SENATE—*Saturday, January 6, 1973*

The Senate met at 12 o'clock meridian and was called to order by Hon. SAM NUNN, a Senator from the State of Georgia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God we thank Thee this day for a republic in which the will of the people is expressed in free and open elections; for contests which illuminate and instruct the people in the purpose and direction of their own government; for the young who for the first time have exercised the franchise; and for all that makes enduring the institutions which serve the common welfare, assure personal freedom, and an ordered way of life.

We beseech Thee to nourish the people and their leaders in the spiritual verities and moral qualities which make a nation great and good and strong. Cast out pride, violence, greed, and injustice and all that obstructs the doing of Thy will and the coming of Thy kingdom on earth. Draw together the diverse peoples of every race and creed and culture and forge us into one mighty unit strong in the Lord and in the power of His might.

We pray in His name whose rulership is above all nations. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., January 6, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. SAM NUNN, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. NUNN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, January 4, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SELECTION OF SENATOR KENNEDY TO BE CHAIRMAN OF THE TECHNOLOGY ASSESSMENT BOARD

Mr. MANSFIELD. Mr. President, pursuant to Public Law 92-484, Senate members of the Technology Assessment Board, Senators KENNEDY, HOLLINGS, HUMPHREY, CASE, DOMINICK, and SCHWEIKER, have unanimously selected the distinguished Senator from Massachusetts (Mr. KENNEDY) to serve as Chairman of the Technology Assessment Board for the duration of the 93d Congress.

VIETNAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that certain remarks which I made on December 20, 1972, be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STATEMENT OF SENATOR MIKE MANSFIELD

I am personally depressed by the speech of Dr. Kissinger on last Saturday which indicated there was very little light, if any, at the end of the so-called tunnel. I am disturbed at the resumption of bombing north of the 20th parallel because, to me, it is an accentuation of the war and a re-broadening of the area of conflict. This is not the road to peace, but rather the road to a continuing impasse with both sides, if not all sides, being stubborn and unwilling for purposes of prestige or power to give the necessary inch.

It is long past the time when we should consider people, not power or prestige, and go back to the October 26 agreement which held out the prospect of a peace this year. The blood bath, which is Vietnam, Cambodia and Laos, must be ended and the sooner the better for all concerned.

Anger, stubbornness, prestige will not bring this war to a close; the only possible answer I can see is through negotiations. We have gone too far out on a limb based on Dr. Kissinger's report to the press and the nation on October 26, a report which, I believe, was made in good faith. If "peace is at hand", the sooner we achieve that most necessary objective, the better it will be for us and for all concerned. Would not the signing of the October 26th agreement, tentatively agreed to earlier in October, suffice?

The hopes of the American people have been raised and now they have been shattered. How long will this war last? The bombing and mining will not, in my opinion, bring the war to a close. They will only prolong it. The bombing tactic is eight years old. It has not produced results in the past. It will not lead to a rational peaceful settlement now. It is the "stone-age" strategy being used in a war almost unanimously recognized in this nation as a "mistaken" one. It is a raw-power play with human lives, American and others, and, as such, it is abhorrent.

Furthermore, in this longest war in the history of the United States there is the question of the POWS and the Recoverable Missing in Action. What is happening now will lead to new increases in both categories and a lengthening of the delay before they will be returned to the United States. The date of their return will be determined *only* by a peace settlement and that is not in sight at the present time.

Dr. Kissinger, on October 26th, indicated, in effect, and quoting from Hanoi's broadcast of that date, that the reunification of Vietnam was acceptable to the United States. He evidently agreed that the "United States respects the independence, sovereignty and territorial integrity of Vietnam as recognized by the 1954 Geneva agreements," and that "the reunification of Vietnam shall be carried out step by step through peaceful means." The Geneva Accords called for all-Vietnamese elections—north and south—two years after the Accords went into effect. Dr. Kissinger further stated in his October 26th press briefing quoting from a paragraph of a draft of a tentative agreement that "the DRV proposed the cessation of the war throughout Vietnam, withdrawal of U.S. forces," and then it said—a cease-fire in South Vietnam and a total still quoting Kissinger—"The two South Vietnamese parties shall settle together the internal matters of South Vietnam within three months after the cease-fire comes into effect." Dr. Kissinger then said "This has been our position since the beginning of these negotiations. It was never accepted four years ago, three years ago, or two months ago. The first time it was accepted was on October 8. As soon as it was accepted we completed within four days a rough draft of an agreement from which we have since been operating. . . ."

One of the reasons advanced for the stepped-up bombing was a supposed North Vietnamese concentration of men and material to enlarge their operations in the south. Perhaps this is true but it goes contrary to press reports in the preceding time period.

These press reports raise serious questions as to the purpose of the renewed bombing. Is it for some urgent interim military purpose until negotiations are resumed? Or is it an attempt—one more of many attempts—to put the pressure on the North Vietnamese, so we can get out of a tragic and mistaken war without the appearance of a mistake? Is it for that, that we are expending additional planes and, far more serious, additional lives, American and Asian? It is long since past time to stop worrying about saving face and concentrate on saving lives and our own sense of decency and humanity.

The Senate I am sure would be more than willing to give of its advice, counsel, and its full support to the President, to achieve, *not through attrition* but through negotiation, an end to this tragic war. It is the President's for the asking.

SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. MANSFIELD. Mr. President, in recent years, temporary committees of the Senate have been established to look into specific legislative fields concerning major issues facing the American people. Usually these committees are intended to continue in existence for not more than one Congress. However, some have been continued longer because of the scope of the problems encountered.

One of these temporary committees is the Select Committee on Equal Educational Opportunity under the able leadership of its distinguished chairman, the Senator from Minnesota (Mr. MONDALE).

I am pleased to report to the Senate today that Senator MONDALE has advised me that the work of this committee has been completed, and he recommends that the committee should not be continued.

For nearly 3 years, the select committee has conducted thorough and extensive hearings into the complex subject of the education of our Nation's disadvantaged children.

The committee's hearings, studies, and reports, in over 13,000 pages, provide a detailed and thoughtful treatment of the major issues in American elementary and secondary education—including the extent and causes of educational disadvan-

tage, bilingual education, the special educational needs of disadvantaged children, education finance, and the special problems of rural and urban education, as well as the complex questions of ending discrimination in public education.

The committee has conducted exhaustive hearings, it has published an extensive final report, which I understand will be available shortly, and has passed on the job of implementing its recommendations and extending its inquiries to the legislative committees of the Congress.

I wish to commend the committee chairman, the distinguished Senator from Minnesota (Mr. MONDALE), and its ranking minority members—the distinguished Senator from Nebraska (Mr. HRUSKA) and the distinguished Senator from New York (Mr. JAVITS)—for a job well done, and for their decision to publish a report and let the committee expire at this time.

JOINT COMMITTEE ON NAVAJO-HOPI INDIAN ADMINISTRATION

Mr. MANSFIELD. Mr. President, on a separate but related subject, I wish to advise the Senate today that the distinguished chairman of the Committee on Interior and Insular Affairs (Mr. JACKSON), along with the distinguished minority member of the committee (Mr. FANNIN), have recommended that the Joint Committee on Navajo-Hopi Indian Administration be abolished. I understand that Congressman HALEY and other leaders of the House Committee on Interior and Insular Affairs concur in this recommendation.

I wish to congratulate Senator JACKSON and Senator FANNIN for their initiative in this matter and express the appreciation of the leadership for their proposing to disestablish a committee which is no longer necessary in the Congress.

I ask unanimous consent that a letter from the distinguished chairman of the Committee on Interior and Insular Affairs be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C., January 5, 1973.

Hon. MIKE MANSFIELD,
Majority Leader, U.S. Senate,
Washington, D.C.

DEAR MIKE: I have consulted with Senator Paul Fannin, who apparently will become the Ranking Minority Member of the Committee on Interior and Insular Affairs, and it is our recommendation that the Joint Committee on Navajo-Hopi Indian Administration be abolished. Because of problems peculiar to those two tribes, this Joint Committee was created in the 81st Congress under the authority of Public Law 474, an act to promote the rehabilitation of the Navajo and Hopi Tribes of Indians and better utilization of the resources of the Navajo and Hopi Indian Reservations and for other purposes.

As a matter of fact, the Joint Committee has seldom met and has conducted no business to speak of in the past 20 years. Even though it is a paper organization only, it is our suggestion that it be eliminated since any legislative business pertaining to these tribes as well as other Indian groups would have to be conducted by the standing legislative committees of the House and Senate.

I have consulted also with Congressman Haley and other leaders of the House Committee on Interior and Insular Affairs and have been advised that they concur in our recommendation that this Committee be disestablished.

We urge, therefore, that this Joint Committee be abolished.

Sincerely yours,

HENRY M. JACKSON,
Chairman.

SENATE RESOLUTION 9—TO ESTABLISH A SPECIAL COMMITTEE ON THE TERMINATION OF THE NATIONAL EMERGENCY

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Idaho (Mr. CHURCH), and with the approval of the distinguished Republican leader and all parties intimately concerned, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of Senate Resolution 9 and that the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, the committee will be so discharged and the clerk will state the text of the resolution.

The assistant legislative clerk read as follows:

RESOLUTION TO ESTABLISH A SPECIAL COMMITTEE ON THE TERMINATION OF THE NATIONAL EMERGENCY

Whereas the existence of the state of national emergency proclaimed by the President on December 16, 1950, is directly related to the conduct of United States foreign policy and our national security: Now, therefore, be it

Resolved, That (a) there is established a special committee of the Senate to be known as the Special Committee on the Termination of the National Emergency (hereinafter referred to as the "special committee").

(b) The special committee shall be composed of eight Members of the Senate equally divided between the majority and minority parties to be appointed by the President of the Senate, four of whom shall be members of the Commtitee on Foreign Relations.

(c) The special committee shall select two cochairmen from among its members, one from the majority party and one from the minority party. A majority of the members of the special committee shall constitute a quorum thereof for the transaction of business, except that the special committee may fix a lesser number as a quorum for the purpose of taking testimony. Vacancies in the membership of the special committee shall not affect the authority of the remaining members to execute the functions of the specal committee.

SEC. 2. It shall be the function of the special committee to conduct a study and investigation with respect to the matter of terminating the national emergency proclaimed by the President of the United States on December 16, 1950, and announced in Presidential Proclamation Numbered 2914, dated the same date. In carrying out such study and investigation the special committee shall—

(1) consult and confer with the President and his advisers;

(2) consider the problems which may arise as the result of terminating such national emergency; and

(3) consider what administrative or legislative actions might be necessary or desirable as the result of terminating such national emergency, including consideration of the desirability and consequences of terminating special legislative powers that were conferred on the President and other officers, boards, and commissions as the result of the President proclaiming a national emergency.

SEC. 3. (a) For the purposes of this resolution, the special committee is authorized in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to hold hearings, (4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (5) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (6) to take depositions and other testimony, (7) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The co-chairmen of the special committee shall preside over meetings of the special committee, except that (1) in the absence of one of the co-chairmen, the other co-chairman may preside, and (2) in the absence of both co-chairmen, any other member of the special committee designated by both co-chairman may preside.

(c) Either co-chairman of the special committee or any member thereof may administer oaths to witnesses.

(d) Subpenas authorized by the special committee may be issued over the signature of either co-chairman, or any other member designated by the co-chairmen, and may be served by any person designated by the co-chairman or member signing the subpena.

SEC. 4. For the period from January 3, 1973, through February 28, 1974, the expenses of the special committee under this resolution shall not exceed $175,000, of which amount not to exceed $25,000 shall be available for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended.

SEC. 5. The special committee shall make a final report of its findings, with respect to such period together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974. The special committee may also submit to the Senate such interim reports as it considers appropriate. Upon submission of its final report, the special committee shall cease to exist.

SEC. 6. Expenses of the special committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the two co-chairmen of the special committee.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

RETIREMENT OF REAR ADM. RUFUS PEARSON AS CAPITOL PHYSICIAN

Mr. MANSFIELD. Mr. President, I am confident that I speak for every Member of the Senate in offering my most heartfelt congratulations to Rear Adm. Rufus Judson Pearson, Medical Corps, U.S. Navy, on the occasion of his retirement from the U.S. Navy. Dr. Pearson has served here at the Capitol for the past 6½ years—and all of those who have

availed themselves of his services and the services of his office will feel the loss of a friend. It is not only a loss to us but a loss to the Navy. Dr. Pearson has created a medical facility in the Capitol that is almost unequaled. His main purpose was our health and well being, but also he was there to offer his friendship and advice whether it be for us, our families, or our staffs. No task was too great, no hours too late, no burden too heavy for "Jud" Pearson. He accompanied the minority leader and myself to China this past year and it was a true consolation having him along. Dr. Pearson's integrity, dedication, and deep devotion have been the cause of his excellence in his present position.

Assigned to the Congress in 1966, Dr. Pearson succeeded Dr. George W. Calver, who held the post from 1928 to 1966. Although by comparison Dr. Pearson's tenure was short—his accomplishments were not.

He encouraged annual physical examinations for all Members; introduced the miniaturization of electrocardiograms in order that we might always have a copy of our latest one with us for comparison—should the need arise; added an X-ray unit to eliminate our traveling to another facility, and thereby saved us precious time. In general, he completely revamped and reorganized the Attending Physician's Office, making it the smooth running operation it is today.

In ceremonies here at the Capitol on January 3, 1973, Dr. Pearson retired after more than 26 years of active service. Vice Adm. George M. Davis, M.C., U.S. Navy, the Navy Surgeon General, presented Admiral Pearson with the Distinguished Service Medal in behalf of the President. His citation read, in part:

> For exceptionally meritorius service to the government of the United States in a duty of great responsibility as the Attending Physician to Congress during the period March 1966 to January 1973.

His service was rightly described as "exceptionally meritorious."

Dr. Pearson and his wife, Emily, plan to retire in Whispering Pines, N.C. I wish them every good fortune and good health.

Upon completion of the retirement ceremonies, Dr. Freeman H. Cary was appointed to the rank of rear admiral as he assumed the duties as the third Attending Physician to Congress.

May I say, Mr. President, that Dr. Cary is in the tradition of Dr. Pearson, and it is my opinion that we are extremely fortunate to have Dr. Cary here in such an important capacity.

The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania desire to be heard?

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent to yield my time to the distinguished Senator from Vermont (Mr. AIKEN).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. AIKEN. Mr. President, I do not think there is a Member of this Senate or anyone who has been a Member of the Senate during the past 5 or 6 years who does not subscribe to everything that has been said by the distinguished majority leader.

Dr. Pearson will probably be missed as much as anyone who has ever worked in the Capitol. It did not matter what we called him. We started out calling him "Admiral," and pretty soon we called him "Doctor." Finally, he got to be known as "Jud" and his wife as Emily. They certainly are people with whom we could be very proud to have worked.

Dr. Pearson was not only a Capitol doctor or a Navy doctor; he was a family doctor as well. I know that many of us received a good deal of advice from him, perhaps some which is not to be found in all the medical books; but we appreciate it very much.

We are very glad, also, that Dr. Cary is taking Dr. Pearson's place now, if anyone had to take his place. Dr. Cary is an admiral, I believe. I do not know how long he will be called "Admiral" or how long he will be called "Doctor." We certainly welcome him, too, and also express our hope—I do, anyway—that Jud and Emily Pearson will have a very happy life and a long one, although I would rather that they had retired to Vermont.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senate will now proceed to the transaction of routine morning business, for a period of 30 minutes, with each Senator to be recognized for not to exceed 3 minutes.

REPORT OF THE SECRETARY OF THE SENATE REGARDING ADMINISTRATION OF OATH TO SENATOR BIDEN OF DELAWARE

The ACTING PRESIDENT pro tempore. The Secretary of the Senate has a report to submit to the Senate pursuant to Senate Resolution 8, which he will now make.

The SECRETARY OF THE SENATE (Mr. Francis R. Valeo). Mr. President, having been authorized by the Senate, in accordance with the provisions of Senate Resolution 8, agreed to on January 3, 1973, to administer the oath of office to the Honorable JOSEPH R. BIDEN, JR., Senator-elect of Delaware, I now wish to submit my report to the Senate.

I administered the oath of office to Senator BIDEN in the Wilmington General Hospital, Delaware Division, in Wilmington, Del., on yesterday, January 5, 1973, and hand to the President of the Senate a signed copy of the oath, which is in addition to the oral affirmation made by the Senator as required by law. May I add that Senator BIDEN expressed his deep appreciation to the Senate for having been granted permission to take his oath of office in this fashion, in the company of his two sons, who are now receiving medical care in the Wilmington General Hospital.

The ACTING PRESIDENT pro tempore. The oath will be placed on file and, without objection, will be printed in the RECORD at this point.

The text of the oath reads as follows:

> I do solemnly swear that I will support and defend the Constitution of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.
>
> JOSEPH R. BIDEN, JR.
>
> Signed at 12:50 p.m., at Wilmington General Hospital, Delaware Division, in the city of Wilmington, Delaware, on January 5, 1973.
>
> FRANCIS R. VALEO,
> *Secretary of the Senate.*

THE FAITHLESS ELECTOR AND ELECTORAL COLLEGE REFORM

Mr. MUSKIE. Mr. President, for the seventh time in our history, we will be confronted this afternoon with disregard of the popular vote for President by a "faithless elector." Mr. Roger McBride, an elector from Virginia, has cast his electoral vote for Dr. John Hospers of the Libertarian Party even though Mr. Nixon won the popular vote in his State. Mr. McBride's faithlessness to the will of the voters of Virginia once again underscores the need for a constitutional amendment providing for direct popular election of the President.

Confronted by a similar situation 4 years ago, Representative O'HARA of Michigan and I lodged a formal objection to a wayward electoral vote. After thorough debate, both Houses of Congress declined to reject that faithless act. I have no intention of invoking the cumbersome procedures necessary to reexamine that decision. But I wish to point out that during that debate there was universal consensus that disregard of the popular presidential vote was wrong. At that time, I said that:

> My principal purpose in joining in this effort is to open the issue, to expose it, perhaps to identify the dangers and the risks, and by doing so to stimulate the movement for institutional reform of the entire process.

That reform has still not come, but is no less urgent today.

The choice of our President still lies not with the people, but with the electoral college—a small, usually hand-picked, body of men and women who owe no debt to the public and who, in fact, are unknown to the public.

Mr. McBride has reminded us that our democracy could be undermined by a small band of faithless electors and that the system must be changed to guarantee that this cannot happen again.

We must amend the Constitution to provide for the most direct, effective, and fool-proof possible means of electing a President.

By eliminating the elector, we can insure that there are no intermediaries who are "useless if faithful, dangerous if not." And we can put to rest the fear that the perverse compound arithmetic of the electoral college will some day give us a President who was clearly rejected by the popular vote of the people.

It is time now for Congress to take affirmative action to end this outmoded, undemocratic, and haphazard system. I hope that during the coming session we can adopt and refer to the States a pro-

posed constitutional amendment to provide direct popular election of the President, under uniform voting procedures, to insure that the millions of voters who are now effectively disenfranchised can be heard.

UNITED STATES REFUSAL TO RECEIVE NEW AMBASSADOR FROM SWEDEN

Mr. PELL. Mr. President, recently, the U.S. Government advised the Government of Sweden that a new ambassador from that country would not be welcomed here at this time. I believe this action by our Government is mistaken, petty, and inappropriate.

The action reportedly was taken because the executive branch was piqued by the Prime Minister of Sweden, Olof Palme, publicly criticizing our recent bombing of North Vietnam.

Certainly, the Prime Minister spoke bluntly. According to the New York Times, he said:

> Things should be called by their proper name. What happens today in Vietnam is a form of torture. There can be no military motives for the bombings. Military spokesmen in Saigon have denied that there is any step-up of military activity on the part of the North Vietnamese. Nor could it be Vietnamese obstinacy at the negotiation table.
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> Resistance against the October agreement in Paris comes primarily as was pointed out by the New York Times, from President Thieu in Saigon. What is being done is that people are being tormented, to humiliate them to force them to submit to the language of force. That is why the bombings are an outrage.
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> There are many of this kind in modern history. They are often connected with names—Guernica, Oradour, Babi Yar, Katyn, Lidice, Sharpeville, Treblinka. Violence has triumphed but the judgment of history has been hard on those who carried the responsibility. Now there is one more name to add to the list—Hanoi, Christmas, 1972.

I can understand that such straightforward talk would discomfit the administration. But I think it should be recognized that the views expressed by Mr. Palme reflect the thoughts, as well, of many of us in the Congress and many tens of millions of American citizens who have been appalled by the massive terror bombing of Hanoi and Haiphong.

Yet, when these thoughts were expressed by Mr. Palme, the administration reacted by saying, "Do not send us an ambassador." It is perhaps another indication that the administration simply cannot tolerate criticism or opposition to its policies, whether from our friends overseas or from within our own country.

This is not the first time that the administration has overreacted to words of criticism by Mr. Palme. I served as an adviser to the U.S. delegation to the Stockholm Conference on the Human Environment and recall that Mr. Palme somewhat insistently raised the issue of ecological warfare in Indochina—an issue that was in fact on the minds of every delegate at the conference. In that instance also, the U.S. delegation, on direct instructions from the White House, overreacted with a stinging response to the unfortunate Mr. Palme.

It might be helpful for the administration, considering the comments of the Swedish prime minister, to remember that he speaks for a nation with a record of concern and achievement, at least equal to our own, in improving the quality of life, in promoting peace, and in developing civilization. We need only remember that Sweden is the home of the Nobel prizes to realize that it is a nation in which humanitarian concerns are deeply rooted.

With that background, it should not be surprising that the Prime Minister of Sweden should speak out strongly about the massive terror bombing of North Vietnam.

If our Government insists on engaging in activities that go against the grain of world opinion, it cannot improve its standing among the nations of the world by petulantly refusing to receive ambassadors.

I would hope that this ill-advised action will soon be countermanded.

EQUALITY FOR INDIANS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD two editorials, one entitled "The New Indian," the other entitled "Equality for Indians," which were printed in the Independent Record of Helena, Mont., under date of December 22, 1972, and December 27, 1972.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

THE NEW INDIAN

A new Indian is emerging. The day of playing straight man to a pistol packing masked man or slick suited bureaucrat is fading.

The new Indians have had their training in red ghettos, government reservations and the civil rights movement.

They are tough, intelligent, young and dedicated to restoring the pride and dignity which have been stripped by years of broken promises from a number of "great white fathers."

It was the new Indians who spearheaded the "Caravan of Broken Treaties," which ended with the sacking of the Bureau of Indian Affairs building in Washington, D.C.

The broken promises which led the red men and women to Washington were amplified by more broken promises when they arrived.

Frustrated by a lumbering, unresponsive BIA, they turned their energies to wreaking havoc on the symbol of their frustrations—the BIA building. Their wrath was blindly and wrongly administered.

The aftermath was predictable. White Americans listened and read reports of the destruction and reiterated trite cliches.

However, cooler heads looked beyond the damages and dollar signs. These persons were more interested in tempering rage, solving problems and redirecting energies.

The administration's purge of the BIA hierarchy is a start at redesigning an agency which will be responsive to both militant and establishment Indians—a service rather than paternal organization.

The new Indians have the potential and spirit to help restore lost dignity. However, the path of violence and destruction must give way to unity and reason.

If dealt with honestly and openly the new Indians can be a moving force in reshaping the destiny of their people.

EQUALITY FOR INDIANS

The federal government is bullish on equality, but has been so unequal in its treatment of Indians that now the Bureau of Indian Affairs (BIA) finally finds itself with its back to the wall.

When the Indians marched on Washington they had a list of demands they wanted the "benevolent" BIA to meet.

One of those demands has so far at least partially been met. The 9th Circuit Court of Appeals has overturned a lower court decision. The appellate court ruling, in effect, requires the federal government to provide aid to all Indians—"throughout the United States"—whether they live on reservations or not.

The government is, of course, going to appeal the decision to the U.S. Supreme Court. The bureaucrats say that such broad distribution of available money would dilute assistance programs so much that neither reservation nor urban Indians could receive meaningful help. Whether the Indians ever have received any "meaningful" help is most certainly open to debate.

It also just happens that the ruling is binding only in the 9th Circuit area—which includes Montana, Arizona, Nevada, Oregon, Utah and Washington. It also just happens that a majority of the American Indians live in this area.

We're so damn busy investing in bombs to blast Vietnam out of the 20th Century that we can't quite see fit to do something for a people that we herded onto desolate reservations like so many head of cattle, patted them on the head and said "now be good little boys and girls and if you behave we'll send a token of our appreciation your way every now and then."

So, each Indian tribe had its own little Happy Hunting Ground and the white man was SOOO pleased. Some tribes haven't faired too badly. For the majority, the arrival of the white man has been a disaster. What Indian in his right mind would want to celebrate Thanksgiving?

It seems to be the feeling in and out of government that the Indian is basically a lazy individual who is content to live on a reservation making blankets and beads.

We have lost sight of the fact that the American Indian spent his life roaming and living off the land. It was a carefree life, but it was also fraught with hardship and danger.

The love to hunt and fish is part of the American Indians' heritage—and nature.

Finally, someone back in Washington discovered something that the Indians had known for a long time: Life on the reservation was lousy.

So, in a move to help the Indian the government started a relocation program. The theory apparently was that if the Indian was moved off of the reservation he would be assimilated by the white society.

In many instances (probably a majority of cases) the program didn't work out too well. The reasons are obvious.

How would you like to be told one day that your government was going to help you get out of the mess it had gotten you into in the first place? You don't like the reservation? Okay, we've got a job for you in the steel mills in Gary, Ind.

As you can well imagine, the thought was so terrifying that the immediate impulse, no doubt, was to run out and buy a bottle of bootleg wine. Or, if the Indian decided to take Uncle Sam up on his generous offer he found that he couldn't cope with the outside world by himself and soon ended up back on the reservation drinking bootleg wine with his buddies down by the railroad tracks.

Time changes all things. And, naturally, it has changed the situation of the Indian somewhat. More Indians are leaving the res-

ervation. Many pursue college or vocational educations.

Others simply leave and enter another world full of problems.

Many tribes have started small businesses or industries on their reservations—with government help of course—and this is as it should be.

The government continues to maintain "agencies" on the reservations to counsel the Indian. But what of those who leave? The BIA hasn't seen fit to give them the time of day.

Today's Indian is demanding the right to equality and self-determination; but until the government starts treating Indians as equals within their own race, self-determination will be nothing more than a hyphenated word.

THE HARASSMENT OF GORDON RULE

Mr. PROXMIRE. Mr. President, last year the excellent performance of Gordon Rule as the Navy's top civilian procurement officer was recognized. He was given the highest award the Navy can give a civilian. This year it is different. The Navy has treated Gordon Rule shockingly. Why the sudden change? What has happened to the top procurement officer recognized for his excellence in a field in which both our national security and billions of dollars are at stake. What did he do?

Gordon Rule testified before the Joint Economic Committee on December 19, 1972. As he has often done in the past, he responded to questions in a candid and forthright manner. He is not one to cover up abuses in contracting procedure by defense firms or by the Government. He gave Congress the best information at his disposal and this is as it should be.

RULE ADHERED TO GOVERNMENT CODE OF ETHICS

Mr. Rule was formally requested to appear before the Joint Economic Committee. The Navy permitted him to come. In fact, he came in place of Adm. Isaac Kidd, Jr., his superior. Gordon Rule fulfilled his obligation to Congress and the people of this country by answering questions honestly as set out in the code of ethics for Government service in House Concurrent Resolution 175 during the 85th Congress.

Now he is being persecuted for following the law. Less than 24 hours after he testified, Admiral Kidd attempted to intimidate Mr. Rule and force his resignation while he was home sick in bed. When this was unsuccessful, Admiral Kidd transferred Mr. Rule to a dead-end job as a consultant to a Navy logistics school. This is harassment, intimidation, and retaliation. It came as a direct consequence of his testimony before the Joint Economic Committee.

POSSIBLE VIOLATION OF LAW INVOLVED

If this situation is permitted to stand, all witnesses before Congress will be nothing more than censored recordings of whatever the executive department wants Congress to know.

Mr. Rule should be afforded the protection of title 18 of the United States Code which provides for up to 5 years imprisonment and/or up to $5,000 in fines for intimidation of witnesses and obstruction of the power of inquiry of a committee of Congress. This law should be enforced.

NO REPLY FROM THE DEPARTMENT OF DEFENSE

The harassment of Gordon Rule cannot be permitted to continue. I wrote the Secretary of Defense and the Secretary of the Navy on December 22 asking that the harassment of Mr. Rule be stopped. No reply has yet been received. It only took 24 hours to begin intimidating Mr. Rule. But the Pentagon could not find time during the next 2 weeks to respond to a letter from the chairman of the committee.

The Defense Department would like to isolate Mr. Rule and allow the whole issue to slip away quietly. But the issue is not one that can be easily glossed over, for it goes to the heart of the relationship between Congress and the executive branch. It is censorship. It is interference with the rightful powers of Congress. It is a blatant disregard of free speech. It is government by edict. It is dishonest.

Mr. President, I ask unanimous consent that two editorials, one from the New York Times and the other from the Washington Post regarding the Gordon Rule incident, be printed in the RECORD at this point and that the wording of title 18, United States Code 1505, and House Concurrent Resolution 175 of the 85th Congress also be printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times]

PUNISHING MR. RULE . . .

The Navy's chief of materiel, Admiral Kidd, has tried to make a high-ranking civilian official of the Navy walk the plank for fixing the blame for the multibillion-dollar cost overruns and the bailout of giant defense contractors not only on the contractors and the Pentagon but on the Nixon Administration itself.

The civilian official, Gordon W. Rule, director of the Navy's procurement control, rejected Admiral Kidd's effort to pressure him into retirement. In view of Mr. Rule's long and excellent record, it will be hard for the Navy to fire a man who was a Navy captain, has spent thirty years in Government service, and who only last year was named the outstanding civilian employe of the Navy. However, if it cannot fire him, the Navy can be counted on to harass and isolate him; it has already transferred Mr. Rule to a minor job as a consultant to a supply school.

The Rule case parallels that of a A. Ernest Fitzgerald, a former Air Force Deputy Assistant Secretary, who three years ago was first transferred to inspect a bowling alley in Thailand and then dismissed for publicly criticizing cost overruns on Lockheed's C–5A military transport. Mr. Fitzgerald has been given the run-around by the Justice Department and Civil Service Commission in his effort to get reinstatement for himself and punishment for those who harassed and dismissed him. Title 18 of the United States Code provides for five years in prison and a $5,000 fine for intimidating witnesses before a Congressional committee. This should be enforced. As the then Senator Richard M. Nixon declared on the floor of the Senate twenty-one years ago, "Unless protection is given to witnesses who are members of the armed services or employes of the Government, the scheduled hearings will amount to no more than a parade of yes men for the Administration policies as they exist."

Congress must now find a way to protect courageous civil servants who give honest testimony in response to its questions. If it fails to do this, yet another source of information and criticism of the executive branch will atrophy. The Nixon Administration, which has done its best to smother criticism from outsiders, such as television and the press, would like to obliterate it from insiders, such as Mr. Rule.

In addition to raising once more the issue of how to protect Government officials from reprisals, the Rule testimony again raises the huge and vexatious issue first dramatized by President Eisenhower in his farewell address—the impact of "the military-industrial complex" on national policy.

In response to a direct question from Senator Proxmire about the wisdom of the President's appointment of Roy L. Ash, former president of Litton Industries, to become head of the Government's Office of Management and Budget, Mr. Rule said he considered it a mistake for the President to appoint him and "a worse mistake" for Mr. Ash to accept.

Litton Industries is asking the Navy for $544 million above its original estimates on several ship contracts, and Mr. Ash has said that, as budget director, he would not disqualify himself from decisions affecting the Navy—and presumably Litton. He says he would be "objective." But the question whether Mr. Ash would indulge in "hanky-panky"—and there is no reason to believe that he would—is far less important than whether it makes sense for the Government's top budget officer to be a man straight from the heart of the defense community, which generally identifies massive military spending with the national interest.

The directorship of the Office of Management and Budget has become one of the most critical posts in the Federal Government, yet the man named to the job by the President does not have to face Congressional examination or receive Senate confirmation. Congress should approve the bill introduced by Representative Melcher of Montana that would require Senate confirmation of the budget director. And it has an obligation to keep watch on the fate of Mr. Rule, to see that he is not victimized for his honesty and courage.

[From the Washington Post, Jan. 4, 1973]

THE BAIL-OUT BUSINESS

Gordon W. Rule, the Navy procurement official who was summarily reassigned (which is to say, demoted) after speaking his mind on some Navy shipbuilding contracts in Mississippi, has been in trouble before. A couple of years ago, it was his effort to turn down excessive reimbursement claims from a company building destroyer escorts in Louisiana. This time around, Mr. Rule took on Litton Industries and its president, Roy L. Ash, who has recently been named Director of the Office of Management and Budget by Mr. Nixon. Mr. Rule, testifying before the Joint Economic Committee, had some rather harsh things to say about Mr. Ash and his fitness for the OMB post, based—among other things—on Mr. Ash's involvement in Litton efforts to use taxpayers' money to bail out its costly shipbuilding projects in Mississippi—projects which have seen prolonged delivery delay and which have produced cost overruns of hundreds of millions of dollars. Mr. Rule's "crime" seems to have been twofold: his attack on Mr. Ash's fitness to serve and his skepticism concerning Litton's claims for reimbursement of costs which Mr. Rule believes the contractor, not the government, should bear.

In the commotion that has ensued, a couple of things are clear. One is that the handling of Mr. Rule by the administration—whatever its disciplinary prerogatives—was

another example of retaliatory overkill. It may do wonders for discipline in the ranks, but it cannot do much to encourage candor or independence on the part of those civilian and military personnel charged with bringing our overblown defense costs under control. The other thing that is plain is that Mr. Rule—whatever his verbal excesses—was fundamentally right about the Litton affair in Mississippi, right in stressing the contractor's responsibility and right in perceiving that, at the very least, the administration should find some way to remove its prospective OMB director from decisions affecting compensation for Litton.

All this, of course, does not begin or end with the episode at hand, which is primarily suggestive and symptomatic. For the fact is that even if the Navy and the administration reversed themselves on this particular matter and gave Mr. Rule a pay raise and a parade, they would not have got to the heart of the matter. One need only contemplate the Grumman F-14 mess (in which the contractor, having bought in low to the contract, is now demanding another half billion dollars to fulfill it) or ponder the fact that the Navy is now lending funds to Grumman and buying stock in another contractor's company (Gap Instrument on Long Island) to realize how badly the military procurement business is in need of an overhaul.

The President's blue ribbon defense committee made some wise recommendations a couple of years ago on trying to bring order and equity to the procurement process, and former Deputy Defense Secretary Packard made some useful moves in that direction. But the proliferation of after-the-fact claims for compensation, the unusual loans and investments being made by the military itself, and the enormous pressures brought on government to pay for the contractors' mistakes (and subterfuges) all suggest that Congress could do worse than address itself to this whole question of "bail-outs" in the coming year. If the unceremonious "reassignment" of Mr. Rule has helped call attention to the scandalous situation that prevails, it may turn out to have been, at least in one respect, a useful act—despite the intentions of those responsible for it.

TITLE 18.—CRIMES AND CRIMINAL PROCEDURE

§ 1505. Obstruction of proceedings before departments, agencies, and committees.

Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any witness in any proceeding pending before any department or agency of the United States, or in connection with any inquiry or investigation being had by either House, or any committee of either House, or any joint committee of the Congress; or

Whoever injures any party or witness in his person or property on account of his attending or having attended such proceeding, inquiry, or investigation, or on account of his testifying or having testified to any matter pending therein; or

Whoever, with intent to avoid, evade, prevent, or obstruct compliance in whole or in part with any civil investigative demand duly and properly made under the Antitrust Civil Process Act or section 1968 of this title willfully removes from any place, conceals, destroys, mutilates, alters, or by other means falsifies any documentary material which is the subject of such demand; or

Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which such proceeding is being had before such department or agency of the United States, or the due and proper exercise of the power of inquiry under which such inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both. (June 25, 1948, ch. 645, 62 Stat. 770; Sept. 19, 1962, Pub. L. 87-664, § 6(a), 76 Stat. 551; Oct. 15, 1970, Pub. L. 91-452, title IX, § 903, 84 Stat. 947.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U.S.C., 1940 ed., § 241a (Mar. 4, 1909, ch. 321, § 135a, as added Jan. 13, 1940, ch. 1, 54 Stat. 13; June 8, 1945, ch. 178, § 2, 59 Stat. 234).

Word "agency" was substituted for the words "independent establishment, board, commission" in two instances to eliminate any possible ambiguity as to scope of section. (See definitive section 6 of this title.)

Minor changes were made in phraseology.

REFERENCES IN TEXT

The Antitrust Civil Process Act, referred to in text is, classified to chapter 34 of Title 15, Commerce and Trade.

AMENDMENTS

1970—Pub. L. 91-452 added reference to section 1968 of this title.

1962—Pub. L. 87-664 substituted the catchline "Obstruction or proceedings before departments, agencies, and committees" for "Influencing or injuring witness before agencies and committees" and punished the willful removal, concealment, destruction, mutilation, alteration or falsification of documents which were the subject of a demand under the Antitrust Civil Process Act if done with the intent to prevent compliance with a civil investigative demand.

CROSS REFERENCES

Bribery of public officials or witnesses, see section 201 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 203 of this title; title 12 section 1457.

H. CON. RES. 175

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the following Code of Ethics should be adhered to by all Government employees, including officeholders:

CODE OF ETHICS FOR GOVERNMENT SERVICE

Any person in Government service should:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.

3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.

4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.

5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.

7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

9. Expose corruption wherever discovered.

10. Uphold these principles, ever conscious that public office is a public trust.

Mr. PROXMIRE. Mr. President, last night in an article in the Washington Star-News Orr Kelly disclosed a further turn in the rack against Mr. Rule.

Mr. Rule has appealed his "off-to-Siberia" treatment to the Civil Service Commission.

Now let us be honest about it. Rule was not disciplined because he spoke out against Navy contracts in general. Rule got the axe because he answered a question I asked him in that hearing on December 19.

I pointed out to Rule in some detail how disgracefully inept was the management by Litton, of which Mr. Roy Ash was the chief executive office—of the Pascagoula shipyards where hundreds of millions of dollars of naval ships are being constructed. I then asked Mr. Rule whether in view of its demonstrated incompetence Mr. Roy Ash should have been appointed to the Office of Management and Budget, certainly one of the top positions in our Government, a post of great power and one which should require above all a record of competence. His response was no, he should not have been appointed; it was a mistake.

And Mr. Rule said it was a bigger mistake for Mr. Ash to take the job. I asked Mr. Rule to tell us why he thought this. He did.

For that act of committing the truth, Mr. Rule has been transferred from his job, moved out of his office, and confined to a consulting capacity.

He has appealed that action by the Navy to the Civil Service Commission. Now comes the latest twist.

One of the three members of that commission is a director and paid consultant of the Litton Co. Further, that Commissioner has said she has great admiration for Mr. Ash, and she has not indicated that she will disqualify herself. In the article last night by Orr Kelly he pointed out that Mrs. Spain said she might disqualify herself, but she has not disqualified herself at any time for any action taken by the Civil Service Commission, despite the fact she was a director and receives $7,500 a year from Litton. The Nation's 11th largest defense contractor. This is a direct and patent conflict of interest. I ask unanimous consent to have printed in the RECORD the article by Orr Kelly which was published in the Washington Star-News of yesterday.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LITTON DIRECTOR MAY HEAR CASE

(By Orr Kelly)

Gordon Rule, who was bounced from his job as the top Navy procurement officer after criticizing the President for picking the head of Litton Industries as the new director of the Office of Management and Budget, has been dealt a new surprise.

He filed an appeal from the Navy's action with the Civil Service Commission

yesterday—only to discover that the vice chairman of the three-member commission is a director and paid consultant to Litton.

The relationship between Litton and commission Vice Chairman Jayne Baker Spain was uncovered by Walter Pincus, an associate editor of the New Republic, and is reported in the magazine's forthcoming issue.

Mrs. Spain said in a telephone interview last night that she has been a member of the Board of directors of Litton since Aug. 26, 1970.

She said she also receives $7,500 a year from Litton as part of an agreement made in 1965 when Litton, then at the zenith of its success as a conglomerate, was taking over the Alvey-Ferguson Company, of Cincinnati, Ohio, of which she had been president since 1951.

Under that agreement, she said she agreed to remain as president of the Alvey-Ferguson division of Litton, which makes conveyor systems, or to be available as a consultant for 10 years. She resigned as president on March 15, 1971, and was sworn in as vice chairman of the Civil Service Commission on June 14, 1971. She gets $38,000 a year in that job.

Since going to work for the government, she said, she has done no consulting work—for which she would have been paid $200 a day, under the contract—but has received the $7,500 yearly fee provided for under the 1965 agreement.

Mrs. Spain said she had been out of town for the last 10 days. But she said the procedure followed by Rule, as described to her by a reporter, did not follow the normal procedure.

Rule personally delivered a six-page complaint about his treatment by the Navy to the office of the chairman of the Civil Service Commission yesterday.

Instead, she said, he should have filed a grievance with the Navy. If he received no satisfaction there, she said, he could appeal to the Board of Appeals and Review.

Then, she said, if he was still dissatisfied with the outcome, he could petition the commission to consider his case. Finally, he could take the case to court.

That process, she said, could take about a year.

"Should this case come to the commission and if anyone felt I could not act in a totally nondiscriminatory fashion I could excuse myself from participation," she said.

In the year and one-half she has been a member of the commission, however, she has never felt it necessary to take such action, she added, despite her relationship with the nation's 11th largest defense contractor.

Rule was assigned to a naval training school job two days after he told a congressional committee he thought it was a mistake for President Nixon to name Roy L. Ash, president of Litton, as head of the Office of Management and Budget and an even worse mistake for Ash to take the job.

Mrs. Spain said that she had known Ash both during the time she headed one of the Litton divisions and as a member of the board of directors.

"I have great respect for Mr. Ash as a human being," she said. "I respect and like him as an individual. He has a tremendous budgetary mind and grasp."

ANNOUNCEMENT ON JOINT SESSION TODAY

Mr. MANSFIELD. Mr. President, for the information of the Senate, at 10 minutes to 1 the Senate will march in a body to a joint session with the House of Representatives in the Hall of the House of Representatives.

EXTENSION OF TIME FOR PRESIDENT TO TRANSMIT BUDGET MESSAGE AND THE ECONOMIC REPORT TO CONGRESS AND EXTENSION OF TIME WITHIN WHICH JOINT ECONOMIC COMMITTEE SHALL FILE ITS REPORT

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 1.

The ACTING PRESIDENT pro tempore laid before the Senate House Joint Resolution 1, extending the time within which the President may transmit the budget message and the Economic Report to the Congress and extending the time within which the Joint Economic Committee shall file its report, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask for the immediate consideration of the joint resolution.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. ROBERT C. BYRD. Mr. President, I send to the desk an amendment and ask that it be stated by the clerk.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The amendment was read as follows:

At the end of the joint resolution insert the following new section:

SEC. 2. Not later than January 29, 1973, the President shall transmit to the Congress (1) the reports, with respect to all funds impounded on or after October 27, 1972, and before January 29, 1973, required by section 203 of the Budget and Accounting Procedures Act of 1950 (as added by section 402 of the Federal Impoundment and Information Act), and (2) a report, with respect to all funds impounded on or after July 1, 1972, and before October 27, 1972, containing the same information as is required by such section.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. ROBERT C. BYRD. Mr. President, the law requires the submission of the budget by the President within 15 days following the convening of the Congress. This year, due to the fact that Congress convened on the third of January, the budget would have to be submitted by the President, under the law, by January 18.

House Joint Resolution 1, which has come over from the other body, would extend the time during which the President could submit the budget by 11 days, in accordance with the wishes of the President. This would mean that the President could then have until January 29 to submit his budget for fiscal year 1974.

My amendment would require, along with the submission of the budget or prior thereto, the submission to the Congress of a report which would indicate all of the funds that have been impounded by the executive branch, and the reasons therefor, since July 1, 1972, and up to January 29, 1973.

May I say that from time to time the executive branch has submitted such reports to the Congress. The last such report, however, was submitted on June 30, of last year. I ask unanimous consent at this time, Mr. President, that such report be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. ROBERT C. BYRD. Consequently, Mr. President, the Congress does not know what funds have been impounded, or the reasons therefor, since the date of June 30, 1972.

During the consideration of the law—Public Law 92-599—which was enacted extending the debt ceiling on last October 27, the distinguished Senator from Minnesota (Mr. HUMPHREY) offered an amendment which would require that any impoundments made by the executive branch be reported "promptly" to the Congress but with no interpretation or definition of the word "promptly." In any event, no such reports have been submitted thus far. Of course, I recognize the fact that Congress was not in session following adjournment, until January 3 of this year. But we have been in session since January 3, and there is no indication as to when a report may be expected from the executive branch with respect to the funds that have been impounded even since October 27, 1972, to say nothing of the funds impounded prior thereto and subsequent to June 30 of last year. So, insofar as reports on the impounding of funds "promptly" to the Congress is concerned, that was required in the law extending the debt limit on October 27 of last year.

My amendment today would not only encompass the submission of the reports required by Public Law 92-599, but would also require that there be a submission of a report with respect to funds impounded—including the information required in the law extending the public debt limit on last October 27—by or before January 29 of this year, and it would extend back to and including July 1 of last year.

Mr. GRIFFIN. Mr. President, would the Senator yield to me for a suggestion?

Mr. ROBERT C. BYRD. Mr. President, if the Senator would wait a moment, I shall be glad to yield to him. I would like to finish my explanation of the amendment and the reasons therefor.

A question may arise as to why the Congress needs this information on impoundments at this time. All of these funds have been provided by the Congress for fiscal year 1973 and were intended to be obligated for the purposes specified by Congress. If the President has impounded certain funds—and we have read in the press from time to time that he has, but we have no way of knowing for sure—Congress should certainly be specifically informed regarding the programs affected and the programs curtailed, and the reasons therefor. Furthermore, there has been a great deal of speculation in the press, on the radio, and on television as to the need for a ceiling on budget outlays for fiscal year 1973.

I do not believe that any serious consideration can be given to such a ceiling by the Congress without first examining all of the impoundments that have heretofore been made by the administration, together with those that may yet be made.

As I say, the administration has submitted such reports in the past, and the law extending the debt limit requires such reports to be submitted "promptly." But we do not know what "promptly" means.

My amendment would nail it down and would require that the information be submitted to the Congress by or before January 29 of this year.

Mr. GRIFFIN. Mr. President, if the Senator would yield, I think that we can dispose of this very quickly.

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, let me say that the amendment, needless to say, caught me by surprise. I was not aware that an amendment was going to be offered. We were taking up a resolution and considering it immediately. There are routine resolutions, of course, that we do have to handle in such fashion.

The amendment is being offered to a resolution of that nature. I was not immediately aware of whether it was practical or possible for the administration to comply with the request or the demand embodied in the amendment. But we have been able in the time we have had during the quorum call to do some checking.

Let me make this suggestion to the distinguished Senator from West Virginia. In view of the fact that the staff of the Budget Bureau is right now completely absorbed, as I understand it, with preparing the budget and the message and will have to have it ready by the date indicated in the resolution, I am informed that there will be no objection if he were to extend the time for the report concerning the impoundment of funds to 1 week beyond that date. They would comply with that and be able to provide such report within another week.

I wonder if that would be acceptable to the Senator from West Virginia, and if he would amend his amendment accordingly we could go on.

Mr. ROBERT C. BYRD. Mr. President, would the Senator yield?

Mr. GRIFFIN. I yield.

Mr. ROBERT C. BYRD. Mr. President, I think the assistant Republican leader has made a very reasonable proposal, and he has explained the justification for his proposal.

I, therefore, modify my amendment to strike the date January 29 as it appears twice in my amendment and insert in lieu thereof in both instances the date of February 5, which would extend——

Mr. President, may we have order in the Senate?

The ACTING PRESIDENT pro tempore. The Senate will please be in order.

Mr. ROBERT C. BYRD. Mr. President, I will not proceed until the Senate is in order.

Mr. MANSFIELD. Mr. President, I would suggest that Senators take their seats.

The ACTING PRESIDENT pro tempore. Will Senators please take their seats?

Mr. ROBERT C. BYRD. Mr. President, I modify my amendment to strike out the date January 29, 1973, which appears twice and insert in lieu thereof in both instances the date February 5, 1973. Hence, while the President will have until January 29 to submit the fiscal year 1974 budget, he will have until February 5—1 week longer—to submit the information regarding funds impounded.

Mr. GRIFFIN. With that modification, there is no objection.

The ACTING PRESIDENT pro tempore. The amendment is accordingly modified.

The amendment, as modified, reads as follows:

At the end of the joint resolution insert the following new section:

SEC. 2. Not later than February 5, 1973, the President shall transmit to the Congress (1) the reports, with respect to all funds impounded on or after October 27, 1972, and before January 29, 1973, required by section 203 of the Budget and Accounting Procedures Act of 1950 (as added by section 402 of the Federal Impoundment and Information Act), and (2) a report, with respect to all funds impounded on or after July 1, 1972, and before October 27, 1972, containing the same information as is required by such section.

EXHIBIT 1

BUDGETARY RESERVES, JUNE 30, 1972

Under authority delegated by the President, the Office of Management and Budget operates a system of apportioning the funds provided by the Congress. The apportionments generally are for the current fiscal year and limit the amounts the agencies may obligate during specified periods.

There are occasions when the amounts of available funds are not fully apportioned. That is, some amounts are either withheld from apportionment, or their use is temporarily deferred. In these cases, the funds not apportioned are said to be held or placed "in reserve." This practice is one of long standing and has been exercised by both Republican and Democratic Administrations as a customary part of financial management.

The reasons for withholding or deferring the apportionment of available funds usually are concerned with routine financial administration. They have to do with the effective and prudent use of the financial resources made available by the Congress. The provisions of the Antideficiency Act (31 U.S.C. 665) require the President to establish reserves of appropriated funds for such reasons as a change in conditions since they were appropriated or to take advantage of previously unforeseen opportunities for savings. Thus, specific apportionments sometimes await (1) development by the affected agencies of approved plans and specifications, (2) completion of studies for the effective use of the funds, including necessary coordination with the other Federal and non-Federal parties that might be involved, (3) establishment of a necessary organization and designation of accountable officers to manage the programs, (4) the arrival of certain contingencies under which the funds must by statute be made available (e.g., certain direct Federal credit aids when private sector loans are not available).

Table 1, attached, lists the items and amounts being reserved on June 30, 1972, for such routine financial administration. They total $9.1 billion, which is a reduction of nearly $1.5 billion since January of this year. This reduction is indicative of the fact that amounts are frequently released from reserve—and put to use—during each fiscal year as plans, designs, specifications, studies, project approvals, and so on are completed.

The reserves established for reasons of routine financial administration are recognized by all concerned to be temporary deferrals, and their need or wisdom is usually not questioned. In addition, however, there has been a long-standing and consistent practice in both Republican and Democratic Administrations to establish some a—much smaller amount of—reserves for reasons other than routine financial administration. It is these latter reserves which have sometimes been criticized as "impoundments" of funds.

Amounts being held in reserve for reasons other than routine financial administration generally could be used (i.e., obligated) during the apportionment time period. They have not been apportioned from time to time for such reasons as the Executive's responsibility to (1) help keep total Government spending within a congressionally-imposed ceiling, (2) help meet a statutory limitation on the outstanding public debt, (3) develop a governmentwide financial plan for the current year that synchronizes program-by-program with the budget being recommended by the President for the following year, or (4) otherwise carry out broad economic and program policy objectives.

Table 2, attached, lists the items and amounts held in reserve on June 30, 1972, for reasons other than routine financial administration. They total $1.5 billion, a reduction of more than $200 million from the amount so reserved in January of this year. Of the $1.5 billion total, almost $450 million was released and apportioned on July 1, 1972, as indicated in the various footnotes on Table A.

The total of all current reserves (i.e., Tables A and B) is 4.6% of the total unified budget outlays for fiscal 1972. The comparable percentage at the end of fiscal years 1959 through 1961 ranged from 7.5% to 8.7%. At the end of fiscal 1967, it stood at 6.7%, and a range in the neighborhood of 6% has been normal in recent years.

TABLE 1.—*Budgetary reserves for routine financial administration*

June 30, 1972

[In thousands of dollars]

Agency and account	*Amount*
Executive Office of the President:	
National Security Council	33
This amount was in excess of 1972 needs.	
Special Action Office for Drug Abuse Prevention	682
Represents the balance of appropriation which cannot be utilized by the Office in 1972 due to late enactment of legislation. Release will occur as needed in 1973 operations.	
Funds Appropriated to the President:	
Appalachian Regional Development program	40,000
Apportionment awaits development of approved plans and specifications.	
International Security Assistance: Foreign military credit sales	15,350
Because of increased private financing, the legislated program ceiling was achieved without the use of the full budget authority appropriated.	
International development assistance: Prototype desalting plan	20,000

TABLE 1.—*Budgetary reserves for routine financial administration*—Continued

June 30, 1972

[In thousands of dollars]

Agency and account	*Amount*
Funds Appropriated—Continued	
Apportionment awaits development of approved plans and specifications.	
Inter-American Foundation	41,624
Amount represents balance of initial funding from AID transfer to cover first four years of the Foundation's operations. Apportionments will continue to be made annually as plans and specifications are developed.	
Department of Agriculture:	
Agricultural Research Service: Construction	70
Represents residual amount of appropriation for planning that is not required for that purpose. Apportionment awaited additional appropriation for construction.	
Scientific Activities Overseas (special foreign currency program)	352
Amount shown here was in excess of 1972 needs.	
Animal and Plant Health Service	2,049
This amount was in excess of 1972 needs.	
Farmers Home Administration:	
Mutual and self-help housing grants	729
Amount shown here was in excess of 1972 needs.	
Direct loan account (farm operating loans limitation)	12,453
Amount reflects release of $37 million for last quarter of fiscal 1972. The balance of loan authority is being held pending demonstration of further need.	
Consumer Marketing Service:	
Consumer protective, marketing, and regulatory programs	760
Amount shown here was in excess of 1972 needs.	
Perishable Commodities Act Fund	1
Amount shown here was in excess of 1972 needs.	
Forest Service:	
Forest protection and utilization: Cooperative range improvement	624
Amount shown here was in excess of 1972 needs, and was released and apportioned on July 1, 1972, to fund the 1973 program.	
Youth Conservation Corps	1,730
These funds were released from reserve and apportioned in July 1972 for the CY 1972 program.	
Forest roads and trails	402,040
Reserve reflects amount of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.	
Expenses, brush disposal	13,303
Amount shown here was in excess of 1972 needs.	
Forest Fire Prevention	115
Amount shown here was in excess of 1972 needs.	
Department of Commerce:	
Social and Economic Statistics Administration: 19th Decennial Census	11,028
These funds had been held in anticipation of the need to pay printing costs. They were released and apportioned for this purpose on July 1, 1972.	
Regional Action Planning Commissions: Regional Action Planning Commissions	300
Funds will be released when Mississippi Valley Regional Commission is formed.	
Promotion of industry and commerce:	
Trade adjustment assistance (financial assistance)	50,000
Amount shown here was in excess of 1972 needs.	
Inter-American Cultural and Trade Center	5,446
Funds will be released when plans for participation in U.S. Bicentennial are completed and approved.	
National Oceanic and Atmospheric Administration: Research, development, and facilities	214
These funds are for disaster relief to fisheries. Apportionments are made as applications from the States are processed following contingencies under which the funds must, by statute, be made available.	
Research, development, and facilities (special foreign currency program)	286
These funds were released and apportioned on July 1, 1972, to fund the 1973 program.	
Promote and develop fishery products and research pertaining to American fisheries	257
Amount shown here was in excess of 1972 needs, and was released and apportioned on July 1, 1972, to fund the 1973 program.	
National Bureau of Standards: Plant and facilities	1,495
Funds are for a new laboratory now in the planning stage. Apportionment awaits development of approved plans and specifications.	
Department of Defense—Military:	
Shipbuilding and conversion	1,388,946
For use in subsequent years; these projects are fully funded when appropriated.	
Other procurement programs	21,020
For use in subsequent years; these projects are fully funded when appropriated.	
Military construction and family housing	171,304
Apportionment awaits development by the agency of approved plans and specifications.	
Civil defense programs	1,277
Amount was in excess of 1972 needs, and was released and apportioned on July 1, 1972, to fund the 1973 program.	
Special foreign currency program	4,903
Apportionment awaits development by the agency of approved plans and specifications.	
Department of Defense—Civil Corps of Engineers:	
Construction, General:	
Lafayette Lake, Indiana	183
Funds are being held in reserve because of local opposition to initiation of construction of the project.	
Lukfata Lake, Oklahoma	450
Construction funds are being held in reserve pending the completion of a new general design memorandum leading to an environmental impact statement.	
New York Harbor Collection and Removal of Drift	80
Funds are being held in reserve because, although the project has been authorized by the Congress for initiation and partial accomplishment, initiation of construction must await approval of the Secretary of the Army and the President. The Secretary of the Army forwarded the proposal to the President on June 21, 1972, and his recommendations are currently under review.	
Panama Canal Government: Capital outlays	850
These FY 72 funds, reserved at the request of the Panama Canal Government, will be combined with the 1973 appropriation for the purchase of major items of capital equipment.	
Wildlife conservation	474
Includes estimated receipts not needed for current year program. Will be used in subsequent years.	
Department of Health, Education, and Welfare:	
National Institutes of Health: Buildings and facilities	2,565
Apportionment awaits development by the agency of approved plans and specifications.	
Office of Education:	
School assistance in federally affected areas	4,996
Apportionment awaits development by the agency of approved plans and specifications. Construction obligations will be incurred subsequently.	
Higher education	1,462
Apportionment awaits development by the agency of proved plans and specifications.	
Educational activities overseas (special foreign currency program)	16
Apportionment of this amount awaits development of approved plans and specifications by the agency.	
Social Security Administration: Construction	12,095
Apportionment awaits development of approved plans and specifications by the agency.	
Special Institutions:	
Gallaudet College	516
This amount was in excess of funds which could be effectively used in 1972.	
Howard University	3,714
Apportionment of this amount awaits development of approved plans and cations. Construction obligations will be incurred subsequently.	
Department of Housing and Urban Development:	
Model cities programs	105,000
This amount was released on July 1, 1972. Its earlier reserve enabled several cities to count on proceeding with their fiscal year 1973 programs.	

Department of the Interior:
Bureau of Land Management:
Public lands development, roads and trails 16,694
Reserve reflects amounts of available contract authority the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.
Bureau of Indian Affairs:
Road construction 53,699
Reserve reflects amounts of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.
Bureau of Outdoor Recreation:
Land and water conservation fund 30,000
Consists of 1972 annual contract authority which was made available by P.L. 91-308, approved July 7, 1970. It has not been used because the Federal agencies purchasing park lands have found annual contract authority cumbersome to administer. Instead, they prefer ordinary appropriations to finance such land purchases. The 1973 budget proposes appropriation of the full $300 million annual authorization for the fund, of which about $98 million is for Federal land purchases in 1973.
Bureau of Mines:
Drainage of anthracite mines 3,623
Funds are spent on a matching basis with Pennsylvania as that State and the Department of the Interior develop projects for this purpose. Apportionment awaits development of approved plans and specifications in FY 1973.
Bureau of Sport Fisheries and Wildlife:
Contruction 9,075
Appropriated funds for D.C. Aquarium withheld because authorized facility cannot be constructed within the funding limits established by the authorization. The Appropriations Committees of the House and Senate have directed that the funds be used in fiscal 1973 for the construction of other facilities. Release is scheduled shortly.
National Park Service:
Parkway and road construction 72,621
Reserve reflects amounts of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.
Bureau of Reclamation:
Construction and rehabilitation 1,055
Funds are being held in reserve pending completion and review in FY 1973 of the economic restudy to determine the most effective use of funds for the Second Bacon Siphon and Tunnel Unit, Wash.
Operation and maintenance and replacement of project works, North Platte project 84
This amount fulfilled the legal requirements for this account of an annually established contingency reserve.
Department of Justice:
Federal Prison System:
Buildings and facilities 4,299
The apportionment awaits development of approved plans and specifications.
Department of Labor:
Grants to States for unemployment insurance and employment services 20,192
Late enactment of supplemental appropriations and lower unemployment insurance workloads permitted savings to be made.
Department of State:
Education exchange fund (earmarked proceeds of payment by Finland on World War I debt) 22
This amount was released and apportioned on July 1, 1972, to fund the 1973 program.
Bureau of Educational and Cultural Affairs: International Educational Exchange Activities (special foreign currency program) 5
Funds represent recent recovery of prior year obligations in excess of current year needs. These funds were released and apportioned on July 1, 1972, to fund the 1973 program.
Department of Transportation:
Coast Guard:
Acquisition, construction and improvements 7,607
Funds are for equipment or improvements and will not be needed until construction on seven projects is in an advanced stage. They will be released when needed.
Alteration of bridges 1,000
Apportionment awaits development of approved plans and specifications.
Federal Aviation Administration:
Facilities and equipment (Airport and Airway trust fund) 115,897
Grants-in-aid for airports (Airport and Airway trust fund) 6,368
Construction, National Capital Airports 900
Civil Supersonic aircraft development termination 4,506
Other 2,200
Apportionment of the above FAA accounts awaits development of approved plans and specifications.
Federal Highway Administration:
Territorial Highways 5,000
New program established by the 1970 Highway Act, effective December 30, 1970. No appropriation was provided until August 1971, although $4,500,000 of contract authority was authorized for each of 1971 and 1972. Territories were not prepared to handle program and have only recently begun to organize agencies and prepare studies for use of the funds. Total obligations through December 31, 1971, were about $93,000.
Federal-aid highways:
1973 contract authority 5,700,000
Remaining balance from reductions made in prior years 246,798
Urban Mass Transportation Administration: Urban mass transportation 299,970
The Congress provided a total of $3.1B of contract authority for the 5-year period 1971-75. Executive branch apportionments resulted in $1B: of this amount being used by June 30, 1972, another $1.0B (including this $300M) will be apportioned for fiscal 1973, leaving $1.1B, or $550M per year for the fiscal years 1974 and 1975. By appropriation action in fiscal years 1971 and 1972, the Congress effectively limited the amount of the contract authority that could be used each fiscal year. Thus, the $300M shown is the difference between the $600M apportioned for 1972 and the $900M *upper limit* for which administrative expenses may be incurred under the 1972 Appropriation Act for the Department of Transportation: "Sec. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating *more than* $900,000,000 in fiscal year 1972." (Italic supplied.)
Treasury Department:
Office of the Secretary:
Construction, Federal Law Enforcement Training Center 22,239
Apportionment awaits development by the agency of approved plans and specifications.
Expenses of administration of settlement of World War Claims Act of 1928 1
Amount shown here was in excess of 1972 administrative costs.
Bureau of the Mint:
Construction 79
Apportionment awaits the completion of studies for the effective use of funds.
Atomic Energy Commission:
Operating expenses:
Reactor development:
Funds held in reserve for the Liquid Metal Fast Breeder Reactor (LMFBR) demonstration plant awaiting negotiations now underway involving AEC and Commonwealth Edison Company and TVA 43,350
Biomedical Research:
Funds held in reserve pending development of a plan for effective utilization 370
Plant and capital equipment:
Funds held in reserve awaiting AEC's development of firm plans or specifications for two projects in the nuclear materials and weapons programs 175
Funds held in reserve awaiting AEC's completion of feasibility studies or the results of research and development efforts for the national radioactive waste repository and two other projects 2,533
Funds held in reserve for possible cost overruns and other contingencies 2,200

TABLE 1.—*Budgetary reserves for routine financial administration*—Continued

June 30, 1972

[In thousands of dollars]

Agency and account	*Amount*
Environmental Protection Agency:	
Operations, research and facilities	7,294
Reflects release of $28M for Cincinnati laboratory. Remainder awaits completion of EPA study of requirements for other laboratory facilities.	
General Services Administration:	
Construction, public buildings projects	17,971
$10,803 thousand is being held for future obligation. The projects are not ready for construction and financing is under review. Apportionment awaits completion of this action	
$7,160 thousand is reserved to meet possible contingencies that might rise in the course of construction.	
Sites and expenses, public buildings projects	11,567
Reserved to meet possible contingencies or for use in subsequent years.	
Operating expenses, Property Management and Disposal Service	769
Amount shown here was not needed in 1972 for stockpile disposals.	
Veterans' Administration:	
Grants to States for extended care facilities	8,420
State plans and requests for funds were not presented to the extent originally expected. Amount shown will be available for program in future years.	
OTHER INDEPENDENT AGENCIES	
Cabinet Committee on Opportunities for Spanish-Speaking Peoples	5
This amount was in excess of 1972 needs.	
Federal Communications Commission: Salaries and expenses, (construction)	460
These funds are intended for replacement of a monitoring station. Funds remain in reserve until results of study requested by Congress are available regarding the need for continuation of fixed monitoring stations.	
Federal Home Loan Bank Board: Interest adjustment payments	46,888
Funds which could be effectively utilized by the Board in fiscal year 1972 were apportioned. This amount was not needed.	
Foreign Claims Settlement Commission:	
Salaries and expenses	19
This amount was in excess of 1972 needs.	
Payment of Vietnam and Pueblo prisoner of war claims	150
Apportionment awaits arrival of contingencies under which the funds must, by statute, be made available.	
Smithsonian Institution:	
Salaries and expenses, Woodrow Wilson International Center for Scholars	11
Reserved for contingencies. Will be apportioned if and when needed.	
Temporary Study Commissions:	
Commission on Highway Beautification	25
Amount being held for completion of Commission's work in 1973.	
Commission on Population Growth and the American Future	30
A small contingency amount was set aside to cover any increases in contracted costs after the Commission completed its work in May, 1972. No increases occurred and the funds are not needed to complete the work of the Commission.	
National Commission on Consumer Finance	50
For terminating the Commission in 1973 after the report is completed.	
Aviation Advisory Commission	587
These funds were released and apportioned on July 1, 1972 to carry Commission through its expiration date of March, 1973.	
Commission on Government Procurement	1,300
$1.4 million to remain available until expended was appropriated in the Second Supplemental Act of 1972. $100 thousand was apportioned for 1972; the remainder will fund the Commission's operations through April 1973.	
U.S. Information Agency:	
Salaries and expenses (special foreign currency program)	407
Special international exhibitions	746
These amounts were released and apportioned July 1, 1972.	
Water Resources Council:	
Salaries and expenses	25
Funds were held in reserve pending establishment of new river basin commissions.	
Total [1]	9,110,078

[1] Of this total, $467 million was released at the start of fiscal 1973.

TABLE 2.— *Reserves for reasons other than routine financial administration, June 30, 1972*

[In thousands of dollars]

Agency and Account	*Amount*
Department of Agriculture:	
Rural Electrification Administration—Loans [1]	107,000
Farmers Home Administration:	
Sewer and water grants [2]	58,000
Department of Housing and Urban Development:	
Rehabilitation loans [1]	53,042
Grants for new community assistance [1]	5,000
Basic water and sewer grants [3]	500,000
Department of Transportation:	
Federal-aid highways	623,000
Rights-of-way for highways	50,000
Urban mass transportation [4]	(299,970)
Atomic Energy Commission [5]	17,655
NERVA-Nuclear Rocket	(16,990)
Plowshare	(665)
National Aeronautics and Space Administration:	
NERVA-Nuclear Rocket	21,914
National Science Foundation:	
Educational and institutional support [1]	21,000
Graduate traineeships [6]	9,500
Reserves established pursuant to President's August 15, 1971, directive to curtail previously-planned Federal employment levels [7]	61,750
Total [8]	1,527,861

[1] This amount was released and apportioned on July 1, 1972.

[2] Of this amount, $42 million was released and apportioned on July 1, 1972.

[3] Of this amount, $200 million was released and apportioned on July 1, 1972. The remainder is being held for subsequent apportionment.

[4] This amount was released and apportioned on July 1, 1972. It is listed here because of public and congressional interest. It is not counted in the total of Table 2 because its use is consistent with congressional intent. The Congress provided a total of $3.1 billion of contract authority for the five-year period 1971–1975. Executive Branch apportionments result in $1.0 billion of $3.1 billion total being used by June 30, 1972, another $1.0 billion (including this $300 million) is being apportioned for fiscal 1973, leaving $1.1 billion, or $550 million shown per year for the fiscal years 1974 and 1975. The $300 million shown is the difference between the $600 million apportioned for 1972 and the $900 million *upper limit* for which administrative expenses may be incurred under the 1972 Appropriation Act for the Department of Transportation:

"Sec. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating *more than* $900,000,000 in fiscal year 1972." (Italics supplied.)

[5] Pending enactment of 1973 appropriations, it is planned that these funds be applied to AEC's total program needs for 1973.

[6] Apportionment awaiting NSF review of how these funds can be used effectively to help meet the Nation's scientific and engineering manpower needs without stimulating an oversupply of manpower with specialized capabilities.

[7] These funds are the remainder of $280 million in reserves established initially under the President's directive of August 15, 1971. The originally reserved amounts were largely released to meet costs of pay raises and other essential pusposes.

[8] Of this $1.5 billion total, $447 million were released and apportioned on July 1, 1972 (as itemized in the preceding footnotes).

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment, as modified.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed at this point in the RECORD title IV of Public Law 92–599 with respect to Federal impoundment information.

There being no objection, the title was ordered to be printed in the RECORD, as follows:

TITLE IV—FEDERAL IMPOUNDMENT INFORMATION

SHORT TITLE

SEC. 401. This title may be cited as the Federal Impoundment and Information Act".

AMENDMENT OF THE BUDGET AND ACCOUNTING PROCEDURES ACT OF 1950

SEC. 402. Title II of the Budget and Accounting Procedures Act of 1950 is amended by adding at the end thereof the following new section:

"REPORTS ON IMPOUNDED FUNDS

"SEC. 203. (a) If any funds are appropriated and then partially or completely impounded, the President shall promptly transmit to the Congress and to the Comptroller General of the United States a report containing the following information:

"(1) the amount of the funds impounded;

"(2) the date on which the funds were ordered to be impounded;

"(3) the date the funds were impounded;

"(4) any department or establishment of the Government to which such impounded funds would have been available for obligation except for such impoundment;

"(5) the period of time during which the funds are to be impounded;

"(6) the reasons for the impoundment; and

"(7) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the impoundment.

"(b) If any information contained in a report transmitted under subsection (a) is subsequently revised, the President shall promptly transmit to the Congress and the Comptroller General a supplementary report stating and explaining each such revision.

"(c) Any report or supplementary report transmitted under this section shall be printed in the first issue of the Federal Register published after that report or supplementary report is so transmitted."

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. The question is on the engrossment of the amendment as modified and third reading of the joint resolution.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

RED TERROR

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Mr. Adrian Lee.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROTEST RED TERROR, SENATOR SUGGESTS

Despite the occasional harsh word emanating from Sen. Hugh Scott's Christmas Eve encounter with his constituents, the confrontation outside the senator's Chestnut Hill house would have to be described as gentle. The 100 or so constituents conducted their protest against the bombing of Hanoi in the best Chestnut Hill tradition; the candle-light vigil on Hillcrest ave. was mannerly and, on the whole, unabrasive, at least when compared with the grittier antiwar demonstrations which have convulsed society in recent years.

But Scott's neighbors from Chestnut Hill and Mt. Airy made their point nonetheless; the bombing of Hanoi and Haiphong, and presumably all the targets enumerated by the Pentagon, the railway yards, AA-gun and SAM-missile emplacements, the power stations, was "immoral"; hopes for peace had been "crushed," and in an open letter the community felt constrained to register its concern this "holiday season, about the tragic turn of events . . ."

With the sense of timing that has distinguished Scott's approach to explosive questions, the senator didn't debate the issue with his constituents. At least not immediately.

He left the field—the rain-slick street, the iron picket fence and crayoned anti-bombing placards—to his constituents, and retired indoors, presumably to ponder the answering public letter he subsequently wrote and submitted to the Chestnut Hill Local.

Printed therein last Thursday, it leaves the senator with the last word. And it should come as a surprise to anybody entertaining the glum thought that the delay in reply to the community's letter heralded a handsomely wrought evasion.

There is an un-Scott-like harshness to the letter, a certain note of weariness with his critics' near obsessive solicitude for Hanoi, and their apparent indifference to Communist terror, slaughter and the indiscriminate bombing of hospitals, homes, schools and orphan asylums in the South.

For those who think of Scott as vacillating, fearful of alienating doves, hawks, or any other species of metaphorical bird in between, it should come as a surprise to read:

". . . it is only fair to ask these constituents why they have not protested against the current terrorist bombings of Saigon.

"When Hanoi slaughtered over 3,000 civilians in Hue, there were, sadly enough, no parades of protestors anywhere in America. Why?

"Be assured I will use my influence to help bring about peaceful solutions. At the same time, I do not share the unwillingness of critics to protest the ruthless acts of the other side . . ."

But it wasn't this more-or-less standard reply to Mr. Nixon's critics that impressed at least one of Scott's neighbors; it was the straightforward, matter-of-fact way in which he addressed himself to the first question in his constituents' open letter—"How does this (the bombing) insure the safe return of our POWs?"

Replied Scott, in an illuminating postmortem on the collapse of the preelection peace pact: " . . . after the October events (the apparent agreement between Henry Kissinger and Hanoi Politburo spokesman Le Duc Tho), Hanoi imposed the condition that our prisoners would not be returned until South Vietnam released its 40,000 North Vietnamese prisoners . . . this, so far, the South Vietnamese have refused to do, unless assured that the armies of North Vietnam will not be so emplaced as to begin new hostilities, thus extending the war."

Whence Scott learned or divined this, he didn't say; but he asserted it unequivocally. And delivered thus, without qualification by the GOP leader in the Senate, it has all the ring of truth. It was Hanoi that tried to renege on the October agreement. It was Hanoi that insisted on undoing what Kissinger, in his "peace-is-at-hand" press conference had stated as an agreed-on provision: ". . . the return of our prisoners is not conditional on the disposition of Vietnamese prisoners in Vietnamese jails, on both sides of the conflict"; and, simultaneous with the withdrawal of all American troops," there will be a return of all American prisoners, military or civilian . . ."

These were not isolated provisions in the quite complex draft agreement negotiated by Tho and Kissinger, to be excised without affecting the balance of the pact; the Nixon Administration's anxiety over the POWs permeates Kissinger's "peace-is-at-hand" explanation of the draft agreement. And for Hanoi to condition the release of U.S. prisoners on a general jail delivery in Saigon was to bring the whole laboriously constructed edifice down in ruins.

How was Saigon to be induced to release the 40,000 prisoners? And even if it could be persuaded to do so, by cajolery, threats or coercion, what was to be the next demand, the next venture into blackmail by an adventurous and imaginative Hanoi? What was to be the next price for the release of the American POWs?

And, implicit in Scott's letter, was the only alternative: sending B–52s over Hanoi and Haiphong, to bring Hanoi back to the peace table to sign an agreement it had helped to negotiate and then tried to welsh on.

If any more candle-light vigils are to be conducted, outside Senator Scott's Chestnut Hill house, or elsewhere, they might close with a prayer for the B–52 bomber crews who flew their craft into a maelstrom of flame and flying steel to obtain the lasting peace Mr. Nixon's critics seem to shrink from.

THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION—APPOINTMENT BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore. The Chair on behalf of the Vice President in accordance with Public Law 80–491, as amended by Public Law 92–236, appoints Senator CHARLES MCC. MATHIAS to the American Revolution Bicentennial Commission in lieu of NORRIS COTTON, resigned.

SPECIAL COMMITTEE ON THE TERMINATION OF THE NATIONAL EMERGENCY—APPOINTMENTS BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore. The Chair on behalf of the Vice President in pursuance of S. Res. 9, of the 93d Congress, appoints the following Senators as members of the Special Committee on the Termination of the National Emergency:

Mr. CHURCH, cochairman; Mr. HART, Mr. PELL, and Mr. STEVENSON, and Mr. MATHIAS, cochairman; Mr. CASE, Mr. PEARSON, and Mr. HANSEN.

ORDER FOR RECOGNITION OF SENATOR FANNIN ON TUESDAY, JANUARY 9, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday, January 9, following the remarks of the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) the distinguished Senator from Arizona (Mr. FANNIN) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTRODUCTION OF A BILL UNDER SPECIAL ORDER

Under authority of the order of the Senate of January 4, 1973, on January 6, 1973, during the adjournment of the Senate, the following bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as indicated:

By Mr. INOUYE:

S. 231. A bill to provide more effective means for protecting the public interest, health, and well being of the people of the State of Hawaii during strikes, lockouts, or other forms of labor strife or discord in either the maritime or longshore industry, or both industries, which obstruct or close the major seaports of the west coast of the United States, thereby disrupting the normal flow of maritime interstate commerce by means of surface water transportation both to and from the State of Hawaii; to the Committee on Commerce.

Mr. INOUYE. Mr. President, I introduce for reference to the appropriate committee today an amendment to the Labor Management Relations Act designed to provide a greater degree of protection to the people of my State. Such protection is in the form of a guarantee of a more continuous flow of commerce and thereby a degree of equity with other States which have more than

one mode of surface transportation. This measure is the result of continuing efforts on my part to find some means of guaranteeing to the people of my State that they will not become the hapless and helpless victims of disputes which originate outside our islands and over which they have no control and very little influence.

Last year, Mr. President, I held lengthy hearings in Honolulu on a measure which I had introduced, the Hawaii Public Interest Act. Those hearings convinced me that the cost to the people of my State of such labor disputes is substantial and indeed, horrendous. The cost of even having to gird against a threatened dispute is great. It has required excessive inventorying each time contracts come up for renegotiation even though no strike or lockout occurs.

For this reason, I introduce today a measure to amend the National Labor Relations Act to provide that in the case of a west coast dispute which ties up surface shipping between west coast ports and Hawaii normal commerce must continue to flow for a period of 60 days or until the institution of the 80-day injunction should that come prior to the expiration of the 60-day period.

Work stoppages interfering with the flow of shipping between the mainland and Hawaii are not a new phenomenon. Below is a brief history of work stoppages with the days duration of each up to the present. You will note that many of these are of relatively short duration but they are meaningful nevertheless for the people and businessmen of Hawaii who are not able to determine in advance what that duration may be. They are, therefore, forced to initiate extensive inventory building and tie up large amounts of capital all of which adds to costs and to consumer prices just to be prepared in case of a prolonged strike or work stoppage. Only four of these in more than a quarter of a century have exceeded the 60 days provided for in this measure. In only one were workers in Hawaii direct participants but in all our workers suffered as did the other economic interests in Hawaii.

See table below:

STRIKES INTERRUPTING SHIPPING BETWEEN HAWAII AND THE WEST COAST

Employer, union and/or occupation group involved	Beginning date	Days duration
1. Consolidated Steamship Co., Port Huenene, Calif.	Jan. 2, 1946	46
2. Employers' Association of the Pacific Longshoremen, Los Angeles, Calif.	June 17, 1946	2
3. Waterfront Employers' Association, Los Angeles, Long Beach, Calif.	July 12, 1946	2
4. Waterfront Employers' Association, Longshoremen, Seattle, Wash.	July 15, 1946	1
5. Waterfront Employers' Association, San Francisco, Los Angeles, Long Beach, Calif.	Aug. 1, 1946	1
6. Maritime strike, Nationwide	Sept. 5, 1946	16
7. Maritime strike, 21 States	Oct. 1, 1946	54
8. Waterfront Employers' Association, longshore and checkers, Puget Sound area.	Nov. 23, 1946	17
9. Maritime strike, 12 States	June 16, 1947	4
10. Alaska Steamship Co., Seattle, Wash.	Aug. 11, 1947	10
11. Waterfront Employers' Association, Los Angeles, Long Beach, Calif.	Oct. 1, 1947	7
12. Waterfront Employers' Association, Stevedores, San Francisco, Calif.	Nov. 7, 1947	1
13. Waterfront Employers Association and Pacific Shipowners' Association, and Shipowners' Association of the Pacific, ILWU, MEBA, NUMCS, ARA, Pacific Coast MROW Association.	Sept. 2, 1948	96
14. Castle & Cooke Terminals; McCabe, Hamilton, & Renny; Hilo Trans. and Terminal; Kahului RR.; Kauai Terminals; Mohukona Terminas, (Hawaii), ILWU.	May 1, 1949	177
15. Pacific Maritime Association, American Radio Association	June 16, 1951	10
16. Pacific Maritime Association, Sailors Union of the Pacific	May 27, 1952	63
17. Pacific Maritime Association, American Radio Association	July 28, 1952	4
18. Pacific Maritime Association, Sailors' Union of the Pacific	Nov. 5, 1952	6
19. Pacific Maritime Association, American Radio Association	Dec. 2, 1954	6
20. Pacific Maritime Association (?) ILWU	June 6, 1955	1
21. Kauai Consolidate; Kawaihae Terminals; McCabe, Hamilton & Renny (Maui) Castle & Cooke Terminals (Hawaii), ILWU.	Feb. 14, 1967	1–4
22. Pacific Maritime Association, ILWU	Nov. 17, 1969	35
23. Pacific Maritime Association, ILWU	July 1, 1971	100
(resumed)	Jan. 17, 1972	3
24. Pacific Maritime Association, Masters, Mates & Pilots	Oct. 25, 1972	40

Mr. INOUYE. Mr. President, during recent disputes labor and management have voluntarily agreed to continue to load and ship military cargo. They have done so to avoid the strong likelihood of Government intervention in the collective bargaining process. I am a strong advocate of free collective bargaining but I am an even stronger foe of any action which would hold hostage 800,000 people to a labor dispute not of their making and upon which they have little if any influence.

It is my understanding that the Hawaii bound west coast traffic presently accounts for approximately 3 percent of total man-hours worked on the west coast docks. It is also true that the shipping interests which serve the Hawaii west coast trade have less than 13 percent of the voting power in the Pacific Maritime Association.

I am not advocating that we in Hawaii be freed from all threat of strike, that we seek special legislation and special privileges not enjoyed by others under our labor-management system. Strikes and employer lockouts could still occur in Hawaii and in the surface transportation industries. They can even occur on the mainland and have their effects on Hawaii if they endure for more than 60 days.

My measure does recognize the unique situation in Hawaii, however, and it tries to do something sensible about it without gross interference with the normal collective bargaining process.

My measure does recognize the unique situation in Hawaii, however, and it tries to do something sensible about it without gross interference with the normal collective-bargaining process.

Some may argue that despite the very small percentage, Hawaii traffic is of total west coast traffic, permitting such partial operation may reduce the pressures for settlement and prolong the strike.

The loading and shipment of military goods has kept labor on partial pay and management in partial operation during previous strikes. Our national security is important but we must also recognize that such partial operation may then have prolonged the strikes which have been inflicted on the civilian economy. All I am asking in this legislation is that the civilian population in Hawaii, because of our almost total dependence on surface transportation between the west coast and Hawaii for food, clothing, and shelter be considered and our unique circumstances recognized by law.

The higher cost of living which we find in Hawaii is attributable in small part to the normal higher cost of transportation. Another and major factor is the high cost of carrying heavy inventory because of the uncertainty of the transportation. A recent study of inventory costs concluded that inventory buildups in anticipation of a possible strike added 3 to 5 percent to the cost of putting merchandise on the Hawaii market.

While air transport is carrying increased traffic between the mainland and Hawaii, such traffic is still limited to less than 10 percent of the total by value and 1 percent of the total by weight or volume. Surface transportation between the west coast and Hawaii carries over 90 percent of all food and clothing imports into my State.

There has been enough rhetoric relative to the vulnerability of the people of Hawaii to maritime and longshore work stoppage and more than enough evidence of our unique vulnerability and past injury has been accumulated. It is now the time for action. I am most hopeful the approach outlined in this proposal will receive the support and approval of the Congress for I am convinced that it provides a workable solution which can be easily implemented and one which takes the side of neither disputant nor does it interfere with the right of labor and management to negotiate freely the terms and conditions of a settlement of their dispute.

INTRODUCED BILL PRINTED IN THE RECORD

Under authority of the order of the Senate of January 4, 1972, the following bill was ordered to be printed in the RECORD:

S. 231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Hawaii Public Interest Protection Act of 1973".

CONGRESSIONAL FINDINGS

SEC. 2. The Congress hereby finds that the unique geographical situation of the State of Hawaii, which is physically isolated and separated by thousands of miles of water from both the noncontiguous State of Alaska and

the forty-eight conterminous States of the continental United States, creates and generates unique transportation dependency and requirements for the people of the State of Hawaii; that such unique transportation dependency and requirements of the people of the State of Hawaii are qualitatively substantially different from those of any and all other States of the United States; that the people of the State of Hawaii compose an economy whose very existence depends upon a continuous flow of food and the essentials of life, particularly from the major seaports of the west coast, by means of surface water transportation; that any disruption of the normal flow of maritime interstate commerce by means of surface water transportation, as a result of a strike, lockout, or other form of labor strife or discord in the maritime or longshore industries which effectively obstructs or closes the major seaports of the west coast, thereby disrupting the normal flow of maritime interstate commerce by means of surface water transportation both to and from the State of Hawaii, automatically imperils the health and well being of the people of the State of Hawaii; that during such maritime or longshore industry disruption the minimum assured consequences for the people of the State of Hawaii are an inadequate supply of food, medicine, and other essentials of life, an increase in unemployment, underemployment, and in the cost of living, business failures, a slowdown in construction, and a decline in total personal income and retail trade; that the people of the State of Hawaii have frequently been the innocent third parties and victims of and have often suffered enduring harm from disruptions in the maritime and longshore industries of the kind described above; that, because of its unique geographical situation and because there are no railroads or motor vehicle highways physically connecting the State of Hawaii to the continental United States, the people of the State of Hawaii suffer a unique type of injury that is not suffered by the people of any other State of the United States; that a maritime or longshore industry disruption which obstructs or closes the major seaports of the west coast, guarantees suffering for the people of the State of Hawaii comparable to that which the people of any other State would suffer if an embargo were enacted against all interstate surface transportation serving that other State, thereby constructing a barrier around that other State, isolating that other State, and prohibiting both the entry and exit of all goods transported thereto and therefrom by rail, truck, ship, barge, and all other means of surface transportation into and out of that other State; that the grave and irreparable public damage, harm, and injury caused by maritime and longshore industry disruptions of the kind described above underscore the compelling need for laws that will provide the people of the State of Hawaii from suffering which they currently experience in their capacity as innocent third parties to and victims of such maritime and longshore industry disruptions; that the present emergency disputes procedures established by sections 206–210 of title II of the Labor-Management Relations Act, 1947 (61 Stat. 136, 29 U.S.C. 141–147), for dealing with labor disputes which threaten the health or safety of the American people, are inadequate and have, in the case of the State of Hawaii, produced both a deterioration of the collective-bargaining process and an intensification of emergencies created by maritime and longshore industry disruptions of the kind described above; that the use of present emergency disputes procedures for resolving such maritime and longshore industry disruptions has not prevented serious reductions in operations and services essential to the health and well being of the people of the State of Hawaii; that, as a result of the existing labor disputes provisions, Federal preemption of State court jurisdiction to issue injunctions in labor disputes has rendered the States of the Nation powerless to act in their own behalf during those labor emergencies which the President chooses to ignore; that these consequences of State disability due to Federal preemption are magnified in the case of the State of Hawaii because of the State of Hawaii's unique geographical situation; and that provision for the continuation of normal commerce between the west coast ports and the State of Hawaii during the first sixty days of any such maritime or longshore industry disruption is necessary in order to protect the health and well being of the people of the State of Hawaii and to encourage and maintain free collective bargaining.

CONGRESSIONAL PURPOSES AND POLICIES

SEC. 3. To carry out the policy of section 1(b) of the Labor-Management Relations Act, 1947, and because the present emergency dispute provisions of that Act are inadequate to satisfactorily achieve the policies and purposes of that Act in the unique case of the State of Hawaii, since the people of the State of Hawaii continue to suffer in their capacity as innocent third parties to and victims of maritime and longshore industry disruptions of the kind described in section 2 of this Act, the Congress hereby declares it to be the purpose and policy of this Act, through the exercise by Congress of its powers to regulate commerce among the several states and with foreign nations and to provide for the general welfare, to assure so far as possible, that no maritime or longshore industry disruption of the above kind will hereafter imperil the health or safety of the people of the State of Hawaii by establishing means whereby vessels destined for Hawaii from west coast ports can continue for sixty days after the initiation of a strike, lockout or other forms of industry disruption which threatens the health or safety of the people of the State of Hawaii.

SEC. 4. Title II of the Labor Management Relations Act, 1947, is amended by adding immediately after section 208 of such title the following new section:

"SEC. 208A. (a) In any case in which an injunction has not been obtained under section 208 on the date of the beginning of a strike or lockout involving the Maritime or Longshore industries of the west coast ports of the United States, no strike or lockout shall be permitted which interrupts the normal shipping destined for or originating from Hawaii (destined for the west coast ports of the United States) for a period of not less than 60 days beginning on the date on which such strike or lockout began.

"(b) Shipping services and transportation required under subsection (a) shall be provided pursuant to rates of pay, rules, and working conditions of existing agreements, except that rates of pay established by the collective bargain agreement resolving the dispute shall provide retroactive compensation to the employees providing such shipping services and transportation.

"(c) For the purpose of this section, the term 'west coast ports' means the ports of San Francisco-Oakland, Los Angeles-San Diego, Portland and Seattle."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. RANDOLPH (for Mr. MONTOYA and himself):

S. 232. A bill to establish a national development program through public works investment. Referred to the Committee on Public Works.

By Mr. MANSFIELD (for Mr. BAYH):

S. 233. A bill for the relief of Lynette Comach. Referred to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 234. A bill for the relief of Luc Avril and Marie Telicia Avril. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 235. A bill to amend title 5, United States Code, to regulate certain activities of Federal employees, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. RIBICOFF:

S. 236. A bill for the relief of Wayne Gafka. Referred to the Committee on the Judiciary.

By Mr. MANSFIELD:

S. 237. A bill to authorize the Secretary of the Interior to convey certain lands to August Sobotka and Joseph J. Tomalino of Intake, Mont. Referred to the Committee on Interior and Insular Affairs.

S. 238. A bill for the relief of Ivan Mauricio Mas-Jaccard, his wife, Carmen Mas-Jaccard, and their children, Clifford Mas-Jaccard and Jonny Mas Jaccard;

S. 239. A bill for the relief of Loretto B. Fitzgerald;

S. 240. A bill for the relief of Mrs. Wanda Martens;

S. 241. A bill for the relief of Basile Christopoulos;

S. 242. A bill for the relief of Hong-To Lam and his wife, May-Fung Shum Lam;

S. 243. A bill for the relief of Roberto De Lamonica; and

S. 244. A bill for the relief of Josefina Gonzales Batoon. Referred to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 245. A bill for the relief of Kamal Antoine Chalaby; and

S. 246. A bill for the relief of Yolanda Ayubi. Referred to the Committee on the Judiciary.

By Mr. MOSS (for himself and Mr. CHURCH):

S. 247. A bill to amend the Communications Act of 1934 with respect to the renewal of broadcasting licenses. Referred to the Committee on Commerce.

By Mr. MOSS:

S. 248. A bill to terminate all price-support programs for tobacco beginning with the 1974 crop of tobacco. Refered to the Committee on Agriculture and Forestry.

S. 249. A bill to amend the Federal Cigarette Labeling and Advertising Act to require the Federal Trade Commission to establish acceptable levels of tar and nicotine content of cigarettes. Referred to the Committee on Commerce.

By Mr. RIBICOFF:

S. 250. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents. Referred to the Committee on Finance.

By Mr. HRUSKA (for himself and Mr. EASTLAND):

S. 251. A bill for the relief of Frank P. Puto, Alphonso A. Muto, Arthur E. Scott, and F. Clyde Wilkinson. Referred to the Committee on the Judiciary.

By Mr. RIBICOFF:

S.J. Res. 12. A joint resolution designating Wednesday, February 21, 1973, to honor the American Academy of Forensic Sciences. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RANDOLPH (for Mr. MONTOYA and himself):

S. 232. A bill to establish a national development program through public

works investment. Referred to the Committee on Public Works.

THE PUBLIC WORKS DEVELOPMENT ACT OF 1973

Mr. RANDOLPH. Mr. President, the Senator from New Mexico (Mr. MONTOYA) is necessarily absent from the Senate today. On his behalf I introduce for appropriate reference the Public Works Development Act of 1973, which I join as a cosponsor.

I ask unanimous consent that remarks on this bill by the Senator from New Mexico be printed in the RECORD at this point.

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

STATEMENT BY SENATOR MONTOYA

Mr. President, I am introducing this bill today in order to emphasize my strong belief that new and more comprehensive legislation is needed in the area of national regional development. During the Second Session of the 92nd Congress, the Subcommittee on Economic Development of the Public Works Committee held eight days of hearings on this bill. Valuable suggestions were presented during those hearings, and they will be used to strengthen this legislation.

In addition, I intend to hold extensive hearings this year throughout the country in order to further determine the successes and shortcomings of current economic development programs and to provide a forum for further discussion concerning a new public works-development program.

The new program will build on the record established during consideration of this bill and the experience gained from the Appalachian Regional Development Program, the Title V—Action Planning Commission Program and the Economic Development Administration Program. This new approach will be designed to promote a working partnership of Federal, State, and local governments.

I believe that proper social, economic, and environmental development can be fostered through sound and coordinated public works investment. Such investment would be founded on a planning process incorporating input from all levels of government. Program initiative would be placed at the local level while the administrative structure would help State and local governments adapt the resources of diverse national programs to local requirements. It is anticipated that this process of coordinated public decisionmaking would result in reasoned patterns of development and greater opportunity for all Americans.

The program envisioned by the Committee would take into account the changing conditions of the past quarter-century. It would redirect authority to make decisions on public investments back to State and local governments, but it would also maintain Federal participation on a partnership basis.

By Mr. MOSS :

S. 235. A bill to amend title 5, United States Code, to regulate certain activities of Federal employees, and for other purposes. Referred to the Committee on Post Office and Civil Service.

HATCH ACT REFORM

Mr. MOSS. Mr. President, for more than 30 years, Federal employees have been prohibited from any form of active participation in our democratic processes. The Hatch Act, which was enacted in 1939 for the purpose of protecting Federal employee political rights, has instead served to deny them.

The Supreme Court has recently agreed to consider a ruling of the district court of the District of Columbia that a central provision of the Hatch Act is unconstitutional. Specifically, this section:

Prohibits Federal employees—or employees in federally financed programs—from taking active part in political campaigning.

The district court ruled that the language in the law was "broad, ambiguous, and unsatisfactory," and in violation of the first amendment.

Until the Supreme Court reaches a decision on the lower court ruling, there will be no reason for the Congress to consider legislation to revise or modify the Hatch Act. But after the decision is handed down, the Congress may wish to consider some phase of the problem, and I am therefore reintroducing the bill which was before the Senate last session which would permit government workers to participate freely in national, State or local elections. I should like Federal employees to know that legislation is pending in this field to be called up quickly if needed.

Government workers today are not permitted to:

Express public support for a candidate, lest it be construed as part of a campaign;

Write an article in a newspaper or pamphlet supporting a political candidate or political issue;

Distribute campaign material;

Solicit funds for candidates;

Serve as a delegate to a political convention; or serve as an officer in a political organization.

Several of these all-pervasive prohibitions could be removed without endangering the Government worker's ability either to perform his official duties or to maintain his own political independence. Other provisions, such as those related to solicitation and fundraising, in many cases simply duplicate existing criminal statutes.

Fundamentally, the bill I am introducing would allow Government workers to express their political opinions, a basic right they have long been denied. It would also allow them to serve as delegates to conventions and permit them to serve as campaign managers. It would allow them to run for office at the local level, but not for Federal office.

In short, it would give back to a large segment of our electorate a responsible role in our democracy—a role they have been denied for 30 years.

The measure I propose is based on the recommendations made by the Commission on Political Activity of Government Personnel established during the Johnson administration, which held hearings in six cities and undertook substantial research projects before making its report.

By Mr. MOSS (for himself and Mr. CHURCH) :

S. 247. A bill to amend the Communications Act of 1934 with respect to the renewal of broadcasting licenses. Referred to the Committee on Commerce.

BROADCAST LICENSE RENEWAL

Mr. MOSS. Mr. President, I introduce for appropriate reference a bill to amend the Communications Act of 1934 with respect to the renewal of broadcasting licenses. We are well aware of the havoc that can be created by citizen challenges to license renewals, whether well intentioned or not. There is no question in my mind that some clarification is needed as to what a broadcaster can and cannot do and expect to retain his license.

After reading the speech presented by the Director of the Office of Telecommunications Policy several weeks ago, I feel it is particularly important that we focus our attention on this problem.

Mr. President, I ask unanimous consent that the text of the legislation as well as an article on a recent license challenge be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill and article were ordered to be printed in the RECORD, as follows:

S. 247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307(d) of the Communications Act of 1934 is amended by striking out "three years" at each place it appears and inserting in lieu thereof "five years".

SEC. 2. Section 307(d) of the Communications Act of 1934 is further amended by inserting before the period at the end of the second sentence a colon and the following: *"Provided,* That in any hearing for the renewal of a broadcasting license an applicant for renewal who is legally, financially, and technically qualified shall be awarded the grant if such applicant shows that its broadcasting service during the preceding license period has reflected a good-faith effort to serve the needs and interests of its area as represented in its immediately preceding and pending license renewal applications and if it has not demonstrated a callous disregard for law or the Commission's regulations; *Provided further,* That if the renewal applicant fails to make such a showing or has demonstrated a callous disregard for law or the Commission's regulations such failure or demonstration shall be weighed against the renewal applicant".

NIXON ALLY SEEKING POST'S TV LICENSE

JACKSONVILLE, FLA., January 2.—A group headed by President Nixon's chief Florida fund raiser announced today it will file a rival application for the operating license of television station WJXT, which is now held by a subsidiary of the Washington Post Co.

George Champion Jr., Florida finance chairman of the Committee to Re-elect the President, said the application would be filed later in the day in Washington.

"We are a group of concerned citizens who feel the needs of the community will be better served by a television station which is community-owned," said Champion, president of the newly formed Florida Television Broadcasting Co.

Champion said that Edward Ball, trustee of vast DuPont holdings, would serve as chairman of the board of directors.

Champion said his fund-raising activities and friendship with Mr. Nixon would not enter into the license application.

"I would never tell him (Mr. Nixon) that we are making an application," said Champion. "My friendship would not enter into it."

Post-Newsweek Stations, a subsidiary of The Washington Post Co., publishers of The Washington Post and Newsweek magazine, has held the Channel 4 operating license for the last 20 years without challenge.

The Nixon administration frequently has been at odds with The Washington Post, and recently a Post reporter was removed from a list of reporters regularly allowed to cover White House social functions.

Another group, Trans-Florida TV, Inc., has also filed an application to operate the sta-

tion. Local insurance executive Fitzhugh Powell, a key Florida worker in the presidential bid by Alabama Gov. George Wallace, heads that group.

[A third group of three local citizens, Edward Baker, Winthrop Bancroft and George Auchter III, also filed an application for the Jacksonville license, it was learned in Washington. This group is represented by Welch and Morgan, a Washington law firm that has specialized in this field.

[In a separate filing, Welch and Morgan also represented an 11-member group seeking to take over the license of the Post-Newsweek station in Miami, WPLG–TV.

[Among the group is Cromwell Anderson Jr., a law partner of former Sen. George Smathers, who in December, 1969, was part of a group that applied for the Miami license. Welch and Morgan represented the Smathers group in that application, which later was withdrawn.]

By Mr. MOSS:

S. 248. A bill to terminate all price support programs for tobacco beginning with the 1974 crop of tobacco. Referred to the Committee on Agriculture and Forestry.

TERMINATION OF PRICE SUPPORTS ON TOBACCO

Mr. MOSS. Mr. President, I introduce, for appropriate reference, a bill to terminate all price-support and assistance programs for tobacco beginning with all crops of tobacco to be harvested in 1974. The bill would also terminate direct or indirect Federal subsidies for export of tobaccos to any foreign country after December 31, 1974.

I introduced this same bill in the 91st Congress—on May 12, 1970. Then on July 8—2 months later—I offered a relatively simple amendment to end appropriations for fiscal 1971 of price supports in the Department of Agriculture and related agencies. Neither the bill nor the amendment was successful, but they produced some enlightening dialog. Similarly, the 92d Congress failed to act on this legislative proposal and amendments offered to the Agriculture appropriations bill.

One soon becomes aware that the tobacco business is very big business. Perhaps that is to be expected, with a total crop in 1970 of 1,905,751,000 pounds. However, the acreage is comparatively small, with only 899,000 acres harvested in 1970—less than one three-hundredths of total crop acreage harvested in the United States in 1970. There are a few large companies in the storage and manufacturing aspects of the tobacco business.

The argument is offered that many growers, and most of them small growers localized in two States, would be irreparably injured if the Federal Government does not continue to supply assistance and supports of existing types at current levels. But then we hear—and sometimes from the same person—that present Government programs for tobacco are costing our public nearly nothing. In truth, it has proven to be difficult to find out what the programs do cost. This information gap appears to be partly the result of the long storage between harvesting the crop and finally processing it into the end products. But it should be possible to arrive at some interesting and significant data if only the problem were to receive adequate attention.

Mr. President, I think we should give this problem this attention. I am aware that there are many problems—that alternate crops would have to be found for the small farmer and the processor now dependent upon the production of tobacco and the manufacturing of cigarettes for their livelihood. And there are the many people who have jobs in tobacco processing plants to be considered.

But it seems quite clear to me that our Government cannot long continue in the indefensible position of aiding and abetting production and export of this product. On the one hand, month by month, we become increasingly aware of its dangers to health. Since January of 1971 there has been an official ban on radio and television cigarette commercials. Yet, officially, we continue with price-support and other assistance programs for tobacco here and we continue our attempts to build overseas markets.

What I am proposing today is that my bill be appropriately referred and that hearings be held promptly. Our Government dilemma in this respect is becoming acute. The matter is deserving of full hearings and a vigorous search for a way out of our present untenable position. I ask unanimous consent that the text of the bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, beginning with the 1974 crop of tobacco, no price support for tobacco shall be made available to producers in any year.

(b) Notwithstanding any other provision of law, no export, subsidy may be paid to any person under the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480, Eighty-third Congress), for the export of tobacco to any foreign country after December 31, 1974.

By Mr. MOSS:

S. 249. A bill to amend the Federal Cigarette Labeling and Advertising Act to require the Federal Trade Commission to establish acceptable levels of tar and nicotine content of cigarettes. Referred to the Committee on Commerce.

LOW TAR AND NICOTINE ACT

Mr. MOSS. Mr. President, I introduce for appropriate reference a bill to amend the Federal Cigarette Labeling and Advertising Act to require the Federal Trade Commission to establish acceptable levels of tar and nicotine content.

Our Nation today is faced with soaring hospital costs; our medical care facilities are coming to the point where they will not be able to care for the growing number of chronically ill people; there are not enough funds to provide intensive care units for emphysema and heart disease patients; millions are being paid from social security funds to aid relatively young and still productive people who are unable to use their skills because they are disabled by chronic respiratory disease and heart conditions.

The best medicine for these diseases is preventative medicine. Prevention cuts down on costs, it cuts down on agony, and it cuts down on disability. Certain diseases are prevented with vaccinations such as German measles, smallpox, and polio. Certain diseases have been eliminated with environmental prevention, such as malaria, typhus, and yellow fever. And where prevention is not available, early detection and treatment are the surest methods of therapy: Pap smears for cervical cancer, chest X-rays for tuberculosis, PKU tests for birth defects, and spirometry for oral cancer.

The Low Tar and Nicotine Act would provide a measure of environmental protection against the ravages of lung cancer, emphysema, and heart disease. We have limits on pollutants; we set tolerances for contaminants in foods; we set flammability standards for fabrics; we limit impurities in medicines, in water, and in air.

Is it not about time we limited the toxic inhalants in cigarettes? In this bill I am not proposing a ban on cigarettes. The Volstead Act demonstrated that prohibition cannot work. Human behavior is too difficult to change. I do propose, however, that the harmful constituents of cigarettes be removed in quantities sufficient to reduce the hazards of personal air pollution for the 44.5 million adult smokers in the United States. The least we can do for them is warn them of the hazards of smoking and just as we find it necessary to limit toxic emissions in the name of air pollution, we must limit toxic emissions from cigarettes for the safety of the 44.5 million smokers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Federal Cigarette Labeling and Advertising Act is amended by adding at the end thereof the following new paragraph:

"(7) The term 'incriminated agent' means any constituent element of cigarette mainstream smoke which is present in quantities sufficient to be a health hazard."

SEC. 2. Section 7 of the Federal Cigarette Labeling and Advertising Act is amended by redesignating subsections (b) and (c) thereof as subsections (c) and (d), respectively, and inserting immediately after subsection (a) the following new subsection:

"(b) Not later than six months after the date of the enactment of the Public Health Cigarette Amendments of 1971, the Federal Trade Commission shall promulgate standards establishing such maximum acceptable levels of tar, nicotine, and other incriminated agents as the Commission determines may be present in cigarettes in quantities which will not pose an unreasonable health hazard. Such maximum levels may be reduced periodically, but not more often than once during any calendar year, whenever the Commission determines that lower levels are necessary to avoid unreasonable health hazards. Standards established by the Commission under this subsection shall permit cigarettes to contain the least amount of tar, nicotine, and other incriminated agents which is consistent with consumer acceptability. No standard established under this subsection shall be consistent with consumer acceptability if cigarettes produced in conformity with such standard would be so unaccept-

able to a substantial number of cigarette smokers as to create a market for the illicit sale and purchase of significant quantities of cigarettes which fail to meet such standard."

SEC. 3. This Act may be cited as the "Low Tar and Nicotine Act".

By Mr. RIBICOFF:

S. 250. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents. Referred to the Committee on Finance.

TUITION TAX CREDITS FOR NONPUBLIC SCHOOLS

Mr. RIBICOFF. Mr. President, I am introducing legislation allowing tax credits for tuition to nonpublic elementary and secondary schools.

If America's more than 21,000 nonpublic schools were all thriving institutions, there would be no need for Government assistance. But that is not the case today. Rising expenses have led to increased tuition at most nonpublic schools, both private and parochial. As a result, enrollment in these schools decreased from 6.3 million children in 1965 to 5.6 children in 1971. Roman Catholic schools, which account for over 80 percent of nonpublic enrollment, lost over 800,000 students between 1965 and 1969. All this occurred during a period when total school enrollment increased from 49 million to almost 53 million students.

If this trend continues, we will experience a massive dislocation in our public school system. Should nonpublic schools collapse, this Nation's already overburdened public school system would have to absorb over 5 million more children. They would not be spread evenly across the Nation but would be concentrated in the central cities where the public schools are least capable of absorbing a large influx of additional students. New York City, for example, would have to find spaces and teachers for over 358,000 new students. In Chicago, 200,000 students would be added and in Philadelphia almost 150,000

My own State of Connecticut faces a similar potential burden. Over 100,000 boys and girls, 14 percent of the State's total enrollment, attend parochial and private schools. Twelve of their schools closed in 1971, seven in 1972, and more can be expected to close this year unless Congress takes action.

Critics of aid to nonpublic schools argue that such assistance will weaken support of our public school system and is unconstitutional. I disagree.

The American people are not opposed to maintaining the excellence of their public school systems. As recent defeats in school bonds reveal, however, there is a limit to the increases in taxes people will tolerate to meet the spiraling costs of education. If the Nation's nonpublic schools close, it will cost taxpayers an estimated additional $5 to $7 billion per year to absorb their students into the public school system. Taxpayers should not be forced to assume this burden unless it is absolutely necessary.

It will not harm our public schools to engage in healthy competition with private and parochial institutions. The American people have diverse traditions, interests and goals and should have schools that are able to reflect these aspects of their lives.

The question of constitutionality is a difficult one. In the past cities and States have been ingenious in developing assistance programs. Few of them, however, have satisfied the constitutional prohibitions against the "establishment of religion." In 1971 the Supreme Court in Lemon against Kurzman, summarizes the cumulative criteria it had developed for assistance to religious institutions. First, the Government program must have a secular purpose; second, its primary effect must not be the advancement or inhibition of religion; finally, it must not foster "an excessive governmental entanglement with religion."

I believe my tax credit formula meets these tests. First, the program's purpose is to lower the expense of education to the student's parents. No tax funds would be given to the school. Second, its effect is to enable parents to decide which type of education is best for their child. Finally, because the taxpayer, not the school, is subject to audit, there are no excessive governmental entanglements.

Time is running out on many of the nonpublic schools that remain open. Late in the 92d Congress, the House Ways & Means Committee approved a bill similar to the one I introduce today. Unfortunately, no action was taken by the full House. Congressman BURKE of the House Ways and Means Committee is introducing similar legislation in the House and I am hopeful that both the Senate and the House will act expeditiously and pass this much needed legislation this year.

Under my proposal for each dependent in a nonpublic school, a family's Federal income tax bill would be reduced by one-half of the total tuition paid, up to a maximum credit of $200—or one-half of a $400 tuition). If the tuition was $150, the credit would be $75; if $100, the credit would be $50 and so forth. The allowable credit would be reduced by $1 for each $20 of adjusted gross income in excess of $18,000.

Mr. President, I ask unanimous consent that the text of S. 250 be ordered printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 250

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

SECTION 1. ALLOWANCE OF CREDIT.

(a) GENERAL RULE.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by redesignating section 42 as section 43 and by inserting after section 41 the following new section:

"SEC. 42. TUITION PAID FOR ELEMENTARY OR SECONDARY EDUCATION.

"(a) GENERAL RULE.—There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, the amount determined under this section for tuition paid by him during the taxable year to any private nonprofit elementary or secondary school for the elementary or secondary education as a full-time student of any dependent with respect to whom the taxpayer is allowed an exemption for the taxable year under section 151(c).

"(b) DETERMINATION OF AMOUNT.

"(1) AMOUNT PER DEPENDENT.—The amount allowable under subsection (a) for the taxable year with respect to any dependent shall not exceed the lesser of—

"(A) 50 percent of the tuition paid by the taxpayer during the taxable year to a private nonprofit elementary or secondary school for the elementary or secondary education as a full-time student of such dependent during a school year which begins or ends in such taxable year, or

"(B) $200.

For purposes of this paragraph, the amount of the tuition with respect to any student which may be taken into account for any school year shall not exceed $400.

"(2) REDUCTION OF CREDIT.—The aggregate amount which would (but for this paragraph) be allowable under subsection (a) shall be reduced by an amount equal to $1 for each full $20 by which the adjusted gross income of the taxpayer (or, if the taxpayer is married, the adjusted gross income of the taxpayer and his spouse) for the taxable year exceeds $18,000. For purposes of this paragraph, marital status shall be determined under section 143.

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) TUITION.—The term 'tuition' means any amount required for the enrollment or attendance of a student at a private nonprofit elementary or secondary school. Such term does not include any amount paid directly or indirectly for meals, lodging, transportation, supplies, equipment, clothing, or personal or family expenses. If the amount paid for tuition includes any amount (not separately stated) for an item described in the preceding sentence, the portion of the amount paid for tuition which is attributable to such item shall be determined under regulations prescribed by the Secretary or his delegate.

"(2) PRIVATE NONPROFIT ELEMENTARY OR SECONDARY SCHOOL.—The term 'private nonprofit elementary or secondary school' means an educational organization described in section 170(b)(1)(A)(ii)—

"(A) which is described in section 501(c)(3) and which is exempt from tax under section 501(a),

"(B) which regularly offers education at the elementary or secondary level, and

"(C) attendance at which by students who are subject to the compulsory education laws of the State satisfies the requirements of such laws.

"(3) ELEMENTARY OR SECONDARY EDUCATION.—The term 'elementary or secondary education' does not include (A) kindergarten, nursery, or other preschool education, and (B) education at a level beyond the 12th grade. In the case of individuals who are mentally or physically handicapped, such term includes education offered as a substitute for education at the elementary or secondary level.

"(4) SCHOOL YEAR.—The term 'school year' means a one-year period beginning July 1 and ending June 30.

"(5) FULL-TIME STUDENT.—An individual is a full-time student for a school year if he is a student at one or more private nonprofit elementary or secondary schools during each of 5 calendar months during the school year.

"(d) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) to the taxpayer shall not exceed the amount of tax imposed on the taxpayer for the taxable year by this chapter (computed without regard to the tax imposed by section 56), reduced by the sum of credits allowable under this subchapter (other than under this section and sections 31 and 39).

"(e) AMOUNTS NOT TO BE TAKEN AS DEDUCTIONS.—Any payment which the taxpayer elects (in such manner as the Secretary or his delegate shall by regulations pre-

scribe) to take into account for purposes of determining the amount of the credit under this section shall not be treated as an amount paid by the taxpayer for purposes of determining whether the taxpayer is entitled to (or the amount of) any deduction (other than for the purposes of determining support under section 152).

"(f) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) LIMITATION ON EXAMINATION OF BOOKS AND RECORDS.—Section 7605 of the Internal Revenue Code of 1954 (relating to time and place of examination) is amended by adding at the end thereof the following new subsection:

"(d) EXAMINATION OF BOOKS AND RECORDS OF CHURCH-CONTROLLED SCHOOLS.—Nothing in section 42 (relating to tuition paid for elementary or secondary education) shall be construed to grant additional authority to examine the books of account, or the activities, of any school which is operated, supervised, or controlled by or in connection with a church or convention or association of churches (or the examination of the books of account or religious activities of such church or convention or association of churches) except to the extent necessary to determine whether the school is a 'private nonprofit elementary or secondary school' within the meaning of section 42(c)(2)."

(c) CLERICAL AMENDMENT.—The table of sections for such subpart A is amended by striking out the item relating to section 42 and inserting in lieu thereof the following:

"Sec. 42. Tuition paid for elementary or secondary education.
"Sec. 43. Overpayments of tax."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid on or after August 1, 1973, for school periods beginning on or after such date.

SEC. 2. JUDICIAL DETERMINATION OF CONSTITUTIONALITY.

(a) TAXPAYERS HAVE STANDING TO SUE.—Notwithstanding any other law or rule of law, any taxpayer of the United States may commence a proceeding (including a proceeding for a declaratory judgment or injunctive relief) in the United States District Court for the District of Columbia within the 3-month period beginning on the date of the enactment of this Act to determine whether the provisions of section 42 of the Internal Revenue Code of 1954 (as added by section 1 of this Act) are valid legislation under the Constitution of the United States. Proceedings commenced under this subsection may, at the discretion of the court, be consolidated into one proceeding.

(b) JUDICIAL DETERMINATION.—Notwithstanding any other law or rule of law, the United States District Court for the District of Columbia shall have jurisdiction of any proceeding commenced as provided in subsection (a) and shall exercise the same without regard to whether a person asserting rights under this section shall have exhausted any administrative or other remedies which may be provided by law. Such proceeding shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

EXPANSION OF REHABILITATION PROGRAM—NOTICE OF HEARING

Mr. ROBERT C. BYRD. Mr. President, at the request of the Senator from California (Mr. CRANSTON), I am submitting a statement announcing forthcoming action by the Subcommittee on the Handicapped of the Labor and Public Welfare Committee, on S. 7, the Rehabilitation Act of 1972, which was introduced by the senior Senator from West Virginia (Mr. RANDOLPH) on Thursday, January 4, 1973.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STATEMENT BY SENATOR CRANSTON

For the information of Senators and the public, I announce that there will be a public hearing on Wednesday, January 10, 1973, before the Subcommittee on the Handicapped of the Committee on Labor and Public Welfare for the purpose of receiving testimony on S. 7, the Rehabilitation Act of 1972. This hearing will be held in Room 4232 at 9:00 a.m.

Mr. President, I am pleased to respond to the request of the Senator from West Virginia (Mr. RANDOLPH), the Chairman of the subcommittee, to act as Chairman for the purposes of considering this legislation. I am very grateful to the distinguished Senator for all the counsel, support, and assistance he gave me in the 92d Congress when I acted in the same capacity with respect to this legislation to improve and expand the vocational rehabilitation program.

As Senators are aware, this most vital legislation, which was a unique bipartisan effort and a culmination of nearly a year's work on the part of the respective Members of the Senate and the House of Representatives, and their staffs, was agreed to in Conference Report (92–1581) on H.R. 8395 at the end of the last Congress. The pocket veto of this bill was announced on October 27, 1972. The provisions of S. 7 are the same as those in the vetoed H.R. 8395.

This rehabilitation program is now in its 53d year. It has been directly responsible for enriching the lives and increasing the self-sufficiency of millions of handicapped individuals by placing them in jobs resulting in the production of tax revenues that might otherwise have been lost. It is one of the most cost effective programs that the Federal Government supports.

Mr. President, I earnestly hope that the Senate will proceed to pass this legislation as swiftly as possible. We have scheduled a subcommittee session to consider the bill immediately following the hearing on January 10. The new programs, authorities, and appropriations authorizations in the bill are essential to move us more closely toward meeting the needs of the millions of deserving Americans who have suffered the misfortune of being handicapped.

NOTICE OF HEARINGS ON NOMINEES IN THE DEFENSE DEPARTMENT AND CENTRAL INTELLIGENCE AGENCY

Mr. STENNIS. Mr. President, as chairman of the Senate Committee on Armed Services, I announced yesterday that confirmation hearings will begin next Tuesday on President Nixon's nominees to top positions in the Defense Department and the Central Intelligence Agency.

I also announced that Mr. Helms, the outgoing Director of Central Intelligence, would meet with the committee in executive session on Monday for a review of world developments. That Monday meeting has since been rescheduled, from Monday afternoon to 10:30 in the morning.

I have already notified committee members with respect to all of these arrangements.

I ask unanimous consent that the text of my news release, issued yesterday, be published in the RECORD at this point for the information of all Senators.

There being no objection, the release was ordered to be printed in the RECORD as follows:

The Senate Armed Services Committee will begin confirmation hearings Tuesday, January 9th, on President Nixon's nominees to top positions in the Defense Department and Central Intelligence Agency, Chairman John C. Stennis announced today.

Open sessions will start at 10 a.m., Tuesday, resume Wednesday morning, and continue Wednesday afternoon, if necessary, Senator Stennis said. The opening witness will be former Secretary of Health, Education, and Welfare, Elliot J. Richardson, who has been nominated to serve as Secretary of Defense.

Richardson will be followed by William P. Clements, Jr., of Dallas, Texas, nominated by the President to be Deputy Secretary of Defense, and James R. Schlesinger, former Chairman of the Atomic Energy Commission, who has been nominated as Director of Central Intelligence.

Senator Stennis also announced that outgoing CIA Director, Richard Helms, will meet with the Committee in Executive session on Monday afternoon for the regular periodic review of world developments.

ADDITIONAL STATEMENTS

GLEN ROCK CAROLER'S ASSOCIATION

Mr. SCOTT of Pennsylvania. Mr. President, as our sights and ambitions are now directed to the new year, I would like to step back a few days to pay homage and to extend my congratulations to the Glen Rock Caroler's Association of Glen Rock, Pa., on their 125th anniversary.

The carols, of English origin, were brought from England by the original settlers of Glen Rock. On Christmas Eve, 1848, five men with one member playing a bassoon went from house to house serenading the villagers. It is believed that there were at least four songs in their repertoire during that year.

The tradition has been carried on each year since 1848 and the carolers are now composed of 40 members and 10 associates. For the first time, period costumes of the 1840's were worn this Christmas in observance of their 125th anniversary.

I heartily commend this worthy association for bringing the Christmas spirit into the homes of their friends and neighbors as their descendants have done continuously for 125 years.

LITTLE CIGAR ADVERTISING

Mr. MOSS. Mr. President, these are not the words of an antismoking partisan; these are the words of an editorial published in this week's Advertising Age, the national newspaper of marketing:

Winchester is blowing smoke through a legalistic loop-hole and the smoke ring is forming a noose for all advertising. To the public, the Winchester commercial is the same as a cigarette commercial.

During the last Congress, my consumer subcommittee held several days of hearings on a variety of matters associated with cigarette smoking. As a part of that inquiry, we discussed little cigar advertising in the broadcast medias. This advertising is a pernicious distortion of congressional intent. One little cigar has moved into national distribution using broadcast advertising reminiscent of cigarette advertising. Another little cigar has been regionally introduced.

The creative platform and Winchester's very presence is a tease, designed to encourage cigarette smoking.

Again, a quotation from Advertising Age.

I will shortly introduce legislation to amend the Federal Cigarette and Labeling Advertising Act to redefine the term "cigarette," so that cigars will be restricted in their advertising and promotion in the same manner as other cigarettes.

I am pleased to note that the National Interagency Council on Smoking and Health, consisting of the major national health and educational organizations concerned with smoking, has endorsed efforts to break the back of this outrageous evasion of the ban on broadcast cigarette advertising.

Mr. President, I ask unanimous consent that the text of the Advertising Age editorial be printed in the RECORD.

There being no objection, the ordered to be printed in the RECORD, as follows:

[From the Advertising Age, Jan. 3, 1973]

A WHOLE 'NOTHER DISASTER

A group of public interest attorneys is giving those Winchester little cigars a rough time.

The lawyers don't question Winchester's right to be advertised on television; they're more concerned about the absence of a health warning on the pack. They're asking the Federal Trade Commission to require a strongly-worded warning that would carry a rather ominous litany: "This product if inhaled is dangerous to health and may cause death from cancer, coronary heart disease, chronic bronchitis, pulmonary emphysema and other diseases." That's what they want the label to read.

Can a smoker catch all those things from one Winchester? One drag? How about one pack of this low-tar brand?

No, we're not bothered so much about Winchester's inhalability and the health warning. We are bothered about Winchester being on tv in the first place. You can split all the legalistic hairs you can find and tell us that under Internal Revenue Service classifications, Winchester is not a cigaret; it's a little cigar. We say so what? Who's kidding whom? The brand is made on cigaret machines. To the public, the Winchester commercial is the same as a cigaret commercial.

There's the cowboy-type and his Marlboro-esque machismo, lipping the weed from a pack as so many other Marlboro men before him have done. There are the curls of smoke, the look of pleasure, the lovely girl who yields herself to this silent stranger and walks off with him, wordlessly, into the sunset. It's junk. But that's not reason enough to ban the Winchester campaign. We'd ban the campaign because we think Winchester is the cigaret's version of reminder advertising. It's the cigaret's toe in the tv door. The creative platform and Winchester's very presence is a tease, designed to encourage cigaret smoking. "Ain't no cigaret; it's a whole 'nother smoke," says Winchester.

To the public, the language—implicit and explicit—is that of smoking. As long as Winchester remains on tv, it cannot truly be said that cigaret smoking is off the air. We bring this up because there is something unwholesome about this Winchester stance. It's as if Winchester is being allowed to appeal to smokers from a privileged sanctuary, based on a technicality in the tax law. We think it's important because we find that more and more, people outside our business are using the Winchester campaign as an example of advertising cynicism and hypocrisy. The campaign undermines all of advertising.

As viewers look upon Winchester as a rip-off and assign it to those Madison Avenue hucksters, you can chalk up another bitter setback for the advertising business, its credibility and its responsibility. The best thing that could happen would be for Winchester to stop the charade, or for the tv stations to knock it off the air.

While there are other brands that make up the little cigar market, we're zeroing in on Winchester because it alone positions itself in an exploitive fashion as a subliminal cigaret. The earlier entries, the original little cigar brands, are either not on tv or are positioned so as to be exempt from criticism.

Either we change the law and reopen the airwaves to all cigarets or we get Winchester off the air and in compliance with the law's intent. Right now, Winchester is blowing smoke through a legalistic loophole and the smoke ring is forming a noose for all advertising.

THE CONTINUING TRAGEDY

Mr. RIBICOFF. Mr. President, the Vietnam war has been a national disaster for this country. It is tragic that in 1973 we have not yet ended our involvement in this morass. The war has been most disastrous, of course, for those who have been killed and maimed by it. But it also continues to undermine the moral and spiritual health of the United States.

Is it really so impossible to get our country out of this war? Is it really beyond the ingenuity of the Congress to disengage us from this tragedy? Will more massive bombing be used as a negotiating tool?

I suppose we should be grateful that we are now in a negotiating phase rather than a bombing period. But there is no one to explain to us here in the Senate or to the American people why our air force unleashed such destructive fury on the people of North Vietnam, and why, after peace was at hand, the negotiations broke down.

Over the years this war has been computerized, analyzed and Vietnamized. And over the years the American people and the Congress have been lied to about this war. Now we have bombed and blasted North Vietnam on an unprecedented scale without a word of explanation from our President and without a minute of testimony by our Secretary of State.

What has this accomplished? Some 30 aircraft, including 16 B–52's, have been lost and over 100 American airmen are dead or missing. At least this is what we are being told. What we do know for certain is that the prisoner of war camps in North Vietnam are now fuller of Americans, and that thousands more Vietnamese are dead.

Four years ago, a candidate for the Presidency declared—

Those who have had a chance for four years and could not produce peace should not be given another chance.

How many more chances will be asked for before the Congress acts to halt this shameful folly?

The Senate, to its credit, has gone on record in trying to put an end to the war a number of times.

The Mansfield amendment was passed on September 30, 1971, by a 57 to 38 vote, declaring it U.S. policy that withdrawal of troops from Indochina would be completed within 6 months of enactment, dependent only on release of American POW's and an accounting of the missing. I voted for the Mansfield amendment.

Last July and August, the Senate voted to restrict the use of funds for U.S. military operations in Indochina solely to withdrawal of all our forces from Vietnam, Laos and Cambodia, with total withdrawal to come within 4 months of enactment. I voted for this action, too.

But when the Congress enacted section 601 of Public Law 92–156, the Mansfield amendment, it was pointedly ignored by the President. And the wishes of the Congress and the majority of the American people continue to be ignored in a reckless and cavalier manner. After our hopes for peace were so cruelly dashed by the bombing, I hope that the Congress realizes that it must act to end this war.

On Thursday, I joined the overwhelming majority of my colleagues on this side of the aisle in declaring that—

Now therefore be it resolved that the Democratic members of the Senate hereby declare it to be Democratic policy in the 93d Congress that no further public funds be authorized, appropriated or expended for U.S. military combat operations in or over Indochina and that such operations be terminated immediately, subject only to arrangements necessary to insure safe withdrawal of American troops and the return of American POW's.

This was the exact language approved earlier by the House Democratic Caucus by a 154 to 75 vote.

As far as I am concerned, such legislation should be passed as soon as physically possible. But I am willing to concede that there may be merit in the arguments advanced by longtime foes of the war to wait until after Inauguration Day, January 20.

If there is no peace agreement by that date, there should be no peace of mind for any Member of either House who does not vote to cut off funds to continue the war.

I pledge my own strong support to all responsible efforts here in the Senate to end our Nation's involvement in this tragic conflict as quickly as possible.

We must not be lulled by more promises. The present administration has had 4 years to end our involvement in this conflict, and what can it show for it? Since January 1969, more than 20,000 Americans have died in Vietnam and 110,000 have been wounded. Ten or 20 times that number of Vietnamese have died—from North and South, soldiers and civilians, women and children. There are today an estimated 23 million bomb craters in Vietnam caused by 6 million tons of bombs, along with 7 million ref-

ugees. If this continues, all of Vietnam may become one huge crater—and everyone left alive may be a refugee.

The resort to massive bombing is an admission that our Vietnamization policy has failed. The South Vietnamese army still is not capable of defending itself. The South Vietnamese Government is still unpopular and repressive. And the United States is still paying too high a price in blood, treasure and prestige to ensure a pro-American regime in South Vietnam.

We have spent almost $65 billion during the past 4 years on this war. This is the equivalent of refunding one-half of everyone's Federal income tax bill last year. Instead, what this has meant to the American economy during this period is that inflation has risen 17 percent, and our unemployment rate has doubled.

In terms of wasted opportunities to build a better, stronger America, it has cost us even more. The cost of destroying a single truck on the Ho Chi Minh trail could build four homes in the United States. And the cost of just 6 days of this war could clean up the waters of the Great Lakes.

Wasted opportunities and wasted lives are the legacies of this war. And unless we finally end our involvement in this conflict, all America will be the poorer for it.

After more than a decade of this continuing tragedy, the only rational solution is to end the war—as quickly as possible.

It is painful to think that 55,000 Americans have died. But we must reject policies which compel this Nation to continue to kill other people and have its own sons killed in order to justify past blunders and to perpetuate outdated myths.

What foreign policy goals can we hope to accomplish by continuing this war? After the President's trips to Moscow and Peking, surely this war is not being fought as part of the struggle against world communism. Surely it is not being waged to keep the dominoes from falling. If anything, it is causing us to lose the support of traditional allies in Europe, Asia and all over the globe.

The President certainly deserves praise for his skill in improving and deepening our relations with the Soviet Union and mainland China. But even these new relationships have been put in doubt by the recent bombing. His handling of our exit from this war must be judged by the results—and the results are truly tragic. The mess we are in today is certainly not the making of one President or one administration.

The continuation of our military involvement cannot be viewed as a matter of showing the world that Americans honor their commitments. Americans have been fighting and dying for South Vietnam for more than a decade. We have given 55,000 young lives. We have spent more than $130 billion in the process. If this enormous price in blood and treasure doesn't demonstrate loyalty to an ally—what does?

After more than 25 years of misery, the Vietnamese are entitled to an end to the killing and destruction. It should be crystal clear by now that we will not be able to get our prisoners back by dictating peace terms by dropping more bombs, or by calling our adversaries names.

What terrible things would happen to our country if we left Vietnam now? We would still remain the most powerful Nation on earth. We would still have a secure nuclear deterrent and our military alliances.

Vietnam has been an albatross around our necks for too long. By casting this burden aside, we will not be displaying weakness, but strength. We will not be forsaking a worthy ally, but moving closer to more important and deserving allies. We will not be undercutting our commitments elsewhere, but reinforcing them because our country will be in a better position to honor them.

At this point in history, basic principles of humanity and common decency must supercede outworn geopolitical theories and false notions of national pride.

How many more must die before this truth is recognized?

PUBLIC WORKS DEVELOPMENT ACT OF 1973

Mr. BAKER. Mr. President, the chairman of the Committee on Public Works, the distinguished Senator from West Virginia (Mr. RANDOLPH) is introducing today for himself and the senior Senator from New Mexico (Mr. MONTOYA) the Public Works Development Act of 1973. The bill is identical to one introduced last year, S. 3381, by these two Members and cosponsored by the then ranking minority member of the committee, Mr. COOPER of Kentucky.

The Public Works Committee held 3 days of hearings on the proposal last year but did not complete its consideration of this major legislation before the 92d Congress adjourned. I understand the bill is being introduced today, without modification, to place this proposal before Congress early in this session and to enable the committee to continue the work begun last year.

The country has experienced a decade of development efforts through the Public Works and Economic Development Act of 1965 and its predecessor the Area Redevelopment Act of 1961. A thorough review of the objectives and strategies of these efforts is now feasible and, I believe, desirable.

The proliferation of categorical assistance programs, often with direct Federal-local controls, the duplicative requirements, and, more importantly, the fragmentation of planning and effort which this approach has fostered have come under increasing criticism. The continued well-being of our federal system of Government requires a more effective distribution of authority and responsibility within the system. One suggested approach for decentralizing Federal decisions is the use of regional institutions. I believe such regional organizations may well offer an opportunity to bring program coordination to a level closer to the people, strengthen the authority and responsibility of the States, and stimulate local initiatives in planning and execution.

Mr. President, I look forward to continuing the work of the Public Works Committee, which has been so important and will continue to be important in the fields of pollution control, highway programs, water resources, and economic development. The work of the committee has been constructive, because we have worked together, and worked with the executive branch. I hope very much and expect that this cooperation, exchange of views, and creative discourse will continue—and will do all I can, as I know will the chairman, Senator RANDOLPH, to further these efforts.

SOCIAL SECURITY PAYROLL TAX

Mr. MUSKIE. Mr. President, in the 92d Congress Senator MONDALE and I introduced legislation to revise the financing of the social security system in order to make the payroll tax a progressive levy, by providing for personal exemptions and low-income allowances while removing the ceiling on earned income that is taxed. The changes Congress enacted last year in social security benefits—and the new, higher tax rates adopted to cover those increased payments—make such improvements in the payroll tax even more urgent now.

We plan to introduce new legislation shortly to accomplish these important aims. Meanwhile, I believe the Senate can gain understanding of the issues involved by reading the thoughtful article published in the New York Times of January 3 by Louis Hollander, vice president of the Amalgamated Clothing Workers of America. As he notes, the payroll tax now violates the fundamental principle of sound tax policy and bears no relationship to ability to pay.

Further, the new rates hit hardest at low- and middle-income workers. The tax on a $12,000 salary will be 50 percent higher in 1974 than it was in 1972.

I recommend Mr. Hollander's article to my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REFORM IN SOCIAL SECURITY

(By Louis Hollander)

The 92d Congress has done a commendable job by putting into effect two legislative measures that boost Social Security benefits by 20 per cent and contain some important improvements in the Social Security and Medicare programs sorely needed by our aged and disabled citizens.

However, the nature of the payroll-tax increases required to finance these improvements raises a most serious question that merits the closest attention of the incoming 93d Congress.

The inadequacies of our Social Security financing structure—the increasing reliance on the regressive payroll tax that falls most heavily on low- and moderate-income workers—add a new dimension to the problem that offsets our priorities for tax reform.

The bill recently signed by the President presents a $5.3-billion tax bill to the American people. This tax boost would be in addition to a $7-billion tax bill rise already scheduled to go into effect Jan. 1 to pay for the 20 per cent across-the-board Social Security benefit increase voted by Congress

The total cost of these improvements will be raised by increasing the payroll tax on 96 million employed persons from the present 5.2 per cent to 5.85 per cent in 1973 and 6.05 per cent in 1978, together with an increase in the wage base from this year's $9,000 to $10,800 in 1973 and $12,000 in 1974.

For the individual low- and middle-income worker, this dramatic increase in the payroll tax means substantial reduction in his take-home pay. For a wage earner with a $12,000 wage income, his Social Security tax will increase in a one-year period from $468 in 1972 to $631.80 in 1973, or 35 per cent, and to $702 in 1974, or 50 per cent.

Such enormous increase in payroll tax not only means a substantial cut into the living standards of the average worker but also intensifies and increases the unfairness and regressiveness basically inherent in such a tax. As is well known the tax is a constant percentage of earnings up to the ceiling but then becomes a smaller and smaller fraction as earnings increase with no personal exemptions, no deductions and no low-income allowance.

Thus the tax violates the fundamental principle of sound tax policy and bears no relationship to ability to pay. For instance, increasing the tax rate to 5.85 would mean for a family of four with one wage earner in the $3,000–$4,000 bracket about a 9 per cent increase and for a family earning $10,000 a 3.4 per cent increase in Federal taxes, but it would increase taxes for a family earning $50,000 by only four-tenths of 1 per cent and for a family in the $100,000 bracket by one-tenth of one per cent.

Moreover, the law treats even families of the same income level differently by taxing them unequally. A family with total earnings of $18,000 earned equally by the husband and wife pays twice as much in payroll taxes as does a family in the same income bracket with one earner. At any given level of family earnings below the ceiling a single-earner family receives larger benefits than does the multi-earner family.

The regressive nature of the Social Security tax can be relieved in two ways by a higher wage base—raised substantially more than through recent actions of Congress—and by use of general revenues.

The recently enacted wage-base ceilings, though a step in the right direction, are still inadequate inasmuch as they leave a substantial fraction of covered payrolls outside the pale of taxation. About 95 per cent of the persons in the Social Security program had their full earnings covered when the program first began. It would take a wage base in excess of at least $15,000 to cover the same proportion today. The program should cover the total earnings of the overwhelming majority of workers so that their benefits, which are based on covered earnings only, will be better related to what they have actually earned.

However, since raising the tax base to $15,000 alone would not provide sufficient funds for needed benefit improvements we must also look to general tax revenues as a most feasible and sensible supplementary source of funds.

There are of course a variety of other alternatives, such as total removal of the ceiling on wages, refunding the payroll tax paid on wages of workers with incomes below the poverty level, introduction of personal exemptions and so on, but neither of these fragmentary remedies is sufficient to infuse into Social Security enough money needed to deal with the economic plight of our aged and disabled without placing an unfair burden on the low-wage worker. The logical and preferable source of this money is a regular contribution to the Social Security Trust Funds from the general revenues of the Federal Government, the only remedy able to make it a truly social insurance system with the society as a whole assuming responsibility it does not now undertake.

SENATE MUST ACT ON GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, as the new Congress assembles, we are reminded of the great traditions of law and justice upon which our institutions are founded. Almost 200 years ago, in the Declaration of Independence and in the Bill of Rights, our Nation set an example to the world of dedication to the ideals of respect for the innate dignity of man and reverence for human life and happiness. In those days enlightened men everywhere looked to our country as man's best hope of building a society based on equality and brotherhood. To be sure, even then we had our failings, but we had the confidence to hope, indeed, the courage to dare that our commitment to the cherished values we proclaimed would be steadily strengthened and perfected. Looking back over our history we may take great satisfaction in the extent to which these brave dreams of our Founding Fathers have been realized in our land. We may also view with pride the impact of America's ideals on the course of human progress around the world.

I have little doubt that in the future our country will continue to hold up its light to the world. But in order to adhere steadfastly to this role we must not overlook an important piece of unfinished business on our Nation's moral agenda—the ratification of the Genocide Convention. This Convention simply pledges our Government to preserve and protect the very principles which gave it life and have sustained it throughout its history. If we believe that every single person has an inalienable right to life and happiness, how can we show reluctance to approve a declaration recognizing and protecting these rights among entire groups of people? If we wish to show ourselves as a moral example, how can we refrain from condemning the crime of genocide, already denounced by more than 75 of the other nations of the world?

Mr. President, in January of 1967, I pledged to speak day after day in this body to remind the Senate of its failure to act on several human rights treaties including the Genocide Convention. I can think of no better occasion than now, as we reconstitute our great representative assembly, to reaffirm my pledge. I do this in the conviction that the Senate will inevitably see that ratification will not only prove our country true to mankind, but to its own best self, as well.

EXECUTIVE REORGANIZATION

Mr. RIBICOFF. Mr. President, yesterday, President Nixon announced a sweeping reorganization of the executive branch. Under his Executive order Secretary of Agriculture Earl L. Butz will become Counselor to the President on Natural Resources, Secretary-designate of Health, Education, and Welfare, Caspar W. Weinberger will become Counsel on Human Resources and Secretary-designate of HUD, James T. Lynn, will become Counselor on Community Development. Secretary of the Treasury, George L. Shultz, had earlier been appointed Counselor to the President on Economic Affairs.

According to the reorganization plan, each Counselor will have authority over a broad functional area cutting across the responsibilities of several departments and agencies. For example, the authority of Secretary Butz will apparently extend to minerals and the environment, matters which are now under the jurisdiction of the Interior Department and EPA respectively. Secretary Lynn will seemingly have power over highways and disaster relief, now under the control of DOT and the Office of Emergency Preparedness, respectively.

Each Counselor will chair a committee composed of the department and agency heads within that subject area.

The President's Executive order is apparently designed to achieve the functional equivalent of the reorganization which the President sought through legislation in the last Congress. As such, it raises many questions which Congress must seriously consider. Some of the foremost are:

First. In their dual roles as Cabinet Secretaries and Presidential assistants will Messrs. Shultz, Butz, Lynn, and Weinberger be able to invoke Executive privilege to bar congressional interrogation on policy formulation and implementation?

Second. How will the Counselors exercise authority over the programs located in other departments than their own? For example, suppose a difference of opinion arises between Secretary-designate Weinberger and Secretary Morton over Indian education policy. How will this be resolved?

Third. What will the role of the Office of Management and Budget be with respect to these new committees? In 1970, when the President proposed to establish OMB we were told that it would be the primary agency for program coordination. Now, apparently he has chosen another method to achieve this goal. Did OMB fail to perform its responsibilities here?

Fourth. How will the activities of these new counselors and committees be coordinated among themselves and with other functions, such as national defense?

Fifth. How will this reorganization affect the responsibility of Congress to authorize programs, control appropriated funds, and oversee program execution?

To explore these and other issues the Government Operations Committee should hold prompt hearings on this reorganization. The committee should call each of the designated counselors to answer these questions and explain to the Congress and the American people exactly how this reorganization will operate. We should also ask Mr. Roy Ash, Director of OMB, to tell us exactly what his role and the functions of his agency will be under the reorganization.

Mr. President, we must also determine whether this plan poses any threat to the rights and responsibilities of Con-

gress and if so, what legislation is necessary to protect them.

Reorganization of the executive branch is one of the key issues facing the 93d Congress. Consideration of this reorganization plan is the place to begin.

THE PRESIDENTIAL PRESENCE

Mr. STEVENS. Mr. President, on Tuesday, January 2, 1973, an important column appeared in the Baltimore Sun. This essay, in the form of an open letter to President Nixon, was written by Mr. Nick Thimmesch and was entitled "A Plea for More of the Presidential Presence." Mr. Thimmesch made several constructive comments to the administration. They urged important changes over the next 4 years.

Of particular importance to Congress will be the position of this administration in response to the important bills that will be passed by the 93d Congress. Legislation such as that mentioned by Senator SCOTT and discussed in the article will likely be considered in the coming months. Congress and the Nation will be awaiting the President's response.

Because of the importance of the article to Congress and the entire country, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A PLEA FOR MORE OF THE PRESIDENTIAL PRESENCE

(By Nick Thimmesch)

WASHINGTON.—DEAR PRESIDENT NIXON: Only you and Dwight David Eisenhower were re-elected as Republican presidents in this century. That's an accomplishment for you. But there isn't much of your presidential presence anymore. Your low visibility is understandable during the holidays, but you were sequestered for many weeks after the election, and we wonder how much we'll see of you as the new year begins.

It's unreasonable to ask any man to be what he isn't, in your case, outgoing, charismatic and all that. But you've been out among us in the past, and isn't it time you let some sunshine into your administration?

You are rightly praised for establishing the new relations between the U.S. and the Communist world. You have calmed the republic, cooled inflation, and restored a measure of order to our government and daily life. We certainly don't want the turbulence and violence of the Sixties to revisit us.

But people who watch your administration closely are troubled over the development of what I call the "vault mentality," the inclination to lock up, button up, shut off. It was there in the campaign, and had some bad side effects in the Watergate affair. It was appalling at the GOP convention when your headquarters hotel, the Doral, was operated like a well-appointed prison, with even its Republican occupants regimented. It exists today, in the super-suspicious attitudes of your closest people in the White House. They are not just suspicious of partisan Democrats or vagrant journalists like myself; no, they are suspicious of each other these days to a degree which goes beyond the usual palace intrigue.

Moreover, your own Republicans, largely those who run precincts or who strain to get elected, don't like any of this either, and are saying so to each other, and to anybody who will give them an honest ear. Coercion, the heavy federal hand, the great regulators—these have always gone against the grain of Republicans, but now they find this repressiveness emanating from the White House. It used to be the liberals who were the old scolds and fussbudgets.

You have always been a good listener, and a fair-minded man when it came to fellow Republicans. You told them to run their own campaigns in the Goldwater year, and you never expected Gov. Nelson Rockefeller or Senator Jacob Javits to risk their electorate by having you as part of their campaign teams when you were a private citizen in New York. In your comeback period, 1966–1968, you encouraged diverse opinion in your small staff, and you did the same in the early part of your presidency. And it was a young senator named Richard M. Nixon who once introduced a bill (1951) designed to guarantee free speech to any member of the armed forces or government without fear of suffering professional punishment.

The Vietnam peace settlement and the growing detente between us and the Communist world understandably occupy much of your thought. This kind of work is your best. But since you are such a hard worker, could some of that ability you possess to focus on problems be directed at several domestic ailments?

You ought to push two pieces of legislation Senator Hugh Scott, your minority leader, urged in a recent private meeting with you, namely, health insurance for catastrophic illness and pension reform so old people are guaranteed what they worked a lifetime for. Your energies and focus would similarly be tremendous in getting rid of the 30 million handguns in the republic which are no good to anyone except killers, and we hope you will continue to push for better mass transit, a cleaner environment, and welfare reform.

You should know what catastrophic illness does to a family. Two of your beloved brothers died young after long illnesses, ordeals to your struggling family. This is happening to many an American family today, too.

Not a bad idea either to hold a press conference soon. Your last one was October 5, three months ago. Wouldn't hurt to have a few newsmen or know-it-all pundits in for a private chat or a drink once in a while either. It's good to relax tensions between East and West, but also good to relax some tensions here in Washington. Is there some way, that a few unscheduled visitors can get in to see you? It's surprising how much presidents and such people learn from such chance encounters.

You won big in November, but your party didn't. You ought to really be kinder to your party. Sure, you labored for the GOP for a generation, landing on sodfields in ancient DC-3's, going through insufferable receptions, and hearing the blare of music and the confusion of rallies. Your last campaign was understandably tired of all that. But we do need a two-party system, and despite your remarkable landslide victory, your party isn't strong. Party politics have been too lopsided for too long, and Republicans should be able to feel a little more comfortable in Congress and in some statehouses.

CORPORATE RESPONSIBILITY AT WORK

Mr. PROXMIRE. Mr. President, a good example of corporate responsibility has come to my attention. It is a program called JOE, which stands for Juvenile Opportunities Endeavor.

JOE is being sponsored by Daylin, Inc., a retailer headquartered in Beverly Hills, Calif. The corporation is encouraging its 16,000 employes to volunteer to work with young people who find themselves in trouble or who are on probation. The volunteers are working closely with the National Council on Crime and Delinquency.

Daylin's program is not new. It was begun 6 years ago. What is new about the program of social responsibility is the effort on behalf of youth worth saving. And the corporation is trying to multiply the effects of JOE by encouraging other corporations to join in the same effort.

Mr. Amnon Barness, Daylin chairman, says that it is the goal of JOE to double the 250,000 volunteers now mustered under the National Council on Crime and Delinquency by getting other firms involved.

Mr. President, I am one Senator who wishes Mr. Barness and his associates well in their worthwhile work on behalf of youth who might otherwise be further neglected.

SEPARATION OF POWERS

Mr. MUSKIE. Mr. President, three editorials published in the New York Times of January 3 make clear the danger to the doctrine of separation of powers in the President's apparent desire to govern America alone. He has shown contempt for explicit congressional directives by impounding funds we appropriated for needed public investments. He has defied our implicit power to consult in the making of foreign policy by denying us the information we must have to act intelligently. And he has deceived us and the American people with half-truths or outright misstatements of fact about the course of the war in Indochina.

The New York Times refers to the President as behaving with "the aloofness of a Roman emperor." It is not inappropriate to remind my colleagues that there were no Roman emperors until the Senate of Rome moved from obsequiousness to impotence. I hesitate to claim that history could repeat itself, but I strongly advise my fellow Senators to reflect on the danger we confront and the proper course of vigorous action we must pursue to reassert our prerogatives and the protection they offer our democracy.

The New York Times wrote:

A Chief Executive determined to conduct war and foreign affairs without constraint or even consultation, determined to shield the Administration's effective policy-makers from Congressional cross-examination by the vastly enlarged use of the doctrine of executive privilege, and determined to arrogate to himself a total control over Federal spending decisions is a President seeking nothing less than the surrender of his adversaries. Congress cannot escape responding to these direct challenges to its authority.

Our response must be quick and decisive. The 93d Congress must act to revive its authority or risk such erosion of its prestige and power that the legislative branch becomes an empty appendage of government. The issue is the central political question we face, and I believe the New York Times editorials have clearly described the challenge. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 3, 1973]

NO EXIT FOR CONGRESS . . .

Because they are different kinds of institutions, the Presidency and the Congress naturally tend to have differing perspectives on the nation's needs. When executive and legislative powers are controlled by opposing parties, this tendency is usually magnified. But mutual respect and normal civility can bridge these institutional and political antagonisms and make constructive cooperation possible.

The 93d Congress that convenes today, however, faces an unusual situation. In the past, it has been understood that divided government imposed a limit on the initiatives which either side could pursue. For better or for worse, the President and Congress recognized that they were yoked together and could only move within an ill-defined but mutually discernible middle area of policy.

When President Franklin D. Roosevelt lost his large Congressional majorities, he conciliated Republicans and conservative Democrats by announcing that he had dismissed Dr. New Deal and replaced him with Dr. Win-the-War. He thereby acknowledged that the time for domestic reform had temporarily passed.

Similarly, President Eisenhower jogged along amicably enough with the Democratic-controlled Congresses of the mid-fifties in part because they were only marginally Democratic and moderately led and in part because he refrained from pushing for conservative change.

By contrast, the first Nixon Administration is ending on a note of open defiance of Congressional power, Congressional judgment, Congressional sensibilities. Nothing in the Constitution specifically required Mr. Nixon to consult with the leaders of Congress before he resumed the terror bombing of North Vietnam last month, but comity between different branches of government as well as the plain intent of the Constitution should have impelled him to do so.

In his management of the water pollution issue, President Nixon has not only disregarded the overwhelming judgment of Congress—other Presidents have done that—but has explicitly refused to conform to the terms of the law enacted over his veto.

By his reorganization of the Government, his impounding of Congressionally authorized funds and in other ways, Mr. Nixon has clearly signaled his intention to put his will against that of Congress. In the past, such head-to-head conflicts have led to the decisive repudiation at the polls of one or the other of the antagonists.

To outside observers, the most striking fact about the November 1972 election was that it failed to produce a coherent governing majority. But if Mr. Nixon chooses to interpret his "lonely landslide" as a mandate for an aggressively reactionary ideological grand design, only Congress can effectively dispute him.

A Chief Executive determined to conduct war and foreign affairs without constraint or even consultation, determined to shield the Administration's effective policymakers from Congressional cross-examination by the vastly enlarged use of the doctrine of executive privilege, and determined to arrogate to himself a total control over Federal spending decisions is a President seeking nothing less than the surrender of his adversaries. Congress cannot escape responding to these direct challenges to its authority.

TYRANNY OF SILENCE

The refusal of Secretary of State William P. Rogers and Presidential aide Henry A. Kissinger to discuss with key Congressional committees the status of war and peace in Indochina is, as Senator Fulbright has caustically observed, disappointing but "not unusual."

The present Administration has a long history of contempt for the right of Congress and the American people to be kept informed about its actions. This obsession with secrecy has been particularly marked since the United States walked out of the Paris peace talks last month and launched intensive bombing attacks against the Hanoi-Haiphong region of North Vietnam.

Why did negotiations break down? What justification can be offered for the "carpet" bombing of a heavily populated area? What developments led the President to suspend the enlarged aerial blitz on the eve of the new year? What are the issues in the talks which are scheduled to resume next Monday? Will Washington at last overrule President Thieu's persistent objections? What are Mr. Nixon's intentions if the renewed negotiations do not prove to be "serious," and what does the Administration mean when it demands "serious" talks?

Maintaining the aloofness of a Roman emperor, the President has not designed to confide in the American people since his election eve boast that "I can say to you with complete confidence tonight that we will soon reach agreement on all the issues and bring this long and difficult war to an end." He did not consult Congressional leaders before ordering a major escalation of the war. He apparently has not even informed many high-level Administration officials of his plans.

Perhaps that is why Mr. Rogers refuses to meet with members of Congress. Maybe even the Secretary of State doesn't know what's going on.

This tyranny of silence is an intolerable perversion of the American democratic system. The self-serving sophistries from anonymous officials and low-level spokesmen that substitute for hard information only strengthen suspicions at home and abroad that the Administration has no adequate explanation for its actions. If the President will not take the people and Congress into his confidence, then Congress must act alone to end this war.

AND OF DECEIT

Pentagon spokesman Jerry W. Friedheim hit a new low in official obfuscation yesterday when he conceded that "some limited accidental damage" was sustained by Hanoi's Bach Mai Hospital during the recently suspended United States aerial blitz. Mr. Friedheim said that information indicating damage to the hospital had reached him after he had denied any damage on Dec. 27 and again on Dec. 29.

On Dec. 25, however, this newspaper carried the following dispatch from Telford Taylor, professor of law at Columbia University and a retired brigadier general who was chief prosecutor at the Nuremberg war crimes trial. General Taylor, who was then visiting Hanoi, wrote:

"Early this morning, the large Bach Mai Hospital was destroyed. The hospital grounds were torn by huge fresh craters and the buildings that escaped hits were shattered by blasts.

"Viewed a few hours later, the hospital remains were a terrible scene, with rescue workers carrying patients piggyback, cranes and bulldozers and people using only their hands desperately clearing debris to reach victims said to be still buried in the rubble, and the frantic hospital director running from one building to another."

This "limited" damage, Mr. Friedheim has the temerity to suggest, may not have been caused by American bombs at all but by "North Vietnamese ordnance or aircraft."

Is it any wonder this Administration has a credibility problem?

AN OPTIMISTIC APPROACH TO THE ENVIRONMENT

Mr. MOSS. Mr. President, in today's world, when we are so aware of the environmental and ecological devastation of the earth, we too often forget how man has cultivated productive environmental values. Much of the land that we consider natural has been created by man to meet his economic and social needs. Our rolling hills covered with wheat, terraced landscapes, varied vegetation, artificial lakes and rivers, and moors have all been a small part of our manmade ecosystems. It is time for man to step back from his dismal outlook of his world and see what man has done and can do for the world through intelligent and careful management.

René Dubos, professor emeritus at Rockefeller University, has written an article entitled "'Replenish the Earth, and Subdue It' Human Touch Often Improves the Land," printed in the December 1972, issue of Smithsonian.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"REPLENISH THE EARTH, AND SUBDUE IT"
HUMAN TOUCH OFTEN IMPROVES THE LAND

(By René Dubos)

On a trip from India to Europe at the turn of the century, the Indian author Rabindranath Tagore was overwhelmed by the quality of the land he saw by train from Brindisi to Calais. The European countryside appeared to him as a loving creation of the peasantry. "I watched with keen delight and wonder that continent glowing with richness under the age-long attention of her chivalrous lover, western humanity. . . . Love and action are the only media through which perfect knowledge can be obtained. . . ."

I had these words of Tagore in mind while attending the U.N. Conference on the Human Environment held in Stockholm last June. The delegates had little opportunity to discuss the pleasurable aspects of the environment: meadows and farmland, flower gardens and parks, let alone cottages, mansions and monuments. They were preoccupied instead with water and air pollution, the depletion of natural resources, crowding in human settlements—in brief, the thousand devils of the ecological crisis.

There were good reasons, of course, for focusing the Stockholm Conference on environmental degradation. But I believe there is danger in emphasizing only the destructive aspects of Man's impact on his environment. Our civilization will become increasingly spiritless and dreary if we do not learn to recognize and cultivate *positive* environmental values, to remember that Man has frequently improved on nature by transforming it either for profit or for love. Intact, many of the Earth's potentialities remained unexpressed until they were brought out by human labor, imagination and, indeed, fantasy.

Last summer, while visiting the Aegean Islands, I realized how much Man's presence can diversify and enrich the creativeness of nature. Our ship stopped at Thera (Santorini) late at night and I first viewed the island in the early morning as I stepped from my cabin: the incredibly perpendicular cliff, 1,000 feet high, plunging into water 1,200 feet deep. On its very upper edge, white houses and colorful church domes gleamed in the sun against the luminous sky.

I knew that the cliff resulted from the tremendous volcanic eruption which had split the island 3,500 years ago and buried its remnants (SMITHSONIAN, January 1972). The explosion may have been as much as four times more violent than that which destroyed two-thirds of Krakatoa Island in 1883.

Gradually the typical Aegean flora and fauna returned. And unlike Krakatoa, men also came back and developed several consecutive civilizations. These have had their ordeals but all have generated some form of wealth from the tormented Aegean rock. If it had not been for the presence of men, Thera would not have produced the heady wine and tasty small tomatoes for which it is now famous. Despite its lack of water and the poverty of its land, Thera is a showpiece among the Greek Islands. It illustrates that the *human* quality of the environment may transcend physical and ecological considerations.

Whatever the characteristics of the environment, a new kind of value always emerges with intimate and long association between Man and landscape. According to Robert Graves, the Moslems use the word *bâraka* to express the sense of blessedness that attaches itself to places and objects after years of loving care. This must be the same notion that Tagore had in mind when he wrote of the wooing of the Earth—the ". . . harmony with nature attained through intelligent dealings."

While in Greece last July, I visited, one late afternoon, the ancient Byzantine monastery of Moni Kaisariani, a few miles southeast of Athens. It nestles on the slopes of Mount Hymettus at the 1,100 foot elevation; from it a trail meanders through an almost treeless landscape among thyme, lavender, sage, mint and other aromatic plants. The marblelike rock formations of Hymettus are denuded, but the luminous sky gives an architectural quality particularly bewitching under the violet light of sunset.

A short distance from the monastry, the trail reaches an outcrop of rocks which affords a sudden view of the Acropolis, Mount Lycabettus and the whole city of Athens. As is so often the case in Greece, the buildings—whether pagan, Christian or simply urban—derive an extra dramatic quality from their placement in nature. And nature itself has been humanized by several thousand years of use. The grounds associated with the monastery have the traditional almond and olive trees of the Greek landscape, but these originated long ago in south central or southeastern Asia. Similarly, the road back to Athens is shaded with eucalyptus trees, but these were introduced from Australia. Beyond the monastery along the trail the Hymettus is stark and luminous, but the rocks became clearly visible only after deforestation had led to erosion during historical times.

Ecologists and historians agree that most of Greece was originally wooded; its austere rock structures used to be masked by soil and trees. What we regard as the Greek landscape—stark and almost treeless—is a consequence of deforestation followed by erosion. The slopes have been kept denuded by rabbits, sheep and especially goats which continuously destroy new growth. Forces set in motion by Man thus let light play its bewitching game on the white framework of Attica.

Writers of the Classical, Hellenistic and Roman periods were aware of the transformations brought about by deforestation. In *Critias*, Plato compared the land of Attica to the "bones of a wasted body . . . the richer and softer parts of the soil having fallen away, and the mere skeleton of the land being left." In pre-classical times, according to Plato, the dwellings were made with "roofs of timber, cut from trees growing there, which were of a size sufficient to cover the largest houses." Later, however, "the mountains now only afford sustenance to bees." The famous honey of Hymettus is thus linked to deforestation which favored the growth of sun-loving aromatic plants.

DIVINE NUDITY AND A PAINFUL SYMBOL

The Illisus River, which has its source on Mount Hymettus and runs through Athens, was still a lively stream in Plato's time. On a hot day in midsummer, Socrates and Phaedrus walked toward a tall plane tree on the banks of the Illisus a short distance from the Agora. As reported in the famous dialogue, they discussed rhetoric, philosophy creativeness and love while cooling their feet in the water of the stream which they found "delightfully clear and bright." Today, the Illisus is dry much of the year and serves as a sewer covered by a noisy roadway. There could not be a more painful symbol of the damage done to the human quality of life by Man's *mismanagement*.

The deforestation of Greece is now far advanced but not irreversible. Wherever a serious effort is made to stop lumbering and prevent grazing, trees and wild flowers reappear spontaneously. With proper management, the mainland and islands could once more be wooded as they were before the classical era, bringing climatic and agricultural improvements. As Henry Miller says in *The Colossus of Maroussi*, "The tree brings water, fodder, cattle, produce . . . shade, leisure, song. . . . Greece does not need archaelogists—she needs arboriculturists." Yet reforestation would make the landscape very different from the classical image we now have of it. For the Greek poet Kostes Palamas (1859–1943) in his poem. "The Satyr or the Naked Song," the stark, eroded structures of the present landscape triumphantly symbolize the "divine nudity" in Greece. And Henry Miller, again, marveled at the rocks which "have been lying for centuries exposed to this divine illumination . . . nestling amid dancing colored shrubs in a blood-stained soil." These very rocks are symbols of life eternal.

The Greek mountains were probably frightening and difficult to penetrate when they were completely wooded. After deforestation and erosion, they acquired some of the qualities of a park; the traveler could move on their opened surfaces, his vision floating into a distance of golden light. I have wondered whether the dark and tormented divinities of the preclassical period did not become more playful, and reasonably human, precisely after they emerged from the forests into the open landscape. Would logic have flourished so well if Greece had remained covered with an opaque mantle of trees?

There is no doubt that man spoiled the water economy and impoverished the land when he destroyed the forests of the Mediterranean world. But it is a fact also that deforestation allowed the landscape to express certain of its potentialities which had remained hidden under the dense vegetation. It revealed the underyling architecture of the scenery and perhaps helped the soaring of the human mind. The full expression of the Mediterranean genius may require both the cool mysterious fountains in the sacred groves and a bright light shining on the denuded rocks. Ecology becomes a more complex but far more interesting science when Man is accepted as an integral part of the landscape.

In most parts of the globe, just as in Greece, men have been humanizing the Earth since the late Stone Age and have literally shaped the landscapes in which we live. Much of the Earth's surface used to be covered by forests and marshes. This seemingly endless green mantle had an overpowering grandeur which can still be experienced in the tropical jungle. But it masked some of the Earth's most interesting aspects.

Almost everywhere, farmland, pastures, gardens and parks have been created by profoundly transforming the natural environments. Wilderness has thus been replaced by man-made ecosystems which have become so familiar that they are commonly assumed to be of natural origin. In fact, it is Man who has created most of the "nature" celebrated by artists and poets

The moors of England and Scotland used to be heavily wooded and emerged as moorland only after deforestation, which began during the Bronze Age and had essentially been completed at the end of the Middle Ages. In contrast, the region now occupied by the San Francisco Presidio was essentially treeless until the 19th century; it now differs from the surrounding northern tip of the San Francisco peninsula because Major W. A. Jones of the Corps of Engineers proposed in 1883 a systematic program of landscaping with a great variety of trees and shrubs. Major Jones recommended that "Young trees should be fenced off to keep out grazing cattle," and that "Growth [be] pretty much restricted to eucalyptus and evergreens because deciduous wouldn't grow—too windy."

Man's influence on European landscapes has been exerted for so long that it has created a second nature, not always readily differentiated from primeval nature. Like the rest of northern Europe, the Ile-de-France region where I grew up was almost completely wooded at the beginning of the Christian era. Trees still grow luxuriantly there wherever they are given a chance. In all directions around Paris, there are large forests such as those of Rambouillet. Fontainebleau, Villers-Cotterets, Compiègne. The smaller and less famous Carnelle Forest 20 miles north of the city is of special interest to me because I used to take romantic walks to its well-preserved druidic dolmen near Beaumont-sur-Oise—my grandfather's home. The classic parks and the countless woodlots throughout the farming country provide further evidence that the Ile-de France is by nature a land of trees.

Most of the primeval forest, however, was cleared during the early Middle Ages to create farmland, villages, urban settlements and industries. The region now has such a rich agriculture that it has been called the granary of France; furthermore, its industrial output is very large and ranges from chemicals to automobiles, airplanes and electronic equipment.

Although I speak of myself as a product of the Ile-de-France, my world until the age of 14 was limited to the part of it which is known as the Vexin, just northwest of Paris between the Seine River and Normandy. I have two dominant memories of my youthful wanderings through this very ancient province of undulating plains and low-lying hills. On the one hand there were vast fields of wheat, alfalfa and sugar beet, with some pastures and small woodlots; on the other hand, forests and their wide dirt roads with fairly straight long stretches leading on to views of open fields villages, towns and church steeples. For me this was "nature"—a gentle landscape made up of domesticated fields and readily accessible woodland.

I now realize that the landscapes of my youth were not truly "natural," they had been shaped very differently under other circumstances. For example, medieval peasants, if left to themselves, would certainly have carried deforestation much further to create more farmland. Much of the land, however, belonged to kings and noblemen and they preserved and managed the forests primarily to satisfy their passion for the hunt.

Most of the forest roads where I walked dreamily as a boy, and where lovers look for lilies of the valley in the spring, were opened during medieval and Renaissance times because they created favorable habitats for game and made hunting easier as well as socially more pleasurable.

The Ile-de-France and the Vexin in particular are adorned with a large number of Romanesque churches. Most have personal histories. During the 12th century, for example, the Countess Agnès de Montfort, Dame de Meulan, vowed to build 17 churches on her Vexin domain if her husband

came back safe and sound from a Crusade. He did, and most of the 17 churches that she built in his honor are still in existence. I mention them not so much because of their interest as examples of Romanesque architecture but rather because their story illustrates the kind of social forces which have humanized the landscape all over the world. The effect of such forces is particularly striking in the Ile-de-France because, before historical times, this was a region without any notable characteristics. The hills have such low profiles that they would be of little interest if it were not for the diversified agriculture they now support, and for the venerable churches and clusters of houses which crown their summits. The rivers tend to be sluggish and the ponds muddy, but their shores have been adapted to human use and are associated with peaceful rural scenes. The sky is rarely spectacular but its soft luminosity supports a wide range of plants, many of them introduced by Man. Ever since the primeval forest was first cleared by Neolithic settlers, the Ile-de-France has been acquiring a humanized quality which transcends its natural endowments. To this day, the land has remained fertile, even though it has been in continuous use for more than 20,000 years. Far from being exhausted by intensive agriculture, it still supports a great diversity of human settlements.

What I have just stated about the Ile-de-France is applicable to many other parts of the world. The prodigious labors of settlers and farmers have generated an astonishing diversity of ecosystems which appear natural even though they are of human origin. The "enclosures" of East Anglia, the *bocages* of French Normandy and Britanny are essentially man-made but their hedges and ditches harbor an immense variety of trees, shrubs and grasses, of insects, fish, rodents and songbirds.

Other kinds of artificial ecosystems have been created in Italy. In Tuscany and Umbria much of the land has been molded by the peasants who have rounded the hills and shaped the slopes to create an architecture of terraces on which they grow crops.

Israel has been growing more desertic since Roman times, but it is once more becoming a land of milk and honey as a result of extensive irrigation and reforestation. South of Esdraelon Valley, the hills were planted during the 1930s with Aleppo pines which are now more than 50 feet high and support a rich flora and fauna. Wild flowers, birds, deer and foxes thus constitute a second nature based on the Aleppo pine which is not native to the region. It is now realized, however, that the exclusive use of these pines is objectionable for both ecological and esthetic reasons. As a result, new plantings in other parts of Israel have a more diversified flora of trees, selected not only for their economic value but also because their shapes are better suited to the landscape. Some sections have been left bare of trees to expose their architectural beauty.

EMIGRES AND COSMOPOLITANS

The charm of Vermont's Green Mountains is enhanced by the contrast between wooded areas and man-made meadows which occupy many slopes and valleys, let alone village greens. In Europe, even the highest mountains have been humanized. Except for their glaciers, the Alps and Pyrenees have become almost parklike and are crossed throughout with well-marked trails leading to comfortable huts, taverns and hotels. There is still some true wilderness in the United States, but it will be kept in the native state only if the public can be convinced that there are human values in primeval nature—as indeed there are—which transcend the requirements of daily life.

From Japan to Italy, from China to Holland, from Java to Sweden, civilizations have been built on a variety of ecosystems which are almost completely man-made. Everywhere, man has favored sun-loving plants over shade plants, and has moved them from one part of the world to another. There is hardly one agricultural crop and one decorative plant which has not been adapted from its area of origin to another area with compatible soil and climatic conditions. It is because of Man that rice, wheat, the potato, the tomato and countless other crops have become cosmopolitan; that oranges originating from a Chinese tree are grown on all continents; that wine is produced almost everywhere from European grapes; that Australian eucalyptus trees flourish on the California coast and around the Mediterranean; that African violets now adorn the windows of bourgeois and communist societies alike. In countless places, wilderness has been replaced; it is Man who has created the "nature" in which we spend our daily lives.

To be successful Man's interventions into nature must of course be compatible with ecological laws. But this is more readily said than done and, today as in the past altering the natural order of things commonly has disastrous consequences. Ecological disasters are particularly threatening in regions of climatic extremes, such as the tropics, where destruction of the soil humus and loss of its mineral nutrients can occur very rapidly under a wide set of agricultural practices. In Panama soil fertility will have been exhausted within a very few decades if slash-and-burn agriculture continues to spread. Disasters on a colossal scale also threaten in Brazil if developers do not heed the ecological fragility of the Amazon region.

Like the rest of northern Europe, Scandinavia was almost completely wooded at the beginning of the Christian era. It is only during historical times that a large percentage of the coniferous forest has been converted into fields and pastures. The traveler driving or flying from the north towards Stockholm experiences a sense of relief when the monotonous mantle of trees begins to be broken by cultivated areas and smiling meadows. Increasingly, however, the small farms of Sweden are becoming uneconomical and are abandoned. Forest openings which used to support oats, rye or other cultivated crops, as well as grazing cattle, are being taken over by spruce and pine planted in dull straight lines. Worse, the land which is left fallow is quickly invaded by juniper, briar and other unattractive brush.

One problem of Swedish conservation is to find ways for preserving open landscape. Several programs are being tested—subsidies to farmers for the continuation of grazing by cattle and sheep, or mechanical mowing for keeping the brush down. In either case, public funds are being spent to preserve the open countryside which is *a man-made landscape*. Instead of being valued for its agricultural productiveness, farmland is considered an esthetic asset—for a visual quality which used to be hidden under the natural mantle of trees and had to be revealed by human intervention.

When the flow of natural events is undisturbed, it often generates landscapes far exceeding in beauty and in emotional power those created by Man. The eerie light in a primeval forest evokes a mood of wonder which cannot be experienced in a garden or a park. The thunderous silence of the Grand Canyon, the luminosity of the desert, the solitude of the high mountains are among the wilderness experiences which cannot be duplicated artificially and which speak to those aspects of human nature still in resonance with cosmic forces. Thus, certain spontaneous expressions of nature are best left unaltered because they help man relate to the cosmos in a way that no human creation can ever do.

In our daily life, however, we are more concerned with aspects of nature that we can manipulate. We are hardly ever passive in front of the natural world; we alter it and fence it to create environments that suit our ambitions and limitations. In fact, men have always recognized or imagined patterns in the bewildering opulence of nature—and they have humanized the Earth according to the patterns they perceive.

Early in the Middle Ages, the Benedictine monks believed they were working as partners of God and completing His creation when they transformed the chaotic and disordered wilderness to create environments suitable for their cloistered life. Throughout this essay I have used other words to express a similar faith. I believe that by inserting our dreams and aspirations into ecological determinism, we can enrich the Earth and diversify its manifestations by imposing human order on it and bringing out its hidden potentialities. We can manipulate the raw stuff of nature to shape it into environments which are ecologically sound, economically profitable, esthetically rewarding and favorable to the growth of the human spirit.

THE ECONOMY AT YEAREND—A VERY MIXED BAG

Mr. PROXMIRE. Mr. President, last week the chairman of the Council of Economic Advisers put on his rose-colored glasses and delivered his year-end statement on the economy. A casual reading of this statement leaves one with the impression that the economic policy performance over the past year has been one of unblemished perfection, and that economic conditions are not only wonderful already but getting better all the time. This impression is definitely not justified by an objective examination of the facts. In the interests of objectivity, I want to point out a few facts Mr. Stein chose not to stress in his statement last week.

UNEMPLOYMENT

First, the facts on unemployment. During the most recent 12 months for which we have data, the unemployment rate has fallen only eight-tenths of 1 percent, by far the poorest record of any recovery period in recent history. The unemployment rate remains above 5 percent, and few forecasters expect it to drop much below the 5-percent level during the course of 1973.

This does not bother Dr. Stein because he has no target for reducing unemployment. He does not accept even the traditional interim target of a 4-percent unemployment rate. In a recent TV interview he reiterated his contempt for this goal by saying:

> When four percent has been put forward as the goal, people have never really meant that. It was more propaganda than guide to policy.

For one who is so distinguished a student of recent economic history, Dr. Stein draws some very strange conclusions. It is my recollection that the Kennedy administration was dead serious when it recommended 4 percent as an interim target for unemployment. The GNP potential and the full employment budget—concepts still used by this administration—are calculated on the basis of a 4-percent unemployment rate.

Does Dr. Stein regard the full employment budget as "more propaganda than a guide to policy"?

The Joint Economic Committee was entirely serious when it again recommended in its midyear report last summer that 4 percent remains an appropriate interim target for unemployment. We are equally serious in repeatedly recommending that our longrun goal should be an unemployment rate no higher than 3 percent.

Unemployment remains our most serious economic problem. The unemployment rate for teenagers was over 15 percent in November. For blacks it was about 10 percent. The willingness of the administration to continue to tolerate rates like these can only be described as heartless.

INFLATION

Let me turn to the facts on inflation. Inflation, unlike unemployment, is a problem which administration officials purport to take seriously. They talk a lot about the importance of controlling inflation. They claim to be making progress. Let us examine that progress.

In the last 6 months the consumer price index has risen at a rate of 3.6 percent. In the last 3 months this rate of increase has accelerated to 4.2 percent. We are far from the President's goal of bringing the inflation rate below 3 percent, and worse yet, we seem to be moving in the wrong direction.

The wholesale price index suggests even worse news ahead for the future. Wholesale prices have risen at a 5.7 percent rate in the past 6 months.

Much publicity has been given to the increases in food prices, but the continued rise in wholesale industrial prices may be an even more basic problem. These industrial prices should not be rising at all. From 1959 to 1964 the industrial price index was completely stable. In the last 6 months wholesale industrial prices have risen at a 3.2-percent rate.

Some of the largest increases have been in the prices of raw materials and of goods in the early stages of processing. Thus, these price increases may still take many months to show up at the consumer level. Furthermore, recently announced price increases for automobiles and for steel have yet to show up in the price indexes. Some of the most serious inflationary problems seem to be in those basic industries where the control program ought to have been most effective.

In his year-end statement, Dr. Stein expressed confidence that inflation could be reduced in 1973 because:

> Wage decisions will be made in a climate of much more confidence in the price level and less need for big wage increases to make good previous lags than has existed for many years.

Mr. Stein is surely aware that in recent months real hourly earnings have been rising at an annual rate of 2 percent or less. This limited growth of real wages is the result of a control program which has succeeded in keeping money wage increases within the 5.5-percent limit but has failed to reach its goal on prices. Unless quick progress on prices can be made in the next few months, labor negotiators will feel a need to "make good previous lags" and certainly their "confidence in the price level" will be limited.

With respect to both unemployment and inflation, Mr. Stein is glossing over some serious problems. This is no service to the public.

JOINT SESSION OF THE TWO HOUSES—RECESS

Mr. MANSFIELD. Mr. President, in accordance with the previous order, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair, for the purpose of proceeding in a body to the Hall of the House of Representatives for the purpose of counting the electoral votes.

The ACTING PRESIDENT pro tempore (Mr. NUNN). Without objection, it is so ordered. The Senate will stand in recess subject to the call of the Chair.

Pursuant to the previous order, at 12:51 p.m., the Senate took a recess, subject to the call of the Chair, for the purpose of attending a joint session for the counting of the electoral votes.

At 1:58 p.m., the Senate reassembled, when called to order by the Acting President pro tempore (Mr. NUNN).

COUNTING OF THE ELECTORAL VOTE

Mr. CANNON. Mr. President, on behalf of the tellers on the part of the Senate, I wish to report on the counting of the vote for President and 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 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 1 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 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 1 vote.

ADDITION OF COSPONSORS

Mr. ROBERT C. BYRD. Mr. President, in accordance with the procedures that were followed during the 92d Congress, I ask unanimous consent that for the remainder of the first session of the 93d Congress, Senators may submit signed requests at the rostrum to add the names of coauthors to bills, joint resolutions, concurrent resolutions, and simple resolutions, without having to make such requests from the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER ON PRINTING CONFERENCE REPORTS AS SENATE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—as was done during the 92d Congress—that during the first session of the 93d Congress, notwithstanding the provisions of the Legislative Reorganization Act, conference reports and statements accompanying them not be printed as Senate reports when the House of Representatives acts first on such reports, or conference reports and statements have been printed as a House report, unless specific request is made in the Senate in each instance to have such a report printed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT UNTIL TUESDAY, JANUARY 9, 1973

Mr. GRIFFIN. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until Tuesday next at 12 o'clock meridian.

The motion was agreed to; and at 2:01 p.m., the Senate adjourned until Tuesday, January 9, 1973, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

H. S. T.—AMONG THE TOP 10

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. BINGHAM. Mr. Speaker, some Presidents seem to shrink in stature as the years pass following their term in office.

With others it is to the contrary. From the vantage point of a few years' perspective, they loom much larger than they did while in office. Harry S Truman belongs in this category.

Of all the many thousands of words that have been uttered and written since Mr. Truman's death, I have seen none more apt than those of Mary McGrory in the following column, which appeared in the New York Post of December 29, 1972:

THE LESSON OF HIS LIFE

(By Mary McGrory)

WASHINGTON.—In death, as in life, Harry Truman did not impose.