 1969 supported and those who in 1969 opposed the challenge to the vote, are united in 1973 in urging the House to repeat, as a first order of business, its approval of a Constitutional amendment providing for the direct election by the people of the United States, of their President and Vice-President, and barring forever the possibility that a small group of nameless functionaries, faithless or not, can interpose themselves between the people and their choice.

LIST OF SIGNATURES

James G. O'Hara (D-Mich.), Silvio O. Conte (R-Mass.), William Alexander (D-Ark.), Frank Annunzio (D-Ill.), Thomas L. Ashley (D-Ohio), Alphonzo Bell (R-Cal.), Edward P. Boland (D-Mass.), Frank J. Brasco (D-N.Y.), William G. Bray (R-Ind.), Jack Brooks (D-Tex.).

William S. Broomfield (R-Mich.), Bill D. Burlison (D-Mo.), Charles E. Chamberlain (R-Mich.), Shirley Chisholm (D-N.Y.), Frank M. Clark (D-Pa.), Harold Collier (R-Ill.), John Conyers, Jr. (D-Mich.), Dominick V. Daniels (D-N.J.), John Dellenback (R-Ore.), John D. Dingell (D-Mich.)

Joshua Eilberg (D-Pa.), Marvin L. Esch (R-Mich.), Frank E. Evans (D-Colo.), Hamilton Fish, Jr. (R-N.Y.), Daniel J. Flood (D-Pa.), William D. Ford (D-Mich.), Robert N. Giaimo (D-Conn.), James R. Grover, Jr. (R-N.Y.), Lee H. Hamilton (D-Ind.), Augustus F. Hawkins (D-Cal.).

Ken Hechler (D-W. Va.), Henry Helstoski (D-N.J.), John E. Hunt (R-N.J.), Albert W. Johnson (R-Pa.), Joseph E. Karth (D-Minn.), Edward I. Koch (D-N.Y.), Peter Kyros (D-Me.), Clarence D. Long (D-Md.), Torbert H. MacDonald (D-Mass.), Lloyd Meeds (D-Wash.)

Robert H. Michel (R-Ill.), Robert H. Mollohan (D-W. Va.), Thomas E. Morgan (D-Pa.), William S. Moorhead (D-Pa.), Charles A. Mosher (R-Ohio), John E. Moss (D-Cal.), Lucien N. Nedzi (D-Mich.), David R. Obey (D-Wis.).

Donald W. Riegle, Jr. (R-Mich.), Fred B. Rooney (D-Pa.), Frank Thompson, Jr. (D-N.J.), Charles Vanik (D-Ohio), Jim Wright (D-Tex.), Wendell Wyatt (R-Ore.), Gus Yatron (D-Pa.).

ADM. RUFUS J. PEARSON, CAPITOL PHYSICIAN

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

Mr. LANDRUM. Mr. Speaker, on Wednesday, January 3, Rear Admiral Pearson, the Capitol Physician, retired from that position and from active naval service.

Knowing Dr. Pearson here at the Capitol these past few years has been a very rewarding experience for me, personally and professionally, and I am sure I speak for the other Members. He has served the Congress loyally and well, and is only the second man to occupy this position. Seeing increasing needs, he oversaw expansions of the services by personally setting about to provide the additional space and equipment to provide a first-rate job of attending the Members of Congress. His service here has been a credit to the Navy and the medical profession.

I just wanted to take this opportunity to wish my fellow Georgian and his wife the best of luck in their home in North Carolina, and we look forward to his dropping by to see us once in a while.

I would also like to say welcome to Dr. Cary, who was also born and raised in Georgia. He comes to the House with excellent credentials and we appreciate the fact that the Members of Congress will continue to have outstanding medical service available. I am certain we will all share as close a working relationship with Dr. Cary as we had with his distinguished predecessor.

BUSING

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

Mr. BEVILL. Mr. Speaker, to prevent the busing or involuntary assignment of students in every State of the Union, I introduced on the first day of the 93d Congress a joint resolution which proposes an amendment to the Constitution of the United States. When adopted, it will prohibit any official or court of the United States issuing any order dealing with the transportation or busing of pupils from one school to another or one school district to another. It will also prohibit any student or students attending elementary or secondary school in their own neighborhood being forced to attend any other school against his or her choice or the choice of his or her parents or guardian.

The quality of education depends on three things: Teachers, curriculum, and public facilities. The solution to better schools is upgrading of those three factors. The high cost of busing could better be spent in improving the curriculum, physical facilities, and teachers salaries.

Recent Federal court decisions have turned the school boards' role in trying to provide quality education into a nightmare. Quotas according to race, busing little children across town out of their neighborhood environment and away from their neighborhood schools have caused nothing but grief to all concerned.

Education today is perhaps the most important function of State and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our society. An opportunity for a quality education is a right which must be made available to all on equal terms and without regard to race. It is against the interest of schoolchildren to attempt to use them as pawns to solve social conditions for which they have no degree of responsibility.

This amendment will prevent the further disruption of the school life of little children, the long bus rides which have been court-enforced, and the other harmful effects of Federal court-ordered schoolbusing.

FEDERAL GOVERNMENT IN THE SUNSHINE—OPEN MEETINGS LEGISLATION

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

Mr. FASCELL. Mr. Speaker, I have introduced H.R. 4, "the Federal Government in the sunshine" bill, with substantial bipartisan support. This is a vital step in our efforts to eliminate secrecy in government, to make the Congress more responsive to the people, and to strengthen the legislative branch of Government, by requiring that all meetings, with specified exceptions, be open to the public.

In testimony before the Mathias-Stevenson ad hoc hearings on congressional reorganization last month, John Gardner, chairman of Common Cause, succinctly summarized the need for the "government in the sunshine" bill. Mr. Gardner said:

> Doing the public's business in secret severs the link of accountability between the elected official and his constituents. What they can't see, they can't judge. Accountability depends on access.

The "sunshine" bill provides that access, both to the deliberative process of the House and Senate, and to the decisionmaking processes of the executive branch.

The bill I am introducing is identical to open meetings legislation sponsored in the 92d Congress in the Senate by Florida Senator LAWTON CHILES. I also sponsored the bill in the last Congress. It is patterned after the Florida "sunshine" law enacted in 1967, and its main provisions include:

A requirement that all meetings, including those to conduct hearings, of Government agencies, at which official action is taken, considered, or discussed, shall be open to the public, with specified exceptions; a requirement that most meetings of congressional committees shall be open to the public; a requirement that a transcript of all meetings described above be made available to the public; and court enforcement of the open meetings requirement for Federal agencies.

Exceptions to these provisions would be in matters relating to national defense and security; items required by statute to be kept confidential; meetings related to internal management of an agency or committee; or disciplinary proceedings which could adversely affect the reputation of an individual.

The provisions relating to the meetings of the House and Senate apply to all meetings, including executive sessions for markup of bills and conference committees. In the 92d Congress, 44 percent of all House committee meetings were closed to the public. In the Appropriations Committee, 92 percent of all meetings were conducted behind closed doors, and in the Ways and Means Committee, 63 percent were so conducted. Clearly, in my judgment, the public has a right to know how decisions were reached on how the taxpayers' money is to be allocated, and the Congress has the responsibility to insure that they do know.

I am not implying, nor would I, that actions taken by any committee in secret are actions which would have necessarily been different had the meetings been held in open session. The fact is, that the public and Members of Congress as well, ought to know how decisions were reached, what alternatives were considered and discarded, and why.

We in the Congress have only to gain from enactment of an open meetings law. The level of public confidence in the legislative process is seriously low. By insuring full access to our decisionmaking process, we can eliminate any uncertainties, and help to restore the public's confidence in its elected officials. We can increase the Congress accountability by increasing the public's access to Congress work.

We face a fundamental challenge with the convening of the 93d Congress. That challenge is whether the Congress will meaningfully reassert its initiative in the policymaking process, reestablish its role as a viable force for leadership and change, and assume its constitutional responsibility and authority. Enactment of the open meetings law would aid the Congress in its efforts to meet this challenge.

The unprecedented secrecy in the executive branch has been cited as one of the reasons for the steady erosion of congressional influence on Government policies. Congress, it has been said, exists today merely to ratify or modify proposals submitted by the Executive. Clearly this is an exaggeration but, nevertheless, if Congress and the public had

access to the decisionmaking processes within the departments and agencies of Government, we could insure that the intent of Congress, as expressed in the legislation we enact, is carried out.

Unless Congress takes the initiative, the executive branch will continue to centralize all policymaking functions, keeping them from scrutiny by the Congress and the public. The Sunshine bill, by providing full access at all levels of government, will not only provide for greater accountability of the government to the people, but also, I believe, strengthen the role of Congress.

A frequent criticism of the open-meetings proposal is that it would encourage and foster secret preconference agreements which would then be approved, pro forma, in an open meeting. Clearly this possibility exists, and we must make certain that safeguards against the circumvention of the bill's intent are included in any legislation enacted.

In Florida, some officials did try to circumvent the State law by holding informal sessions in private. The Florida courts have ruled in such cases, however, that a secret meeting occurs when officials meet so as to avoid being seen or heard by the public, and that whether the meeting is formal or not, such secretive action violates the Sunshine Law. As a result of a series of State court decisions, all meetings of government officials must be, and I believe for the most part are, open to the public.

The bill, as now written, gives the U.S. district courts original jurisdiction over actions brought against any federal government agency which fails to comply with the bill's open meetings requirement. One of the issues which will have to be resolved during hearings is what enforcement procedure should be established for congressional meetings.

Mr. Speaker, on the Senate side, the chairman of the Government Operations' Subcommittee on Executive Reorganization and Government Research, Senator ABRAHAM RIBICOFF, has announced that hearings will be held on open meetings legislation early this year. I am hopeful that with broad, bipartisan support, similar hearings will be held by the Rules Committee in the House, and serious consideration will be given to this proposal early in the session.

I am inserting a list of those Members who have agreed to cosponsor H.R. 4 the Federal Government sunshine bill and the text of the bill. I urge all Members to study the bill's provisions carefully, and join with us in supporting this effort to make the Congress and the executive branch more responsive to the people.

The very concept of democracy implies open government, where the people can participate or at least know what actions affecting their lives are being taken. Yet, there are hundreds of examples of unnecessary secrecy throughout our Government, in the executive branch, the regulatory agencies and within the Congress as well.

The budget making and appropriations process is one area which most certainly should be open to public view and yet, as I discussed, is one of the most closed areas we have.

The people of Florida recognized this need when they passed the State sunshine law in 1967. The time has come for the Federal Government to take such positive action as well.

This bill, while forging new paths toward a more responsive government, is also a continuation of reforms that have already been achieved and steps that have already been taken. In the early 1950's Congress enacted what can be called a charter of citizen access by establishing the principle, under the Freedom of Information Act, that the work of the Government and its bureaucrats is really the work of the people and, as such, subject to review and inspection by the people. By removing the veil of secrecy that shrouded much government activity, the Freedom of Information Act focused rays of light on the dark recesses of Government files and bureaucratic conduct.

All this is to say that the task of letting sunshine into the operation of government is a continuing one—one that is guided by the simple standard that government acts best when its actions are known, its officials accountable, and its policies responsive.

I include the following:

LIST OF SPONSORS

Mr. Fascell, Mr. Hamilton, Mr. Fish, Mr. Waldie, Ms. Abzug, Mr. Gude, Mr. Reuss, Mr. Udall, Mr. Gibbons, Mr. Rosenthal, Mr. Rees, Mr. Ware, Mr. Leggett, Mr. Charles H. Wilson, Mr. Zwach, Mr. Drinan, Mr. McCloskey, Mr. Yatron, Mr. Studds, Mr. Andrews of North Dakota, Mr. Helstoski, Mr. Brasco;

Mr. Conyers, Mr. O'Hara, Mr. Stokes, Mr. Mayne, Mr. Bell, Mr. W. C. (Dan) Daniel, Mr. Conte, Mr. Owens, Mr. Mazzoli, Mr. Podell, Mr. Rogers, Mr. Haley, Mr. Pritchard, Mr. Harrington, Mr. Moss, Mr. Fraser, Mr. Jones of Oklahoma, Mr. Gunter, Mr. Aspin, Mr. Zablocki, Mr. Hechler of West Virginia.

H.R. 4

A bill to provide that meetings of Government agencies and of congressional committees shall be open to the public, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) except as provided in subsection (b), all meetings (including meetings to conduct hearing) of any Government agency at which any official action is considered or discussed shall be open to the public.

(b) Subsection (a) shall not apply to that portion of any meetings in which the action or proposed action to be taken, considered, or discussed by an agency—

(1) relates to a matter affecting the national security,

(2) relates solely to the internal management of such agency,

(3) might tend to reflect adversely on the character or reputation of any individual who is subject to any proposed or potential sanction by such agency, or

(4) might divulge matters required to be kept confidential under (specified statutory provisions).

Provided, That this subsection does not authorize closed meetings or the withholding of information from the public except as specifically stated in this subsection, and is not authority to withhold information from Congress.

(c) Each agency subject to the requirements of this section shall, within one hundred and eighty days after the effective date of this Act, establish through publication in the Federal Register procedures for providing public notice of meetings required by this section to be open to the public. Such notice shall be given as far in advance of such meetings as is practicable, in order to facilitate attendance of such meetings by persons desirous of doing so.

SEC. 2. (a) Section 133(b) of the Legislative Reorganization Act of 1946 as amended by section 103(a) of the Legislative Reorganization Act of 1970 is amended as follows:

"(1) Each meeting (including meetings to conduct hearings) of each standing, select, special or conference committee of the Senate shall be open to the public, except when the committee determines that the matters to be discussed, or the testimony to be taken, relates to a matter of national security, relates solely to the internal management of such committee, may tend to reflect adversely on the character or reputation of the witness or any other individual, or may divulge matters required to be kept confidential under other provisions of law."

(2) Clause 27(f)(2) of rule XI of the Rules of the House of Representatives is amended to read as follows: "Each meeting (including meetings to conduct hearings) of each standing, select, special, or conference committee shall be open to the public, except when the committee determines that the matters to be discussed, or the testimony to be taken, relates to a matter of national security, relates solely to the internal management of such committee, may tend to reflect adversely on the character or reputation of the witness or any other individual, or may divulge matters required to be kept confidential under other provisions of law."

SEC. 3. A transcript shall promptly be made of each meeting which is open to the public pursuant to the provisions of this Act and copies of such transcript shall promptly be made available for public inspections and copying.

SEC. 4. The district courts of the United States shall have original jurisdiction of actions to render declaratory judgments or to enforce, by injunction or otherwise, the first section of this Act and section 3 insofar as it relates to that section. Such actions may be brought by any person in the district where such person resides, or has his principal place of business, or where the agency whose action is complained of resides.

SEC. 5. DEFINITIONS.—For the purpose of the Act—

(1) "Government agency" means each authority of the Government of the United States (whether or not it is within or subject to review by another Government agency) having more than one member, but does not include—

(a) the Congress

(b) the courts of the United States

(c) military authorities.

(2) "person" includes an individual, partnership, corporation, association, a public or private organization other than an agency.

SEC. 6. This Act shall take effect on the ninetieth day after the date of its enactment.

THE TAX EQUITY ACT OF 1973

Mr. CORMAN. Mr. Speaker, on January 3, 1973, I introduced, for appropriate reference, the bill, H.R. 1040, the Tax Equity Act of 1973, and a companion bill, H.R. 1041; 43 Members of the House have expressed their wish to cosponsor the Tax Equity Act of 1973 with me. I am confident that others will join this effort. The cosponsors of these bills are: Mr. ASPIN, Mr. BOLLING, Mr. BROWN

of California, Mr. BRADEMAS, Mrs. CHISHOLM, Mr. CONYERS, Mr. DANIELSON, Mr. DELLUMS, Mr. DINGELL, Mr. DRINAN, Mr. DULSKI, Mr. EDWARDS of California, Mr. EILBERG, Mr. WILLIAM D. FORD, Mr. FRASER, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. JOHNSON of California, Mr. KYROS, Mr. MCFALL, Mr. MADDEN, Mr. MEEDS, Mr. MITCHELL of Maryland, Mr. MOORHEAD of Pennsylvania, Mr. NIX, Mr. OBEY, Mr. PEPPER, Mr. PIKE, Mr. PODELL, Mr. PRICE of Illinois, Mr. RANGEL, Mr. REES, Mr. REUSS, Mr. RODINO, Mr. ROSENTHAL, Mr. ROYBAL, Mr. STOKES, Mr. STUDDS, Mr. VAN DEERLIN, Mr. WALDIE, and Mr. CHARLES H. WILSON of California.

Believing that comprehensive reform of the Federal taxing system is long overdue and absolutely essential if our tax laws are to provide the means of meeting our revenue needs equitably and adequately, and to promote economic growth, I introduced in the fall of 1971, along with 48 of my colleagues, the bill, H.R. 11058, the Tax Reform Act of 1972. The response to this initial effort, in and out of the Congress, was sufficiently positive and compelling to require reintroduction in the 93d Congress. Some changes have been made, all of which strengthen the bill toward achieving three main objectives: to obtain a more equitable Federal tax structure; to provide a more even-handed system by which the American businessman or individual investor can invest his capital; and to supply new and sufficient revenue to meet the costs of public needs.

In theory, our tax rates are progressive and should have the effect of placing the tax burden according to an individual's ability to pay. But a variety of special provisions have developed over the years as an increasing source of preferential treatment to various groups, thus making a mockery of the theory. Our taxing system is riddled with loopholes that deprive the Treasury of billions of dollars each year, weakening our competitive, free enterprise system and undermining the morale of the hardworking wage earner and small businessman to whom tax loopholes are not available. In 1969, more than 300 Americans with incomes in excess of $200,000 paid no income tax; 56 of these were millionaires. In 1970, more than 100 Americans with incomes of $200,000 paid no income tax. Yet, in 1971 an average worker earning $8,000 a year with a wife and two children paid $672, or 8.4 percent of his income, in Federal income tax.

The injustices of our taxing system are felt as deeply by the small businessman upon learning that the 24 largest oil companies with earnings of some $8.8 billion in 1968 paid taxes at a rate of only 8.7 percent. It is also felt by the fellow who drives the oil truck when he realizes that he pays a higher tax rate on his wages than his employer. And, it is felt by the family farmer who, though striving to make ends meet, must pay his taxes while many who are well-to-do buy farm property as a tax shelter and play weekend farmer.

One of the most damaging consequences of the present system is that the American taxpayer—individual or businessman—is forced to make investment decisions on the basis of tax advantages rather than on sound economic objectives, thus inviting a misallocation of resources. The system tends to block the flow of private capital to areas of investment that could maximize the development of the economy while still giving the investor a good return on his money. The Federal Government must extricate itself from the business of influencing decisions for investing private capital, for it is through the search for tax shelters that the tax base is narrowed, that the equitable distribution of the tax burden is upset, and that vast loopholes are created.

The impact of these loopholes on the Federal treasury is enormous. It becomes a loss of many billions of dollars a year. In the face of tremendous budget deficits, amounting to over $100 billion for the last 4 years, it is obvious that something must be done. We cannot afford these losses and deficits and still maintain a position of fiscal integrity. Neither can we afford them if we are to respond to the great volume of unmet needs which continue to cry for attention throughout the Nation.

Providing necessary revenue for public requirements is a must for the taxing system at any level of government. For the Federal Government the income tax is the major revenue raiser and providing sufficient revenue must be a prime aim of any reform effort. Our cities must be rehabilitated; improvement in our educational system must be made; redevelopment of rural areas is a serious concern; the Nation's health care crisis must be solved; adequate housing for people of low income must be provided; the condition of poverty in America must be minimized; and effective control of pollution must be maximized. We must begin to respond to these needs.

During the past few years these essentials have increased in intensity and multiplied in scope. Yet, in his record budget for fiscal year 1973, President Nixon's 5-year forecast of projected costs of existing and proposed programs would absorb all presently planned revenues. This means that no new programs can be inaugurated unless new taxes are levied, additional sources of revenue are found, or existing programs are scaled down or eliminated.

Many responsible and perceptive observers contend that the Federal Government must, if we are to resolve our vast domestic problems, increase its revenue. If this is so, and I believe it is, what are the choices? An across-the-board increase in the personal income tax rate? A surtax on personal income? Imposition of a national sales tax, better known as a value added tax—the most regressive of all tax systems? In my judgment, and in the judgment of my colleagues who have cosponsored H.R. 1040, the fairest way to produce more revenue is by reforming the tax system to achieve an equitable structure—in very simple language, abolish the variety of special exemptions and shelters embedded in our complex tax laws. I have been able to establish that by such reform we would add some $20 billion to the Federal treasury in 1974. When fully effective, the figure will rise substantially.

The Tax Equity Act of 1973 attempts to meet this goal. Its provisions would make our laws more equitable and more productive of revenue. The income tax would become a neutral factor in the selection of private capital investments. Our budget deficits would be reduced and in times of high economic activity, the deficit could be eliminated entirely. The economy would be strengthened as greater purchasing power would be channeled to individuals at the lower income levels who are more likely to spend their earnings than persons with higher incomes. A number of lower income people, while still responsible for substantial social security taxes, would be removed from the income tax rolls; a slight increase in the tax burden would be placed on upper income brackets, but would be offset in part by reducing the maximum rate from 70 to 50 percent. The net effect would be to provide sufficient revenue to finance the growing needs for public services.

Mr. Speaker, tax reform is the most urgent matter facing the 93d Congress. Nothing bears more directly on as many citizens, nor resists consensus more stubbornly than the question of how the costs of Government should be shared. But rising revenue needs and the ire of taxpayers at the inequities of our taxing system dictate that Congress can wait no longer to make essential reforms.

I urge my colleagues to examine the provisions of H.R. 1040 carefully. A summary of the bill follows. I hope that our tax laws will be reformed along the lines that H.R. 1040 proposes, for only through reforms as provided by this bill can we find our way back to fiscal responsibility and equitable tax treatment for the average American taxpayer—both necessary ingredients for a stable, prosperous and healthy economy, and for a democratic society.

Following is a summary of contents of the tax reform bill:

SUMMARY OF CONTENTS OF TAX REFORM BILL

Section 1—Short title, etc.

This section provides that the Act may be cited as the Tax Equity Act of 1973, and the section contains a table of contents of the bill.

Section 2—Technical and conforming changes

This section provides that the Secretary of the Treasury shall, within 90 days after the date of the enactment of the Act, submit to the Committee on Ways and Means a draft of any technical and conforming changes in the Internal Revenue Code which should be made to reflect the substantive amendments made by the bill. The bill, for example, does not attempt to make all conforming amendments to the cross references provisions within the Code or to the various tables of contents in the Code.

Section 3—Treaties

This section provides that every amendment made by the Act shall apply notwithstanding that its application may be contrary to the provisions of some treaty in effect on the date of the enactment of the Act.

TITLE I—CAPITAL GAINS AND LOSSES

Section 101—Repeal of alternative tax on capital gains

This section repeals the alternative tax on capital gains for both individuals and corpo-

rations. As a result of this section and other amendments made by title I of the bill, capital gain income (for taxable years beginning after 1973) will not receive preferential treatment and will be taxed as ordinary income.

Section 102—Tax treatment of capital gains

While capital gain income will be taxed as ordinary income under the amendments made by the bill, this section provides for a limited exemption from tax depending on the length of time the property has been held before it is sold. The exemption is granted in deference to the fact that if an asset has been held a long time, the gain measured by dollars is attributable to some extent to the declining value of the dollar.

This section assumes an inflation rate of 4 percent—looking at the past 15 years this is somewhat on the high side—and provides, in effect, that in computing the gain on a sale of property, the taxpayer can add to the tax basis of the property 4 percent of the tax basis of the property (at the time of the sale) for each year the property was held after it was held for one year. More precisely, it is provided that the addition to the tax basis shall be one-third of 1 percent of the tax basis for each full month the property was held after it had been held for one year. Thus, if the property is held for less than 13 full months, nothing is added to the tax basis in computing gain. If the property is sold after being held 63 full months (5 years and 3 months) 17 percent of the tax cost (51 months at one-third of 1 percent) would be added to the basis in computing gain.

It is provided, however, that the maximum amount which can be added to the tax basis is 60 percent. This maximum does not come into play until the property has been held for more than 16 years before sale. Under present law, an individual is taxed on only one-half of his capital gain if he holds the property for one day over 6 months. Under the bill, no one day can make a difference of more than one-third of 1 percent, and that percent is of the cost of the property—not the gain on its sale.

This provision for not taxing the gain to the extent attributable to inflation applies not only to capital assets but also to property used in a trade or business, such as a plant, machinery, or other depreciable equipment. It does not apply, of course, to property held for sale to customers in the ordinary course of business.

This section of the bill repeals a number of provisions in the Internal Revenue Code which become deadwood when capital gains are treated as ordinary income. Complicated provisions, such as those dealing with collapsible corporations and the recapture of depreciation deductions on sale of property at a gain, are not needed when preferential treatment of capital gains is eliminated. No greater blow can be struck for the cause of simplification of the income tax laws than to repeal, as the bill does, the preferential income tax treatment of capital gains.

Section 103—Limitation on deduction of capital losses

Under existing law, capital losses are deductible only against capital gains plus, in the case of an individual, $1,000 of other income. This section of the bill provides that capital losses of a corporation are deductible only against gains from the sale of capital assets and property used in a trade or business. In the case of an individual, capital losses will be deductible only against such gains plus $1,000 of other income. Under present law, a long-term capital loss of $2 will offset only $1 of an individual's ordinary income. Under the bill, a capital loss of $1 will offset $1 of ordinary income (subject to the $1,000 limitation). Gains from the sale of property used in a trade or business do not include gains from the sale of property held primarily for sale to customers or gain from the sale of animals.

Section 104—Capital loss carrybacks and carryovers

This provision grants relief to an individual who has an unused capital loss of at least $10,000 by allowing him to carry it back to the 3 preceding taxable years. Cases have arisen where a large capital gain in 1 taxable year is followed by a large capital loss in the following year which may never be utilized even with the unlimited carryforward.

Under present law, if a corporation has an unused capital loss of only a few hundred dollars, this unused loss must be carried back to the 3 preceding taxable years, with resulting refunds if there are net capital gains in any of the 3 years. It cannot be carried forward if it can be used up on a carryback. This section of the bill changes existing law by providing that a corporation (like an individual) cannot carry back an unused capital loss unless it exceeds $10,000.

The bill provides that the carryback is elective with the taxpayer, whether an individual or a corporation. This will make the carryback provision less of an administrative burden on the Internal Revenue Service for in many cases the taxpayer would rather not file a claim for refund of taxes paid in a prior year if the loss can be used on a carryover.

In the case of an individual, the carryover can be used to offset ordinary income up to $1,000 a year, but on a carryback the capital loss can be used only to offset capital gains. In the case of the death of an individual the bill provides that the net capital loss for the year of his death can be carried back even though the loss is less than $10,000.

Under present law, a capital loss of a corporation can be carried over only to 5 taxable years following the year of the loss. Under the bill, a corporation (like an individual) will have an unlimited carryover of a capital loss.

Section 105—Capital gain and capital loss defined

This section amends the Code by striking out the definitions of short-term and long-term capital gains and losses since under the bill no distinction is made between short-term and long-term gains and losses. However, the bill defines the terms "capital gain" and "capital loss" since the deduction of capital losses is limited as explained above. The bill retains the definition in existing law of the term "capital asset".

Section 106—Nontaxed gains; carryover of basis at death

Under present law, on the death of an individual his property receives a new basis for tax purposes—the fair market value used for purposes of the estate tax. Unrealized capital gains are, therefore, not taxed when the executor or the heirs sell any appreciated property held by the decedent. This section of the bill provides for a carryover of the decedent's basis, but the decedent's basis in appreciated property is increased by its proportionate share of Federal and State estate taxes attributable to the amount of the appreciation. This section would apply to decedents dying after June 30, 1973.

Section 107—Tax treatment of gain on certain sales of patents

Since capital losses will continue to be deductible only against capital gains (plus an additional $1,000 in the case of an individual), it is important that ordinary income is not classified as capital gain income. Under existing law, gain on the sale by an individual of a patent is treated as capital gain even though the taxpayer is a professional inventor. This section of the bill repeals this provision, so that the sale of a patent by the person whose personal efforts created the patent will be treated as ordinary income and not capital gain income, just as the sale of a copyright produces ordinary income under existing law.

In addition, this section provides that capital gain treatment will not be granted in any case where the owner (whether a corporation or an individual) of a patent enters into an agreement (whether or not it constitutes a sale, license, or assignment) under which the seller or assignor of the patent receives payments measured by a percentage of the selling price of articles produced by the buyer or transferee of the patent or where the amounts received by the seller or transferor are measured by production, sale, or use by the assignee or licensee. Periodic receipts of this kind with respect to the sale or transfer of a patent are properly treated as royalty income rather than capital gain income.

TITLE II—INCOME DERIVED FROM EXTRACTION OF MINERALS

Section 201—Repeal of percentage depletion

This section of the bill repeals the allowance of percentage depletion for oil and gas and other minerals, effective with taxable years beginning after December 31, 1973.

Section 202—Deduction of intangible drilling costs and other exploration and development expenditures

This section of the bill liberalizes the deduction of exploration expenditures for oil and gas. Under present law, intangible drilling and development costs are deductible as incurred, but geological and geophysical costs are capital expenditures to be recovered through the depletion allowance (or as a loss upon abandonment). This section provides that all expenses incurred for the exploration and development of all minerals, including oil and gas, are deductible at the election of the taxpayer, so long as the expenditures do not have the effect of sheltering from tax income from nonmineral sources.

To deal with the problem of the tax shelter, this section provides that the aggregate deduction for exploration and development of mineral properties during the taxable year cannot exceed the taxpayer's aggregate taxable income for the year from mineral properties (computed without regard to the deduction for exploration and development). Losses on drilling a dry hole, however, will continue to be deductible without regard to the limitation. Any amount disallowed as a deduction under this limitation will be treated as an amount expended in the following year for the exploration and development of mineral properties. In the normal situation, this limitation will not limit the deduction in the case of the taxpayer who is in the business of operating mineral properties, but it will put a stop to the current practice of peddling drilling funds as tax shelters to taxpayers who are not in the business of operating mineral properties.

Section 203—Repeal of maximum tax on certain sales of oil or gas properties

This section of the bill repeals section 632 of the Internal Revenue Code which provides that the tax imposed on an individual on his sale of an oil or a gas property discovered by him shall not exceed 33 percent of the selling price.

Section 204—Income from mineral properties located outside the United States

Under existing law, if a taxpayer goes into a foreign country to explore for and develop oil and gas wells or a mine, the deductible costs of exploration and development can be applied against income from sources within the United States. If the venture is

successful and the mineral properties produce profits, the credit for foreign income taxes imposed upon those profits will, on the basis of past experience, completely offset the U.S. tax on those profits. The net result is that the United States Treasury loses revenue on account of the exploration and development in foreign countries of mineral properties and receives no revenue (because of the foreign tax credit) when the mineral properties produce profits. Moreover, if there is a loss on account of the expropriation of mineral properties by a foreign government, the deductible loss in the usual case has the effect of reducing the income taxes otherwise payable on income from sources within the United States.

To eliminate the losses to the Treasury on account of the exploration, development, and expropriation of foreign mineral properties, this section of the bill provides—

(1) a taxpayer will not include in his tax return amounts derived from the operation of a mineral property located outside the United States.

(2) no deduction shall be allowed for amounts chargeable to income so excluded from the tax return, or for any amount expended for the exploration or development of any mineral property located outside the United States, and

(3) losses on the sale, abandonment or expropriation of mineral properties located outside the United States shall be allowed only to the extent of gains from the sale of mineral properties located outside the United States.

The exclusion from gross income will not apply to profits derived from processing minerals after reaching the so-called cutoff point used in the past for percentage depletion purposes. Thus, profits from transporting minerals or in producing gasoline or refined metals will not be exempt. In addition, the exclusion from gross income will not apply to royalties received on mineral properties located outside the United States or to dividends on stock of any corporation operating mineral properties outside the United States.

TITLE III—REFORM MEASURES AFFECTING PRIMARILY INDIVIDUALS

Section 301—50-percent maximum rate for individuals

Under present law, the maximum rate of tax on individuals is 70 percent. This section of the bill reduces the maximum rate to 50 percent. This reduction is justified in the light of the other provisions of the bill which broaden the income tax base, particularly the taxation of capital gains as ordinary income, and the elimination of the tax shelters allowed under present law.

Section 302—Credit against tax for personal exemptions and nonbusiness deductions

This section of the bill provides a credit against tax for the personal exemptions and other personal deductions of an individual, in lieu of the existing deductions from gross income for such items. Under present law, a deduction of $750 against gross income for a personal exemption is worth $525 to the taxpayer in the highest bracket, but only $107 to a taxpayer in the lowest bracket. This section of the bill provides that each taxpayer will receive the same tax benefit for his personal exemptions, and that the Treasury will "contribute" the same amount to all taxpayers with respect to deductible expenditures not connected with a trade or business or for the production of income.

A credit of 24 percent of the aggregate amount of the personal deductions is allowed by this section of the bill. The personal deductions include the deductions for personal exemptions, interest and taxes on nonbusiness indebtedness (such as taxes and interest on the taxpayer's home), deductions for charitable contributions, and deductions for medical expenses. If the taxpayer would have used the standard deduction instead of itemizing his deductions, then the 24-percent credit will be applied to the amount of the standard deduction the taxpayer would have received plus the amount of his personal exemptions. The credit will not be allowable with respect to alimony payments which would continue to be deductible from gross income as under existing law.

A credit of 24 percent of the personal deductions, instead of deducting such amounts from gross income, will reduce the income taxes of taxpayers in the lower brackets. For example, a married couple will two children having an adjusted gross income below $15,300 (and assuming nonbusiness deductions of 10 percent of income) will have a reduction in their income taxes.

This section provides that the President may increase or decrease the 24-percent rate if he decides that it is in the public interest to do so. If he decides that taxes on individuals should be reduced for a temporary period, he could proclaim an increase in the 24-percent rate, and if he believes that the taxes should be increased for a temporary period, he could proclaim that the 24-percent rate be decreased. The increase or decrease, however, cannot exceed 2 percentage points.

Any increase or decrease in the 24-percent rate by the President would not take effect if either House of the Congress, within a 60-day period after announcement of the proposed change in rate, passes a resolution stating in substance that a change in the 24-percent rate is not favored.

This section of the bill also provides that if the taxpayer is claiming a child as a dependent (and thereby receiving a credit of $180 against tax—24 percent of $750), the parent shall include in his gross income any income received by the child during the year from a trust created by the parent, and also any dividends, interest, or royalties received by the child from any property given to him by the parent. Income which is so taxed to the parent would not be taxed to the child. This provision would not apply if the parent does not choose to claim the child as a dependent.

Section 303—Repeal of $100 dividend exclusion

This section repeals the provision in present law that allows an individual to exclude from gross income $100 of dividends received on corporate stocks. Present law gives no similar exclusion in the case of interest received on savings accounts, a much more common form of investment by individuals in the lower brackets.

Section 304—Limitation on deduction of interest on investment indebtedness

Under existing law, if an individual's interest payments on indebtedness incurred to carry property held for investment exceeds the sum of the investment income plus $25,000, one-half of the interest in excess of that sum is disallowed as a deduction. This section reduces the $25,000 figure to $5,000 and provides that all—not just one-half—of the interest in excess of the sum of the investment income plus $5,000 is to be disallowed as a deduction. The amount which is disallowed as a deduction will be treated as investment interest paid in the following taxable year.

Section 305—Elimination of vacation resort house as tax shelter

This section eliminates as tax shelters such items as beach cottages, condominiums at ski resorts, mountain cabins, and the like, which the taxpayer uses for pleasure and rents when he can in order to obtain tax deductions greater than the rentals. The amendment would also apply to the rental of a house which is used by the taxpayer as his principal place of residence.

Under the amendment deductions for depreciation, repairs, insurance, agent fees in handling rentals, etc., would be allowed as deductions only up to the amount of rentals received during the year reduced by interest and taxes paid (and deducted) on the rental property. The rentals would not be taxed (except in the unusual case where they exceed all expenses) because they would be offset by allowable deductions; but the excess costs for repairs, depreciation, insurance, etc., could not be used to shelter income from other sources.

Section 306—Disallowance of expense attending convention outside the United States

This section disallows expenses of travel (including meals and lodging) of an individual in connection with attending a convention held outside the United States. As a general rule, such expenses are incurred primarily for pleasure rather than business. Thus, expenses of lawyers attending the American Bar Convention in London in 1971 would have been disallowed if the amendment had been in effect. The amendment applies to expenses incurred after the date of the enactment of the bill.

Section 307—Farm losses

The Tax Reform Act of 1969 provided for an excess deductions account in the case of farm losses in order to eliminate some of the tax shelter afforded by the use of the cash method of accounting in the case of farming. In order to deal more effectively with the problem of farm losses as a tax shelter, this section of the bill provides that farm losses can be deducted against nonfarm income only to the extent of $10,000 a year. Any amount of a farm loss which is disallowed under this provision will be treated as an expense of farming in the following taxable year.

This limitation on the deduction of a farm loss will not apply to a taxpayer whose nonfarm income is less than $20,000.

Section 308—Computation of earnings and profits on a consolidated basis

Some conglomerate companies have been paying dividends which are not fully taxable because the parent company does not have sufficient earnings and profits to cover the distribution although the consolidated group had earnings and profits during the year greater than the amount distributed. This section of the bill provides that the earnings and profits of a parent corporation for a year shall not be less for dividend purposes than the earnings and profits of the consolidated group for the year.

Section 309—Dividend on certain sales of stock

The Tax Court held that if a transaction is described in section 304 of the Code (which can produce dividend income if stock of one controlled corporation is sold to another controlled corporation) and is also described in section 351 (dealing with tax-free exchanges), then section 351 applies and not section 304. This section of the bill changes the rule of the Tax Court case and provides that the tax-free provisions of section 351 do not apply to the extent the application of section 304 produces an amount taxable as a dividend.

Section 310—Termination of stock option provisions

Under present law, an officer of a corporation is not taxed at the time he exercises a qualified stock option granted him for performance of services. If he sells the stock after 3 years, the compensation is taxed only as a capital gain. If he holds the stock until he dies, the compensation is never taxed. This section of the bill provides, in the case of options granted after 1972, that the compensation realized on exercise of a stock option will be taxed at the time of exercise as ordinary income.

The enactment of this amendment will be welcomed by many corporate shareholders. The liberal granting in the past of stock options has diluted, in some cases seriously, the equity ownership of shareholders of the companies who grant stock options. With the demise of tax-free stock options, management will no longer have to explain or contend to shareholders that authority to grant stock options is necessary to attract or keep "key employees".

Section 311—Disallowance of certain double deductions

Present law provides that the expenses of administering an estate can be deducted by the executor on either the income tax return or the estate tax return, but not on both. The courts have held that expenses of the executor in selling property can be deducted in the estate tax return and can also be used on the income tax return as an offset against the selling price of the property. This section of the bill provides that such selling expenses cannot be used in the income tax return as an offset to the selling price if they are deducted as an expense of administration on the estate tax return.

Section 312—Treatment of trust income payable to children of grantor

Under present law, a father can, in effect, deduct on his income tax return gifts to his children if he makes a gift out of income from stocks and agrees to do so for at least 10 years. To get that result, the parent need merely transfer stock to himself as trustee and agree to pay out to his children the income from that stock for 10 years, at which time the stock will be returned to him free of the trust. Use of short-term trusts in this manner is commonplace with affluent taxpayers who can afford to give some of their dividend income to their children.

This section of the bill provides that the income of such a trust will be taxed to the grantor (if he has a reversionary interest) so long as the income is payable to a child who is under the age of 21 years or who is attending college and is a dependent of the taxpayer for purposes of the credit for personal exemptions.

Section 313—Deductible losses of limited partner cannot exceed investment

Limited partnership interests in syndicated tax shelters—such as drilling funds and real estate ventures—are being peddled with the sales pitch that the investor will enjoy a deduction on his income tax return of $2 for every dollar he invests in the fund or the venture. It is possible, under existing law, for a limited partner to take income tax deductions (for his share of partnership deductions) in excess of the amount which he has contributed to the capital of the partnership. This results because the existing regulations provide that a limited partner's tax basis will be increased by a portion of any partnership liability for which no partner has personal liability.

This section of the bill provides that a limited partner's share of partnership liabilities cannot exceed the difference between his actual contribution credited to him by the partnership and the total contributions he is obligated to make under the partnership agreement. The effect of this amendment will limit the deductions of a limited partner in any drilling fund or other tax shelter venture to the amount he has actually contributed to the capital of the partnership.

Section 314—Repeal of exemption for earned income from foreign sources

Under present law, citizens of the United States can exclude from gross income certain amounts of income they earn in foreign countries if they are present in the foreign country for 17 out of 18 months or if they become a bona fide resident of the foreign country. The exclusion is $20,000 a year if the taxpayer meets the 17 out of 18 month test and is $25,000 a year if he is a bona fide resident of the foreign country. This section of the bill denies such exclusion from gross income in the case of taxable years beginning after the date of enactment. The foreign tax credit will prevent double taxation of the income if the foreign country also taxes the earned income.

Section 315—Underpayments of estimated tax

This section provides that an individual cannot base his estimated tax payments on the prior year's tax (or at the current year's rates applied to the prior year's facts) if in any one of the 3 preceding taxable years the tax shown on his return was in excess of $100,000.

TITLE IV—REFORM MEASURES AFFECTING PRIMARILY CORPORATIONS

Section 401—Repeal of investment credit

The investment credit is a massive subsidy to corporations for their purchase of machinery and equipment, nearly all of which would be purchased in the absence of the subsidy. The subsidy granted by the investment credit for the calendar year 1974 will amount to over $4 billion if the credit is not repealed. This section of the bill terminates the investment credit, effective with respect to property placed in service on or after January 1, 1974.

Section 402—Repeal of asset depreciation range system

In 1962, the Treasury issued guidelines specifying the number of years over which different kinds of assets could be depreciated. Through the "reserve ratio test", a direct link was maintained between the depreciation claimed by taxpayers and the actual "wearing out" of equipment. Taxpayers were not allowed to depreciate for tax purposes more rapidly than they were actually replacing the equipment.

In January, 1971, the Treasury announced some major changes. Businessmen were allowed to take guideline lives 20 percent shorter than previously. Thus, an asset which previously had a guideline life of 10 years could now be depreciated over 8 years. In addition, the reserve ratio test was repealed. These changes were given legislative approval in the Revenue Act of 1971.

This section repeals the ADR system and reinstates the reserve ratio test, for taxable years beginning after December 31, 1972. The amendment will increase revenues by approximately $800 million for 1973, $2.9 billion for 1975, and over $4 billion for 1977. By the end of 1980, this repeal of ADR will increase revenues by more than $26 billion.

Section 403—Depreciation deduction not to exceed book depreciation

Under present law, a corporation cannot use the LIFO method of valuing inventories for income tax purposes unless it uses the same method in reporting its earnings to shareholders. The obvious rationale of this rule is that if LIFO is not considered by a corporation as a correct method for reporting earnings to shareholders, then that corporation is not entitled to use the LIFO method in reporting its earnings on the tax return.

For a similar reason, this section of the bill provides that a corporation cannot take depreciation deductions for a taxable year in an aggregate amount in excess of the depreciation taken into account in reporting earnings for the year to shareholders. Thus, if a corporation on its books computes depreciation for equipment on a straight-line basis with a 30-year life, it cannot have a larger deduction on the tax return by using the double declining balance method or a shorter life. Moreover, in the case of a publicly held company whose annual report to shareholders is certified to by independent certified public accountants, it can generally be presumed that the charge for depreciation recorded on the books is a fair and honest estimate of the actual cost of depreciation for the year. If a larger deduction for depreciation is allowed on the tax return, then the depreciation allowance becomes a subsidy and not a reasonable allowance for the exhaustion of machinery and equipment.

In the case of an affiliated group of corporations, regulations will prescribe whether the report by the common parent corporation to its shareholders, rather than the report of subsidiaries to the parent, will be taken into account for purposes of this amendment.

Section 404—Deduction for repairs limited to amount recorded on books

This section of the bill, for the reasons set forth in the preceding section dealing with depreciation, prohibits the deduction by a corporation of an expenditure for repairs if the corporation capitalizes the expenditure on its books for the purpose of reporting to shareholders its earnings and profits for the year.

Section 405—Limitations on dividends received deductions

Subsection (a) of this section of the bill provides that the dividends received deduction cannot exceed 85 percent of taxable income (computed without regard to the net operating loss carryback). The chief effect of this is to change present law which allows a full deduction for 85 percent of dividends received if this deduction will produce or increase a net operating loss for the taxable year. The amendment also provides that any amount disallowed for the taxable year because of the net income limitation shall be allowed as a deduction for the following taxable year if there is sufficient taxable income in that year. This gives the taxpayer a carryover which he does not have under present law.

Subsection (b) provides that dividends received from an unaffiliated corporation shall be reduced (for purposes of the dividends received deduction) by the amount of any interest on indebtedness incurred or continued to purchase or carry the stock of the unaffiliated corporation. An unaffiliated corporation is any corporation except one that is a component member of a controlled group of corporations which includes the taxpayer.

This section of the bill also provides that if the aggregate amount of dividends received during the year from unaffiliated corporations (after first being reduced by any interest paid as provided in the preceding paragraph) exceeds the amount of dividends paid by the corporation during the taxable year, no dividends received deduction shall be allowed with respect to the excess. Thus, if no dividends are paid by the taxpayer, no dividends received deduction can be claimed for dividends received from unaffiliated corporations. However, the amount which is so disallowed shall be treated as a dividend received in the following year for purposes of the dividends received deduction. Moreover, if dividends paid during a taxable year exceed the dividends received during the year from unaffiliated corporations, the amount of the excess will be treated as a dividend paid in the following year for purposes of the dividends received deduction.

Section 406—Use of appreciated property to redeem stock

Under present law, if a corporation redeems stock with appreciated property, gain is recognized except in certain cases. One of the exceptions is where stock or securities are distributed pursuant to a court

proceeding under the antitrust laws. This section provides that the stock or securities must have been acquired before January 1, 1970, in order for the exception to apply. It is not believed corporations which have violated the antitrust laws should have a tax benefit not available to other corporations who distribute appreciated securities.

Section 407—Recognition of gain on sales in connection with certain liquidations

If a corporation adopts a plan of complete liquidation and the liquidation is completed within 12 months, under existing law (section 337 of the Internal Revenue Code) the corporation is not taxed on gains realized on the sale of property during the period of liquidation. Gains on sale of inventory, however, are exempt from tax only if the inventory is sold in bulk to one purchaser.

This section makes three amendments to section 337. First, it is provided that section 337 shall apply only if at the time of the adoption of the plan of liquidation the corporation has less than 11 shareholders.

Second, it is provided that gain on the sale of inventory shall be taxable even though section 337 otherwise applies.

The third change deals with the problem which has been presented in some cases where shareholders of the liquidating corporation transferred, after adoption of the plan to liquidate and before the corporation distributes its tax-free gains, some or all of their stock to tax-exempt charities (usually their private foundations). This amendment of section 337 insures that one tax will be imposed in such cases by providing that if tax-exempt organizations receive X percent of the amounts distributed in liquidation, then the same percent of the gains realized by the corporation during the course of the liquidation will be subject to tax at the corporate level.

Section 408—Denial of tax-free exchanges in case of investment companies

In 1966 tax-free exchanges of appreciated stock for shares of mutual funds (so-called swap funds) were brought to an end by an amendment which provided that section 351 of the Code would not apply to transfers to an investment company. That amendment did not complete the job. For years the Massachusetts Investment Trust, and other mutual funds, have been issuing their shares to acquire all of the stock or assets of family held personal holding companies, and these exchanges are treated under section 368 as tax-free reorganizations. This is nothing but swap funding to obtain diversification plus a readily marketable security. The amendment would make such exchanges taxable and it would also make mergers of two investment companies taxable.

Section 409—Certain transactions disqualified as reorganizations

This section of the bill provides that there cannot be a tax-free reorganization if the shareholders of the smaller company involved in the transaction end up with less than 20 percent of the voting stock of the surviving corporation in a merger or of the acquiring corporation in the case of a so-called B reorganization (stock-for-stock) or a so-called C reorganization (stock-for-assets). If a conglomerate company whose stock is listed on the New York Stock Exchange issues less 20 percent of its voting stock to acquire the stock or assets of a company whose stock is not listed, it is more realistic to treat the shareholders of the unlisted company as having sold out for a marketable security rather than having taken part in a reorganization of their company. A similar provision was contained in the House version of the Internal Revenue Code of 1954.

Section 410—Repeal of special treatment of bad debt reserves of financial institutions

This section of the bill provides that banks and other financial institutions who now are allowed to take special deductions for reserves for bad debts will, in the case of taxable years beginning after 1973, compute any addition to a reserve for bad debts on the basis of the actual experience of the taxpayer, the rule which is applied to all other corporations.

Section 411—Repeal of deduction for Western Hemisphere trade corporations

This section of the bill repeals the special deduction now allowed domestic corporations who obtain most of their income from foreign countries in the Western Hemisphere.

Section 412—Taxation of undistributed profits of foreign corporations

At the present time, American corporations do not have to pay income taxes to the Federal Government on the earnings of their controlled foreign subsidiaries so long as the earnings are undistributed. These earnings, however, are generally taken into account by the parent company in reporting earnings to its shareholders. This tax deferral constitutes an important incentive for U.S. corporations to set up plants in foreign countries. This section of the bill provides for the taxation on a current basis of the undistributed earnings of controlled foreign corporations.

Section 413—Involuntary conversions

This section provides that if gain on an involuntary conversion of property is not recognized because the taxpayer purchases stock of a corporation owning property of the kind which was converted, the basis of that property in the hands of the corporation shall be reduced by the amount of gain not recognized on account of the purchase of the stock.

Section 414—Computation of overpayments of estimated tax

This section of the bill provides that a corporation cannot compute its estimated income tax payments on the basis of the prior year's tax (or on the basis of the prior year's facts and the current year's rates) if in any one of the 3 preceding taxable years the tax shown on its return was in excess of $300,000.

TITLE V—REFORMS AFFECTING INDIVIDUALS AND CORPORATIONS

Section 501—Minimum tax

This section makes a number of changes in the minimum tax. First, it repeals the provision of existing law that allows regular income taxes to be deducted from the items of tax preference. Second, the $30,000 exemption for tax preferences is reduced by the bill to $12,000.

Third, the following items are added to the list of items which constitute tax preferences:

(1) Deduction of intangible drilling and development costs for oil and gas wells.

(2) Deduction of exploration and development costs in the case of mines.

(3) Tax-exempt interest on State and local bonds (issued before January 1, 1974).

(4) The credit against the United States tax allowed for foreign income taxes.

(5) The amount of amortization for coal mine safety equipment.

Another provision is added to avoid a tax on an item of preference if the taxpayer obtained no tax benefit from the item. This provision will permit a taxpayer to elect to waive a deduction for an item of tax preference, in which case the item would not be taken into account for the minimum tax. However, such waiver can be made only at such time and subject to such terms and conditions as may be set forth in regulations promulgated by the Secretary or his delegate.

Finally, this section of the bill strikes from existing law the provisions which treat tax preferences attributable to foreign sources more favorably than preferences attributable to sources within the United States.

Section 502—Deduction for depreciation based on equity on rental real estate

This section provides that in the case of a building which the taxpayer rents to others, the deduction for depreciation cannot exceed the taxpayer's equity in the building and the land. That is, no additional deductions for depreciation will be allowed (including existing buildings) to the extent it would reduce the adjusted basis of the building below the unpaid balance of the mortgage on the land and building (minus the tax cost of the land). However, until the depreciation deductions equal the equity, the depreciation would be computed on the entire cost of the building and not on the amount of the equity. This amendment would not apply to a building if the primary use is by the taxpayer and not the tenants. This amendment would practically eliminate real estate ventures as tax shelters for investors.

Section 503—Charitable gifts of appreciated property

Under existing law, if capital assets which have appreciated in value are given to a private foundation, the charitable deduction is reduced by one-half of the long-term capital gain the individual would have had if he had sold the property at fair market value. However, in the case of gifts of noncapital assets to any charitable organization, the amount of the charitable deduction is reduced by the amount of the ordinary gain the taxpayer would have received if he had sold the property at fair market value. Since title I of the bill eliminates the preferential treatment of capital gain income, this section of the bill provides that if appreciated property (whether or not a capital asset) is contributed to any charitable organization, the amount of the charitable contribution shall be reduced by the amount of gain which would have been realized if the property contributed had been sold by the taxpayer at its fair market value (determined at the time of such contribution). In computing the amount of such gain, there will be excluded the amount of any gain which is exempt from tax under the provisions of section 1202 of the Code, as amended by section 102 of this bill.

Section 504—Capital expenditures in developing fruit or nut groves or vineyards

Present law requires the capitalization of expenditures incurred during the development stage in planting citrus or almond groves. This section of the bill extends the rule of capitalization of expenses incurred before the time when the productive stage is reached in the case of any other fruit or nut grove or any vineyard planted after June 30, 1973.

Section 505—Repeal of tax exemption for ships under foreign flag

This section of the bill repeals the provisions of existing law which state that a nonresident alien or a foreign corporation (even though 100 percent owned by a U.S. corporation or an American citizen) is not taxable on income derived within the United States from the operation of ships documented under the laws of a foreign country which grants an equivalent exemption to United States citizens or corporations.

Section 506—Limitations on foreign tax credit

The first amendment made by this section of the bill provides that a foreign tax credit shall not be allowed for any foreign tax on income which is excluded from the taxpayer's gross income so far as the Federal income tax is concerned. In addition, any foreign income tax paid on a gain realized by an individual or domestic corporation which is not recognized under the Internal Revenue Code would likewise be a noncreditable tax. The basic rationale for this amendment is

that the foreign tax credit is supposed to eliminate double taxation on income. If the United States does not tax the income, there is no reason to give a credit for the foreign tax paid on that income by the taxpayer.

The second amendment made by this section provides that the foreign tax credit shall be subject to both the per country limitation and the overall limitation. This was the applicable rule from 1932 to 1954.

The third amendment made by this section provides two new rules with respect to the treatment of certain gains on the sale of property for foreign tax credit purposes. The first rule is that in computing taxable income for purposes of the per country and overall limitations, there shall be excluded any gain on the sale of a capital asset, or property used in a trade or business, if such gain is treated as income from sources outside the United States unless the gain is taxed by a foreign country. Most gains on sales of such property are not taxed by foreign countries and treating such gains as foreign income for purposes of the limitations can result in a reduction of the tax which the Federal Government collects on income of the taxpayer from U.S. sources.

The second rule added by the amendment is that for purposes of the limitations the U.S. tax (against which credit can be taken) shall be reduced by the U.S. tax on any gain excluded from taxable income under the first rule described above.

TITLE VI—ESTATE TAX AMENDMENTS

Section 601—Integration of estate tax rate with inter vivos gifts

The main defect of the present estate and gift tax system is that it discriminates in favor of those who give away their wealth partly through lifetime gifts and partly at death, as against those who pass on all their wealth at death. In part, this is because both the gift tax and estate tax schedules are progressive. Thus, the man who transfers property both by gift and at death gets to start at the bottom of two separate, progressive rate structures. In practice, as pointed out in the 1968 Treasury *Studies and Proposals*, this is primarily of benefit to the very rich.

Thus, if a decedent made gifts of $2 million during his lifetime and leaves $3 million at his death, the rate of tax on the $3 million starts with the bottom tax brackets and produces a much smaller tax than would be produced if the $3 million were "stacked" on top of the $2 million lifetime gifts. The result is that wealthy individuals can substantially reduce the tax on transfers of property by making substantial gifts during lifetime.

This section of the bill would integrate the estate tax rate with *inter vivos* gifts so that the tax brackets for property transferred at death are determined by the amount of taxable gifts made during the decedent's lifetime (and after 1972). Under this amendment, a tentative tax is first computed on the amount of the taxable estate at death increased by the amount of the taxable lifetime gifts (made after 1972) plus the gift tax paid by the decedent on those gifts. Then, a second tentative estate tax is computed on an amount equal to such gifts plus the gift taxes paid. The difference between the two tentative taxes constitutes the estate tax payable on the property transferred at the time of death.

Section 602—Transfers taking effect at death

Before the enactment of the 1954 Code, if a taxpayer transfered property to a trust which provided that the income should be accumulated during the grantor's life and upon his death the trustee should pay the corpus and accumulated income to his children, such a transfer was included in the decedent's gross estate as a transfer taking effect at death. The 1954 Code provided that such a transfer will be included in the gross estate only if the decedent retained a reversionary interest equal to 5 percent of the value of the property. This section of the bill strikes out the 5-percent reversionary interest test since it is completely a nonsequitur in a statute which imposes an estate tax on a lifetime transfer of an interest which can be possessed or enjoyed only by surviving the transferor. This amendment would apply to transfers made after December 31, 1972.

Section 603—Life insurance included in gross estate

Prior to the 1954 Code, life insurance on a decedent's life was includible in his gross estate to the extent he paid the premiums on the policy. In such a case it was immaterial whether he had given the policy to members of his family before his death. This section of the bill restores the premium payment test in the case of life insurance, so that the insurance will be included in the insured's gross estate in the ratio that the premiums paid by the decedent on the insurance policy bears to all premiums paid on that policy. In applying this rule the premiums paid by the decedent before January 1, 1973, shall not be included in the numerator of the fraction but would be included in the denominator.

Section 604—Charitable deductions in the case of estate tax

The first amendment made by this section of the bill places a limitation on the charitable deduction for estate tax purposes, similar to what we have for the income tax. Under present law, a decendent can give his entire estate to a private foundation created by his will, and no Federal estate tax will be imposed. This amendment provides that the aggregate charitable deduction shall not exceed 50 percent of the gross estate reduced by the debts of the decedent and the expenses of administration.

The second amendment deals with the interplay of the charitable deduction and the marital deduction for estate tax purposes. The marital deduction cannot exceed 50 percent of the adjusted gross estate (gross estate less debts, losses, and expenses of administration). Cases have arisen where executors have claimed, in order to raise the amount of the adjusted gross estate for purposes of the marital deduction, that transfers made to charities during the decedent's lifetime were includible in the gross estate. Increasing the gross estate for such lifetime transfers produced no estate tax for the charitable deduction was increased by the same amount, but a larger maximum deduction was allowed for bequests to the surviving spouse. This amendment provides that in computing the adjusted gross estate there shall be excluded any transfer made by the decedent during his lifetime if an estate tax charitable deduction is allowed for that transfer.

TITLE VII—STATE AND LOCAL OBLIGATIONS

Section 701—Repeal of exemption for interest on new issues of State and local bonds

This section of the bill provides that interest on State and local bonds issued after December 31, 1973, will not be exempt from Federal income taxation. In the case of interest on State and local obligations issued before January 1, 1974, such interest will continue to be exempt from taxation, but section 501 of the bill provides that such interest will be treated as an item of tax preference for purposes of the minimum tax.

Section 702—United States to pay 50 percent of interest yield on State and local obligations

This section provides that the Federal Government will pay 50 percent of the interest yield on State and local obligations issued after December 31, 1973. A similar provision was in the Tax Reform Act of 1969 as it passed the House. The payment of interest by the Federal Government will not apply in the case of any industrial development bond (as defined in section 103(c)(2) of the Internal Revenue Code). This section provides that upon the request of the State or local government, the liability of the United States to pay interest to the holders of the bond shall be handled through the assumption by the United States to pay a separate set of interest coupons issued with the bond. Otherwise, the obligation of the United States to pay half of the interest yield will be made directly to the issuer of the obligation.

TABLE 1.—FEDERAL INDIVIDUAL INCOME TAX BURDEN IN 1973 UNDER PRESENT LAW AND UNDER A PROPOSAL TO SUBSTITUTE A 24-PERCENT TAX CREDIT FOR THE $750 PERSONAL EXEMPTION AND FOR NONBUSINESS DEDUCTIONS[1]—SINGLE PERSON

Adjusted gross income[2]	Income tax: Under present law	Income tax: Under the proposal
Assuming nonbusiness deductions of 10 percent of income:		
$2,050[3]	0	
$2,500	$63	
$2,958[4]	131	0
$3,000	138	$8
$3,500	217	103
$4,000	302	198
$5,000	491	408
$7,500	995	978
$8,038[5]	1,107	1,107
$10,000	1,530	1,550
$12,500	2,059	2,145
$15,000	2,703	2,860
$17,500	3,443	3,680
$20,000	4,255	4,570
$25,000	5,895	6,410
$30,000	7,703	8,490
$40,000	11,915	13,250
$50,000	16,415	18,810
Assuming nonbusiness deductions of 18 percent of income:		
$2,050[3]	0	0
$2,500	63	0
$2,958[4]	131	0
$3,000	138	8
$3,500	217	103
$4,000	302	198
$5,000	491	408
$7,500	984	966
$8,165[5]	1,098	1,098
$10,000	1,458	1,478
$12,500	1,965	2,055
$15,000	2,509	2,692
$17,500	3,094	3,404
$20,000	3,722	4,186
$25,000	5,140	5,930
$30,000	6,730	7,914
$40,000	10,315	12,482
$50,000	14,415	17,850

[1] These burdens have been computed without use of the optional tax table.
[2] Wages and salaries.
[3] Highest level at which there is no tax under present law.
[4] Highest level at which there is no tax under the proposal.
[5] Level at which tax is the same under present law and under the proposal.

TABLE 2.—FEDERAL INDIVIDUAL INCOME TAX BURDEN IN 1973 UNDER PRESENT LAW AND UNDER A PROPOSAL TO SUBSTITUTE A 24-PERCENT TAX CREDIT FOR THE $750 PERSONAL EXEMPTION AND FOR NONBUSINESS DEDUCTIONS[1]—MARRIED COUPLE WITH NO DEPENDENTS

Adjusted gross income[2]	Income tax: Under present law	Income tax: Under the proposal
Assuming nonbusiness deductions of 10 percent of income:		
$2,800[3]	0	0
$3,000	$28	0
$3,500	98	0
$4,000	170	0

TABLE 2.—FEDERAL INDIVIDUAL INCOME TAX BURDEN IN 1973 UNDER PRESENT LAW AND UNDER A PROPOSAL TO SUBSTITUTE A 24-PERCENT TAX CREDIT FOR THE $750 PERSONAL EXEMPTION AND FOR NONBUSINESS DEDUCTIONS [1]—MARRIED COUPLE WITH NO DEPENDENTS—Con

Adjusted gross income [2]	Income tax: Under present law	Income tax: Under the proposal
$4,274 [4]	$211	0
$5,000	322	$138
$7,500	753	613
$10,000	1,190	1,100
$12,500	1,628	1,575
$14,333 [5]	2,003	2,003
$15,000	2,150	2,170
$17,500	2,760	2,840
$20,000	3,400	3,540
$25,000	4,700	5,060
$30,000	6,200	6,800
$40,000	9,710	10,820
$50,000	13,820	15,500
Assuming nonbusiness deductions of 18 percent of income:		
$2,800 [3]	0	0
$3,000	28	0
$3,500	98	0
$4,000	170	0
$4,274 [4]	211	0
$5,000	322	138
$7,500	744	601
$10,000	1,133	1,028
$12,500	1,545	1,485
$14,773 [5]	1,955	1,955
$15,000	1,996	2,002
$17,500	2,473	2,564
$20,000	2,985	3,156
$25,000	4,100	4,580
$30,000	5,372	6,224
$40,000	8,387	10,052
$50,000	11,915	14,540

[1] These burdens have been computed without use of the optional tax table.
[2] Wages and salaries.
[3] Highest level at which there is no tax under present law.
[4] Highest level at which there is no tax under the proposal.
[5] Level at which tax is the same under present law and under the proposal.

TABLE 3.—FEDERAL INDIVIDUAL INCOME TAX BURDEN IN 1973 UNDER PRESENT LAW AND UNDER A PROPOSAL TO SUBSTITUTE A 24-PERCENT TAX CREDIT FOR THE $750 PERSONAL EXEMPTION AND FOR NONBUSINESS DEDUCTIONS [1]—MARRIED COUPLE WITH 2 DEPENDENTS

Adjusted gross income [2]	Income tax: Under present law	Income tax: Under the proposal
Assuming nonbusiness deductions of 10 percent of income:		
$4,300 [3]	0	0
$5,000	$98	0
$6,168 [4]	270	0
$7,500	484	$253
$10,000	905	740
$12,500	1,309	1,215
$15,000	1,820	1,810
$15,333 [5]	1,893	1,893
$17,500	2,385	2,480
$20,000	3,010	3,180
$25,000	4,240	4,700
$30,000	5,660	6,440
$40,000	9,080	10,460
$50,000	13,100	15,140
Assuming nonbusiness deductions of 18 percent of income:		
$4,300 [3]	0	0
$5,000	98	0
$6,168 [4]	270	0
$7,500	476	241
$10,000	848	668
$12,500	1,238	1,125
$15,000	1,666	1,642
$15,909 [5]	1,830	1,830
$17,500	2,117	2,204
$20,000	2,610	2,796
$25,000	3,680	4,220
$30,000	4,892	5,864
$40,000	7,802	9,692
$50,000	11,240	14,180

[1] These burdens have been computed without use of the optional tax table.
[2] Wages and salaries.
[3] Highest level at which there is no tax under present law.
Highest level at which there is no tax under the proposal.
[4] Level at which tax is the same under present law and under the proposal.

TABLE 4.—FEDERAL INDIVIDUAL INCOME TAX BURDEN IN 1973 UNDER PRESENT LAW UNDER A PROPOSAL TO SUBSTITUTE A 24-PERCENT TAX CREDIT FOR THE $750 PERSONAL EXEMPTION AND FOR NONBUSINESS DEDUCTIONS [1]—MARRIED COUPLE WITH FOUR DEPENDENTS

Adjusted gross income [2]	Income tax: Under present law	Income tax: Under the proposal
Assuming nonbusiness deductions of 10 percent of income:		
$5,800 [3]	0	0
$7,500	331	0
$8,055 [4]	$245	0
$10,000	620	$380
$12,500	1,024	855
$15,000	1,490	1,450
$16,167 [5]	1,747	1,747
$17,500	2,040	2,120
$20,000	2,635	2,820
$25,000	3,820	4,340
$30,000	5,180	6,080
$40,000	8,465	10,100
$50,000	12,380	14,780
Assuming nonbusiness deductions of 18 percent of income:		
$5,800 [3]	0	0
$7,500	238	0
$8,258 [4]	334	0
$10,000	569	308
$12,500	953	765
$15,000	1,342	1,282
$16,489 [5]	1,605	1,605
$17,500	1,787	1,844
$20,000	2,238	2,436
$25,000	3,260	3,860
$30,000	4,412	5,504
$40,000	7,217	9,332
$50,000	10,565	13,820

[1] These burdens have been computed without use of the optional tax table.
[2] Wages and salaries.
[3] Highest level at which there is no tax under present law.
[4] Highest level at which there is no tax under the proposal.
[5] Level at which tax is the same under present law and under the proposal.

RECAPTURE DELEGATED POWER

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GROSS. Mr. Speaker, it has been a little over 5 years since Congress abdicated one of its chief responsibilities and handed over to the President the authority to fix the salaries of Members of Congress, along with the authority to fix the salaries of Federal judges and top Cabinet executives.

Four years ago, this House passively accepted the Executive munificence increasing Members' pay from $30,000 to $42,500. The time has again rolled around for the President to exercise the authority which a pussyfooting Congress delegated to him. But for those who might have been expecting another quadrennial Valentine windfall, the President's announcement of last December 11 must have come as a jolt. In completing the appointments to the Quadrennial Commission on Executive, Legislative, and Judicial Pay, the President requested that the Commission submit its report to him on June 30, 1973, in compliance with the letter of the law. Therefore, the recommendations he makes, based on the Commission report, will come to the Congress when he submits the 1975 budget in early 1974.

The White House announcement then explains:

The salary adjustments, if any, will thus go into effect in about March 1974, unless they are disapproved by either House of Congress.

Mr. Speaker, with this background, I have introduced two pieces of legislation. The first would repeal the Quadrennial Commission on Executive, Legislative, and Judicial Salaries and return to the Congress these essential pay-fixing duties and responsibilities. The other, as a second choice, would require a yea-and-nay vote in each House on the pay recommendations submitted by the President.

I trust there will be congressional approval of the repealer, Mr. Speaker, but as an alternative the least the Members of the House and Senate can do is require a record vote at such times as the Congress chooses to shirk its responsibility and accede to having its pay fixed by the Chief Executive.

ACTION NOW TO FORESTALL AN ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. WYMAN) is recognized for 20 minutes.

Mr. WYMAN. Mr. Speaker, the natural gas crisis is well known and a future crisis in the form of a domestic crude oil shortage is also acknowledged; yet, no solution appears in sight. Industry and Government sources agree that solid fossil fuels offer a firm long-term answer but the rate of technology development in this area is very slow, when contrasted with the relative urgency of the problem.

Current domestic natural gas reserves are equivalent to only 12.5 years at the estimated 1970 utilization rate of 61 billion cubic feet per day. This rate is predicted to rise to a level of 89 billion cubic feet by 1980, largely because many natural gas users—residential, commercial, industrial, and utilities—cannot be easily switched to other nonpolluting fuels. Placed under strict control by the Federal Power Commission, gas was priced attractively in relation to other fuels, making natural gas choice fuel even before pollution control regulations greatly increased the demand for this form of clean energy.

Few observers believe that price increase or even decontrol of natural gas will result in ample new gas being found; the preponderance of opinion is that this will not be the case and that, regardless of selling price, the shortage of natural gas will continue. While some minor relief will be obtained from overseas imports of liquified natural gas—LNG—and overland imports from Canada and Alaska, there will still be a large shortfall. Since, from a pollution control standpoint, as well as from other considerations involving existing use patterns, natural gas will have a high demand for a long time to come, "synthetic natural gas"—SNG—will have to be manufactured from other fossil fuels, such as naphtha, crude oil, or coal. Coal gasification offers not only an abundant but also a potentially more economical source of gas relative to other alternatives down the road, since coal is a far cheaper fossil fuel than the other feed-

stock sources of making synthetic—substitute—natural gas.

Consumption of petroleum products in the United States now stands at about 14 million barrels per day—BPD—and is increasing at a rate of 3.5 to 4 percent per year. Most of this demand is satisfied from indigenous crude oil, although 15 percent of our current crude and other petroleum product requirements are already being imported, as administered under the mandatory oil import program—MOIP. Up to very recently, the United States has been in a position where it was well able to fulfill its domestic requirements of crude oil from indigenous sources. However, we are now entering a period of change. Authorities agree that the production rate of crude oil in the 48 States will probably peak out at a level of about 10 million barrels per day and will then slowly decline, regardless of vigorous continued exploration efforts. Alaskan oil is expected to top out at about 3 million barrels per day by 1980–85.

Meanwhile, petroleum products demand will rise to about 21 million barrels per day by that time. If a significant amount of natural gas demand were to be switched to liquid fuels—that is, heating oils, low sulfur heavy fuels—crude requirements might even rise to 24 million barrels per day by 1980. At that point, over 40 percent of U.S. crude would have to be imported, and this raises some serious questions of national policy, particularly in consideration of the hard line being taken by a number of oil producing countries in the Middle East and elsewhere. Even if we can buy this oil abroad, our foreign payments in 1980 will be in the range of $15 to $20 billion per year for this imported crude oil, an intolerable sum of money.

Hydrocarbon products now obtained from crude oil can also be made by conversion of solid fossil fuels, including shale oil, tar sands, and coal. In fact, "synthetic crude" can be made from all three of these materials.

It is, therefore, seen that in the case of both natural gas and crude oil, alternate sources of fuel/energy supply exist. Of these, coal is in the forefront, because of the large quantities of known reserves, their availability in many parts of the country and because coal can be converted into synthetic crude oil and pipeline quality gas without the need to handle large amounts of overburden, as is the case with shale oil and tar sands.

Private industry has so far taken only a rather limited role, as far as financial participation in coal conversion development is concerned. The main reasons for the lack of dynamic industry activity in this research effort are:

First, the natural gas and crude shortages have burst upon the country far more quickly than anyone realized or expected.

Second, the amount of money that will be involved in this technology effort will run into the hundreds of millions of dollars and there has been an understandable reluctance for any single company to undertake such an effort.

Third, concern regarding possible antitrust action has probably kept oil companies from major cooperative research efforts.

Finally, and perhaps most importantly, petroleum companies have always had a good return on their oil—and gas—exploration investments, both here and abroad. Confronted with the option to spend several hundred million dollars for oil exploration and production versus piloting a coal conversion refinery, the petroleum companies have chosen to keep on drilling for oil.

It is too late to expect private industry to pick up the ball and run with it fast enough to stay in the ball game. Further, it is not yet in a mood to do so. Therefore, the development of coal conversion technology will remain, for the time being at least, a responsibility and now increasingly urgent problem of the Government. The question is, can the U.S. Government devise a scheme to push development work by industry, yet keep the Government out of the energy field?

Funding for solid fossil fuel conversion processes should be stepped up several fold. Working backward from the 1980–85 period when coal gasification and liquification plants will be required, we should determine, based on industry experience, what level of development effort is required for the necessary technology to be there when the country needs it. We are in somewhat better shape on coal gasification research than on coal conversion processes to synthetic crude oil. The American Gas Association and the Office of Coal Research of the Department of the Interior, have teamed up to speed development of several processes for making substitute gas from coal. This is a desirable step but does not go far enough in the judgment of many experts because the amount of funding—approximately $300 million over 4 years—is judged insufficient, compared to the magnitude and urgency of the problem. Furthermore, many people believe that substitute gas from coal can be manufactured more economically in a coal conversion plan designed to make both substitute natural gas and synthetic crude oil.

What can the U.S. Government do to assure that the country will be able to meet its energy needs in the 1980's by greater utilization of its large supplies of fossil fuels, such as coal and shale oil?

A massive Government effort to develop coal conversion processes without large-scale private industry participation is undesirable. Even if the Government were best qualified to develop technology, there would then be a question of how this technology would be used. Clearly, the Government should not be in the business of making the country's gasoline or natural gas.

An alternative merits serious consideration. This would involve the creation of a Government-sponsored, privately owned synthetic fuels corporation which would provide a desirable vehicle to serve the national interest in this area, while maintaining a private enterprise approach. This company's charter would be to develop the needed technology, to build an adequate number of demonstration plants and to manufacture and sell the synthetic gas and crude oil it manufactures, while at the same time making the technology it has developed available to other companies on a reasonable royalty-paying basis.

Creating a privately owned but Government-sponsored company has had a precedent in Comsat, the Communications Satellite Corporation.

Comsat was established "as an instrument of U.S. policy" in 1963–64, after passage of a special act of Congress in mid-1962. The act states that "the purpose is to be responsible to national objectives" and "to meet the rapid growth in demand for international communications services." Comsat is 42 percent owned by U.S. communications common carriers, the balance being owned by private investors. The company raised $196 million when it went public in June 1964.

Some interesting aspects and parallels between Comsat and the proposed Synthetic Hydrocarbon Fuels Corporation—abbreviated to Syncorp—are:

First, Comsat is privately owned but included ownership by regulated companies—for example, A.T. & T. It is expectable that some of the interstate pipelines companies will invest in Syncorp.

Second, much Government-joint R. & D. work—for example, missile and satellite launching techniques—were made available to Comsat, at no charge.

Third, Government "sponsorship" is clearly spelled out, thus giving confidence to investors.

Fourth, there was a 5 to 6 year gap before measurable acounts of net income—other than that from investing the original capital—started to flow to the company.

Fifth, a competent management team and board of directors has been responsible for operations of the company. Comsat appears to operate in a manner completely analogous to a private company, except for its "common carrier" aspects, which are under the control of the Federal Communications Commission.

Sixth, when Comsat went public, it attracted great attention as a futures company. This would certainly also be the case for Syncorp, which should be able to raise more money than Comsat in view of the scope of its charter.

The purpose of the proposed Corporation would be as follows:

First, to become a channel for U.S. Government development funds for solid fossil fuel conversion technology, with appropriate fund matching by Syncorp. Government funds would be committed against an agreed timetable for development and would be repaid from royalties.

Second, to develop and commercialize solid fossil fuel technology, to develop patent rights and know-how, and to obtain royalty income from the licensing of this technology to interested companies.

Third, to build a number of demonstration plants to make coal gas and syn-

thetic crude oil and to manufacture and sell the products. Syncorp would become and remain a viable entity as a producer of energy products for the U.S. market.

I am today, therefore introducing a bill to create a Government-chartered Corporation with Federal participation to develop commercially feasible processes for the conversion of coal to oil and gas and a resolution authorizing the Office of Emergency Preparedness to contract for the execution of a study to determine the feasibility of creating a Synthetic Hydrocarbon Fuels Corporation as proposed in my bill.

The provisions of these two measures are as follows:

H.R. 220

A bill to create a corporation for profit to develop commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons, and for other purposes

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

TITLE I—GENERAL PROVISIONS

SECTION 101. This Act may be cited as the "Synthetic Hydrocarbon Fuel Act of 1973".

DECLARATION OF POLICY AND PURPOSE

SEC. 102. The Congress hereby declares that—

(1) it is the policy of the United States to develop as expeditiously as practicable commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons in response to the public need for an adequate supply of energy and in keeping with the national objective of developing domestic sources of energy to the maximum extent practicable;

(2) any new processes so developed are to be made available as soon as possible;

(3) in order to facilitate this development and to provide for the widest possible participation by private enterprise, the participation of the United States in the development of coal conversion technology should be in the form of a private corporation, subject to appropriate governmental regulation;

(4) it is the intent of Congress that all authorized users have open access to technology developed;

(5) maximum competition be maintained in the provision of equipment and services used in developing the technology; and

(6) the Corporation be so organized and operated as to maintain and strengthen competition in the provision of energy to the public.

DEFINITION

SEC. 103. As used in this Act, the term "Corporation" means the Corporation created under this Act.

TITLE II—FEDERAL COORDINATION, PLANNING, AND REGULATION

IMPLEMENTATION OF POLICY

SEC. 201. In order to achieve the objectives and to carry out the purpose of this Act—

(a) the President shall—

(1) aid in the planning and development and foster the execution of a national program for the development, as expeditiously as possible, of commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons;

(2) provide for continuous review of all phases of the development of such processes, including the activities of a synthetic hydrocarbon fuel corporation authorized under title III of this Act;

(3) coordinate the activities of governmental agencies with responsibilities in the field of energy conversion, so as to insure that there is full and effective compliance at all times with the policies set forth in this Act; and

(4) take all necessary steps to reduce dependence on foreign sources of fuel following the development of an economically feasible coal conversion process.

(b) the Office of Coal Research shall—

(1) cooperate with the Corporation in research and development to the extent deemed appropriate by the Director in the public interest;

(2) assist the Corporation in the conduct of its research and development by furnishing the Corporation, when requested on a reinbursable basis, such facilities as the Director deems necessary for the most expeditious and economical development of a coal conversion process; and

(3) to the extent feasible, furnish other services to the Corporation in connection with the development of a coal conversion process.

(c) The Federal Power Commission shall have authority to make such investigations of the Corporation as are necessary for the performance of such Commission's duties under section 404(c).

TITLE III—CREATION OF A SYNTHETIC HYDROCARBON FUEL CORPORATION

CREATION OF CORPORATION

SEC. 301. There is hereby authorized to be created a Synthetic Hydrocarbon Fuel Corporation for profit which will not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of this Act and, to the extent consistent with this Act, to the District of Columbia Business Corporation Act. The right to repeal, alter, or amend this Act at any time is expressly reserved.

PROCESS OF ORGANIZATION

SEC. 302. The President of the United States shall appoint incorporators, by and with the advice and consent of the Senate, who shall serve as the initial Board of Directors until the first annual meeting of stockholders or until their successors are elected and qualified. Such incorporators shall arrange for an initial stock offering and take whatever other actions are necessary to establish the Corporation, including the filing of articles of incorporation, as approved by the President.

DIRECTORS AND OFFICERS

SEC. 303. (a) The Corporation shall have a board of directors consisting of individuals who are citizens of the United States, of whom one shall be elected annually by the Board to serve as Chairman. Three members of the Board shall be appointed by the President of the United States, by and with the advice and consent of the Senate, effective the date on which the other members are elected, and for terms of three years or until their successors have been appointed and qualified, except that the first three members of the Board so appointed shall continue in office for terms of one, two, and three years, respectively, and any member so appointed to fill a vacancy shall be appointed only for the unexpired term of the Director whom he succeeds. The Director of the Office of Coal Research shall be a member of the Board, serving without compensation. Nine members of the Board shall be elected annually by the stockholders of the Corporation. The articles of incorporation to be filed by the incorporators designated under section 302 shall provide for cumulative voting under section 27(d) of the District of Columbia Business Corporation Act (D.C. Code, sec. 29–911(d)).

(b) The Corporation shall have a president, and such other officers as may be named and appointed by the Board, at rates of compensation fixed by the Board, and serving at the pleasure of the Board. No individual other than a citizen of the United States may be an officer of the Corporation. Except for the Director of the Office of Coal Research, no officer of the Corporation shall receive any salary from any source other than the Corporation during the period of his employment by the Corporation.

FINANCING OF THE CORPORATION

SEC. 304. (a) The Corporation is authorized to issue and have outstanding, in such amounts as it shall determine, shares of capital stock, without par value, which shall carry voting rights and be eligible for dividends. The shares of such stock initially offered shall be sold at a price not in excess of $100 for each share and in a manner to encourage the widest distribution to the American public.

(b) The Corporation is authorized to issue, in addition to the stock authorized by subsection (a) of this section, nonvoting securities, bonds, debentures, and other certificates of indebtedness as it may determine.

(c) The requirement of section 45(b) of the District of Columbia Business Corporation Act (D.C. Code, sec. 29–920(b)) as to the percentage of stock which a stockholder must hold in order to have the rights of inspection and copying set forth in that subsection shall not be applicable in the case of holders of the stock of the Corporation, and they may exercise such rights without regard to the percentage of stock they hold.

(d)(1) The Secretary of the Treasury is authorized to purchase from time to time and hold for the United States, up to 40 per centum of the current outstanding stock of the Corporation, and the Secretary of the Interior, or his delegate, shall represent the interests of the United States at all corporate meetings, and exercise all voting rights which shall accrue to the United States, by reason of its ownership of stock or otherwise, with respect to the Corporation.

(2) At such time as the Corporation shall have developed and licensed a commercial process or processes for the conversion of coal to oil and/or natural gas, the interest of the United States acquired pursuant to the authority conferred by subsection (1) of this section, shall be retired by the payment to the Secretary of the Treasury of 40 per centum of the proceeds from such royalties until the investment of the United States in the Corporation shall have been returned in full.

PURPOSES AND POWERS OF THE CORPORATION

SEC. 305. (a) In order to achieve the objectives and to carry out the purposes of this Act, the corporation is authorized to—

(1) plan, initiate, construct, own, manage, and operate facilities to demonstrate feasible coal conversion processes.

(2) furnish, under an appropriate franchise system, processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons.

(b) The activities authorized to be engaged in by the corporation for the accomplishment of the purposes indicated in subsection (a) of this section shall include—

(1) conducting or contracting for research and development related to its mission;

(2) the acquisition of the physical facilities, equipment, and devices necessary to its operations, whether by construction, purchase, or gift; and

(3) entering into franchise agreements with fuel producers.

(c) To carry out its purposes, the corporation shall have the usual powers conferred upon a stock corporation by the District of Columbia Business Corporation Act.

TITLE IV—MISCELLANEOUS

NOTICE OF FOREIGN BUSINESS NEGOTIATIONS

SEC. 401. Whenever the corporation shall enter into business negotiations with respect to facilities, operations, or services authorized by this Act with any international or for-

eign entity, it shall notify the Department of State of the negotiations, and the Department of State shall advise the corporation of relevant foreign policy considerations. Throughout such negotiations the corporation shall keep the Department of State informed with respect to such considerations. The corporation may request the Department of State to assist in the negotiations, and that Department shall render such assistance as may be appropriate.

SANCTIONS

SEC. 402. (a) If the corporation created pursuant to this Act shall engage in or adhere to any action, practices, or policies inconsistent with the policy and purposes declared in section 102 of this Act, or if the corporation or any other person shall violate any provision of this Act, or shall obstruct or interfere with any activities authorized by this Act, or shall refuse, fail, or neglect to discharge his duties and responsibilities under this Act, or shall threaten any such violation, obstruction, interference, refusal, failure, or neglect, the district court of the United States for any district in which such corporation or other person resides or may be found shall have jurisdiction, except as otherwise prohibited by law, upon petition of the Attorney General of the United States, to grant such equitable relief as may be necessary or appropriate to prevent or terminate such conduct or threat.

(b) Nothing contained in this section shall be construed as relieving any person of any punishment, liability, or sanction which may be imposed otherwise than under this Act.

(c) It shall be the duty of the corporation to comply, insofar as applicable, with all provisions of this Act and all rules and regulations promulgated thereunder.

ANTITRUST

SEC. 403. Participation in the corporation, whether by contract or investment shall not be construed to constitute a violation of Federal antitrust laws.

REPORTS TO THE CONGRESS

SEC. 404. (a) The President shall transmit to the Congress in January of each year a report which shall include a comprehensive description of the activities and accomplishments during the preceding calendar year under the national program referred to in section 201(a)(1), together with an evaluation of such activities and accomplishments in terms of the attainment of the objectives of this Act and any recommendations for additional legislative or other action which the President may consider necessary or desirable for the attainment of such objectives.

(b) The corporation shall transmit to the President and the Congress, annually and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act.

(c) The Federal Power Commission shall transmit to the Congress, annually and at such other times, as it deems desirable—

(1) a report of its activities and actions on anticompetitive practices as they apply to the corporations programs;

(2) an evaluation of such activities and actions taken by it within the scope of its authority with a view to recommending such additional legislation which such Commission may consider necessary in the public interest; and

(3) an evaluation of the capital structure of the corporation so as to assure the Congress that such structure is consistent with the most efficient and economical operation of the corporation.

H.J. RES. 124

Joint resolution authorizing a study of whether to create a corporation for profit to develop commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Office of Emergency Preparedness is authorized and directed to contract for and supervise the making of a study concerning the need for the formation of a Synthetic Hydrocarbon Fuel Corporation (SYNCORP) to develop commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons. The Office of Emergency Preparedness is directed to report the results of such study to the Congress within one year from the date of the enactment of this resolution.

SEC. 2. There is authorized to be appropriated the sum of $200,000, for the purposes of this Act.

INTRODUCTION OF COMPREHENSIVE PACKAGE OF FIRE PREVENTION AND SAFETY LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. STEELE) is recognized for 10 minutes.

Mr. STEELE. Mr. Speaker, today I am introducing a comprehensive package of fire prevention and safety legislation. When this series of nine bills was first submitted for consideration in the 92d Congress I was gratified that over 60 Members of Congress joined me in bipartisan support of this legislative program.

The two recent fires in New Orleans and Atlanta tragically reflect the frightening consequences and destructive nature of fire. Unfortunately though, those fires were only two of the over 6,600 fires that occur each day taking the lives of more than 12,000 men, women, and children and causing an estimated $3 billion worth of property damage annually.

Our country has falsely become secure in feeling that we live and work in fireproof buildings, but as was the case in New Orleans and Atlanta helpless individuals painfully discovered that such buildings were more escapeproof than fireproof. Similar tragedies will be more frequent in the future, because of the rapid construction of high-rise buildings and continued use of flammable and toxic plastics and other manmade synthetic products within such structures.

There is an urgent need for Congress to take positive and immediate action providing a national focus on our country's grave fire problem so we may reduce and reverse the mounting death and property losses.

Last year the first vital step was taken by Chairman JOHN DAVIS and the other members of the Subcommittee on Science, Research, and Development by conducting 2 days of oversight hearings.

To more clearly portray the fire problem I am entering into the RECORD my testimony before the committee, and thereby, reiterate the need for positive and immediate congressional action:

TESTIMONY OF REPRESENTATIVE ROBERT H. STEELE

Mr. Chairman and members of the committee, I appreciate this opportunity to review and discuss legislative alternatives to this country's growing fire problem.

I would like to begin by presenting an overview of what we mean by the "fire problem."

When we compare statistics with other countries, the United States has the highest per capita property losses in the world. Additionally, our death rate is twice that of Canada, more than three times that of the Scandinavian countries, and four times that of Japan and England.

The immensity of these statistics is even clearer when we talk of death and injury. Fires killed approximately 12,200 people in the United States in 1971 and more than half of these individuals died in their homes. It is unconscionable that in a society where we place the highest of values on human life, more than 12,000 have perished during each of the last six years. For every death recorded there were an estimated 40 persons burned.

There is no dollar figure that can be placed on lives and injuries because the value of a single human life cannot be measured by money. But in terms of dollars, property destroyed by fire during the past year totalled $2,845 billion, an increase of $215 million over 1970. Fire losses this year are expected to top $3 billion.

Some fire research experts have estimated that the dollar cost to the nation in fire losses including deaths, injuries, man-hours lost, property damage and the increasing cost of fire protection equals about 8 billion dollars or close to 1% of our Gross National Product. Those dollar amounts are easily attainable when every day more than 6,600 fires occur, and you consider that today's structures are more complex and costly than ever.

Correspondingly, we ask most of our nation's 2,175,000 firefighters from 40,000 departments to combat the immense and increasing fire problems with turnout coats which won't meet the flammability test for children's sleepwear. Furthermore, we have furnished the firefighter with equipment designed decades ago, and have not provided them with sufficient funds for training and educational programs. Yet, we ask our firefighters to engage in our nation's most dangerous profession.

If the facts were known, few American citizens would encourage their children in the childhood fantasy of planning to be a firefighter. The work of firefighting has been described as the "toughest, dirtiest, most brutalizing, and most debilitating work there is." To this description we can add the words, most dangerous. Last year 210 firefighters died in the line of duty. During the 10 year period 1960–70, 790 firefighters died—83 more than policemen killed in the line of duty. The number of injuries sustained is literally uncountable. In New York City alone more than 38,000 firefighters were injured or burned in 1970.

The dedication and raw courage of America's firefighters is a matter of record. It is imperative that their efforts and problems be formally recognized by a national effort pledged to giving them the help they need and deserve. In this way we would be helping an estimated 2,000,000 volunteer firefighters and 175,000 paid firefighters as well as every citizen of this nation.

Some areas of federal input are obvious. For instance, there are only two colleges in the country offering a four year course in fire protection engineering and last year a total of only 12 men were graduated with degrees in this science.

It's time that we had a national firefighting academy and more courses in firefighting techniques in community colleges and other schools which firefighters could attend at no cost to themselves. This administration has worked vigorously toward a goal of expert law enforcement protection from our police departments by giving police officers an opportunity to attend various types of courses and schools like the new FBI training fa-

cility. Now, we must extend this type of effort to our firefighters.

With the construction of complex manufacturing plants, highrise buildings and thousands of new products which incorporate dangerous materials, the threat of fire has intensified, while the public generally has been led to believe that we work and live in safe, modern structures and that our society is doing all it can to reduce the toll of fire. We must work to reverse this trend.

I have used the words "fire problem" in my opening remarks without attempting to define what in my mind is one of the most neglected social problems facing this country. Exactly then, what is the "fire problem"? First, we must take a comprehensive approach to permit us fully to grasp the complex and intricate relationships which collectively constitute the fire problem. A fire in a hypothetical highrise building, combining the worst of typical fire hazards, would serve as a good example. Let us say that a small waste can is the source of a fire on the thirtieth floor of such a building. In this building, there are no automatic alarm devices to warn people or alert the fire department of the occurrence of fire. The fire has begun to grow quickly feeding on furniture and rug underlays which contain highly flammable toxic materials and dense smoke is now filling the corridor and being vented by the air conditioning ducts, utility cable conduits, and elevator shafts. These flues spread murderous fumes throughout the entire structure. The fire department arrives. With ladders too short to reach the fire-involved floor, the firefighters must combat the blaze from within, exposing themselves to temperatures reaching 1500–2000 degrees F., blinded by the dense, toxic smoke and having to battle the thousands of individuals trying to exit.

The elevators in this particular building rise to the thirtieth floor when flames activate the electronic touch-type call buttons and remain locked there as the opaque smoke makes the automatic closing devices inoperable, thus entrapping men, women, and children in a blazing inferno and hindering the firefighter trying desperately, but in vain, to reach the floor.

As the occupants futilely try to vent the rooms by knocking out the large fixed windows, their would-be rescuers must turn back as the turnout coats can no longer shield them from the intense heat generated by the fire, and their antiquated, heavy, and awkward breathing systems have run low on the 15–20 minutes of air they supply. The number of deaths, the number of people injured, maimed and disfigured for life, the number of firefighters hospitalized because of smoke inhalation, the number of lost work days could clearly be of tragic proportions.

Even though this is a hypothetical example designed to dramatize the various fire hazards we face today, such a fire situation could develop in any one of scores of American cities today. The facts, statistics, and the many conversations that I and my staff have had with practitioners and fire research experts clearly indicates to me that the occurrence of fire, and the resulting loss of life and property is, today, greater than it has ever been in our country's history.

To me it is incredible to think that 30 people will die by fire by the end of this day and another thousand will be burned or injured. It is incredible because the Federal government has really not recognized that fire is costing as much each year as crime.

The purpose of my legislation is to recognize that there needs to be a national focus on fire and a continuing effort in fire research, prevention, suppression and protection. All of the resources of Federal agencies in planning, purchasing, building, and regulating must be used in this effort.

As the House committee that has nurtured the development of NASA, I think that you can understand the results of a coordinated effort towards a goal more than any other public official.

In fact many innovations and technological breakthroughs have been used by the National Aeronautics and Space Administration in producing a wide variety of practical solutions to serious fire problems. NASA, for instance, has designed a firefighter's suit using materials that are commercially available to present manufacturers of the suits. The NASA coat can withstand a 1,500 degree flame directly applied to it and still give adequate protection to the wearer.

NASA has also prepared certain varieties of polyurethane foam which are nearly flame resistant and fireproof. Research experts from NASA have told me that for $10 the average living room sofa or mattress could be completely treated for flame resistance. Treatments and materials are also commercially available to produce flame resistant wool carpeting, cotton clothing, and a wide variety of materials to be used for home furnishings and clothing.

Unfortunately, I have learned that many of these programs are in great jeopardy at NASA because of budget and priority restrictions. I would urge the committee to make an immediate evaluation of the firesuit development and breathing apparatus program or they will never be manufactured for firefighters.

In conclusion, I would say that most fires are not an act of God such as a hurricane or tornado. Fires are caused and can be prevented by man.

IMPROVING SERVICES FOR THE ELDERLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. QUIE) is recognized for 15 minutes.

Mr. QUIE. Mr. Speaker, I am today introducing the "Comprehensive Older Americans Services Amendments of 1973" which is designed to carry out recommendations of the President last year for improving and coordinating services under the Older Americans Act of 1965. This bill would also upgrade the status of the Administration on Aging within the Department of Health, Education, and Welfare and add a number of new programs for which extensive hearings of our Committee on Education and Labor last year indicated a need. Joining me as cosponsor of the bill is my colleague, ORVAL HANSEN, who played a leading role in shaping last year's legislation for the aged.

The bill I am introducing is identical to H.R. 15657 which was reported by our committee last June and passed by the House under a suspension of the rules on July 17, 1972, by a vote of 351 to 3. It is my judgment that this bill could have become law. The House-passed bill would have carried out not only the President's recommendations for improving services for the elderly, but also key proposals of the White House Conference on the Aging for a frontal attack on some of the perplexing problems confronting older citizens, such as special needs in housing, transportation, and education. It is an excellent bill which was worked out on a thoroughly bipartisan basis in our committee.

Unfortunately, however, the conference committee made some inadvisable changes in the bill so overwhelmingly approved by the House. They added two programs of manpower training and public service employment to the House bill which I felt were wholly inappropriate to it as well as mistaken in substance. These and other changes resulted in authorization figures which totaled $496 million more over 3 years than the amount approved by the House.

For both these reasons—the inclusion of additional categorical manpower programs which would have further complicated our already overcategorized and overcentralized manpower training effort, and the addition of spending authorizations which were beyond any sum we could hope to see budgeted or appropriated—President Nixon on October 30, 1972, disapproved the bill. While I supported the conference report on the bill, I pointed out the objections to these changes from the House bill during the debate on adoption of the conference report.

The bill being introduced today, considered by the House last year, embodies the main thrust of the administration's recommendations that State and area services for the elderly authorized under the Older Americans Act be coordinated in an improved planning and delivery system at State and local levels. It also embodies the major findings of our committee that there is a much greater need for informational services at all levels than now exists, and that we need greater national leadership in research in the social and economic problems of the aging. There is also an expansion of volunteer programs—such as the highly successful foster grandparents program.

Therefore, I believe that this bill provides the most assured route to the goal sought by both the President and the Congress—improvement of services for the elderly under the Older Americans Act and improvements in the effectiveness of Government at all levels in helping to solve the problems of older citizens.

COMPREHENSIVE AMENDMENTS TO OLDER AMERICANS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. HANSEN) is recognized for 15 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, I am pleased on this first day of the 93d Congress to join with the ranking minority member of the Committee on Education and Labor, Mr. QUIE, in reintroducing comprehensive amendments to the Older Americans Act which the House overwhelmingly approved last July.

The bill we approved in the 92d Congress—H.R. 15657—was in my judgment a well-constructed and well-considered measure for improving a wide range of services for older Americans and for initiating others. As with most legislation, it represented compromise between some differing viewpoints—but in many instances the compromises strengthened the bill. It was initiated by the administration and embodied its recommendations for more extensive and better co-

ordinated services for the elderly at the State and local levels. At the same time, it contained many recommendations made to our committee during very thorough hearings in Washington and in the field and represented the insights gained by Members on both sides of the aisle during the course of its consideration. As approved by the House, H.R. 15657 was an excellent bill.

Unfortunately, in the course of the conference with the other body we accepted changes which were not acceptable to the President. Mainly, these were two new categorical manpower programs to be administered by the Department of Labor and an accompanying huge increase—nearly a half of a billion dollars—in authorizations. The President disapproved the bill.

I supported the conference report on that bill, although I was not happy with the addition of manpower programs which I thought should have been considered as a part of manpower legislation. I have no assurance that the President would have signed the House-passed bill which, admittedly, contained program and appropriations authorizations which he had not requested, but I sincerely believe that he would have done so. In any event, it is clear that the President will not approve the bill we finally sent to him. Accordingly I feel that our best course of action is to go back to a bill whose provisions were overwhelmingly approved by the House and which does not contain the authorizations specifically singled out by the President as objectionable.

I also feel that this course is the best in terms of the substance of the legislation. Our main objective was to rewrite the Older Americans Act to make it a more effective instrument to serve older Americans. The manpower authorizations had the effect of departing from this objective to further burden manpower training programs with highly categorical legislation designed for specific age groups. This runs completely counter to the President's recommendations—and to those of virtually every authority on manpower training—that our manpower programs should be decategorized to make them more flexible in application and more responsive to actual and changing needs. Even if the categorical programs have more merit in them than I can see, they nevertheless should be included in manpower legislation. They were not appropriate to this bill.

I am confident that if our committee will again approve the bill we have today introduced, and if the House will approve it and insist upon its major provisions, we can speedily enact this legislation. We should proceed along these lines.

As Mr. QUIE has pointed out, this legislation has been so completely considered that it needs no great elaboration at this point. It would establish a mechanism or comprehensive State and area planning to meet the needs of the elderly and to coordinate programs for them, including the very important nutritional program. It would improve information services at all levels, and particularly for older people in their own communities. This is critically important if elderly people are to have the full advantage of these programs. There would also be a special emphasis on the needs of the elderly in isolated rural areas, which are especially critical.

At the Federal level this bill would not only significantly upgrade the policymaking function of the Administration on Aging—an important recommendation of the White House Conference on Aging and a major objective of our subcommittee chairman, JOHN BRADEMAS, who guided this legislation—but it would also give the Federal Government important new tools in attacking the problems of the aging.

For the first time there would be established Multidisciplinary Centers of Gerontology to study the social, economic, educational and recreational needs of older persons, bringing together findings of the biological, behavioral, and social sciences in a combined effort to improve the lives of the elderly. The Administration on Aging would be armed with new authority to work with other agencies of Government and bring to their attention the special needs and concerns of older persons in major Federal programs such as housing and transportation. The AOA would also have new authority to conduct research and demonstration projects and to fund pilot programs testing out new ideas. There would be a renewed emphasis on volunteer activities which have been demonstrated to be critically important to the success of programs in local communities, which is the final test of their impact.

Accordingly Mr. Speaker, I urge swift action on the bill we are introducing today in the interest of 20 million older Americans who badly need and have fully earned all of the help we can give them.

VEYSEY INTRODUCES LEGISLATION TO CUT AUTO EMISSIONS—ASKS CONGRESS FOR MAJOR NEW ATTACK ON AIR POLLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 10 minutes.

Mr. VEYSEY. Mr. Speaker, in the interest of perpetuating the best qualities of life as we know it, not only for generations to come but for the immediate future, it is imperative that this 93d Congress embark on a new dimension in the Nation's battle against air pollution.

It is imperative that we abandon immediately, our patchwork, scrambling, and often purely arbitrary approach to ending pollution and embark instead on a comprehensive, coordinated, and cohesive program to end smog on a nationwide scale.

In the process, it is imperative that we reexamine many of those priorities which we now embrace, as well as every step we have taken in our often frantic and confused search for ways to cut down on air pollution.

Mr. Speaker, I see at least four necessary components of such a comprehensive antismog program.

First, we currently possess the know-how and the capacity to make significant immediate smog reductions. These tools must be taken off the shelf and put to work.

Second, we must earmark massive doses of Federal revenue for smog control, maintaining however, the option for local control of how the money is spent to meet the unique local needs which exist in virtually every smog-choked part of the country.

Third, we must update our emission standards and our pollution level standards with reliable data on health effect. The health effect factor must become the determining factor in setting such standards. Until now we have not only failed to base our control legislation on health effects—we have failed to develop reliable health effect data. The development and utilization of reliable information in this area is paramount.

Finally, we must underlay our entire antismog thrust with a foundation of cooperation rather than adversity among all parties concerned with and involved in the fight against smog. Specifically, science, industry, Government, and the public interest groups must stop brawling with each other and set their sights on mutually agreed goals. Through cooperation and communication they must end their arbitrarily assumed roles as adversaries, and become partners. Our health depends upon the development of that kind of relationship.

Today, I am introducing legislation which is the result of just that kind of cooperation. When implemented, it will set the stage for a major immediate reduction into auto emissions, by making it economical and practical for automobile manufacturers to produce vehicles which can use low-polluting fuels. Further, it will make it economical and practical for consumers to buy and use such vehicles.

My legislation would immediately reduce the cost of burning liquid petroleum gas and liquid natural gas by 4 cents per gallon, simply by eliminating the inequitable 4 cent Federal tax on each gallon used in automobiles.

My legislation is the result of a consensus among leaders of science, industry, government, and public interests—the first example of this kind of agreement that I have seen. Science tells us that the use of low pollution fuels in fleets alone would immediately reduce smog in the Los Angeles Basin by 10 percent.

The automobile industry tells us that it can produce cars equipped to burn low-polluting fuels at a cost only slightly higher than conventional systems.

Consumer oriented and public interest groups tell us that people are ready to buy and use low polluting fuel systems—even if they cost a little more.

And automotive engineers have proven that the use of low polluting fuels can reduce wear on an engine sufficiently to more than pay for the fuel system.

This legislation will create an immediate incentive for consumers to buy cars with low pollution fuel systems—the

4 cent saving per gallon of fuel. It thus would create also, an immediate incentive for automakers to produce such vehicles, and for gasoline companies to supply such fuels.

It is a commonsense effort to effect a maximum immediate reduction of smog emissions, and it will have a profound effect in those areas where smog is the most severe—such as the Los Angeles Basin, and in particular, Riverside County, in my 43d Congressional District of California.

CHICAGO ROSE BOWL FLOAT REPRESENTS ETHNIC TRADITION OF THE MIDWEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, New Year's Day, 1973, was a first for the city of Chicago and the "Big Ten" country of the Midwest. WGN Continental Broadcasting Co. participated in the 84th annual Tournament of Roses Parade in Pasadena, Calif.—the first time ever for a Chicago area firm. The WGN float was also the only one from more than 6,700 radio and TV stations in the Nation. The credit for this great Chicago first must go to Ward L. Quaal, the hard-working and innovative president of WGN. I salute him for this achievement.

WGN is located in the 11th Congressional District which I am so proud to represent. Four hundred and seventy-five thousand people reside in the 11th District and of these 280,000 are registered voters—one of the largest voting districts in the entire United States.

The WGN float theme "It's a Big Country" was highly appropriate not only because the 11th is a big district, but also because it symbolizes so well the energy and resourcefulness of the great ethnic groups that have made America and the "Big Ten" midwestern region great. Polish-Americans, German-Americans, Italian-Americans, Jewish-Americans, Irish-Americans, Greek-Americans, and Scandinavian-Americans, as well as all those Americans who trace their heritage to the captive nations and to Latin America, have worked hard and have all contributed to the economic vitality and cultural richness of the Midwest.

Chicago itself is the third largest financial district in the world and Illinois is known both for its agriculture and industry. Indiana, Ohio, and Michigan are great industrial centers, and Iowa, Minnesota, and Wisconsin are famous for their agricultural vitality. The Midwest is the heart and pulse of America and the secret of midwestern success is the indomitable spirit of its people.

The ethnic tradition of the 11th District is representative of the creative vibrance that ethnic groups throughout these seven States have contributed to all of America. The WGN float symbolizes this ethnic creativity. Chicago and "Big Ten" country can be proud of the WGN participation in this international event.

Again, I wish to congratulate Ward L. Quaal, president of WGN, and Jim Hanlon, vice president and manager of public relations, who was in Pasadena representing WGN at the Rose Bowl festivities, as well as the many hundreds of WGN employees throughout the Nation, for their enthusiasm and dedication. Chicago and our entire Midwest region are well served by their spirit of public service. As the Congressman for the 11th Congressional District where WGN is located, I am proud of this station's outstanding achievement and extend my best wishes for WGN's continued success in serving our community, Illinois, and America.

Mr. Speaker, I include at this point in the CONGRESSIONAL RECORD four press releases issued by WGN Broadcasting Co. describing WGN's float and Rose Parade coverage. The release follows:

WGN CONTINENTAL BROADCASTING CO. TO ENTER BOWL PARADE; FLOAT TO BE ONLY BROADCASTING AND CHICAGO ENTRY

WILL BE LONGEST SINGLE ANIMATED FLOAT EVER ATTEMPTED

WGN Continental Broadcasting Company will, for the first time ever, participate in the 84th annual Tournament of Roses Parade on New Year's Day, 1973, at Pasadena, California. Ward L. Quaal, president of the company, made the announcement today and added that the WGN float's theme will be "It's a Big Country" and "salutes all America, which this company serves."

The WGN float will be the only entry from the more than 6,700 radio and television stations in the nation and also represents the sole participation from the Chicago area.

The float will be animated and utilize the longest single piece of movement ever attempted in the history of the parade. It is 50 feet long, 18 feet wide, 16 feet high and will have a gigantic white eagle atop a representation of the American flag.

The flag will open up every 20 seconds, revealing a rotating mural of American scenes while portraits of the five races that make up America overlook the revolving mural. Above the front of the float, a huge compass center rose will rotate as the "flag" unfurls.

The flag and eagle will use over 40,000 carnations—the largest amount ever used on one float. The inside and front of the float will use 35,000 roses and the murals of American scenes will use over 100 different varieties of petals and seeds. Waves, representing the Atlantic and Pacific Oceans that embrace our nation, surround the bottom edges of the float and will vary from light blue irises and delphiniums to cornflowers.

Thousands of flowers will make up the letters appearing on the sides, spelling out: WGN Continental Broadcasting Co., Serving Big 10 Country And All America.

In making today's announcement, President Quaal said, "I have felt for several years that our company, that is so enmeshed with the pulse beat of this great country, should participate in the one parade that is so totally and uniquely American. Along with the many hundreds of WGN employees located throughout our nation, I am honored to help pay tribute to our great country and the people that work and live here."

The float was designed by Robert Stebbins, manager of arts and facilities for WGN Continental Group Stations, and is being built by the firm of C. E. Bent and Son, Inc., of Altadena, California, one of the foremost float builders in the nation.

In addition to the WGN entry, the Tournament of Roses Parade will have 59 float entries for the 1973 extravaganza.

THE "GRAND LAND SINGERS" TO PERFORM ON WGN FLOAT IN TOURNAMENT OF ROSES PARADE

Seven members of the nationally-acclaimed choral group, the "Grand Land Singers," will perform while riding the WGN Continental Broadcasting Company's huge float in the 84th annual Tournament of Roses Parade next New Year's Day.

Since the college-age group of 100 singers performed their first song in 1967, they have gained national prominence singing the praises of America.

The Singers have won three successive Freedom Foundation At Valley Forge Awards in community programs; the "principal awardee" in 1969 and 1971 and the George Washington Honor Medal winner in 1970. They have also received commendations from President Nixon, the Departments of the Army and Air Force, the California Senate and many cities.

In 1970, the group performed before combined audiences of more than 240,000 people in Washington, D.C. where they were featured in the 43rd annual Cherry Blossom Festival.

The Singers are from six colleges in the Los Angeles area and are based at Cerritos College in Cerritos, California. Though a nonprofit group, they are completely self-supporting utilizing income from appearances and record albums to buy costumes, sound equipment, transportation and their favorite project, "Discover Your America."

The "Discover Your America" program that sets them apart from any other performing group in the country is a campus and community program they developed. It consists of a week of activities designed to encourage total involvement of youth and adults alike in a specific community. Individual members of the group meet with city officials, school boards, student governments and community leaders to arrange a full week of festivities throughout the city that culminates in a full concert by the Grand Land Singers.

There are eight adult advisors who donate their free time to assist the group in business advice, contracts, choreography, staging and musical direction. Ray Furgeson, president of a Los Angeles engineering firm, is senior advisor and acts and the Singers' general manager.

On January 1, 1973, when the Grand Land Singers make their Tournament of Roses Parade debut on the WGN float, the broadcasting company will also be making their debut of participation in the parade that will be televised by the NBC and CBS networks.

The WGN float entry, utilizing the longest single piece of animation ever attempted in the parade's history, presents a gigantic white American Eagle overlooking a 50-foot-long Stars and Stripes. As the flag unfurls, a rotating mural of Americana will rise up to reveal the seven Grand Land Singers who will perform to their pre-recorded music.

The float's theme, "It's A Big Country," will be carried out by more than 40,000 carnations—another parade record—and 35,000 roses. Over 100 other varieties of flowers, petals and seed will also be used in the only float from the Chicago area and the only entry from the more than 6,700 radio and television stations in the nation.

WGN TELEVISION TO CARRY TOURNAMENT OF ROSES PARADE AND PRE-PARADE FEATURE SPECIAL

The 84th annual Tournament of Roses Parade will be telecast on Channel 9, New Year's Day, 1973, from 1–3 p.m., on a delayed basis. A special "Rose Parade Preview," direct from Pasadena, California, will also be telecast from 9:30–10:00 a.m., the same day.

Coverage for both programs is being supplied to WGN Television by Metromedia TV, of Los Angeles.

Providing color commentary of the biggest parade of all is Bill Welsh. The preview program will be co-hosted by Ben Hunter and Alicia Sandoval.

WGN Continental Broadcasting Company will be represented in the parade for the first time with a huge patriotic float representing "Big 10 Country and All America." The theme is "It's a Big Country."

The WGN float, utilizing a record number of carnations—40,000—and more than 35,000 roses, will have a gigantic white eagle atop a representation of the American flag.

The flag is animated and will use the longest single piece of movement ever attempted in the parade's long history. It will unfurl every 20 seconds, revealing a rotating mural of Americana and seven members of The Grand Band Singers, who will perform to pre-recorded music.

It represents the only float entry from the Chicago area and the only entry from the more than 6,700 radio and television stations in the nation.

In addition to the WGN Television coverage, the parade will be seen nationally over the NBC and CBS networks and in more than 12 nations around the world.

COVERAGE OF THE TOURNAMENT OF ROSES PARADE

In addition to world-wide coverage of this great annual event by Associated Press and United Press, International, there is the following broadcast coverage:

CBS and NBC carry it on a combined total of nearly 500 television stations in the USA.

It is transmitted through the Republic of Mexico with a Spanish translation.

The Canadian Broadcasting Corporation carries the parade throughout Canada . . . serving a viewing audience estimated to be in excess of 15 million.

Via the Atlantic satellite it is transmitted to the Caribbean sector (in Spanish).

Two networks carry it in Japan in color . . . with Japanese translation.

The French TV Network has two filming crews cover it, along with Rose Bowl Game highlights, for the French viewing audience.

Two crews film the parade for Spanish TV.

A freelance film company takes movies for Vienna, Austria, television . . . and makes a speculation print for showing on television in Iran.

And, additionally, there is all-out local coverage by stations in the Los Angeles area.

CONSUMER LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROSENTHAL) is recognized for 30 minutes.

Mr. ROSENTHAL. Mr. Speaker, today I am introducing, along with several of my colleagues, 12 important consumer bills. They are the first installment of an important package of progressive consumer legislation that I plan to introduce.

These bills are aimed at closing the still widening gap between the ability of Government to protect consumers and the ability of some segments of the business community to abuse them.

I am hopeful this effort will inspire the Nixon administration to get in step with the consumer movement by abandoning its public relations efforts, confused promises and misleading goals in favor of constructive legislative action. But I am worried that the administration's indebtedness to big business has increased dramatically because of the unprecedented outpouring of contributions during the presidential campaign from the entire spectrum of special pleaders and vested interests. That is why, in the final analysis, Congress will probably have to do the job itself.

The consumer record of the past Congress can also be viewed as disappointing. We did pass the Product Safety Commission bill, which the President reluctantly signed, and we extended the life of the Consumer Finance Commission but the Congress failed to establish a Consumer Protection Agency. CPA legislation was watered down and passed in the House but filibustered to death in the Senate's closing days by a powerful coalition of special interest pleaders.

There is an ever-growing imbalance between the ability of the American business community to abuse the consumer and the ability of government to protect him.

The American consumer is lost in a commercial jungle without weapons and without a guide. He faces the slickest combination of technology and Madison Avenue ingenuity. He is matched against whirling computers and motivational experts.

The free enterprise system with its give and take in the marketplace is essentially healthy and constructive. But it sometimes appears to me that businessmen at all levels—from producers to retailers—are involved in a gigantic bait and switch scheme; today's typical consumer is tempted into the marketplace by promises of product perfection. But the system that produces, promotes, sells, and services that product is characterized by planned obsolescence and poor quality control; by the fanciful, frivolous, or deceptive advertising it permits; by the withholding of unfavorable performance data from the public; by the absence of meaningful and understandable warranties and guarantees, by the use of irrelevant product endorsements; by the existence of underpaid and underinformed salesmen on the showroom floor; by the omnipresence of unreliable auto, TV, or appliance repairmen.

The result is that the great free enterprise promise too often proves an illusion.

The American consumer is without the kind of help he needs and deserves from his Government. If this administration, and this Congress, really intend to stop inflation, we had better become concerned about proper consumer representation in Washington which is where many price increases either begin or fail to be halted.

Two years ago, at the beginning of the 92d Congress, there was genuine hope that a massive legislative attack on consumer abuses could be mounted. With the help of special interest forces, that hope died in the final days of last year's legislative session.

But this is a new and, we believe, a better Congress for enacting needed consumer legislation.

Whatever else the new 93d Congress accomplishes in the consumer protection field, its efforts will have to be judged a failure until an independent Consumer Protection Agency is established. The fate of the CPA bill, being introduced separately today, will be a barometer of the Congress' willingness to protect consumers and to grant them the kind of access to the Federal decisionmaking process that the Nixon administration has afforded the representatives of big business.

The administration soon will be sending Congress its consumer proposals. As legislators it will be our responsibilty to examine these bills with objectivity and in a spirit of bipartisanship. But it is not our responsibility to ratify proposals which have the "seal of approval" of those special interest groups whose practices the legislation must correct. It is our responsibility to pay special attention to the views of those in our society—the consumers—whose interests must be protected. These voices have consistenly spoken in favor of the legislative approaches we endorse today.

I fear that this administration's approach to consumer protection has been dictated more by a concern for the hypochondria of the business community than for the real maladies facing millions of consumers.

Following are the bills I am introducing today, along with a short explanation of the purpose and need for each:

CONSUMER LEGISLATION—93D CONGRESS

(Representative BENJAMIN S. ROSENTHAL)

FOOD LABELING AND INFORMATION

I. Truth in Food Labeling

Purpose—Requires food makers to show on their labels *all* ingredients by percentage, including all additives and preservatives, and by their common or usual names.

Need—As many as 80 million Americans must be aware of the food they are eating because of allergies, dietary problems, religious considerations and other reasons. It is presently impossible, thanks to a maze of regulatory exemptions, to tell from a label what is in a food product. The American consumer has an undeniable right and need to know what is in the food he eats.

II. Nutritional Labeling Act

Purpose—Requires that any packaged consumer food product be labeled by the producer with the following information: (1) nutritional statements including fat content, vitamin and protein value, fats and fatty acids, calories and other nutritional data; (2) the net weight and drained weight of canned or frozen products packed in a liquid medium; (3) the major ingredients by percentage weight of any combination food item.

Need—We have been called "a nation of nutritional illiterates." Food labels currently provided little or no information on the nutritional value of the product although this is vital to the consumer's health. Many of the foods Americans eat do not have the nutritional value expected of them. Moreover, existing food labels fail to show the exact proportion of one ingredient to another. Some brands of combination food items contain more of the major ingredients than others (e.g., some brands of beef stew contain more meat, vegetables, etc. than others).

III. Open Dating Perishable Food Act

Purpose—Requires that all packaged perishable and semi-perishable foods be prominently labeled to show clearly the date beyond which it should not be sold and the optimum storage conditions at home. It also provides that overage products can be sold

but only if they are safe, separated from other items and clearly identified as being beyond the expiration date.

Need—There is growing evidence that a significant number of perishable food products offered for sale to the American consumer are overage and may be unwholesome. Open dating information gives consumers personal policing powers over the sale of packaged foods and helps in storing these products at home.

IV. Consumer Food Grading Act

Purpose—Requires a uniform system of retail quality grade designations for consumer food products based upon quality, condition and nutritional value.

Need—There is currently no consistent and uniform system for determining and labeling the grades of food products. For example, one product may be graded A, B, C, and D while another is AAAA, AAA, AA and A; hence the two "A" grades are opposites, not equals, but there is no way for the consumer to know.

V. Honest Label Act

Purpose—Requires labels on foods, drugs and cosmetics to contain the name and place of business of the true manufacturer, packer and distributor.

Need—Its value is two-fold: Most importantly it would aid government, industry and consumers in event of a recall by permitting quick and easy identification. This is now difficult because hundreds of private labels and private brand products on the market do not bear this information. (Bon Vivant vichyssoise was packed under more than 30 different private labels without Bon Vivant's name ever appearing on one of them—a fact which hindered that extensive recall.) Secondly, it would aid consumers in selecting products because they would know who really made the product under the private label. Private label products often tend to be priced lower than their nationally advertised counterparts, although there is frequently no difference between them.

VI. Unit Pricing Act

Purpose—Requires disclosure by retailers of the unit price of packaged consumer commodities. Individual retail businesses with sales below $250,000 a year are exempted.

Need—The myraid of package sizes makes it extremely difficult for consumers to compare the prices of two or more package sizes of the identical product to determine the real cost and the best buy. Recent studies indicate that unit pricing provides valuable, objective price data which can save consumers around 8% on their food bills. Some stores now have unit price information but uniformity and comprehensiveness are lacking.

MEAT PRICES

VII. Meat price freeze

Purpose—Stabilizes the retail prices of meat for 45 days at November 1972 levels and requires the President to submit to Congress a plan for insuring an adequate meat supply for U.S. consumers, reasonable meat prices and a fair return on invested capital to farmers, food producers and food retailers.

Need—The lack of price controls on meat at a time when other products are controlled has sent costs soaring and there is no letup in sight. Inflation cannot be controlled so long as the prices on such a major item in the American budget—food, and especially meat—are permitted to go unchecked.

VIII. Meat quota repeal

Purpose—Repeals the Meat Import Quota Act of 1964 to increase the supply of lower cost meats.

Need—Repeal of quotas is an essential first step toward lowering the high price of meat products such as hamburgers, hot dogs and cold cuts. Mr. Nixon suspended quotas last summer for the balance of 1972, but a permanent repeal would help foreign suppliers plan better to meet American market needs.

APPLIANCE DISCLOSURE

IX. Performance Life Disclosure Act

Purpose—Requires manufacturers of durable consumer products, including appliances and electronic items, to disclose on a label or tag affixed to each item sold at retail to consumers, the performance life, under normal operating conditions, of each manufactured durable product or its major components. It also requires such products as film and batteries be labeled as to the date beyond which they should not be sold because they begin to lose performance life.

Need—Knowing the performance life expectancy of a product, consumers will be better equipped to decide on the best buy for their money. It will also help them avoid buying durable products that are perishable.

X. Appliance Dating Act

Purpose—Requires that any appliance, TV or other durable product whose design is changed or performance capabilities altered on a periodic basis shall have its date of manufacture permanently affixed to the product.

Need—Dating will prevent the sale of older models as "new," something now done with relative ease because the consumer does not have an effective method of checking the model data for himself prior to purchase.

OTHER

XI. Sales Promotion Game Act

Purpose—Prohibits manufacturers, producers or distributors from requiring or encouraging any retail seller to participate in promotional games; also prohibits a retailer from engaging on his own in a promotional game in connection with the sale of any item.

Need—Sales promotional games perform no useful function in the marketplace. Instead, they serve to entice the consumer into basing his purchases on the contest with the most lucrative prize rather than on the more relevant concerns of the best price and the best quality. Moreover, the cost of such games is passed on to the consumer whether he enters the contest or not.

XII. Intergovernmental Consumer Assistance Act

Purpose—Provide federal grants and technical assistance in the establishment and strengthening of state and local consumer protection offices.

Need—Consumer protection must be a joint effort at all levels of government. Some excellent work is being done by state and local consumer offices, but funds and technical assistance are desperately needed.

CONSUMER LEGISLATION PACKAGE COSPONSORS

I. Truth in food labeling

Benjamin S. Rosenthal, Frank Annunzio, Alphonzo Bell, Jonathan B. Bingham, Frank Brasco, George E. Brown, Jr., James A. Burke, John Conyers, Thaddeus J. Dulski, Bob Eckhardt, Don Edwards, Don Fraser, Sam Gibbons, William J. Green, Michael Harrington, Ken Hechler, James J. Howard, Joseph E. Karth, Robert W. Kastenmeier, Edward I. Koch, Robert L. Leggett, Parren Mitchell, William Moorhead, Claude Pepper, Jerry Pettis, Bertram L. Podell, Melvin Price, Charles Rangel, Peter Rodino, Edward R. Roybal, Leo Ryan, John Seiberling, Neal Smith, Gerry Studds, Frank Thompson, Jr., Joel Pritchard.

II. Nutritional Labeling Act

Benjamin S. Rosenthal, Frank Annunzio, Alphonzo Bell, Jonathan B. Bingham, Frank Brasco, George E. Brown, Jr., James A. Burke, John Conyers, Thaddeus J. Dulski, Bob Eckhardt, Don Edwards, Don Fraser, Sam Gibbons, William J. Green, Michael Harrington Ken Hechler, James J. Howard, Joseph E. Karth, Edward I. Koch, Robert L. Leggett, Parren Mitchell, William Moorhead, Claude Pepper, Jerry Pettis, Bertram L. Podell, Melvin Price, Joel Pritchard, Charles Rangel, Peter Rodino, Edward R. Roybal, Leo Ryan, John Seiberling, Neal Smith, Frank Thompson, Lester Wolff.

III. Open Dating Perishable Food Act

Benjamin S. Rosenthal, Frank Annunzio, Alphonzo Bell, Frank Brasco, George E. Brown, Jr., James A. Burke, John Conyers, Thaddeus J. Dulski, Bob Eckhardt, Don Edwards, Don Fraser, Sam Gibbons, William J. Green, Michael Harrington, Ken Hechler, James J. Howard, Joseph E. Karth, Edward I. Koch, Robert L. Leggett, Parren Mitchell, William Moorhead, Claude Pepper, Jerry Pettis, Bertram L. Podell, Melvin Price, Charles Rangel, Peter Rodino, Edward R. Roybal, Leo Ryan, John Seiberling, Gerry Studds, Frank Thompson, Jr., Robert O. Tiernan, Lester Wolff.

IV. Consumer Food Grading Act

Benjamin S. Rosenthal, Alphonzo Bell, Jonathan B. Bingham, Frank Brasco, George E. Brown, Jr., James A. Burke, John Conyers, Thaddeus J. Dulski, Bob Eckhardt, Don Edwards, Don Fraser, Sam Gibbons, William J. Green, Michael Harrington, Ken Hechler, James J. Howard, Joseph E. Karth, Robert Kastenmeier, Robert L. Leggett, Parren Mitchell, William Moorhead, Claude Pepper, Bertram Podell, Melvin Price, Charles Rangel, Peter Rodino, Edward R. Roybal, Leo Ryan, John Seiberling, Gerry Studds, Frank Thompson, Jr., Robert Tiernan, Lester Wolff, Edward I. Koch.

V. Honest Label Act

Benjamin S. Rosenthal, Alphonzo Bell, Frank Brasco, George E. Brown, Jr., James A. Burke, John Conyers, Thaddeus Dulski, Bob Eckhardt, Don Edwards, Joshua Eilberg, Don Fraser, Sam Gibbons, William J. Green, Michael Harrington, Ken Hechler, James J. Howard, Joseph Karth, Robert Kastenmeier, Edward Koch, Robert L. Leggett, Parren Mitchell, William Moorhead, Claude Pepper, Jerry Pettis, Pertram Podell, Melvin Price, Charles Rangel, Peter Rodino, Edward R. Roybal, Leo Ryan, John Seiberling, Gerry Studds, Frank Thompson, Jr., Robert Tiernan, Lester Wolff.

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William Moorhead, Claude Pepper, Bertram Podell, Melvin Price, Joel Pritchard, Charles Rangel, Henry Reuss, Peter Rodino, Edward Roybal, John Seiberling, Gerry Studds, Frank Thompson, Jr., Lester Wolff.

IX Performance Life Disclosure Act

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X. Appliance Dating Act

Benjamin S. Rosenthal, Alphonzo Bell, Jonathan Bingham, Frank Brasco, George E. Brown, Jr., James A. Burke, John Conyers, Thaddeus Dulski, Bob Eckhardt, Don Edwards, Don Fraser, Sam Gibbons, William Green, Michael Harrington, Ken Hechler, James J. Howard, Joseph Karth, Robert Kastenmeier, Edward Koch, Robert L. Leggett, Parren Mitchell, William Moorhead, Claude Pepper, Jerry Pettis, Bertram Podell, Melvin Price, Charles Rangel, Peter Rodino, Edward Roybal, John Weiberling, Gerry Studds, Frank Thompson, Jr., Lester Wolff.

XI. Sales Promotion Game Act

Benjamin S. Rosenthal, Frank Brasco, George E. Brown, Jr., James A. Burke, John Conyers, Bob Eckhardt, Don Edwards, Don Fraser, Sam Gibbons, William Green, Michael Harrington, Ken Hechler, James J. Howard, Robert Kastenmeier, Parren Mitchell, Claude Pepper, Bertram Podell, Melvin Price, Charles B. Rangel, Peter Rodino, Edward Roybal, Frank Thompson, Jr.

XII. Intergovernment Consumer Assistance Act

Benjamin S. Rosenthal, Alphonzo Bell, Frank Brasco, George E. Brown, Jr., James A. Burke, John Conyers, Thaddeus Dulski, Bob Eckhardt, Don Edwards, Joshua Eilberg, Don Fraser, Sam Gibbons, Michael Harrington, Ken Hechler, James J. Howard, Robert Kastenmeier, Edward I. Koch, Robert L. Leggett, Parren Mitchell, William Moorhead, Claude Pepper, Jerry Pettis, Bertram Podell, Melvin Price, Charles Rangel, Peter Rodino, Edward Roybal, Gerry Studds, Frank Thompson, Jr., Robert O. Tiernan, Lester Wolff.

MISADVENTURE IN SOUTHEAST ASIA DEGENERATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. EILBERG) is recognized for 5 minutes.

Mr. EILBERG. Mr. Speaker, during the month of December this country's misadventure in Southeast Asia degenerated further into an orgy of death and destruction which has no other purpose than to prove that we can kill and destroy at will in that area.

This murderous bombing reportedly cost us seven men killed, 73 captured or missing, and more than $258 million in destroyed aircraft.

All of this killing and all of this waste have been for what the President has called a "peace with honor." This term remains vague and undefined, but it certainly cannot be attained through dishonorable means.

The reasons for the bombing are also vague and ill-defined. We are supposed to be helping our ally—a corrupt military dictatorship—defend himself, something he has not been able to do or has not wanted to do since we became involved in this war.

We are also supposed to be forcing the North Vietnamese to release the Americans they are holding prisoner, but all the bombing has done is increase the number of men in prison camps and lengthen the missing in action list.

Finally, Mr. Speaker, the bombing itself is illegal by our own standards and laws. When the Tonkin Gulf Resolution was repealed the specific justification for the bombing was eliminated. And, the second possible excuse, that the President as a military commander is acting to protect his men, is not plausible because the number of troops still in Vietnam is very small and they can be evacuated quickly and easily.

The President has promised us peace many times without keeping his word. The latest promises came just before election day. We were told that peace was only a few meetings away. We were led to believe that the prisoners would begin coming home by Thanksgiving and then by Christmas, but all that happened was that the bombing was increased and there was more death and more destruction.

Now the current rumor is that an agreement will be reached by Inauguration Day, January 20, but there is nothing to back up these rumors and the threat of more bombing and more killing still hangs over the Nation.

Mr. Speaker, the war in Indochina has wasted thousands of lives and ruined thousands more; it has divided our people, and it has been an economic disaster for the country.

The only task left for us in Southeast Asia is to insure the release of the Americans now held captive and the safe withdrawal of the remaining troops. There is no reason why there has to be more killing or more men have to waste away in prison camps.

If the President will not end the war Congress will have to do it by refusing to pay for it any longer. That is why I have voted in the past to cut off funds for combat operations in or over Indochina and will continue to do so in the future.

WILL CONGRESS END THE AMERICAN INVOLVEMENT IN THE INDOCHINA WAR?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, as the new 93d Congress convenes, the Indochina war, like the sword of Damocles, still is hanging over our heads. It, therefore, is incumbent upon us, more than ever, to take most seriously our grave task to bring an end to the American involvement in that Indochina conflict, and I have introduced legislation calling for an immediate cut-off of funds for the war effort and the withdrawal of all American forces from Southeast Asia.

When we were informed, last October 26, that "peace is at hand," I, like other Americans, was relieved that at long last, a settlement to end the war apparently was within grasp. However, when the peace negotiations were suspended in December, and the massive bombing by American warplanes against North Vietnam's heartland commenced, I was saddened and shocked by this dangerous turn of events.

After a period of intensive bombing, we have been notified that peace negotiations will resume again. While I am heartened by this move, the war still goes on, and we do not know whether the President, at some future point, will order additional bombings or adopt any other hostile military act since he chooses not to tell the Congress anything and disrespects the wishes of the American people. Notwithstanding the Paris talks, then, we should not wait upon the man who sat in silence in the White House while he shamed the name of America by the savage bombing which he resumed in his attempt to impose his will by force on the small and backward nation of North Vietnam.

We know what President Nixon, if he chooses, can continue to do in Indochina, for he has already demonstrated that he does as he pleases, with the brief and fatal arrogance that history gives to those who think a temporary position of power will last forever. His ordering of the massive, indiscriminate use of the U.S. overwhelming aerial might to try to impose an American solution on Vietnam's political problems was terrorism on an unprecedented scale, a retreat from diplomacy which this Nation would be the first and loudest to condemn if it were practiced by any other nation. More of this same use of violence, should it ever be repeated again, can only lead to the further death and capture of more American servicemen, the slaughter of more Vietnamese civilians, and, I fear, a turn toward increased violence in domestic affairs here at home.

Thus, upon the 93d Congress rests the heavy burden to bring an end, once and for all, to the American involvement in this Indochina conflict, and this Congress has no choice but to act on this matter. It is late, too late, to rehearse the rights and wrongs of our Indochina policy. But the rights and wrongs of violence are everywhere to see. This Congress must ask itself whether an end to the Indochina involvement would reduce violence and restore decency or whether our continued presence in Indochina would increase violence and send America hurtling still further away from her traditional decencies. The answer would not seem difficult.

Will this Congress lead our Nation back to sanity and peace, or light the way still further down to more death and destruction? No men and women ever carried a heavier charge than the men and women of this Congress do today. If we can lead America back to sanity, we then can begin to sweep away all the sickness and insanity, the evil policies that have taken us into this war and divided our country and set us one against the other in senseless, self-destroying bitterness. America and history await the outcome.

STATEMENT OF THE HONORABLE MICHAEL J. HARRINGTON ON INTRODUCTION OF INQUIRY ON BOMBING OF NORTH VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 5 minutes.

Mr. HARRINGTON. Mr. Speaker, during the period December 17 through December 31, the United States unleashed the most destructive campaign attack in the history of the world against North Vietnam. The raids, like all others, were launched without consultation with, or approval by, the Congress of the United States. They brought untold death and destruction to the people of North Vietnam and the United States paid a frightfully high price in men and machinery.

Now that these raids have been terminated for the time being, and our B–52's have been retargeted to attack Laos, Cambodia, and South Vietnam, we must not let the sense of outrage many of us felt last week simply vanish in the air. Perhaps the peace agreement will be signed shortly, but I have little confidence in the optimistic reports of the executive branch. For 8 years, Presidents have been telling the Congress and the American people that peace is just around the corner.

The American people are against the war, but the vocal spirit of 1968 has been replaced by apathy and despair. They have watched their elected representatives, the U.S. Congress, stand by impotently while the President usurped their constitutional powers. The House of Representatives, as a body, has actively avoided to take any position on the war.

A new Congress is convening today, and a new chance to reassert our lost authority is being presented. The first step was taken yesterday by the House Democratic caucus which approved an end-the-war resolution by a 2-to-1 margin. The resolution which I supported directs the Foreign Affairs Committee to prepare legislation to cut off funds for the war once our prisoners are released and provisions for a safe withdrawal of our troops are worked out.

Letters have been sent to CARL ALBERT, Speaker of the House, urging him to support the caucus resolution, and to Robert Strauss, chairman of the Democratic National Committee, asking him to convene a special session of the committee to condemn the bombing campaign, and to urge immediate signing of the October Peace Treaty. I, along with 20 of my House colleagues, signed these letters.

These activities have laid the groundwork for an official reassertion of congressional authority by the House of Representatives. As a prelude to debate on the bill which will be prepared by the Foreign Affairs Committee—similar bills which I have cosponsored have already been introduced—I am today introducing a resolution of inquiry directed to the President and the Secretary of Defense. The resolution requires full disclosure of the extent, in both financial and human terms, of the recent bombing of North Vietnam. This information will allow us to debate the issue in a more informed manner.

More importantly, because the resolution is privileged and must be reported from committee in seven legislative days, it provides the fastest possible means to take an official vote on the war policy of the President.

The resolution of inquiry will not end the war. But it will separate those members who are serious about reasserting congressional authority from those Members who are content to rely entirely on the executive branch's policies and the information it releases to justify them.

Reprinted below is a copy of the resolution:

Resolved, That the President and the Secretary of Defense be, and they are hereby, directed to furnish the House of Representatives, within ten days after the adoption of this resolution, with full and complete information on the following—

1. the number of sorties flown by United States military airplanes, for bombing purposes, over North Vietnam during the period December 17, 1972 through January 3, 1973.

2. the tonnage of bombs and shells fired or dropped on North Vietnam during the period December 17, 1972 through January 3, 1973.

3. the number and nomenclature of airplanes lost by the United States over North Vietnam or its territorial waters during the period December 17, 1972 through January 3, 1973.

4. the number of American men killed, wounded, captured, and missing in action while participating in flights over North Vietnam during the period December 17, 1972 through January 3, 1973.

5. the best available estimate of casualties among the North Vietnamese during the period December 17, 1972 through January 3, 1973.

6. the cost of all bombing and shelling carried on by the United States in or over North Vietnam during the period December 17, 1972 through January 3, 1973, including the costs of bombs and shells, ships and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries of U.S. military personnel involved in operating and maintaining such ships and airplanes, cost of equipment destroyed or damaged while participating in missions over North Vietnam, and all other expenses attributable to such bombing and shelling, during the period December 17, 1972 through January 3, 1973.

7. the extent of damage to any and all facilities struck by bombs, including "after action reports" and such other data as is available to the Defense Department, and any other government agency.

A CONSTITUTIONAL LIMIT ON FEDERAL SPENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. RUNNELS) is recognized for 5 minutes.

Mr. RUNNELS. Mr. Speaker, as Congress looks ahead to the new year and the first session of the 93d Congress, its collective conscience cannot help but be appalled at the course this Nation finds itself following. We are now experiencing another trade deficit. Our public debt has reached the staggering figure of approximately $445 billion, according to the latest estimates I have been able to obtain. Federal spending during the current fiscal year will probably place our country about $30 billion further into debt.

I have introduced legislation to change our course and steer our economy away from possible economic chaos. Our economic situation is the result of many factors including the tragic war in Southeast Asia, the changing economies of our fellow nations, and the rapid growth of our population. Another factor of major importance is the ever-increasing amount of money spent by the Federal Government. This factor, perhaps more so than all of the others, can be controlled and employed to the benefit of our economy.

A reduction in Federal spending can have a positive effect on inflation. A rearrangement of our spending priorities can influence the problems of unemployment and crime. Federal spending could be the backbone for a nationwide effort to return this Nation to sound economic health. Congress must face the task of setting up a set of priorities for itself to follow. The best way, in my opinion, of achieving that goal would be to place a set limit on Federal appropriations each year, one that would vary according to the activities of the Federal Government.

The bill I have introduced will achieve that goal by amending the Constitution to grant to Congress the power to appropriate only so much as was received in revenues by the Federal Government during the previous fiscal year. By employing the previous fiscal year's revenues as a spending ceiling, this proposal would eliminate the continual problem we now encounter in employing the vague, inaccurate, and usually inflated estimates of revenues for each fiscal year which are made during that year. At the end of each fiscal year, Congress would have a definite figure upon which to base all of its appropriations under the proposal I have introduced. Congress would not have the power to appropriate above that figure; and consequently, and perhaps of most importance, Congress would be forced to set priorities on appropriations.

Let me add that I have included an emergency provision in this bill. It would allow Congress to declare a national emergency necessitating the temporary suspension of the ceiling in any given fiscal year by a two-thirds vote of both Houses.

WHAT ARE THE FACTORS THAT DETERMINE BAIL?

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

Mr. KOCH. Mr. Speaker, I should like to call to the attention of our colleagues a matter which has become the subject of much attention in the city of New York involving the bail system. The correspondence which follows recites all of the relevant facts so I shall not repeat them in this statement. I bring it to the attention of our colleagues because the controversy generated is one which I think should be examined.

I believe it is important that those

elected to public office speak out when they believe that a sector of our community is being victimized. Sometimes the individual whose rights are being impaired is the defendant caught up in too harsh or prejudiced bureaucracy; other times it may be the complainant or the public that requires a defense. I believe that in this particular case it is the public that is owed some support and that is why I have spoken out.

The correspondence follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 29, 1972.

To the Editor:

A police officer in pursuit of an armed gunman following an attempted robbery of a restaurant is shot and seriously wounded. A patron in the restaurant was also shot. The defendant is brought to court and charged with attempted murder, robbery, felonious assault and possession of a dangerous weapon. The District Attorney requests $100,000 bail. While the police officer lies wounded in the hospital and is unable to testify, the Judge frees the defendant on deposit of $500 cash. The Mayor is "dismayed" and states that "the perpetrator was a cold-blooded gunman if there ever was one." (Times, December 26). The Police Commissioner calls the Judge's action "a disgrace".

The crime having taken place in my congressional district, I request that the Presiding Judge conduct an inquiry and urge the court to establish a standard of $25,000 bail in cases where a police officer is shot while in the line of duty. The New York Civil Liberties Union promptly lumps my remarks with those of the Mayor and the Police Commissioner and "deplores all three", charging that we have injured the defendant's presumption of innocence and sought to justify preventive detention.

The following day the same Judge paroles five youths accused of mugging and injuring a 61 year old man, frees an accused robber on $50 cash bail and paroles or releases on no bail defendants in most of the other 50 cases before him (Times, December 28). Any comment from the New York Civil Liberties Union? Not one word.

If the New York Civil Liberties Union (of which I am a member) will only speak for the accused, who is there to speak for the others, i.e., the wounded police officer; the patron who was shot; the victims of the other crimes; the other police officers who want to know where we stand while they put their lives on the line; the rest of us who live in the City and do not appreciate the failure of a Criminal Court Judge to weigh all elements in considering whether and under what circumstances an individual accused of violent crime is to be immediately set free among us.

Contrary to the view expressed by the New York Civil Liberties Union and unlike the Mayor who has already characterized the defendant as a "cold-blooded gunman" I make no judgment on the guilt or innocence of this defendant. My outrage is addressed to the condition that permits an individual accused of a most serious crime under our law to be freed with minimum restraint over the objection of the District Attorney without reference to any consideration of the public interest.

The purpose of bail is to insure the presence of the defendant in court on the day of trial. The law in New York State provides in certain circumstances that as a matter of law bail must be denied. In the majority of cases the granting or denial of bail is a matter of judicial discretion. The Code of Criminal Procedure Section 510.30 provides that where bail is a matter of judicial discretion the court must, on the basis of available information, consider and take into account not only the defendant's employment, financial resources and family ties but the probability or improbability of conviction and the sentence which may be imposed upon conviction.

In the case referred to above, the court apparently considered only the issues of the defendant's ties to the community, ignoring other factors which the legislature directed that the court must consider. The police officer who was shot was not present in court and clearly there could be no full review of the likelihood of the defendant's conviction. More importantly, the defendant was charged with the crime of attempted murder of a police officer who, at the time the case appeared on the calendar, lay wounded in a hospital. Under the Penal Law in the State of New York, there are only three crimes conviction of which warrant capital punishment. One of those crimes involves the killing of a police officer in the course of performing his official duties.

Under these circumstances was it appropriate for the court to free the defendant on deposit of $500 cash? Can it be said with any assurance that this defendant will necessarily return to court on all future occasions on which the case appears on the calendar? Will the $500 bail really act as an inducement in that regard? As a point of information we ought to consider the fact that at present the police report that there are approximately 100,000 bench warrants outstanding with respect to defendants who failed to appear in court to respond to criminal charges.

More important, hasn't the court, by setting bail in the manner in which it did, communicated a message to the police and to others who may be the victims of crime, a message which cannot serve but to aggravate a fact of life; i.e., that law-abiding citizens will not or cannot leave their apartments during evening hours for fear of being assaulted on the streets of our city?

The bail established by the Criminal Court judge was set in contravention of the dictates of the law and cannot serve to insure the future presence in court of the defendant. At the same time that bail and the manner in which that case and other cases are being handled renders a distinct disservice to the community.

I hope the New York Civil Liberties Union will elect to address itself to the plight of all of the parties, defendants, victims, and the public.

Sincerely,

EDWARD I. KOCH.

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 29, 1972.

IRA GLASSER, Esq.
New York Civil Liberties Union,
New York, N.Y.

DEAR IRA: I wish to acknowledge receipt of your letter dated December 27, 1972. To be entirely charitable, as you put it, I prefer to characterize your recent statements to the press and the matter set forth in your letter as unlawyerlike. Lamentably, I must suggest that for you to conclude that I now favor preventive detention and would "investigate any judge who refuses to order it and who follows the Constitution instead" is the invocation of a tactic that I thought went out with Senator McCarthy. Labels and code words, e.g., preventive detention, are the tools of the demagogue, not the lawyer.

In your letter you construct a straw man and then blow him away, e.g., "When an accused denies the charges against him, and appears unlikely to flee trial, it is unconstitutional to detain him." I agree with you that I was not present at the hearing before Judge Wright. But, then, neither of us were present. Therefore, it would appear that neither of us is more qualified than the other to comment on what transpired in court. As you know, the granting or denial of bail in this case was a matter of judicial discretion, (Code of Criminal Procedure Section 530.20). Judge Wright could constitutionally have denied the defendant bail pending a full hearing which might have included giving the wounded police officer an opportunity to be heard. It is common, as you know, for the court to conduct hearings in criminal cases at the bedside of either complainants or defendants.

In the instant case the police officer, having been wounded, was not present in court. The court, in its discretion, decided to grant bail and, accordingly, was obliged to apply all of the criteria in Section 510.30 of the Code of Criminal Procedure. That section requires the court, on the basis of available information, to consider and to take into account not only the defendant's employment, financial resources and family ties but the probability or improbability of conviction and the sentence which may be imposed upon conviction. Can it truly be said that the court in the absence of the police officer, could adequately weigh the probability of conviction? In addition, can it be contended that the court considered the sentence which may be imposed upon this defendant upon conviction?

I do not believe it necessary for me to follow your lead and take a ritual oath reaffirming my life-long devotion to the presumption of innocence and my expressed commitment to oppose preventive detention, whatever its form. You have elected to blanket my action in calling for an inquiry and my request for minimum bail with the Mayor's public comment that the defendant "is a cold-blooded gunman." I make no judgment of the guilt or innocence of this defendant. My concern is with the situation that permits an individual accused of one of the most serious crimes under our law to be freed with minimum restraint over the objection of the District Attorney without reference to any consideration of the public interest. Without repeating what I have stated elsewhere I enclose a draft of a letter prepared for submission to the New York Times which, together with this letter, fully expresses my position and which I request that you publish along with this letter and with your letter to me.

As you should know, I have a long standing and special affection for the New York Civil Liberties Union. Over the years I have applauded its devotion to the cause of protecting individuals against the machinery of government. Quite correctly, the NYCLU, especially in the context of our adversary system, has elected to serve as a protector of the rights of the individual leaving the question of the protection of the public to others. As a Congressman my responsibility is to all of the people and not only to some of them.

It is indisputable that today in New York City, citizens, particularly the elderly, fear to leave their apartments after dark. I have a responsibility to those people as well as to others accused of crime. I am obliged to balance the interests of all parties in an effort to assure the freedom of every person. I welcome any dialogue or discussion on this issue with any responsible individual or organization. I believe that you will agree that the evocation of emotional reponses by importing code words or labels has never solved anything. Neither is it responsible for any individual or organization to turn its back on a problem and ignore that it exists. My concern, and yours, should be to balance the interests of all of the people to insure that everyone is afforded equal protection of the law and that no one is trampled in the process.

Sincerely,

EDWARD I. KOCH.

NYCLU,
New York, N.Y., December 27, 1972.

Hon. EDWARD I. KOCH,
New York, N.Y.

DEAR ED: To be entirely charitable, I prefer to characterize as thoughtless your recent statements on bail in the case involving Joseph Gruttola and Judge Bruce Wright. To assume that you gave the issue any serious thought at all is to conclude, lamentably, that you now favor preventive detention, and would "investigate" any judge who refuses to order it and who follows the constitution instead.

Gruttola was accused of a serious crime, which accusation he has denied. There is no reason to believe he will flee the court's jurisdiction, and certainly you could have no basis to dispute Judge Wright's decision after a hearing, since you were not there and have not yet seen the transcript.

When an accused denies the charges against him, and appears unlikely to flee trial, it is unconstitutional to detain him. Judge Wright made the only constitutionally permissable decision.

The last public outcry about bail came a few months ago when a young man in Queens accused of several rapes was released before trial. Everyone was outraged then, too, because they wanted to be protected against rapists. But, as you remember, the boy turned out to be innocent in a case of mistaken identity.

Since you are considering running for Mayor, I am sure the members of the New York Civil Liberties Union would be most interested in reading your answers to the following questions, which I shall print in our newsletter:

(1) The Constitution permits pre-trial detention, or high bail, only to prevent the accused from fleeing the court's jurisdiction. Do you agree with that standard?

(2) Are there any crimes for which you favor detention, or bail sufficiently high to assure detention, of the accused prior to trial, even if his presence at trial is likely?

(3) In the recent case of Joseph Gruttola, Mr. Gruttola denied the charges against him. Do you presume him to be innocent?

(4) If you do presume him innocent, and if after a hearing, Judge Wright found him likely to appear for trial, do you believe he should go free pending trial? If not, on what basis would you detain him other than the belief that he is probably guilty?

(5) On what basis did you propose an investigation into Judge Wright's "fitness" to even hold such bail hearings?

I would appreciate an early response on this important issue on which you have already spoken so swiftly.

Sincerely,

IRA GLASSER.

DR. LAURENCE N. WOODWORTH RECEIVES ROCKEFELLER PUBLIC SERVICE AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. MILLS) is recognized for 10 minutes.

Mr. MILLS of Arkansas. Mr. Speaker, it is with particularly great pleasure and satisfaction that I call to the attention of the House of Representatives well-deserved recognition received during the adjournment of Congress by Dr. Laurence N. Woodworth, chief of staff of the Joint Committee on Internal Revenue Taxation.

On December 6, 1972, Dr. Woodworth, along with four other top-level Federal employees, received a 1972 Rockefeller Public Service Award for distinguished Government service in the category of professional accomplishment and leadership. This coveted honor, which includes a cash stipend of $10,000, is administered and awarded annually by the Woodrow Wilson School of Public and International Affairs of Princeton University in recognition of outstanding accomplishment in a distinguished Government career over an extended period of time. This very worthwhile awards program in a very meaningful way focuses public attention on the degree and extent to which excellence exists in the civilian career services of the Federal Government.

The awards committee is to be commended for its choice of Dr. Woodworth. For almost three decades he has served the Congress with complete dedication, loyalty, and devotion. Of today's Members of the House of Representatives only a dozen Members were here on July 1, 1944, when Dr. Woodworth first joined the staff of the Joint Committee on Internal Revenue Taxation. Of today's Senate, only three of the 100 were here at that time.

In the course of his excellent service, service in which time pressures, demands and deadlines are daily circumstances, Dr. Woodworth has participated in and directed the drafting of some of the most far-reaching measures enacted in the history of the United States. His mark is indelibly imprinted in the language of all revenue bills enacted over the past 30 years, including the Internal Revenue Code of 1954, the Revenue Act of 1962, the Revenue Act of 1964, the Excise Tax Reduction Act of 1965, the Tax Adjustment Act of 1966, the Tax Reform Act of 1969, and the Revenue Act of 1971. The provisions of these enactments stand as monuments to Dr. Woodworth's technical expertise and the excellence of his objective and loyal service to the Congress and to the United States.

President John F. Kennedy in his state of the Union address in 1961 said—

Let the public service be a proud and lively career. And let every man and women who works in any area of our national government, in any branch, at any level, be able to say with pride and with honor in future years: I served the United States Government in that hour of our nation's need.

That men of Dr. Woodworth's stature make the public service a proud and lively career is confirmed in the language of the citation accompanying the Rockefeller award, which I insert in the RECORD at this point:

ROCKEFELLER PUBLIC SERVICE AWARDS—CITATION

Laurence N. Woodworth, Chief of Staff, Joint Committee on Internal Revenue Taxation, U.S. Congress, was selected for one of the Awards in the field of Professional Accomplishment and Leadership.

Dr. Woodworth, a native of Ohio, earned his Ph. D. degree in 1960 from New York University sixteen years after he joined the Joint Committee on Internal Revenue Taxation as a staff economist. He has been Chief of Staff of that Joint Committee since 1964.

In this post his is the primary and continuing responsibility in the tremendously complex task of drafting and amending income tax legislation for the members of that Committee. The work of that Committee is closely related to the purposes and functions of both the President's Office of Management and Budget and the Department of the Treasury.

Dr. Woodworth has the unreserved trust and respect of the leadership of both parties in both houses of Congress. One of the senior senators said of him, "I know the Senate could not get along without him; for that matter, I don't believe the Treasury Department would know what to do if it didn't have a professional man of Woodworth's competence to work with in the Congress."

A former Secretary of the Treasury said in part, "I cannot think of any other civil servant, who has not yet received the Rockefeller Public Service Award, who can equal his professional accomplishments and leadership."

The comments of a senior member of the minority party in the Senate about Dr. Woodworth may, indeed, have been the most descriptive definition of the true "career" public servant. He said, "First of all, he serves two masters—the House of Representatives and the Senate. Secondly, he is conspicuously nonpartisan and eminently fair in his official duties, no mean feat in the world of politics. He is not only entirely devoted to his work, but he instills a similar devotion in his staff members. . . ."

In him the Committee on Selection saw an example of meticulous and continuing excellence which, though largely unrecognized and unsung among the general public he indirectly serves, is both recognized and depended on by the elected official whom he serves directly.

THE WEEK THAT WAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. BURLISON) is recognized for 5 minutes.

Mr. BURLISON of Missouri. Mr. Speaker, the President and his Secretary of Agriculture last week dealt the farmers of America, and particularly those of Missouri's 10th District, the most devastating blows of recent decades. It might be termed the administration's "one-two-three punch" to farmers.

Our farmers experienced the first financial shock of the Christmas season on December 26, when the Department of Agriculture announced termination of cost-sharing activities under the rural environmental assistance program—REAP—known until recently as the ACP program. Under this program every dollar has been matched by farmer funds. The program has been one which has been used by the so-called small farmer. No one can receive more than $2,500 per year under this program, and in most counties far less than that.

It has done more to clean up our streams than all of our pollution programs. It has stopped the movement of silt at its source through the erection of terraces, the use of contour farming and the establishment of cover crops and grasslands.

The President must know that most of the farmers who participate in this program are very small operators. They simply do not have the means to pay all of these costs, nor should they pay for the tremendous public benefits that the program is providing.

Not only the substance, but the timing of this cutback leads me to fear that it has more political than economic implications. Before the election on Novem-

ber 7, the administration had proceeded with all the plans for a continuation of the conservation program through the year of 1973. Indeed, the administration had even stated that they intended to make $140 million available as the "initial" allocation. This amounted to an $85 million cut of the congressional appropriations of $225 million for this work, but the announcements were all carefully phrased so as to refer to the "initial" expenditures, rather than any "cut" or "impoundment" of funds.

The next blow, and the most damaging to many farmers, was the announcement of termination of disaster designation and emergency loans thereunder. 1972 has been a tragic harvest season for row crops farmers in southeast Missouri. Not only have the rains been so constant as to preclude harvest, hundreds of farmers cannot get to their crops because they have been covered for months now by floodwaters.

I refer to farmers in the areas of the St. Francis, Black, Castor, and Mississippi Rivers. Substantial numbers of these farmers have been completely wiped out by the flooding for crop year 1972. Their only hope, therefore, was Government assistance in the form of emergency low-interest loans under the disaster program authorized and funded by the Congress and signed into law by the President. This law had been liberalized for farmers to include 1 percent interest loans for the crop year following the disaster, as well as a $5,000 "forgiveness" provision for those farmers able to establish their eligibility under disaster guidelines.

Eleven of the 10th District's 19 counties had applied for disaster designation and had been approved on the local level and at the State office. These applications had been forwarded to Washington with recommendations for favorable action.

After unsuccessful attempts to reach the Secretary of Agriculture by telephone, I wrote him on December 9, 1972. My letter concluded with this paragraph:

> I have visited most of this area in the last few weeks and can testify to the widespread damage and ravaged crops caused by unrelenting rains and frequent flooding. I would be gratified by your early action and notification of a disaster declaration.

I am dismayed to report to the Congress on this first week of our new session that the Secretary has not even acknowledged this letter.

On December 21, 1972, I wrote the Director of the Conservation and Land Use Division of the Agricultural Stabilization and Conservation Service on the same subject. That letter stated in part:

> There are vast areas in these counties that have been inundated for a considerable time by flood waters from the Castor, St. Francis, Black, and Mississippi Rivers. I have personally viewed much of this flooded acreage.

From what has gone before, it is not surprising that this letter also has gone without acknowledgment.

Not only is the President kicking our farmers in the teeth, his surrogates refuse with unprecedented arrogance to even acknowledge the existence of representatives of the people, much less explain to them the actions taken.

This is startling when it is considered that the Department of Agriculture and all of its programs must be authorized and funded by the Congress. Over my district it is obvious that literally hundreds of farmers will lose their farms and must leave them to further crowd the cities, or join rural welfare rolls, if the President refuses to listen and change his decision.

"The week that was" next was marred on December 29 by announcement by Secretary Butz that the REA electric and telephone 2 percent loan programs that have permitted the extension of electric power and telephones to millions of Americans, is being terminated. Interest on loans that the cooperatives hereafter receive will be increased by 250 percent.

The irony of "the week that was" is that it follows on the heels of the first Republican Presidential victory in modern times in the 19 counties of my Congressional district. In fact, the President received 66.19 percent of the vote in the district. I mention this fact only as an interesting sideline. Politics should not and cannot be involved in a matter so crucial as the very survival of the farmers of my district. I urge of, and plead with, the President to reconsider these devasting postelection and Christmas season decisions. The reason given for them is that the programs being terminated are inflationary. This is spurious reasoning that cannot withstand logical reflection.

We find our economy robust with profits in many categories soaring, and wages and salaries restrained only by 5½ percent and higher guidelines. How can it be said that programs permitting farmers to survive are inflationary? Such arguments do not speak well for the administration's concept of the intelligence of the American people. Again Mr. President and Mr. Secretary, please reconsider your actions. The farmers of my district, and of this Nation, pray that you will.

END THE WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, since November, our Nation's military activity in Indochina has taken another sharp turn. Now, many who supported President Nixon in his campaign for reelection are bitterly criticizing his senseless and cruel bombing of civilians in North Vietnam. Thousands who voted for him now say that they would not have done so had they known that his promise of immediate peace was merely campaign oratory, that within a few days he would order the most savage bombing yet inflicted upon the innocent citizens of North Vietnam.

The Democratic caucus voted last Tuesday—by the wide margin of 154 to 75—to make it Democratic policy in the 93d Congress to cut off funds for the war and to terminate our involvement in it immediately. This is a notable first step toward both peace and the reassertion of the constitutional powers and responsibilities of the Congress.

Now, Congress itself must act to cut off all funds—including funding of President Thieu's military activities—for the war in Indochina. We must not allow Mr. Nixon or Mr. Thieu to veto our hopes and desires for peace. The announcements in October by North Vietnam and by Dr. Kissinger form a clear basis for the signing of a treaty and the return of our prisoners of war.

When the 93d Congress convened on Wednesday, I introduced a bill providing for an immediate halt to our bombing in Indochina, and a cutoff of all military funds—including funds for Mr. Thieu and for civilians paid by the Department of Defense—for military operations in or over Indochina. I include at the conclusion of my remarks the text of that measure and a short but powerful essay which appeared in yesterday's New York Times.

Our course is clear. We must stop the bombing at once, withdraw from Indochina at once, and cut off funds for the dictatorship of Nguyen Van Thieu at once. We must have peace.

The material follows:

H.R. 233

A bill to provide for an immediate end to United States involvement in hostilities in and over Indochina, for the signing of a peace agreement with the Democratic Republic of Vietnam, and for the withdrawal of all United States armed forces and Defense Department personnel from Indochina, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress finds and declares that the interests of the people of the United States, Indochina, and the entire world will best be advanced by—

(1) the immediate cessation of all United States involvement in hostilities in Indochina;

(2) the signing of a peace agreement with the Democratic Republic of Vietnam by the United States, with or without the concurrence of the Government of the Republic of Vietnam headed by Nguyen Van Thieu; and

(3) the withdrawal of all United States military forces from Indochina.

(b) In order that the ends set forth in subsection (a) of this section be assured, it is intended by the Congress that sections 2, 3, and 4 of this Act be interpretated strictly against the President and those under his command, and that no exceptions, direct or indirect, to the requirements of such sections shall be permitted.

SEC. 2 No funds heretofore or hereafter appropriated may be expended after the date of enactment of the Act to conduct or continue offshore naval bombardment or mining of, or to bomb, rocket, or otherwise attack by air any target within, Laos, Cambodia, Thailand, the Republic of Vietnam, or the Democratic Republic of Vietnam, including the territorial waters of those nations and the high seas adjacent to such territorial waters.

SEC. 3. In the absence of a signed peace agreement between the United States and the Democratic Republic of Vietnam, all United States military and paramilitary personnel (including civilians employed by the Department of Defense), equipment, and supplies shall be totally, completely, and finally withdrawn from Laos, Cambodia, Thailand, the Republic of Vietnam and the Democratic Republic of Vietnam not later

than thirty days following the date of enactment of the Act.

SEC. 4. Beginning thirty days after the date of enactment of this Act—

(a) no funds therefore or thereafter appropriated may be expended to support the deployment of United States military or paramilitary personnel (including civilians employed by the Department of Defense or paid in whole or in part with funds appropriated by the Department of Defense), or any other military or paramilitary personnel under the control or in the pay of the United States in, or the conduct of military or paramilitary operations in or over, the Republic of Vietnam, the Democratic Republic of Vietnam, Laos, Cambodia, or Thailand; and

(b) no funds theretofore or thereafter appropriated may be expended to provide, directly or indirectly, any military or paramilitary asistance to the Government of the Republic of Vietnam.

[From the New York Times, Jan. 5, 1973]

WHAT CAN WE DO?

(By Vercors [1])

PARIS.—Where is the difference? Between the devastation of Guernica by the planes of Hitler and the devastation of Hanoi by those of Mr. Nixon, where is the difference? Between the raids of terror over Hanoi to force the Vietnamese to surrender and the raids of terror over Warsaw to force the Polish, over Rotterdam to force the Dutch to surrender, over Coventry to force the British (but Churchill did not surrender and the Vietnamese do not) where is the difference? Between the shredded infants of Spain and the shredded infants of Hanoi? At the time of Guernica, Warsaw, Rotterdam and Coventry what raised the world's conscience with a sacred horror was the recurrence, by the will of one man and his military advisers, of the most barbarous, the cruelest, the most horrifying, the most homicidal means to win a political design. It was the return to Sardanapalus and to Nero multiplied by ten, multiplied by a hundred. The world fought five years against that, against the incredible return of forgotten practices, that one thought had disappeared forever. America was not the least fierce nor the least sincere in that struggle to establish between nations a minimum of civilized relations. It was America which by its initiative (the creation of the U.N.) showed most visibly that will of healing. And now it is America today that brings back Guernica, Warsaw, Rotterdam—that brings us the equivalent of Hiroshima. In order to make an adversary surrender and to make a political design succeed.

During more than twenty years, how many have not been able to return to Germany because they would not know what hands would be offered there to grasp, if those that would be held out to shake would not be stained by the blood of the innocent. For a whole people were silenced by Hitler, had submitted at first, then accepted and covered up his crimes. A courageous resistance had struggled there in the beginning, a few months and then there was no more resistance. And that is recurring—this time in America! There have been without doubt a few beautiful and courageous movements of protest, of opposition—but now? One listens closely, but if anything remains it is very weak, and in spite of the few brave ones still left, they are obliterated in the soft silence of a consenting population. And will it happen that we will not be able to shake the hand of one of these Americans as we could no longer shake the hand of a German not so very long ago?

But if this is true for us what can we do? We weep and I weep, that comforts. You will say to me what else can we do? I don't know, I don't know. Seeing that Russia doesn't dare anything, that China can't, that Europe doesn't want to, Mr. Nixon and his Pentagon feel themselves all-powerful, and this power intoxicates them. They feel they are masters of the world. They know they can, if they want, do ten times worse than Hitler without risking the same fate, and this power intoxicates them. And we know that at least for the near future they will do what they want without anyone opposing it. For the moment they are content with transposing an entire land into a lunar landscape and an entire people into deadmen from out of the Stone Age. And perhaps before having totally arrived to that point, they will have in effect, by means of blood and suffering, imposed their political design on Indochina, as Hitler did on the Spanish, the Polish, the Dutch. And if that ever happens it will be more horrible. Because the Nero-like shadow of Nixon will hover over all of us who will have done nothing to have stopped him. And we will believe we are free when it will no longer be but the surveillant freedom of vassals.

[1] Vercors is a pen name for Jean Bruller, author and engraver. This originally appeared in the French paper, Le Monde.

COSPONSORS SOUGHT FOR COUNCIL ON ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VAN DEERLIN) is recognized for 5 minutes.

Mr. VAN DEERLIN. Mr. Speaker, with Congressman CONTE as principal cosponsor we are today offering legislation to establish a Council on Energy Policy in the White House. Last year, a total of 71 Members—36 Democrats and 35 Republicans—endorsed a similar proposal. Unfortunately, the bill was introduced too late in the session to permit consideration by the Committee on Interstate and Foreign Commerce, to which the measure was referred.

I know that many of our colleagues would like to support this legislation again, and at an appropriate time in the near future Mr. CONTE and I intend to solicit additional cosponsors.

The Council we are proposing would be essentially a planning body, purely advisory in nature; it would in no way encroach on the powers of existing agencies.

But the Council would give us what we now sorely lack: coherence and hopefully, a new sense of direction in shaping new policies to cope with the much discussed energy crisis.

It is clear we cannot afford much more delay in coming to grips with this problem. Already, the United States must import at least 10 percent of its energy, principally in the form of oil. Worse yet, we seem to have achieved maximum production rates for oil and gas; we cannot count on stepped-up domestic production of these fossil fuels to meet anticipated future demands. It is anticipated in many quarters that by 1985 less than two-thirds of our total energy requirements will be supplied by domestic sources. Unless the picture suddenly brightens, we will have to obtain the balance through imports, or learn to start doing without—not a very pleasant prospect for a society as energized as ours.

The Council would consist of three authorities who could be appointed by the President immediately on enactment of this legislation. In my view, this would have the immediate advantage of greater timeliness over other suggestions, such as one calling for the creation of a Department of Natural Resources, that have been advanced for improving energy resources planning. The Council could be formed at once, while it might take years to make a huge, new Cabinet-level department fully operational.

Text of the legislation follows:

H.R. 1258

A bill for the establishment of a Council on Energy Policy

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there shall be created in the Executive Office of the President a Council on Energy Policy (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate. The members of the Council shall serve for five-year terms, except that of the three such members first appointed one shall be appointed for a two-year term and one for a four-year term, as designated by the President at the time of appointment. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainment, is well qualified to analyze and interpret energy trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the energy needs of the Nation; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies with respect to energy. Not more than two members of the Council shall be appointed from the same political party.

(b)(1) The Council shall serve as the principal adviser to the President and Congress on energy policy, exercising leadership in formulating Government policy concerning domestic and international energy issues, and shall assist in developing plans and programs which take full advantage of the Nation's technological capabilities in developing clean energy and in conserving energy resources. In addition the Council shall help formulate policies for, and coordinate operations of, energy resources and facilities owned or controlled by the Federal Government. The Council shall prepare for the President in cooperation with the Council on Environmental Quality and with the assistance of other interested departments and agencies the annual Energy Report required by subsection (f).

(2)(A) All legislative recommendations and reports to Congress of Federal agencies, to the extent such recommendations and reports deal with energy matters, shall be subject to the approval of the Council.

(B) The Council shall make recommendations to the President and Congress for resolving conflicting policies of Federal agencies.

(C) The Council shall recommend policies to Federal and State agencies respecting power emergencies.

(3) The Council shall develop a long-range, comprehensive plan for energy utilization in the United States, and shall provide assistance to any executive agency concerned with energy and power in the United States.

(4) All agencies of the Federal Government shall include in every recommendation or report on proposals for legislation and other major Federal actions having a significant effect on energy availability or use a detailed statement by the responsible official

on whether such proposal or action is consistent with the long-range plan formulated under paragraph (3). If such proposal or action is not consistent with such plan, the statement shall also contain a detailed justification for the proposal or action.

(5) Neither the Council nor its members may refuse to testify before or submit information to either House of Congress or any duly authorized committee thereof.

(c) In exercising its powers, functions, and duties under this section, the Council shall—

(1) consult with representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

(d) Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315.)

(e) The Council may employ such officers and employees as may be necessary to carry out its functions under this section. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this section, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

(f) The President shall cause to be prepared and submitted to the Congress on or before January 1, 1974, and annually thereafter, an Energy Report. The report shall include—

(1) an estimate of energy needs for the ensuing ten-year period to meet the requirements of the national defense, the commercial and industrial life of the country, and the general welfare of the people of the United States;

(2) an estimate of the domestic and foreign energy supply on which the United States will be expected to rely to meet such needs in an economical manner with due regard for the protection of national security, and the environment and the conservation of natural resources;

(3) current and foreseeable trends in the quality, management and utilization of energy resources and the effects of those trends on the social, economic, and other requirements of the Nation;

(4) a review and appraisal of the adequacy and appropriateness of technologies, procedures, and practices, including regulatory practices, employed to achieve the foregoing objectives;

(5) recommendations for the development and application of new technologies, procedures, and practices which he may determine to be required to achieve such objectives; and

(6) recommendations for legislation.

(g) There are authorized to be appropriated to carry out the provisions of this section not to exceed $300,000 for fiscal year 1974, $750,000 for fiscal year 1975, and $1,000,000 for each fiscal year thereafter.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. STEELE (at the request of Mr. GERALD R. FORD), from the close of business January 3 through January 19, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, for 5 minutes, today, to revise and extend his remarks and include extraneous matter.

Mr. RANDALL, for 60 minutes, on Tuesday, January 9 and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. ANDERSON of Illinois), to revise and extend their remarks, and to include extraneous matter:)

Mr. WYMAN, today, for 20 minutes.
Mr. STEELE, today, for 10 minutes.
Mr. QUIE, today, for 15 minutes.
Mr. HANSEN of Idaho, today, for 15 minutes.
Mr. FINDLEY, today, for 5 minutes.
Mr. VEYSEY, today, for 10 minutes.
Mr. BELL, today, for 5 minutes.
Mr. HEINZ, today, for 5 minutes.
Mr. MYERS, today, for 5 minutes.
Mr. DUNCAN, today, for 10 minutes.

(The following Members (at the request of Mr. RYAN), to revise and extend their remarks and to include extraneous matter:)

Mr. ANNUNZIO, today, for 5 minutes.
Mr. ROSENTHAL, today, for 30 minutes.
Mr. REUSS, today, for 30 minutes.
Mr. RARICK, today, for 5 minutes.
Mr. GONZALEZ, today, for 5 minutes.
Mr. EILBERG, today, for 5 minutes.
Mr. KASTENMEIER, today, for 5 minutes.
Mr. HARRINGTON, today, for 5 minutes.
Mr. ANDERSON of California, today, for 20 minutes.
Mr. RUNNELS, today, for 5 minutes.
Mr. KOCH, today, for 5 minutes.
Mr. BURLISON of Missouri, today, for 5 minutes.
Mr. MILLS of Arkansas, today, for 10 minutes.
Ms. ABZUG, today, for 10 minutes.
Mr. REUSS, on January 9, for 30 minutes.
Mr. REUSS, on January 10, for 30 minutes.
Mr. ULLMAN, today, for 30 minutes.
Mr. VAN DEERLIN, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BENNETT and to include extraneous matter.

Mr. CORMAN and to include extraneous matter in the body of the RECORD notwithstanding the estimated cost of $977.50.

Mr. SIKES in five instances.

Mr. STRATTON on two instances, and to include extraneous material.

(The following Members (at the request of Mr. ANDERSON of Illinois), and to include extraneous matter:)

Mr. RHODES in five instances.
Mr. BAKER.
Mr. BELL in seven instances.
Mr. MCCLOSKEY.
Mr. BROOMFIELD in six instances.
Mr. CRANE in 10 instances.
Mr. KEATING in four instances.
Mr. CEDERBERG in two instances.
Mr. ERLENBORN.
Mr. FINDLEY in two instances.
Mr. DERWINSKI in two instances.
Mr. YOUNG of Florida in five instances.
Mr. CONTE.
Mr. DUNCAN.
Mr. SYMMS in two instances.
Mr. RAILSBACK in six instances.
Mr. BROTZMAN.
Mr. DU PONT.
Mr. HOSMER in three instances.
Mr. MILLER in five instances.
Mr. BAFALIS in five instances.
Mr. HEINZ in three instances.
Mr. BURKE of Florida in two instances.
Mr. TALCOTT in three instances.
Mr. MIZELL in six instances.
Mr. RIEGLE.
Mr. SCHERLE in five instances.
Mr. CARTER in two instances.
Mr. GERALD R. FORD in three instances.
Mr. HUTCHINSON.
Mr. MICHEL in five instances.
Mr. MCCLORY.
Mr. STEIGER of Wisconsin.
Mr. YOUNG of Illinois in three instances.
Mr. COLLIER in three instances.

(The following Members (at the request of Mr. RYAN and to include extraneous matter:)

Mr. MANN in 10 instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in five instances.
Mr. ROSENTHAL in 10 instances.
Mr. PATTEN.
Mr. O'HARA in three instances.
Mr. KASTENMEIER.
Mr. WALDIE in two instances.
Mr. TEAGUE of Texas in 10 instances.
Mr. EDWARDS of California.
Mr. EILBERG in 10 instances.
Mrs. GRASSO in 10 instances.
Mr. WOLFF in two instances.
Mr. HOLIFIELD.
Mr. DANIELSON.
Mr. RODINO.
Ms. ABZUG in 10 instances.
Mr. BINGHAM in three instances.
Mr. CHAPPELL in two instances.
Mr. FRASER in five instances.
Mr. DENHOLM in three instances.
Mr. ANDERSON of California in five instances.
Mr. RONCALIO of Wyoming.
Mr. FULTON.
Mr. UDALL.
Mr. VANIK in two instances.
Mr. KOCH in 10 instances.
Mr. PICKLE in two instances.
Mr. CAREY of New York in two instances.
Mr. ULLMAN in 10 instances.
Mr. KYROS.
Mr. MOORHEAD of Pennsylvania in six instances.
Mr. ASPIN in 10 instances.
Mr. HAMILTON in six instances.
Mr. STOKES.
Mr. REUSS.
Mr. JONES of Alabama.
Mr. FISHER in three instances.

ADJOURNMENT

Mr. RYAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until Tuesday, January 9, 1973, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

(The following report is submitted pursuant to section 118, Public Law 92–136)

(January 2, 1973)

Mr. CELLER: Committee on the Judiciary. Report on activities during the 92d Congress of the Committee on the Judiciary (Rept. No. 92–1636). Referred to the Committee of the Whole House on the State of the Union.

[Filed prior to 12 noon: Pursuant to section 118, Public Law 92–136, the following report is submitted]

Mr. ICHORD: Committee on Internal Security. Report on activities during 92d Congress of the Committee on Internal Security (Rept. No. 92–1637). Referred to the Committee of the Whole House on the State of the Union.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

194. A letter from the Commissioner of the District of Columbia, transmitting a report of action by the District of Columbia government on the recommendations of the Commission on the Organization of the Government of the District of Columbia; to the Committee on the District of Columbia.

RECEIVED FROM THE COMPTROLLER GENERAL

195. A letter from the Comptroller General of the United States, transmitting a report of the examination of the financial statements of the Veterans Canteen Service, Veterans Administration, for fiscal year 1972, pursuant to 38 United States Code 4207; to the Committee on Government Operations.

196. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEVILL:

H.R. 1381. A bill to establish an executive department to be known as the Department of Education, and for other purposes; to the Committee on Government Operations.

H.R. 1382. A bill to provide for the establishment of the Cathedral Caverns National Monument in the State of Alabama, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BEVILL (for himself, Mr. NICHOLS, Mr. DICKINSON, and Mr. FLOWERS):

H.R. 1383. A bill to provide for orderly trade in iron ore, iron, and steel mill products; to the Committee on Ways and Means.

By Mr. BRINKLEY:

H.R. 1384. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 1385. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. BROOMFIELD:

H.R. 1386. A bill to amend title 13, United States Code, to provide for a middecade census of population in 1975 and every 10 years thereafter, to prescribe February 1 as the census date for the 1975 and later censuses of population, to limit the categories of questions to be answered in middecade censuses, to provide for census recounts of population, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CASEY of Texas (for himself and Mr. PEPPER):

H.R. 1387. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.R. 1388. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

H.R. 1389. A bill to restore to persons having claims against the United States their right to be represented by legal counsel of their own choosing; to the Committee on the Judiciary.

H.R. 1390. A bill to amend title 5 of the United States Code with respect to the observance of Veterans Day; to the Committee on the Judiciary.

H.R. 1391. A bill to amend title 28 of the United States Code to provide that any judge or Justice of the United States appointed to hold office during good behavior shall retire from regular active service upon attaining the age of 70 years; to the Committee on the Judiciary.

H.R. 1392. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 1393. A bill to provide that the reservoir formed by the lock and dam referred to as the "Jones Bluff lock and dam" on the Alabama River, Ala., shall hereafter be known as the Robert F. Henry lock and dam; to the Committee on Public Works.

H.R. 1394. A bill to amend the Internal Revenue Code of 1954 with respect to the tax-exempt status of, and the deductibility of contributions to, certain private schools; to the Committee on Ways and Means.

H.R. 1395. A bill to amend the Internal Revenue Code of 1954 to exempt tank truck hoses and couplings sold by dealers in industrial equipment and supplies from the manufacturers excise tax on truck parts; to the Committeee on Ways and Means.

H.R. 1396. A bill to amend the Internal Revenue Code of 1954 to provide a credit against the individual income tax for certain expenses of higher education; to the Committee on Ways and Means.

By Mr. FISHER:

H.R. 1397. A bill to terminate the contractural relationship between the Federal and State governments with respect to all portions of the San Antonio North Expressway between Interstate Highway 35 and Interstate Loop 410; to the Committee on Public Works.

By Mr. HAMMERSCHMIDT:

H.R. 1398. A bill to authorize the construction of a bridge on lock and dam No. 13 on the Arkansas River near Fort Smith; to the Committee on Public Works.

By Mr. HAMMERSCHMIDT (for himself, Mr. ALEXANDER, Mr. MILLS of Arkansas, and Mr. THORNTON):

H.R. 1399. A bill to provide for a highway bridge across the Norfolk Reservoir in Arkansas; to the Committee on Public Works.

By Mr. ECKHARDT (for himself, Mr. ADAMS, Mr. TIERNAN, Mr. HELSTOSKI, Mr. CONYERS, Mr. DRINAN, Mr. MITCHELL of Maryland, Mr. ASPIN, and Ms. ABZUG):

H.R. 1400. A bill to require no-fault motor vehicle insurance as a condition precedent to using the public streets, roads, and highways in order to promote and regulate interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. HECHLER of West Virginia:

H.R. 1401. A bill to amend the Wild and Scenic Rivers Act of 1968 (82 Stat. 906) by designating a portion of the Shavers Fork of the Cheat River, W. Va., for study as a potential addition to the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

By Mr. JOHNSON of California:

H.R. 1402. A bill to provide a sound physical basis and an operational system for predicting damaging earthquakes in heavily populated areas of California and Nevada; to the Committee on Interior and Insular Affairs.

H.R. 1403. A bill to provide for the leasing for commercial recreation purposes of certain lands and facilities of the forest reserves created from the public domain, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1404. A bill to provide for the establishment of the Guam National Seashore, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1405. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. KAZEN:

H.R. 1406. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Cibolo project, Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KEMP:

H.R. 1407. A bill to authorize a program for the improvement and restoration of the Buffalo River Basin, N.Y.; to the Committee on Public Works.

H.R. 1408. A bill to amend the Flood Control Act of 1970; to the Committee on Public Works.

H.R. 1409. A bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes; to the Committee on Rules.

By Mr. PEYSER:

H.R. 1410. A bill to amend the Elementary and Secondary Education Act of 1965 to provide Federal assistance for interscholastic athletic programs in secondary schools associated with community improvement programs; to the Committee on Education and Labor.

H.R. 1411. A bill to provide for the regulation of surface coal mining, for the conservation, acquisition, and reclamation of surface areas affected by coal mining activities, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1412. A bill to repeal the limitation imposed by section 1130 of the Social Security

Act upon the amount payable to States as grants for social services under the various Federal-State public assistance programs, such as day care; to the Committee on Ways and Means.

H.R. 1413. A bill to amend the Social Security Act to provide that future increases in retirement or disability benefits under Federal programs shall not be taken into consideration in determining a person's need for aid or assistance under any of the Federal-State public assistance programs, and for other purposes; to the Committee on Ways and Means.

By Mr. RARICK:

H.R. 1414. A bill to repeal U.S. membership in the United Nations and any organ and specialized agency thereof, and for other purposes; to the Committee on Foreign Affairs.

By Mr. REUSS (for himself, Ms. ABZUG, Mr. ADAMS, Mr. ADDABBO, Mr. ASPIN, Mr. BADILLO, Mr. BELL, Mr. BERGLAND, Mr. BEVILL, Mr. BINGHAM, Mr. BOLAND, Mr. BRADEMAS, Mr. BROWN of California, Mr. CARNEY of Ohio, Mrs. CHISHOLM, Mr. CLARK, Mr. CONYERS, Mr. CORMAN, Mr. COTTER, Mr. CRONIN, Mr. W. C. (DAN) DANIEL, Mr. DANIELSON, Mr. DIGGS, Mr. DINGELL, and Mr. DRINAN):

H.R. 1415. A bill to provide 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. REUSS (for himself, Mr. DULSKI, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. EILBERG, Mr. FAUNTROY, Mr. FISH, Mr. FLOOD, Mr. WILLIAM D. FORD, Mr. GAYDOS, Mr. GIBBONS, Mr. GREEN of Pennsylvania, Mr. HARRINGTON, Mr. HAYS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. HICKS, Miss JORDAN, Mr. KASTENMEIER, Mr. KOCH, Mr. KYROS, Mr. LEGGETT, Mr. LEHMAN, Mr. MADDEN, and Mr. MEEDS):

H.R. 1416. A bill to provide for programs of public service employment for unemployed persons, to assist States and local communities providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. REUSS (for himself, Mr. METCALFE, Mrs. MINK, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOORHEAD of Pennsylvania, Mr. MORGAN, Mr. MOSS, Mr. MURPHY of Illinois, Mr. NEDZI, Mr. NIX, Mr. OBEY, Mr. PEPPER, Mr. PODELL, Mr. PRICE of Illinois, Mr. REES, Mr. RODINO, Mr. ROONEY of Pennsylvania, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SARBANES, Mr. SEIBERLING, Mr. JAMES V. STANTON, Mr. STEELE, and Mr. STOKES):

H.R. 1417. A bill to provide 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. REUSS (for himself, Mr. STUDDS, Mr. SYMINGTON, Mr. TIERNAN, Mr. WALDIE, Mr. CHARLES H. WILSON of California, Mr. WOLFF, and Mr. YATRON):

H.R. 1418. A bill to provide 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. TALCOTT:

H.R. 1419. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer; to the Committee on Agriculture.

H.R. 1420. A bill to authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system; to the Committee on Agriculture.

H.R. 1421. A bill to prohibit the payment of subsidies and similar benefits to producers in States which have failed to enact adequate farm labor laws; to the Committee on Agriculture.

H.R. 1422. A bill to equalize the retired pay of members of the uniformed services retired prior to June 1, 1958, whose retired pay is computed on laws enacted on or after October 1, 1949; to the Committee on Armed Services.

H.R. 1423. A bill to authorize pay and benefits for members and survivors of members of the Philippine Scouts on the same basis as such pay and benefits are authorized for other members of the Armed Forces and their survivors; to the Committee on Armed Services.

H.R. 1424. A bill to establish a universal food service and nutrition education program for children; to the Committee on Education and Labor.

H.R. 1425. A bill to amend the National Labor Relations Act to require a vote by employees who are on strike, and for other purposes; to the Committee on Education and Labor.

H.R. 1426. A bill to amend title I of Public Law 874, 81st Congress, to provide financial assistance to local educational agencies for the education of children of migrant agricultural employees; to the Committee on Education and Labor.

H.R. 1427. A bill to provide grants to States or political subdivisions thereof or to certain other persons to assist the restoration of historical cemeteries or burial plots, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1428. A bill to amend the act of June 15, 1912 (37 Stat. 134), to permit an exchange of lands in the State of California; to the Committee on Interior and Insular Affairs.

H.R. 1429. A bill to provide for the arrest and punishment of violators of certain laws and regulations relating to the public lands; to the Committee on Interior and Insular Affairs.

H.R. 1430. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 1431. A bill to repeal the lowest unit rate provisions of section 315(b) of the Communications Act of 1934; to the Committee on Interstate and Foreign Commerce.

H.R. 1432. A bill to authorize the Secretary of the Interior to study the most feasible and desirable means of establishing Monterey Bay, the coastal areas of Santa Cruz, Monterey, and San Luis Obispo Counties, Calif., certain portions of the tidelands, Outer Continental Shelf, and seaward areas of the United States as marine sanctuaries, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 1433. A bill to repeal section 3108 of title 5, United States Code, which prohibits the employment by the Federal and District of Columbia governments of individuals employed by detective agencies; to the Committee on Post Office and Civil Service.

H.R. 1434. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business corporations; to the Committee on Ways and Means.

H.R. 1435. A bill to impose import limitations on prepared or preserved strawberries; to the Committee on Ways and Means.

H.R. 1436. A bill to require imported foodstuffs to meet standards required by the Federal Government for domestic foodstuffs; to the Committee on Ways and Means.

H.R. 1437. A bill to provide for the establishment of a Commission on Revision of Federal Taxation; to the Committee on Ways and Means.

H.R. 1438. A bill to amend the Internal Revenue Code of 1954 to extend the head of household benefits to unremarried widows and widowers, and individuals who have attained age 35 and who have never been married or who have been separated or divorced for 1 year or more, who maintain their own households; to the Committee on Ways and Means.

H.R. 1439. A bill to authorize the distribution of a portion of the Federal tax revenue to the States for elementary and secondary education purposes; to the Committee on Ways and Means.

H.R. 1440. A bill to amend the Internal Revenue Code of 1954 to restore the provisions permitting the deduction, without regard to the 3-percent and 1-percent floors, of medical expenses incurred for the care of individuals 65 years of age and over; to the Committee on Ways and Means.

H.R. 1441. A bill to amend section 213 of the Internal Revenue Code of 1954 to provide that certain expenses of child adoption shall be treated as medical expenses; to the Committee on Ways and Means.

H.R. 1442. A bill to amend the Internal Revenue Code of 1954 to authorize deduction from gross income for certain expenses of employing full-time household help; to the Committee on Ways and Means.

H.R. 1443. A bill to amend the Internal Revenue Code to 1954 to authorize a deduction from gross income for certain contributions to the support of an aged parent or divorced mother who is not gainfully employed; to the Committee on Ways and Means.

H.R. 1444. A bill to amend the Internal Revenue Code of 1954 to authorize and facilitate the deduction from gross income by teachers of the expenses of advanced education (including certain limited travel) undertaken by them, and to provide a uniform method of proving entitlement to such deduction; to the Committee on Ways and Means.

H.R. 1445. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

H.R. 1446. A bill to amend the Internal Revenue Code of 1954 to authorize a tax credit for certain expenses of providing higher education; to the Committee on Ways and Means.

H.R. 1447. A bill relating to the treatment, for purposes of the Federal Unemployment Tax Act, of services performed by a student or his spouse for certain organizations operated in connection with the school, college, or university which the student is attending; to the Committee on Ways and Means.

H.R. 1448. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

H.R. 1449. A bill to amend the Internal Revenue Code of 1954 to provide that the requirement of filing certain returns and the tax on unrelated business income shall not apply to certain nonprofit social clubs, do-

mestic fraternal societies, and veterans organizations; to the Committee on Ways and Means.

H.R. 1450. A bill to amend title II of the Social Security Act to provide that an individual who, in any month, is eligible for a disability determination or for disability insurance benefits but does not file application therefor within the specified time may nevertheless (upon subsequently filing application) obtain such a determination or become entitled to such a benefit, regardless of the length of time which has elapsed, if he was theretofore incapable of executing the application by reason of a physical or mental condition; to the Committee on Ways and Means.

H.R. 1451. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

By Mr. TALCOTT (for himself and Mr. GUBSER):

H.R. 1452. A bill to designate certain lands in the Pinnacles National Monument in California as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. TALCOTT (for himself and Mr. SISK):

H.R. 1453. A bill to regulate and foster commerce among the States by providing a uniform system for the application of sales and use taxes to interstate commerce; to the Committee on the Judiciary.

By Mr. ULLMAN:

H.R. 1454. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress; to the Committee on Foreign Affairs.

By Mr. VEYSEY:

H.R. 1455. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes; to the Committee on Education and Labor.

H.R. 1456. A bill to amend title II of the Social Security Act to increase to $4,000 the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 1457. A bill to amend chapter 11 of title 5, United States Code, to prohibit a U.S. Civil Service Commissioner from engaging in any other business or employment; to the Committee on Post Office and Civil Service.

By Mr. WYDLER (for himself, Mr. LENT, Mr. RONCALLO of New York, and Mr. GROVER):

H.R. 1458. A bill to authorize certain changes to be made in the F–14 aircraft procurement program; to the Committee on Armed Services.

By Mr. YOUNG of Florida:

H.R. 1459. A bill to amend the Federal property and Administrative Services Act of 1949 so as to permit donations of surplus property to public museums; to the Committee on Government Operations.

By Mr. YOUNG of Florida (for himself and Mr. BRASCO):

H.R. 1460. A bill to amend the Communications Act of 1934 to direct the Federal Communications Commission to require the establishment nationally of an emergency telephone call referral system using the telephone No. 911 for such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Florida:

H.R. 1461. A bill to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BAFALIS:

H.J. Res. 128. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right of individuals to participate in prayers in public schools; to the Committee on the Judiciary.

By Mr. BEVILL:

H.J. Res. 129. Joint resolution proposing an amendment to the Constitution of the United States to provide for the mandatory retirement of Judges of the Supreme Court at the age of 70; to the Committee on the Judiciary.

H.J. Res. 130. Joint resolution proposing an amendment to the Constitution requiring that Justices of the Supreme Court be reconfirmed by the Senate every 10 years; to the Committee on the Judiciary.

H.J. Res. 131. Joint resolution proposing an amendment to the Constitution of the United States prohibiting the use of the U.S. mails for the transmission of communications hostile to the Constitution, laws, and form of government of the United States or any State; to the Committee on the Judiciary.

H.J. Res. 132. Joint resolution proposing an amendment to the Constitution of the United States requiring the submission of balanced Federal funds budgets by the President and action by the Congress to provide revenues to offset Federal funds deficits; to the Committee on the Judiciary.

H.J. Res. 133. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of pryer in public buildings; to the Committee on Judiciary.

By Mr. EDWARDS of Alabama:

H.J. Res 134. Joint resolution reciprocity in U.S. territorial waters; to the Committee on Foreign Affairs.

H.J. Res. 135. Joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools or jobs because of race, creed, or color; to the Committee on the Judiciary.

By Mr. LANDRUM:

H.J. Res. 136. Joint resolution to provide for the designation of the week of February 11 to 17, 1973, as "National Vocational Education Week;" to the Committee on the Judiciary.

By Mr. O'HARA (for himself, Mr. ALEXANDER, Mr. ANNUNZIO, Mr. ASHLEY, Mr. BOLAND, Mr. BRASCO, Mr. BRAY, Mr. BROOKS, Mr. BROOMFIELD, Mr. BURLISON of Missouri, Mrs. CHISHOLM, Mr. CLARK, Mr. COLLIER, Mr. CONYERS, Mr. DOMINICK V. DANIELS, Mr. DELLENBACK, Mr. DINGELL, Mr. ESCH, Mr. EVANS of Colorado, Mr. Mr. FISH, Mr. FLOOD, Mr. WILLIAM D. FORD, Mr. GIAIMO, Mr. GROVER, and Mr. HAMILTON):

H.J. Res. 137. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. O'HARA (for himself, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. HUNT, Mr. JOHNSON of Pennsylvania, Mr. KARTH, Mr. KOCH, Mr. KYROS, Mr. LONG of Maryland, Mr. MACDONALD, Mr. MEEDS, Mr. MICHEL, Mr. MOLLOHAN, Mr. MORGAN, Mr. MOORHEAD of Pennsylvania, Mr. MOSHER, Mr. MOSS, Mr. NEDZI, Mr. OBEY, Mr. RIEGLE, Mr. ROONEY of Pennsylvania, Mr. THOMPSON of New Jersey, Mr. WRIGHT, and Mr. WYATT):

H.J. Res. 138. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. O'HARA (for himself, Mr. YATRON and Mr. VANIK):

H.J. Res. 139. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. SATTERFIELD:

H.J. Res. 140. Joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools or jobs because of race, creed, or color; to the Committee on the Judiciary.

By Mr. TALCOTT:

H. Con. Res. 44. Concurrent resolution expressing the sense of the Congress with respect to the withdrawal of all American forces from Vietnam; to the Committee on Foreign Affairs.

By Mr. EDWARDS of Alabama:

H. Res. 101. Resolution to provide for equitable and effective minority staffing on House standing committees: to the Committee on Rules.

H. Res. 102. Resolution to amend the Rules of the House of Representatives; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

4. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the skill centers operated by the Los Angeles Unified School District; to the Committee on Education and Labor.

5. Also, memorial of the Legislature of the State of California, relative to the Genocide Convention of the United Nations; to the Committee on Foreign Affairs.

6. Also, memorial of the Legislature of the State of California, relative to through traffic at Yosemite National Park; to the Committee on Interior and Insular Affairs.

7. Also, memorial of the Legislature of the State of California, relative to Veterans Day; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MAILLIARD:

H. Res. 103. Resolution to refer the bill H.R. 1350 entitled "A bill for the relief of the Del Monte Fishing Company" 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.

By Mr. BEVILL:

H.R. 1462. A bill for the relief of John R. Poe; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 1463. A bill for the relief of Emilia Majowicz; to the Committee on the Judiciary.

H.R. 1464. A bill for the relief of Miss Evelina Persello; to the Committee on the Judiciary.

H.R. 1465. A bill for the relief of Filomena Quaranta; to the Committee on the Judiciary.

H.R. 1466. A bill for the relief of Luigi Santaniello; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.R. 1467. A bill for the relief of Abdul Mannan; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 1468. A bill to authorize the Secretary of the Army, or his designee, to convey two parcels of land at the Fort Sam Houston Military Reservation in exchange for another parcel of land; Committee on Armed Services.