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

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

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

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

Section 210—Procedural fairness requirements

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

TITLE III

Section 301—Consumer Advisory Council

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

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

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

Section 302—Protection of consumer interest in administrative proceedings

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

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

Section 303—Saving provisions

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

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

Section 304—Definitions

1. "Agency" means the Consumer Protection Agency.

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

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

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

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

Section 305—Conforming amendments

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

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

Section 306—Appropriations

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

Section 307—Effective date

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

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

The House met at 12 o'clock noon.

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

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

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

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

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

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

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

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

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

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

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

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

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

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

SWEARING IN OF MEMBER-ELECT

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

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

MAJORITY WHIP

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

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

RECESS

The SPEAKER. The Chair desires to make a statement.

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

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

AFTER RECESS

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

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

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

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

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

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

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

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

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

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

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

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

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

The Chair hears no objection.

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

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

The House was called to order by the Speaker.

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

COMPENSATION OF SPECIAL COUNSEL

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

The Clerk read the resolution, as follows:

H. RES. 92

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

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

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

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

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

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

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

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

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

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

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

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

The Clerk read the resolution, as follows:

H. RES. 93

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

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

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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

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

The Clerk read the resolution, as follows:

H. RES. 94

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

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

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

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

ELECTION OF MEMBERS TO COMMITTEE ON APPROPRIATIONS

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

The Clerk read the resolution as follows:

H. RES. 95

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO COMMITTEE ON RULES

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

The Clerk read the resolution as follows:

H. RES. 96

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

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO COMMITTEE ON HOUSE ADMINISTRATION

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

The Clerk read the resolution as follows:

H. RES. 97

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

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO COMMITTEE ON APPROPRIATIONS

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

The Clerk read the resolution as follows:

H. RES. 98

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

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION ON COMMITTEE ON RULES

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

The Clerk read the resolution, as follows:

H. RES. 99

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

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION TO COMMITTEE ON HOUSE ADMINISTRATION

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

The Clerk read the resolution, as follows:

H. RES. 100

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

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM FOR THE WEEK OF JANUARY 8, 1973

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

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

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

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

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

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

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

POSTPONEMENT OF DEMOCRATIC CAUCUS ON WEDNESDAY NEXT

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

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

ADJOURNMENT OVER TO TUESDAY, JANUARY 9, 1973

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

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

There was no objection.

A TRIBUTE TO FRANK ELEAZER

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

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

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

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

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

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

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

HARRY S TRUMAN

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

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

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

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

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

THE DECISION TO HOMEPORT IN GREECE

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

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

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

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

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

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

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

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

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

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

Strategic location;

Adequate harbor;

Jet capable airfield;

Adequate ship repair facilities;

Large urban area capable of absorbing population; and

Local acceptability.

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

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

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

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

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

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

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

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

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

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

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

And again, I quote from the minority view:

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

The subcommittee makes the statement that:

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

By contrast I find that the minority view stated:

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

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

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

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

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

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

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

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

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

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

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

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

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

MILITARY PENSIONS: DRAWING THE LINE

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

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

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

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

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

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

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

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

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

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

SPECIAL ORDER

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

The SPEAKER. Without objection, it is so ordered.

There was no objection.

GENERAL LEAVE FOR TUESDAY NEXT

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

The SPEAKER. Without objection, it is so ordered.

There was no objection.

RIGHT OF PEOPLE TO HAVE HONEST ELECTION

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

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

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

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

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

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

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

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

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

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

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

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

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

THE VOLUNTARY MILITARY SPECIAL PAY ACT OF 1973

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

Mr. BENNETT. Mr. Speaker, on the

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

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

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

COUNTING OF ELECTORAL VOTE

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

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

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

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

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

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

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

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

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

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

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

TEXT OF THE STATEMENT

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

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

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

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

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

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

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

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

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

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

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

LIST OF SIGNATURES

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

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

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

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

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

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

ADM. RUFUS J. PEARSON, CAPITOL PHYSICIAN

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

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

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

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

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

BUSING

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

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

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

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

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

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

FEDERAL GOVERNMENT IN THE SUNSHINE—OPEN MEETINGS LEGISLATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I include the following:

LIST OF SPONSORS

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

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

H.R. 4

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) the Congress

(b) the courts of the United States

(c) military authorities.

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

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

THE TAX EQUITY ACT OF 1973

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SUMMARY OF CONTENTS OF TAX REFORM BILL

Section 1—Short title, etc.

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

Section 2—Technical and conforming changes

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

Section 3—Treaties

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

TITLE I—CAPITAL GAINS AND LOSSES

Section 101—Repeal of alternative tax on capital gains

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

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

Section 102—Tax treatment of capital gains

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

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

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

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

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

Section 103—Limitation on deduction of capital losses

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

Section 104—Capital loss carrybacks and carryovers

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

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

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

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

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

Section 105—Capital gain and capital loss defined

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

Section 106—Nontaxed gains; carryover of basis at death

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

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

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

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

TITLE II—INCOME DERIVED FROM EXTRACTION OF MINERALS

Section 201—Repeal of percentage depletion

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TITLE III—REFORM MEASURES AFFECTING PRIMARILY INDIVIDUALS

Section 301—50-percent maximum rate for individuals

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

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

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

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

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

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

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

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

Section 303—Repeal of $100 dividend exclusion

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

Section 304—Limitation on deduction of interest on investment indebtedness

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

Section 305—Elimination of vacation resort house as tax shelter

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

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

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

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

Section 307—Farm losses

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

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

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

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

Section 309—Dividend on certain sales of stock

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

Section 310—Termination of stock option provisions

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

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

Section 311—Disallowance of certain double deductions

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

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

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

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

Section 313—Deductible losses of limited partner cannot exceed investment

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

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

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

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

Section 315—Underpayments of estimated tax

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

TITLE IV—REFORM MEASURES AFFECTING PRIMARILY CORPORATIONS

Section 401—Repeal of investment credit

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

Section 402—Repeal of asset depreciation range system

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

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

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

Section 403—Depreciation deduction not to exceed book depreciation

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

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

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

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

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

Section 405—Limitations on dividends received deductions

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

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

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

Section 406—Use of appreciated property to redeem stock

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

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

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

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

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

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

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

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

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

Section 409—Certain transactions disqualified as reorganizations

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

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

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

Section 411—Repeal of deduction for Western Hemisphere trade corporations

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

Section 412—Taxation of undistributed profits of foreign corporations

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

Section 413—Involuntary conversions

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

Section 414—Computation of overpayments of estimated tax

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

TITLE V—REFORMS AFFECTING INDIVIDUALS AND CORPORATIONS

Section 501—Minimum tax

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

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

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

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

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

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

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

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

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

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

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

Section 503—Charitable gifts of appreciated property

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

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

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

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

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

Section 506—Limitations on foreign tax credit

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

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

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

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

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

TITLE VI—ESTATE TAX AMENDMENTS

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

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

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

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

Section 602—Transfers taking effect at death

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

Section 603—Life insurance included in gross estate

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

Section 604—Charitable deductions in the case of estate tax

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

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

TITLE VII—STATE AND LOCAL OBLIGATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RECAPTURE DELEGATED POWER

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

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

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

The White House announcement then explains:

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

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

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

ACTION NOW TO FORESTALL AN ENERGY CRISIS

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

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

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

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

stock sources of making synthetic—substitute—natural gas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The purpose of the proposed Corporation would be as follows:

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

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

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

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

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

The provisions of these two measures are as follows:

H.R. 220

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

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

TITLE I—GENERAL PROVISIONS

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

DECLARATION OF POLICY AND PURPOSE

SEC. 102. The Congress hereby declares that—

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

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

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

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

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

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

DEFINITION

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

TITLE II—FEDERAL COORDINATION, PLANNING, AND REGULATION

IMPLEMENTATION OF POLICY

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

(a) the President shall—

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

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

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

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

(b) the Office of Coal Research shall—

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

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

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

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

TITLE III—CREATION OF A SYNTHETIC HYDROCARBON FUEL CORPORATION

CREATION OF CORPORATION

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

PROCESS OF ORGANIZATION

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

DIRECTORS AND OFFICERS

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

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

FINANCING OF THE CORPORATION

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

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

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

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

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

PURPOSES AND POWERS OF THE CORPORATION

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

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

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

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

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

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

(3) entering into franchise agreements with fuel producers.

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

TITLE IV—MISCELLANEOUS

NOTICE OF FOREIGN BUSINESS NEGOTIATIONS

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

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

SANCTIONS

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

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

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

ANTITRUST

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

REPORTS TO THE CONGRESS

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

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

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

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

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

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

H.J. RES. 124

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

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

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

INTRODUCTION OF COMPREHENSIVE PACKAGE OF FIRE PREVENTION AND SAFETY LEGISLATION

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

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

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

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

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

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

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

TESTIMONY OF REPRESENTATIVE ROBERT H. STEELE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IMPROVING SERVICES FOR THE ELDERLY

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

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

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

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

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

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

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

COMPREHENSIVE AMENDMENTS TO OLDER AMERICANS ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHICAGO ROSE BOWL FLOAT REPRESENTS ETHNIC TRADITION OF THE MIDWEST

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

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

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

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

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

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

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

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

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

WILL BE LONGEST SINGLE ANIMATED FLOAT EVER ATTEMPTED

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COVERAGE OF THE TOURNAMENT OF ROSES PARADE

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

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

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

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

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

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

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

Two crews film the parade for Spanish TV.

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

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

CONSUMER LEGISLATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONSUMER LEGISLATION—93D CONGRESS

(Representative BENJAMIN S. ROSENTHAL)

FOOD LABELING AND INFORMATION

I. Truth in Food Labeling

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

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

II. Nutritional Labeling Act

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

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

III. Open Dating Perishable Food Act

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

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

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

IV. Consumer Food Grading Act

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

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

V. Honest Label Act

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

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

VI. Unit Pricing Act

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

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

MEAT PRICES

VII. Meat price freeze

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

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

VIII. Meat quota repeal

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

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

APPLIANCE DISCLOSURE

IX. Performance Life Disclosure Act

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

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

X. Appliance Dating Act

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

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

OTHER

XI. Sales Promotion Game Act

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

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

XII. Intergovernmental Consumer Assistance Act

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

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

CONSUMER LEGISLATION PACKAGE COSPONSORS

I. Truth in food labeling

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

II. Nutritional Labeling Act

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

III. Open Dating Perishable Food Act

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

IV. Consumer Food Grading Act

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

V. Honest Label Act

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

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

IX Performance Life Disclosure Act

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X. Appliance Dating Act

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

XI. Sales Promotion Game Act

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

XII. Intergovernment Consumer Assistance Act

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

MISADVENTURE IN SOUTHEAST ASIA DEGENERATES

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

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

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

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

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

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

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

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

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

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

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

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

WILL CONGRESS END THE AMERICAN INVOLVEMENT IN THE INDOCHINA WAR?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reprinted below is a copy of the resolution:

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

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

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

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

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

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

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

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

A CONSTITUTIONAL LIMIT ON FEDERAL SPENDING

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

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

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

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

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

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

WHAT ARE THE FACTORS THAT DETERMINE BAIL?

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

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

I believe it is important that those

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

The correspondence follows:

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

To the Editor:

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

EDWARD I. KOCH.

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

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

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

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

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

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

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

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

Sincerely,

EDWARD I. KOCH.

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

IRA GLASSER.

DR. LAURENCE N. WOODWORTH RECEIVES ROCKEFELLER PUBLIC SERVICE AWARD

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

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

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

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

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

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

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

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

ROCKEFELLER PUBLIC SERVICE AWARDS—CITATION

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

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

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

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

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

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

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

THE WEEK THAT WAS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We find our economy robust with profits in many categories soaring, and wages and salaries restrained only by 5½ percent and higher guidelines. How can it be said that programs permitting farmers to survive are inflationary? Such arguments do not speak well for the administration's concept of the intelligence of the American people. Again Mr. President and Mr. Secretary, please reconsider your actions. The farmers of my district, and of this Nation, pray that you will.

END THE WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, since November, our Nation's military activity in Indochina has taken another sharp turn. Now, many who supported President Nixon in his campaign for reelection are bitterly criticizing his senseless and cruel bombing of civilians in North Vietnam. Thousands who voted for him now say that they would not have done so had they known that his promise of immediate peace was merely campaign oratory, that within a few days he would order the most savage bombing yet inflicted upon the innocent citizens of North Vietnam.

The Democratic caucus voted last Tuesday—by the wide margin of 154 to 75—to make it Democratic policy in the 93d Congress to cut off funds for the war and to terminate our involvement in it immediately. This is a notable first step toward both peace and the reassertion of the constitutional powers and responsibilities of the Congress.

Now, Congress itself must act to cut off all funds—including funding of President Thieu's military activities—for the war in Indochina. We must not allow Mr. Nixon or Mr. Thieu to veto our hopes and desires for peace. The announcements in October by North Vietnam and by Dr. Kissinger form a clear basis for the signing of a treaty and the return of our prisoners of war.

When the 93d Congress convened on Wednesday, I introduced a bill providing for an immediate halt to our bombing in Indochina, and a cutoff of all military funds—including funds for Mr. Thieu and for civilians paid by the Department of Defense—for military operations in or over Indochina. I include at the conclusion of my remarks the text of that measure and a short but powerful essay which appeared in yesterday's New York Times.

Our course is clear. We must stop the bombing at once, withdraw from Indochina at once, and cut off funds for the dictatorship of Nguyen Van Thieu at once. We must have peace.

The material follows:

H.R. 233

A bill to provide for an immediate end to United States involvement in hostilities in and over Indochina, for the signing of a peace agreement with the Democratic Republic of Vietnam, and for the withdrawal of all United States armed forces and Defense Department personnel from Indochina, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress finds and declares that the interests of the people of the United States, Indochina, and the entire world will best be advanced by—

(1) the immediate cessation of all United States involvement in hostilities in Indochina;

(2) the signing of a peace agreement with the Democratic Republic of Vietnam by the United States, with or without the concurrence of the Government of the Republic of Vietnam headed by Nguyen Van Thieu; and

(3) the withdrawal of all United States military forces from Indochina.

(b) In order that the ends set forth in subsection (a) of this section be assured, it is intended by the Congress that sections 2, 3, and 4 of this Act be interpretated strictly against the President and those under his command, and that no exceptions, direct or indirect, to the requirements of such sections shall be permitted.

SEC. 2 No funds heretofore or hereafter appropriated may be expended after the date of enactment of the Act to conduct or continue offshore naval bombardment or mining of, or to bomb, rocket, or otherwise attack by air any target within, Laos, Cambodia, Thailand, the Republic of Vietnam, or the Democratic Republic of Vietnam, including the territorial waters of those nations and the high seas adjacent to such territorial waters.

SEC. 3. In the absence of a signed peace agreement between the United States and the Democratic Republic of Vietnam, all United States military and paramilitary personnel (including civilians employed by the Department of Defense), equipment, and supplies shall be totally, completely, and finally withdrawn from Laos, Cambodia, Thailand, the Republic of Vietnam and the Democratic Republic of Vietnam not later

than thirty days following the date of enactment of the Act.

SEC. 4. Beginning thirty days after the date of enactment of this Act—

(a) no funds therefore or thereafter appropriated may be expended to support the deployment of United States military or paramilitary personnel (including civilians employed by the Department of Defense or paid in whole or in part with funds appropriated by the Department of Defense), or any other military or paramilitary personnel under the control or in the pay of the United States in, or the conduct of military or paramilitary operations in or over, the Republic of Vietnam, the Democratic Republic of Vietnam, Laos, Cambodia, or Thailand; and

(b) no funds theretofore or thereafter appropriated may be expended to provide, directly or indirectly, any military or paramilitary asistance to the Government of the Republic of Vietnam.

[From the New York Times, Jan. 5, 1973]

WHAT CAN WE DO?

(By Vercors [1])

PARIS.—Where is the difference? Between the devastation of Guernica by the planes of Hitler and the devastation of Hanoi by those of Mr. Nixon, where is the difference? Between the raids of terror over Hanoi to force the Vietnamese to surrender and the raids of terror over Warsaw to force the Polish, over Rotterdam to force the Dutch to surrender, over Coventry to force the British (but Churchill did not surrender and the Vietnamese do not) where is the difference? Between the shredded infants of Spain and the shredded infants of Hanoi? At the time of Guernica, Warsaw, Rotterdam and Coventry what raised the world's conscience with a sacred horror was the recurrence, by the will of one man and his military advisers, of the most barbarous, the cruelest, the most horrifying, the most homicidal means to win a political design. It was the return to Sardanapalus and to Nero multiplied by ten, multiplied by a hundred. The world fought five years against that, against the incredible return of forgotten practices, that one thought had disappeared forever. America was not the least fierce nor the least sincere in that struggle to establish between nations a minimum of civilized relations. It was America which by its initiative (the creation of the U.N.) showed most visibly that will of healing. And now it is America today that brings back Guernica, Warsaw, Rotterdam—that brings us the equivalent of Hiroshima. In order to make an adversary surrender and to make a political design succeed.

During more than twenty years, how many have not been able to return to Germany because they would not know what hands would be offered there to grasp, if those that would be held out to shake would not be stained by the blood of the innocent. For a whole people were silenced by Hitler, had submitted at first, then accepted and covered up his crimes. A courageous resistance had struggled there in the beginning, a few months and then there was no more resistance. And that is recurring—this time in America! There have been without doubt a few beautiful and courageous movements of protest, of opposition—but now? One listens closely, but if anything remains it is very weak, and in spite of the few brave ones still left, they are obliterated in the soft silence of a consenting population. And will it happen that we will not be able to shake the hand of one of these Americans as we could no longer shake the hand of a German not so very long ago?

But if this is true for us what can we do? We weep and I weep, that comforts. You will say to me what else can we do? I don't know, I don't know. Seeing that Russia doesn't dare anything, that China can't, that Europe doesn't want to, Mr. Nixon and his Pentagon feel themselves all-powerful, and this power intoxicates them. They feel they are masters of the world. They know they can, if they want, do ten times worse than Hitler without risking the same fate, and this power intoxicates them. And we know that at least for the near future they will do what they want without anyone opposing it. For the moment they are content with transposing an entire land into a lunar landscape and an entire people into deadmen from out of the Stone Age. And perhaps before having totally arrived to that point, they will have in effect, by means of blood and suffering, imposed their political design on Indochina, as Hitler did on the Spanish, the Polish, the Dutch. And if that ever happens it will be more horrible. Because the Nero-like shadow of Nixon will hover over all of us who will have done nothing to have stopped him. And we will believe we are free when it will no longer be but the surveillant freedom of vassals.

[1] Vercors is a pen name for Jean Bruller, author and engraver. This originally appeared in the French paper, Le Monde.

COSPONSORS SOUGHT FOR COUNCIL ON ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VAN DEERLIN) is recognized for 5 minutes.

Mr. VAN DEERLIN. Mr. Speaker, with Congressman CONTE as principal cosponsor we are today offering legislation to establish a Council on Energy Policy in the White House. Last year, a total of 71 Members—36 Democrats and 35 Republicans—endorsed a similar proposal. Unfortunately, the bill was introduced too late in the session to permit consideration by the Committee on Interstate and Foreign Commerce, to which the measure was referred.

I know that many of our colleagues would like to support this legislation again, and at an appropriate time in the near future Mr. CONTE and I intend to solicit additional cosponsors.

The Council we are proposing would be essentially a planning body, purely advisory in nature; it would in no way encroach on the powers of existing agencies.

But the Council would give us what we now sorely lack: coherence and hopefully, a new sense of direction in shaping new policies to cope with the much discussed energy crisis.

It is clear we cannot afford much more delay in coming to grips with this problem. Already, the United States must import at least 10 percent of its energy, principally in the form of oil. Worse yet, we seem to have achieved maximum production rates for oil and gas; we cannot count on stepped-up domestic production of these fossil fuels to meet anticipated future demands. It is anticipated in many quarters that by 1985 less than two-thirds of our total energy requirements will be supplied by domestic sources. Unless the picture suddenly brightens, we will have to obtain the balance through imports, or learn to start doing without—not a very pleasant prospect for a society as energized as ours.

The Council would consist of three authorities who could be appointed by the President immediately on enactment of this legislation. In my view, this would have the immediate advantage of greater timeliness over other suggestions, such as one calling for the creation of a Department of Natural Resources, that have been advanced for improving energy resources planning. The Council could be formed at once, while it might take years to make a huge, new Cabinet-level department fully operational.

Text of the legislation follows:

H.R. 1258

A bill for the establishment of a Council on Energy Policy

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there shall be created in the Executive Office of the President a Council on Energy Policy (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate. The members of the Council shall serve for five-year terms, except that of the three such members first appointed one shall be appointed for a two-year term and one for a four-year term, as designated by the President at the time of appointment. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainment, is well qualified to analyze and interpret energy trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the energy needs of the Nation; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies with respect to energy. Not more than two members of the Council shall be appointed from the same political party.

(b)(1) The Council shall serve as the principal adviser to the President and Congress on energy policy, exercising leadership in formulating Government policy concerning domestic and international energy issues, and shall assist in developing plans and programs which take full advantage of the Nation's technological capabilities in developing clean energy and in conserving energy resources. In addition the Council shall help formulate policies for, and coordinate operations of, energy resources and facilities owned or controlled by the Federal Government. The Council shall prepare for the President in cooperation with the Council on Environmental Quality and with the assistance of other interested departments and agencies the annual Energy Report required by subsection (f).

(2)(A) All legislative recommendations and reports to Congress of Federal agencies, to the extent such recommendations and reports deal with energy matters, shall be subject to the approval of the Council.

(B) The Council shall make recommendations to the President and Congress for resolving conflicting policies of Federal agencies.

(C) The Council shall recommend policies to Federal and State agencies respecting power emergencies.

(3) The Council shall develop a long-range, comprehensive plan for energy utilization in the United States, and shall provide assistance to any executive agency concerned with energy and power in the United States.

(4) All agencies of the Federal Government shall include in every recommendation or report on proposals for legislation and other major Federal actions having a significant effect on energy availability or use a detailed statement by the responsible official

on whether such proposal or action is consistent with the long-range plan formulated under paragraph (3). If such proposal or action is not consistent with such plan, the statement shall also contain a detailed justification for the proposal or action.

(5) Neither the Council nor its members may refuse to testify before or submit information to either House of Congress or any duly authorized committee thereof.

(c) In exercising its powers, functions, and duties under this section, the Council shall—

(1) consult with representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

(d) Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315.)

(e) The Council may employ such officers and employees as may be necessary to carry out its functions under this section. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this section, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

(f) The President shall cause to be prepared and submitted to the Congress on or before January 1, 1974, and annually thereafter, an Energy Report. The report shall include—

(1) an estimate of energy needs for the ensuing ten-year period to meet the requirements of the national defense, the commercial and industrial life of the country, and the general welfare of the people of the United States;

(2) an estimate of the domestic and foreign energy supply on which the United States will be expected to rely to meet such needs in an economical manner with due regard for the protection of national security, and the environment and the conservation of natural resources;

(3) current and foreseeable trends in the quality, management and utilization of energy resources and the effects of those trends on the social, economic, and other requirements of the Nation;

(4) a review and appraisal of the adequacy and appropriateness of technologies, procedures, and practices, including regulatory practices, employed to achieve the foregoing objectives;

(5) recommendations for the development and application of new technologies, procedures, and practices which he may determine to be required to achieve such objectives; and

(6) recommendations for legislation.

(g) There are authorized to be appropriated to carry out the provisions of this section not to exceed $300,000 for fiscal year 1974, $750,000 for fiscal year 1975, and $1,000,000 for each fiscal year thereafter.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. STEELE (at the request of Mr. GERALD R. FORD), from the close of business January 3 through January 19, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, for 5 minutes, today, to revise and extend his remarks and include extraneous matter.

Mr. RANDALL, for 60 minutes, on Tuesday, January 9 and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. ANDERSON of Illinois), to revise and extend their remarks, and to include extraneous matter:)

Mr. WYMAN, today, for 20 minutes.
Mr. STEELE, today, for 10 minutes.
Mr. QUIE, today, for 15 minutes.
Mr. HANSEN of Idaho, today, for 15 minutes.
Mr. FINDLEY, today, for 5 minutes.
Mr. VEYSEY, today, for 10 minutes.
Mr. BELL, today, for 5 minutes.
Mr. HEINZ, today, for 5 minutes.
Mr. MYERS, today, for 5 minutes.
Mr. DUNCAN, today, for 10 minutes.

(The following Members (at the request of Mr. RYAN), to revise and extend their remarks and to include extraneous matter:)

Mr. ANNUNZIO, today, for 5 minutes.
Mr. ROSENTHAL, today, for 30 minutes.
Mr. REUSS, today, for 30 minutes.
Mr. RARICK, today, for 5 minutes.
Mr. GONZALEZ, today, for 5 minutes.
Mr. EILBERG, today, for 5 minutes.
Mr. KASTENMEIER, today, for 5 minutes.
Mr. HARRINGTON, today, for 5 minutes.
Mr. ANDERSON of California, today, for 20 minutes.
Mr. RUNNELS, today, for 5 minutes.
Mr. KOCH, today, for 5 minutes.
Mr. BURLISON of Missouri, today, for 5 minutes.
Mr. MILLS of Arkansas, today, for 10 minutes.
Ms. ABZUG, today, for 10 minutes.
Mr. REUSS, on January 9, for 30 minutes.
Mr. REUSS, on January 10, for 30 minutes.
Mr. ULLMAN, today, for 30 minutes.
Mr. VAN DEERLIN, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BENNETT and to include extraneous matter.

Mr. CORMAN and to include extraneous matter in the body of the RECORD notwithstanding the estimated cost of $977.50.

Mr. SIKES in five instances.

Mr. STRATTON on two instances, and to include extraneous material.

(The following Members (at the request of Mr. ANDERSON of Illinois), and to include extraneous matter:)

Mr. RHODES in five instances.
Mr. BAKER.
Mr. BELL in seven instances.
Mr. MCCLOSKEY.
Mr. BROOMFIELD in six instances.
Mr. CRANE in 10 instances.
Mr. KEATING in four instances.
Mr. CEDERBERG in two instances.
Mr. ERLENBORN.
Mr. FINDLEY in two instances.
Mr. DERWINSKI in two instances.
Mr. YOUNG of Florida in five instances.
Mr. CONTE.
Mr. DUNCAN.
Mr. SYMMS in two instances.
Mr. RAILSBACK in six instances.
Mr. BROTZMAN.
Mr. DU PONT.
Mr. HOSMER in three instances.
Mr. MILLER in five instances.
Mr. BAFALIS in five instances.
Mr. HEINZ in three instances.
Mr. BURKE of Florida in two instances.
Mr. TALCOTT in three instances.
Mr. MIZELL in six instances.
Mr. RIEGLE.
Mr. SCHERLE in five instances.
Mr. CARTER in two instances.
Mr. GERALD R. FORD in three instances.
Mr. HUTCHINSON.
Mr. MICHEL in five instances.
Mr. MCCLORY.
Mr. STEIGER of Wisconsin.
Mr. YOUNG of Illinois in three instances.
Mr. COLLIER in three instances.

(The following Members (at the request of Mr. RYAN and to include extraneous matter:)

Mr. MANN in 10 instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in five instances.
Mr. ROSENTHAL in 10 instances.
Mr. PATTEN.
Mr. O'HARA in three instances.
Mr. KASTENMEIER.
Mr. WALDIE in two instances.
Mr. TEAGUE of Texas in 10 instances.
Mr. EDWARDS of California.
Mr. EILBERG in 10 instances.
Mrs. GRASSO in 10 instances.
Mr. WOLFF in two instances.
Mr. HOLIFIELD.
Mr. DANIELSON.
Mr. RODINO.
Ms. ABZUG in 10 instances.
Mr. BINGHAM in three instances.
Mr. CHAPPELL in two instances.
Mr. FRASER in five instances.
Mr. DENHOLM in three instances.
Mr. ANDERSON of California in five instances.
Mr. RONCALIO of Wyoming.
Mr. FULTON.
Mr. UDALL.
Mr. VANIK in two instances.
Mr. KOCH in 10 instances.
Mr. PICKLE in two instances.
Mr. CAREY of New York in two instances.
Mr. ULLMAN in 10 instances.
Mr. KYROS.
Mr. MOORHEAD of Pennsylvania in six instances.
Mr. ASPIN in 10 instances.
Mr. HAMILTON in six instances.
Mr. STOKES.
Mr. REUSS.
Mr. JONES of Alabama.
Mr. FISHER in three instances.

ADJOURNMENT

Mr. RYAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until Tuesday, January 9, 1973, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

(The following report is submitted pursuant to section 118, Public Law 92–136)

(January 2, 1973)

Mr. CELLER: Committee on the Judiciary. Report on activities during the 92d Congress of the Committee on the Judiciary (Rept. No. 92–1636). Referred to the Committee of the Whole House on the State of the Union.

[Filed prior to 12 noon: Pursuant to section 118, Public Law 92–136, the following report is submitted]

Mr. ICHORD: Committee on Internal Security. Report on activities during 92d Congress of the Committee on Internal Security (Rept. No. 92–1637). Referred to the Committee of the Whole House on the State of the Union.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

194. A letter from the Commissioner of the District of Columbia, transmitting a report of action by the District of Columbia government on the recommendations of the Commission on the Organization of the Government of the District of Columbia; to the Committee on the District of Columbia.

RECEIVED FROM THE COMPTROLLER GENERAL

195. A letter from the Comptroller General of the United States, transmitting a report of the examination of the financial statements of the Veterans Canteen Service, Veterans Administration, for fiscal year 1972, pursuant to 38 United States Code 4207; to the Committee on Government Operations.

196. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEVILL:

H.R. 1381. A bill to establish an executive department to be known as the Department of Education, and for other purposes; to the Committee on Government Operations.

H.R. 1382. A bill to provide for the establishment of the Cathedral Caverns National Monument in the State of Alabama, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BEVILL (for himself, Mr. NICHOLS, Mr. DICKINSON, and Mr. FLOWERS):

H.R. 1383. A bill to provide for orderly trade in iron ore, iron, and steel mill products; to the Committee on Ways and Means.

By Mr. BRINKLEY:

H.R. 1384. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 1385. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. BROOMFIELD:

H.R. 1386. A bill to amend title 13, United States Code, to provide for a middecade census of population in 1975 and every 10 years thereafter, to prescribe February 1 as the census date for the 1975 and later censuses of population, to limit the categories of questions to be answered in middecade censuses, to provide for census recounts of population, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CASEY of Texas (for himself and Mr. PEPPER):

H.R. 1387. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.R. 1388. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

H.R. 1389. A bill to restore to persons having claims against the United States their right to be represented by legal counsel of their own choosing; to the Committee on the Judiciary.

H.R. 1390. A bill to amend title 5 of the United States Code with respect to the observance of Veterans Day; to the Committee on the Judiciary.

H.R. 1391. A bill to amend title 28 of the United States Code to provide that any judge or Justice of the United States appointed to hold office during good behavior shall retire from regular active service upon attaining the age of 70 years; to the Committee on the Judiciary.

H.R. 1392. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 1393. A bill to provide that the reservoir formed by the lock and dam referred to as the "Jones Bluff lock and dam" on the Alabama River, Ala., shall hereafter be known as the Robert F. Henry lock and dam; to the Committee on Public Works.

H.R. 1394. A bill to amend the Internal Revenue Code of 1954 with respect to the tax-exempt status of, and the deductibility of contributions to, certain private schools; to the Committee on Ways and Means.

H.R. 1395. A bill to amend the Internal Revenue Code of 1954 to exempt tank truck hoses and couplings sold by dealers in industrial equipment and supplies from the manufacturers excise tax on truck parts; to the Committeee on Ways and Means.

H.R. 1396. A bill to amend the Internal Revenue Code of 1954 to provide a credit against the individual income tax for certain expenses of higher education; to the Committee on Ways and Means.

By Mr. FISHER:

H.R. 1397. A bill to terminate the contractural relationship between the Federal and State governments with respect to all portions of the San Antonio North Expressway between Interstate Highway 35 and Interstate Loop 410; to the Committee on Public Works.

By Mr. HAMMERSCHMIDT:

H.R. 1398. A bill to authorize the construction of a bridge on lock and dam No. 13 on the Arkansas River near Fort Smith; to the Committee on Public Works.

By Mr. HAMMERSCHMIDT (for himself, Mr. ALEXANDER, Mr. MILLS of Arkansas, and Mr. THORNTON):

H.R. 1399. A bill to provide for a highway bridge across the Norfolk Reservoir in Arkansas; to the Committee on Public Works.

By Mr. ECKHARDT (for himself, Mr. ADAMS, Mr. TIERNAN, Mr. HELSTOSKI, Mr. CONYERS, Mr. DRINAN, Mr. MITCHELL of Maryland, Mr. ASPIN, and Ms. ABZUG):

H.R. 1400. A bill to require no-fault motor vehicle insurance as a condition precedent to using the public streets, roads, and highways in order to promote and regulate interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. HECHLER of West Virginia:

H.R. 1401. A bill to amend the Wild and Scenic Rivers Act of 1968 (82 Stat. 906) by designating a portion of the Shavers Fork of the Cheat River, W. Va., for study as a potential addition to the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

By Mr. JOHNSON of California:

H.R. 1402. A bill to provide a sound physical basis and an operational system for predicting damaging earthquakes in heavily populated areas of California and Nevada; to the Committee on Interior and Insular Affairs.

H.R. 1403. A bill to provide for the leasing for commercial recreation purposes of certain lands and facilities of the forest reserves created from the public domain, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1404. A bill to provide for the establishment of the Guam National Seashore, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1405. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. KAZEN:

H.R. 1406. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Cibolo project, Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KEMP:

H.R. 1407. A bill to authorize a program for the improvement and restoration of the Buffalo River Basin, N.Y.; to the Committee on Public Works.

H.R. 1408. A bill to amend the Flood Control Act of 1970; to the Committee on Public Works.

H.R. 1409. A bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes; to the Committee on Rules.

By Mr. PEYSER:

H.R. 1410. A bill to amend the Elementary and Secondary Education Act of 1965 to provide Federal assistance for interscholastic athletic programs in secondary schools associated with community improvement programs; to the Committee on Education and Labor.

H.R. 1411. A bill to provide for the regulation of surface coal mining, for the conservation, acquisition, and reclamation of surface areas affected by coal mining activities, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1412. A bill to repeal the limitation imposed by section 1130 of the Social Security

Act upon the amount payable to States as grants for social services under the various Federal-State public assistance programs, such as day care; to the Committee on Ways and Means.

H.R. 1413. A bill to amend the Social Security Act to provide that future increases in retirement or disability benefits under Federal programs shall not be taken into consideration in determining a person's need for aid or assistance under any of the Federal-State public assistance programs, and for other purposes; to the Committee on Ways and Means.

By Mr. RARICK:

H.R. 1414. A bill to repeal U.S. membership in the United Nations and any organ and specialized agency thereof, and for other purposes; to the Committee on Foreign Affairs.

By Mr. REUSS (for himself, Ms. ABZUG, Mr. ADAMS, Mr. ADDABBO, Mr. ASPIN, Mr. BADILLO, Mr. BELL, Mr. BERGLAND, Mr. BEVILL, Mr. BINGHAM, Mr. BOLAND, Mr. BRADEMAS, Mr. BROWN of California, Mr. CARNEY of Ohio, Mrs. CHISHOLM, Mr. CLARK, Mr. CONYERS, Mr. CORMAN, Mr. COTTER, Mr. CRONIN, Mr. W. C. (DAN) DANIEL, Mr. DANIELSON, Mr. DIGGS, Mr. DINGELL, and Mr. DRINAN):

H.R. 1415. A bill to provide for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. REUSS (for himself, Mr. DULSKI, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. EILBERG, Mr. FAUNTROY, Mr. FISH, Mr. FLOOD, Mr. WILLIAM D. FORD, Mr. GAYDOS, Mr. GIBBONS, Mr. GREEN of Pennsylvania, Mr. HARRINGTON, Mr. HAYS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. HICKS, Miss JORDAN, Mr. KASTENMEIER, Mr. KOCH, Mr. KYROS, Mr. LEGGETT, Mr. LEHMAN, Mr. MADDEN, and Mr. MEEDS):

H.R. 1416. A bill to provide for programs of public service employment for unemployed persons, to assist States and local communities providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. REUSS (for himself, Mr. METCALFE, Mrs. MINK, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOORHEAD of Pennsylvania, Mr. MORGAN, Mr. MOSS, Mr. MURPHY of Illinois, Mr. NEDZI, Mr. NIX, Mr. OBEY, Mr. PEPPER, Mr. PODELL, Mr. PRICE of Illinois, Mr. REES, Mr. RODINO, Mr. ROONEY of Pennsylvania, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SARBANES, Mr. SEIBERLING, Mr. JAMES V. STANTON, Mr. STEELE, and Mr. STOKES):

H.R. 1417. A bill to provide for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. REUSS (for himself, Mr. STUDDS, Mr. SYMINGTON, Mr. TIERNAN, Mr. WALDIE, Mr. CHARLES H. WILSON of California, Mr. WOLFF, and Mr. YATRON):

H.R. 1418. A bill to provide for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. TALCOTT:

H.R. 1419. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer; to the Committee on Agriculture.

H.R. 1420. A bill to authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system; to the Committee on Agriculture.

H.R. 1421. A bill to prohibit the payment of subsidies and similar benefits to producers in States which have failed to enact adequate farm labor laws; to the Committee on Agriculture.

H.R. 1422. A bill to equalize the retired pay of members of the uniformed services retired prior to June 1, 1958, whose retired pay is computed on laws enacted on or after October 1, 1949; to the Committee on Armed Services.

H.R. 1423. A bill to authorize pay and benefits for members and survivors of members of the Philippine Scouts on the same basis as such pay and benefits are authorized for other members of the Armed Forces and their survivors; to the Committee on Armed Services.

H.R. 1424. A bill to establish a universal food service and nutrition education program for children; to the Committee on Education and Labor.

H.R. 1425. A bill to amend the National Labor Relations Act to require a vote by employees who are on strike, and for other purposes; to the Committee on Education and Labor.

H.R. 1426. A bill to amend title I of Public Law 874, 81st Congress, to provide financial assistance to local educational agencies for the education of children of migrant agricultural employees; to the Committee on Education and Labor.

H.R. 1427. A bill to provide grants to States or political subdivisions thereof or to certain other persons to assist the restoration of historical cemeteries or burial plots, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1428. A bill to amend the act of June 15, 1912 (37 Stat. 134), to permit an exchange of lands in the State of California; to the Committee on Interior and Insular Affairs.

H.R. 1429. A bill to provide for the arrest and punishment of violators of certain laws and regulations relating to the public lands; to the Committee on Interior and Insular Affairs.

H.R. 1430. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 1431. A bill to repeal the lowest unit rate provisions of section 315(b) of the Communications Act of 1934; to the Committee on Interstate and Foreign Commerce.

H.R. 1432. A bill to authorize the Secretary of the Interior to study the most feasible and desirable means of establishing Monterey Bay, the coastal areas of Santa Cruz, Monterey, and San Luis Obispo Counties, Calif., certain portions of the tidelands, Outer Continental Shelf, and seaward areas of the United States as marine sanctuaries, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 1433. A bill to repeal section 3108 of title 5, United States Code, which prohibits the employment by the Federal and District of Columbia governments of individuals employed by detective agencies; to the Committee on Post Office and Civil Service.

H.R. 1434. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business corporations; to the Committee on Ways and Means.

H.R. 1435. A bill to impose import limitations on prepared or preserved strawberries; to the Committee on Ways and Means.

H.R. 1436. A bill to require imported foodstuffs to meet standards required by the Federal Government for domestic foodstuffs; to the Committee on Ways and Means.

H.R. 1437. A bill to provide for the establishment of a Commission on Revision of Federal Taxation; to the Committee on Ways and Means.

H.R. 1438. A bill to amend the Internal Revenue Code of 1954 to extend the head of household benefits to unremarried widows and widowers, and individuals who have attained age 35 and who have never been married or who have been separated or divorced for 1 year or more, who maintain their own households; to the Committee on Ways and Means.

H.R. 1439. A bill to authorize the distribution of a portion of the Federal tax revenue to the States for elementary and secondary education purposes; to the Committee on Ways and Means.

H.R. 1440. A bill to amend the Internal Revenue Code of 1954 to restore the provisions permitting the deduction, without regard to the 3-percent and 1-percent floors, of medical expenses incurred for the care of individuals 65 years of age and over; to the Committee on Ways and Means.

H.R. 1441. A bill to amend section 213 of the Internal Revenue Code of 1954 to provide that certain expenses of child adoption shall be treated as medical expenses; to the Committee on Ways and Means.

H.R. 1442. A bill to amend the Internal Revenue Code of 1954 to authorize deduction from gross income for certain expenses of employing full-time household help; to the Committee on Ways and Means.

H.R. 1443. A bill to amend the Internal Revenue Code to 1954 to authorize a deduction from gross income for certain contributions to the support of an aged parent or divorced mother who is not gainfully employed; to the Committee on Ways and Means.

H.R. 1444. A bill to amend the Internal Revenue Code of 1954 to authorize and facilitate the deduction from gross income by teachers of the expenses of advanced education (including certain limited travel) undertaken by them, and to provide a uniform method of proving entitlement to such deduction; to the Committee on Ways and Means.

H.R. 1445. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

H.R. 1446. A bill to amend the Internal Revenue Code of 1954 to authorize a tax credit for certain expenses of providing higher education; to the Committee on Ways and Means.

H.R. 1447. A bill relating to the treatment, for purposes of the Federal Unemployment Tax Act, of services performed by a student or his spouse for certain organizations operated in connection with the school, college, or university which the student is attending; to the Committee on Ways and Means.

H.R. 1448. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

H.R. 1449. A bill to amend the Internal Revenue Code of 1954 to provide that the requirement of filing certain returns and the tax on unrelated business income shall not apply to certain nonprofit social clubs, do-

mestic fraternal societies, and veterans organizations; to the Committee on Ways and Means.

H.R. 1450. A bill to amend title II of the Social Security Act to provide that an individual who, in any month, is eligible for a disability determination or for disability insurance benefits but does not file application therefor within the specified time may nevertheless (upon subsequently filing application) obtain such a determination or become entitled to such a benefit, regardless of the length of time which has elapsed, if he was theretofore incapable of executing the application by reason of a physical or mental condition; to the Committee on Ways and Means.

H.R. 1451. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

By Mr. TALCOTT (for himself and Mr. GUBSER):

H.R. 1452. A bill to designate certain lands in the Pinnacles National Monument in California as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. TALCOTT (for himself and Mr. SISK):

H.R. 1453. A bill to regulate and foster commerce among the States by providing a uniform system for the application of sales and use taxes to interstate commerce; to the Committee on the Judiciary.

By Mr. ULLMAN:

H.R. 1454. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress; to the Committee on Foreign Affairs.

By Mr. VEYSEY:

H.R. 1455. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes; to the Committee on Education and Labor.

H.R. 1456. A bill to amend title II of the Social Security Act to increase to $4,000 the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 1457. A bill to amend chapter 11 of title 5, United States Code, to prohibit a U.S. Civil Service Commissioner from engaging in any other business or employment; to the Committee on Post Office and Civil Service.

By Mr. WYDLER (for himself, Mr. LENT, Mr. RONCALLO of New York, and Mr. GROVER):

H.R. 1458. A bill to authorize certain changes to be made in the F–14 aircraft procurement program; to the Committee on Armed Services.

By Mr. YOUNG of Florida:

H.R. 1459. A bill to amend the Federal property and Administrative Services Act of 1949 so as to permit donations of surplus property to public museums; to the Committee on Government Operations.

By Mr. YOUNG of Florida (for himself and Mr. BRASCO):

H.R. 1460. A bill to amend the Communications Act of 1934 to direct the Federal Communications Commission to require the establishment nationally of an emergency telephone call referral system using the telephone No. 911 for such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Florida:

H.R. 1461. A bill to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BAFALIS:

H.J. Res. 128. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right of individuals to participate in prayers in public schools; to the Committee on the Judiciary.

By Mr. BEVILL:

H.J. Res. 129. Joint resolution proposing an amendment to the Constitution of the United States to provide for the mandatory retirement of Judges of the Supreme Court at the age of 70; to the Committee on the Judiciary.

H.J. Res. 130. Joint resolution proposing an amendment to the Constitution requiring that Justices of the Supreme Court be reconfirmed by the Senate every 10 years; to the Committee on the Judiciary.

H.J. Res. 131. Joint resolution proposing an amendment to the Constitution of the United States prohibiting the use of the U.S. mails for the transmission of communications hostile to the Constitution, laws, and form of government of the United States or any State; to the Committee on the Judiciary.

H.J. Res. 132. Joint resolution proposing an amendment to the Constitution of the United States requiring the submission of balanced Federal funds budgets by the President and action by the Congress to provide revenues to offset Federal funds deficits; to the Committee on the Judiciary.

H.J. Res. 133. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of pryer in public buildings; to the Committee on Judiciary.

By Mr. EDWARDS of Alabama:

H.J. Res 134. Joint resolution reciprocity in U.S. territorial waters; to the Committee on Foreign Affairs.

H.J. Res. 135. Joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools or jobs because of race, creed, or color; to the Committee on the Judiciary.

By Mr. LANDRUM:

H.J. Res. 136. Joint resolution to provide for the designation of the week of February 11 to 17, 1973, as "National Vocational Education Week;" to the Committee on the Judiciary.

By Mr. O'HARA (for himself, Mr. ALEXANDER, Mr. ANNUNZIO, Mr. ASHLEY, Mr. BOLAND, Mr. BRASCO, Mr. BRAY, Mr. BROOKS, Mr. BROOMFIELD, Mr. BURLISON of Missouri, Mrs. CHISHOLM, Mr. CLARK, Mr. COLLIER, Mr. CONYERS, Mr. DOMINICK V. DANIELS, Mr. DELLENBACK, Mr. DINGELL, Mr. ESCH, Mr. EVANS of Colorado, Mr. Mr. FISH, Mr. FLOOD, Mr. WILLIAM D. FORD, Mr. GIAIMO, Mr. GROVER, and Mr. HAMILTON):

H.J. Res. 137. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. O'HARA (for himself, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. HUNT, Mr. JOHNSON of Pennsylvania, Mr. KARTH, Mr. KOCH, Mr. KYROS, Mr. LONG of Maryland, Mr. MACDONALD, Mr. MEEDS, Mr. MICHEL, Mr. MOLLOHAN, Mr. MORGAN, Mr. MOORHEAD of Pennsylvania, Mr. MOSHER, Mr. MOSS, Mr. NEDZI, Mr. OBEY, Mr. RIEGLE, Mr. ROONEY of Pennsylvania, Mr. THOMPSON of New Jersey, Mr. WRIGHT, and Mr. WYATT):

H.J. Res. 138. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. O'HARA (for himself, Mr. YATRON and Mr. VANIK):

H.J. Res. 139. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. SATTERFIELD:

H.J. Res. 140. Joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools or jobs because of race, creed, or color; to the Committee on the Judiciary.

By Mr. TALCOTT:

H. Con. Res. 44. Concurrent resolution expressing the sense of the Congress with respect to the withdrawal of all American forces from Vietnam; to the Committee on Foreign Affairs.

By Mr. EDWARDS of Alabama:

H. Res. 101. Resolution to provide for equitable and effective minority staffing on House standing committees: to the Committee on Rules.

H. Res. 102. Resolution to amend the Rules of the House of Representatives; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

4. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the skill centers operated by the Los Angeles Unified School District; to the Committee on Education and Labor.

5. Also, memorial of the Legislature of the State of California, relative to the Genocide Convention of the United Nations; to the Committee on Foreign Affairs.

6. Also, memorial of the Legislature of the State of California, relative to through traffic at Yosemite National Park; to the Committee on Interior and Insular Affairs.

7. Also, memorial of the Legislature of the State of California, relative to Veterans Day; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MAILLIARD:

H. Res. 103. Resolution to refer the bill H.R. 1350 entitled "A bill for the relief of the Del Monte Fishing Company" to the Chief Commissioner of the Court of Claims in accordance with sections 1492 and 2509 of title 28, United States Code; to the Committee on the Judiciary.

By Mr. BEVILL:

H.R. 1462. A bill for the relief of John R. Poe; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 1463. A bill for the relief of Emilia Majowicz; to the Committee on the Judiciary.

H.R. 1464. A bill for the relief of Miss Evelina Persello; to the Committee on the Judiciary.

H.R. 1465. A bill for the relief of Filomena Quaranta; to the Committee on the Judiciary.

H.R. 1466. A bill for the relief of Luigi Santaniello; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.R. 1467. A bill for the relief of Abdul Mannan; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 1468. A bill to authorize the Secretary of the Army, or his designee, to convey two parcels of land at the Fort Sam Houston Military Reservation in exchange for another parcel of land; Committee on Armed Services.

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.
>
> 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.
>
> 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.

His funeral, like himself, was plain, prayerful and to the point.

He had planned it that way.

Except for the gold braid and the ceremonial firings, it could have been the funeral of any man from Missouri who had been a war veteran and a Mason.

Only family and old friends were invited.

There was no eulogy. He was not one to stain rhetoric or extort emotion. Besides, history, always his guide, had become a friend. He had never needed anyone to tell him who he was. The library was there to remind the world of what he had done.

The funeral repeated the lesson of his life—that any American can get to be President, and get over it.

He had assumed office amid universal lamentations, in which he humbly joined. He was patronized as "a little guy." But by the time he left the White House, the country and the world thought he had been big enough for the job.

What he brought to the White House was a quality sadly lacking in his two most recent successors, that is a sense of perspective. He was the only President of this generation who had an eye-level relationship with the country. Eisenhower was the revered patriarch who could do no wrong; Kennedy was the idolized prince. Lyndon Johnson, a Gargantuan figure, demanded to be loved, and was not. The present occupant is an emperor, vindictive secretive, mirthless.

Truman was a man without pretense, who happened to be President. Neither he nor the country ever seemed to lose sight of the fact. He was not a hero or a magician or a chess player, or an obsession. He was a certifiable member of the human race, direct, fallible and unexpectedly wise when it counted.

He did not require to be loved. He did not expect to be followed blindly. Congressional opposition never struck him as subversive, nor did he regard his critics as traitors. He never whined.

He walked around Washington every morning—it was safe then. He met reporters frequently as a matter of course, and did not blame them for his failures. He did not use the office as a club or a shield, or a hiding place. He worked at it.

He had a sense of what was due the presidency if not to himself. People were so unawed by him that they considered him insubordinate when he fired General MacArthur. It was not personal pique. He understood the Constitution, he understood the principle of civilian control of the military. He never said war was peace.

He dropped the atomic bomb, a fact much recalled this week when American power is being used savagely over another Asian country. The decision is still disputed, but at least he gave the country plausible military reasons for what he did. His present successor has dropped the equivalent of two Hiroshima bombs and has yet to give the public the first syllable of explanation. Harry Truman believed the public business was the public's business.

All week, the television has been bringing him back as he was, the twanging voice, the forthrightness, the humor. Was it only twenty years ago that we had a President who explained his actions, who admitted his mistakes and could imitate a commentator?

Truman was not a "splendid misery" sort. Since his time—it began with the Cuban missile crisis—we have been given hour-by-hour accounts of Presidential agonies.

Nothing to it, according to the man from Independence. "You get all the facts and you make up your mind," he explained briskly to an audience.

He brought to his retirement the same unwavering perspective that had marked his presidency. He actually went home to his old house in Independence. He came to the door for his morning paper.

He took, as long as he was able, his daily walk, and zestfully built his library. He sounded off a time or two but as reluctantly as he had taken power, as readily he relinquished it.

"Three things ruin a man," he told a reporter on the occasion of his seventy-fifth birthday. "Power, money and women."

"I never wanted power," he said. "I never had any money, and the only woman in my life is up at the house right now."

He is buried in the courtyard of his library. He said he lived by the Bible and history. So armed, he proved that the ordinary American is capable of grandeur. And that a President can be a human being. At the present grim moment, there is some doubt on both points. We mourn for him as we mourn for lost certainties.

I cannot improve on what Mary McCrory said, but I should like to add a few words about two of Harry Truman's great qualities.

One was his honesty. He was forthright with the American people, and they trusted him when he said something, we knew he was telling the truth. The contrast these days is obvious and painful.

The other quality I want to single out was his understanding of the tripartite nature of the American Government. An avid student of American history, Mr. Truman had just as much respect for the legislative and judicial branches as he did for the Presidency. He fought with the Congress, but he never ignored it or downgraded it.

I am intensely proud of the fact that I was appointed to office by President Truman. History will rank him, I believe, among the top 10 of our Presidents.

A TRIBUTE TO ADOLPH ZUKOR

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. BELL. Mr. Speaker, on January 7, 1973, the motion picture industry and people throughout the world will join in a tribute to Mr. Adolph Zukor, motion picture pioneer and founder of Paramount Pictures Corp., on the occasion of his 100th birthday.

Mr. Zukor's life represents those qualities which have been admired and exalted throughout the history of the American people.

Adolph Zukor was born in Riese, Hungary, on January 7, 1873. In 1889, at the age of 16, he came to America, arriving in New York with just $25 sewn in the lining of his clothes.

His first work in his new country earned him $2 a week. He spent his evenings at night school learning English and concepts of American business.

By the turn of the century, this enterprising young man had established himself as a successful businessman. It was at this point that he turned his energies toward the entertainment industry.

He began by investing in penny arcades and other amusements. But he sensed that the infant movie industry was not being responsive to the needs of the American audience as it should be. During that time when only two-reel escapist novelty films were being made, he became convinced that narrative films of greater length would provide the public with more meaningful entertainment.

So Adolph Zukor decided to become a producer. He haunted D. W. Griffith's sets, watching the companies at work. He evolved scenarios from the classics. He was determined that his company would present actors and actresses of standing in the theater, in full length plays. And long before the company was actually organized, he decided upon the motto which was to announce his product for many years, "Famous Players in Famous Plays."

At this time, he was able to obtain the American rights to "Queen Elizabeth," a four-reel picture starring Sarah Bernhardt which had been produced in France. Many in the entertainment industry in our country believed this film was too highbrow to gain popular acceptance here, but Zukor's judgment was vindicated.

Thus it remained for "Queen Elizabeth," the first really artistic, full length screenplay show in America, to pave the way for the abandonment of two-reelers and the adoption of feature-length subjects in which form the motion picture has continued to this day. Adolph Zukor's vision and daring with this new medium resulted from that point in the establishment of the modern motion picture industry.

Launching his production plans, Adolph Zukor formed the Famous Players Film Co. in 1912, in association with Daniel Frohman.

The first three pictures released by the new company were James Hackett's "The Prisoner of Zenda," "The Count of Monte Cristo," with James O'Neill, and "Tess of the D'Urbervilles," with Minnie Maddern Fiske. Ethel Barrymore was won over from the theater temporarily. Then Mary Pickford came into the fold. After her came a long line of famous stars through the years.

The success attending Famous Players' first picture gave impetus to other new production companies entering the field. Adolph Zukor's conviction that the public would respond to better pictures was being proven. And among the new companies were the Jesse Lasky Play Co. and Bosworth, Inc., for the distribution of whose pictures the Paramount Pictures Corp. was formed.

In July 1916 the Famous Players Film Co. and the Jesse L. Lasky Feature Play Co. were combined under the name of Famous Players-Lasky Corp. Later the same year, the Oliver Morosco Photoplay Co. and Pallas Pictures, the output of Bosworth, Inc., were absorbed, as were the Paramount Pictures Corp. on January 1, 1917.

Although the last named corporation disappeared as a separate entity, the name "Paramount" has been preserved, thanks to the sagacity of Adolph Zukor, and since that time Paramount Pictures have literally encircled the globe.

To this producing and distributing organization which has grown from so humble a beginning, scores of the world's leading screen personalities owe their success.

When World War II broke out, Mr. Zukor aided the war effort as a member of the coordinating committee of the War Activities Committee. In this way he participated in the vast cooperative program devised by Hollywood to aid the war on the home front, in Europe and in Asia.

In 1947, Adolph Zukor was honored by the Motion Picture Pioneers, an organization of film men having 25 years or more in the industry, for his contribution to motion pictures during the past decades.

Mr. Speaker, on Sunday at the Beverly Hilton Hotel in Beverly Hills, friends and admirers of Aloph Zukor will gather once again to honor this great leader of the motion picture industry for his 100 years of life and, most important, for making that life so productive. It will be a tribute in which Congress and the Nation can be proud to participate.

MEMORIAL TO HALE BOGGS

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. BURKE of Florida. Mr. Speaker, it is sad that this 93d Congress finds absent, for the first time in 24 years, our former colleague Hale Boggs. We, who are fortunate to serve in the Congress will miss the face and friendly manner of our friend from Louisiana. We are all saddened by his untimely loss and shocked, indeed, by his disappearance on October 16 in an airplane in Alaska. I am sure all his colleagues are deeply saddened with the knowledge that his able leadership as majority leader will be no longer.

During his years in the Congress, since he first joined the 77th Congress, he rose to eminence and power in the House of Representatives. First came his election in 1949, to the Committee on Ways and Means on which he served until 1970. As the second ranking Democrat Mr. Boggs helped with numerous pieces of legislation and was a cosponsor of the 1962 Trade Expansion Act. He was appointed deputy Democratic whip in the 85th, 86th, and the first session of the 87th Congress, then he became the Democratic whip, and in 1971 he became majority leader.

In the House of Representatives, Hale Boggs had an unusual position because he stood as a truly effective human bridge between the many competing qualities and interests of the Members. He served to sustain a link for tolerance as well as for common action among them. Under his leadership political divergencies of all kinds—regional, cultural, ideological, racial—were more matters for rational discussion and sensible action than reasons for implacable and wasteful infighting.

I was proud to serve with Congressman Boggs and I join with my colleagues, and with the people not only of the Second District of Louisiana, but with the entire Nation, in mourning the death of our friend, who was such an able legislator and gentleman.

COMMUNITIES NEED FLOOD ASSISTANCE

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. DE LA GARZA. Mr. Speaker, my Texas district is one of many areas in the United States subject periodically to severe damage from floods. For this reason, I have had a special interest, ever since I entered Congress, in trying to help to provide flood insurance for our people.

As my colleagues know, we have made progress.

The National Flood Insurance Act of 1968 for the first time provided insurance coverage for those seeking it. The private property insurance industry felt unable to provide flood insurance on an economically feasible basis—at least during the early years of such a program—without Government assistance.

Congress therefore authorized a flood insurance program to be carried out in cooperation with private insurance companies and through existing agents, brokers, and adjusting organizations. This program enables property owners to buy insurance against losses resulting from physical damage to, or loss of, real or personal property caused by floods. This joint effort of the Federal Government and the insurance industry makes it possible for individuals to purchase policies at premium costs that they can better afford.

However, many homeowners and businessmen have not taken advantage of the opportunity. Efforts have been made to increase the attractiveness of the program, but still the response has not lived up to expectations—or to the need.

More needs to be done.

I am therefore introducing amendments to the National Flood Insurance Act which would expand the program's coverage. It is proposed to double the insurance limits on single family residences and on all residential contents; to triple the limits on all other structures and contents, except nonresidential contents which would increase from $10,000 to $200,000; and to raise the limit on the total amount of flood insurance coverage authorized from the present $2.5 to $10 billion.

These changes would increase incentives for community and individual participation in the program. The proposed amendments would retain the key concept of the present law, which is to hold to a minimum losses due to flood disaster. Each community will still be required to adopt effective land use measures before individuals in that community may purchase flood insurance.

Mr. Speaker, we have a sound basic program of national flood insurance. The amendments I propose will not detract from its soundness but should have the effect of making insurance coverage far more widespread. That is an important and necessary goal.

IMPORTS CONTINUE TO THREATEN U.S. BALL AND ROLLER BEARING INDUSTRIES

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mrs. GRASSO. Mr. Speaker, steadily increasing imports continue to threaten the ball and roller bearing industries in this country. The antifriction bearing industry, for example, is in critical condition because of imports, and these bearings are a primary component of many aeronautical and defense products.

Domestic shipments of ball bearings have decreased from $484.9 million in 1969 to $426.4 million in 1970 and down to $390.1 million in 1971. During that same time frame, ball bearing imports have increased from $45.4 million in 1969, to $52.1 million in 1970, $59.4 million in 1971, and up to an estimated $84.5 million in 1972.

The decline in the domestic production of bearings has resulted in a loss of thousands of jobs in the recent past. According to one survey, the number of jobs in the ball bearing industry decreased 31 percent between 1967 and 1971. Connecticut, a leader in domestic production of bearings, has been especially hard hit. We know that between 1970 and 1971, the work force decreased by 4,600, from 16,100 to 11,500. A number of other States—New York, Pennsylvania, Ohio, Michigan, Indiana, and New Hampshire—have also suffered. While some of this job loss was due to general economic conditions, imports greatly accentuated the trend.

The manufacture of bearings is a highly skilled trade requiring a well-trained work force. The use of complicated machinery depends upon skilled operators. Once a plant closes, costly retraining must precede increases in output—if the plant reopens. Clearly, we cannot afford to lose craftsmen who have skills essential to the strength and future development of our highly industrialized society.

In addition, these bearings are vital components of missiles, submarines, aircraft, tanks, and other elements of our national defense. Overreliance on imported bearings can, indeed, place increasing strain on the maintenance of an adequate defense posture.

Finally, the continuing rise of imports has affected the ability of U.S. firms to finance research needed to improve technology. Unless the importation of bearings is slowed very soon, the American bearing industry will be unable to narrow the gap between imports and exports.

For these reasons, I am introducing two bills designed to save the American bearing industry from unfair and destructive imports. One bill, which amends the tariff schedule to improve statistical

information on bearing imports, would enable us to measure accurately the impact of imported bearings on the domestic industry. The other bill would provide relief in the form of a specific limit to the number of bearings imported during any one year.

In the past, the Tariff Commission and other administrative agencies have been able to measure the impact of most categories of bearing imports. However, mounted and housed bearings have not appeared on the tariff schedules as separate items. The full impact of these imports on the American bearing industry therefore remains unclear.

To help remedy this situation, one of my bills would create a special provision within the tariff schedules for certain ball and roller bearing units which presently appear in various other provisions of the tariff schedules. Passage of this bill would enable adequate statistical reporting with respect to the flood of bearing imports, but would not result in any modifications of present duty rates.

In the last Congress, I introduced a similar bill, H.R. 10385. Reports on this legislation were sent to the House Ways and Means Committee from the Departments of State, Treasury, Labor, and Commerce, from the Special Representative for Trade Negotiations, and from the Tariff Commission. None of these agencies noted any substantive objections to the passage of the bill. The Tariff Commission, however, suggested minor changes in the language. These proposed amendments are found in the language of the new bill. Late last year, the Senate approved H.R. 10385 as an amendment to a trade bill. Unfortunately, Congress adjourned before the House could consider the Senate action.

Enactment of this legislation into law would provide improved statistical data. However, it would do nothing to prevent American bearing manufacturers from being deluged with imports. Therefore, today I am also introducing a bill to help preserve the American bearing industry by the use of multinational agreements similar to those used in other areas.

Briefly, this second piece of legislation contains three major provisions. First, total imports of bearings in any one year shall not exceed the average proportion of imports-to-domestic production during the 1961–66 period. Second, imports in any year shall not be more than 10 percent above the average annual consumption for the 1961–66 period for a particular category. Third, the percentage of total imports in any year represented by imports from any one nation shall not exceed the average percentage of total imports from that nation during the 1961–66 period.

In addition, the bill gives the President authority to adjust the limitation of imports in specific instances, provided this action is consistent with the national interest. Finally, after 5 years, Congress would have the opportunity to modify or repeal this act if trade conditions warrant such action.

Mr. Speaker, the increased importation of bearings into the United States is crippling domestic bearing production. Assistance to firms which have suffered a decline in employment and earnings is imperative for the survival of a skilled industry that is vital to our national defense.

The two bills introduced today will help accomplish this important goal. I, therefore, urge early and favorable consideration of this legislation by the Ways and Means Committee and the Congress.

END THE WAR

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. WOLFF. Mr. Speaker, since 1965, I have opposed our involvement in Indochina and have voted against military appropriations to fund the war for the past half dozen years. Along with millions of Americans, I looked forward to a successful conclusion of Dr. Kissinger's negotiations with the North Vietnamese and to the peace which we were told was "at hand."

The renewed hostilities and the resumption of bombing in Indochina make a mockery of promises of peace.

At the Democratic caucus meeting yesterday, I supported the Nedzi resolution which has now made it the policy of the majority party in the Congress to oppose the renewed bombing and support an end to the war.

As a Member of Congress I am pledged to continue to oppose military appropriations that perpetuate the war and I will do everything in my power to end the charade of Indochina.

Before the caucus meeting yesterday, I had the privilege of introducing a large and committed delegation of Democratic Party officials from Queens, N.Y., to the Speaker. This group, led by Donald R. Manes, Borough president of Queens, submitted a resolution which calls for an end to the war. The same resolution was adopted by a large group of Nassau County residents headed by Marty Melman.

At this point in the RECORD, I insert the text of that resolution and the names of the officials who signed it:

STATEMENT OF DEMOCRATIC PARTY'S OFFICIALS OF QUEENS COUNTY, N.Y., ON VIETNAM

It has become apparent that the American people have been deceived once again as to the possibility of peace in Indo-China.

We, the elected officials of Queens County are appalled by President Nixon's renewal of the bombing and the mining of Haiphong Harbor.

It is time now that we come together in a united effort to reaffirm the leadership of the Democratic Party by a forthright act to end this war.

We, the Democrats, who work at the local level and in the highest bodies of government, urge that you implement the strong position against the continuation of the Vietnam war enunciated in the National Democratic platform.

The people who elected us are angry and resentful after the pre-election ploy of "an agreement 99 per cent complete", and the cruel and inhumane broken promise of "POW's home by Christmas."

We ask the Democratic caucus to denounce the renewed bombing of North Vietnam; we urge the caucus to pledge that legislation to cut off funding for the war within 30 days after enactment receive the highest priority and support necessary for passage.

We can no longer allow the war to continue while America's moral fiber is irreparably damaged and our cities die.

LIST OF SIGNATURES

Donald R. Manes, Borough President of Queens.
Councilman Matthew J. Troy, Jr., 16th C.D.
Councilman Walter Ward, 17th C.D.
Councilman Morton Povman, 15th C.D.
Councilman Edward L. Sadowsky, 14th C.D.
Councilman Arthur J. Katzman, 13th C.D.
Councilman Thomas J. Manton, 12th C.D.
Councilman-at-Large Eugene Masteropieri.
Senator Karen Burstein, 9th S.D.
Senator Jack Bronston, 12th S.D.
Senator Emanuel R. Gold, 13th S.D.
Assemblyman Herbert A. Posner, 22nd A.D.
Assemblyman Saul Weprin, 24th A.D.
Assemblyman Leonard Price Stavisky, 26th A.D.
Assemblyman Arthur J. Cooperman, 27th A.D.
Assemblyman Alan Hevesi, 28th A.D.
Assemblyman Guy R. Brewer, 29th A.D.
Assemblyman Herbert J. Miller, 30th A.D.
Assemblyman Edward Abramson, 32nd A.D.
George A. McCracken, Executive Member, 22nd A.D.
Helen Leonescu, Executive Member, 22nd A.D.
Seymour Sheldon, Executive Member, 22nd A.D.
Gerdi E. Lipschutz, Executive Member, 22nd A.D.
Mary Bassett, Executive Member, 23rd A.D.
Matthew J. Troy, Jr., Executive Member, 23rd A.D.
Agnes C. Hayes, Executive Member, 23rd A.D.
Rita Green, Executive Member, 24th A.D.
Ralph Sherman, Executive Member, 24th A.D.
Honey Miller, Executive Member, 24th A.D.
John J. Donohue, Executive Member, 25th A.D.
Adrienne C. Braunstein, Executive Member, 25th A.D.
William Friedmann, Executive Member, 26th A.D.
Julia Harrison, Executive Member, 26th A.D.
Ernest K. Koller, Executive Member, 26th A.D.
Leah Gruber, Executive Member, 26th A.D.
Donald R. Manes, Executive Member, 27th A.D.
Nettie Mayersohn, Executive Member, 27th A.D.
John Linakis, Executive Member, 27th A.D.
Gladys R. Borenstein, Executive Member, 27th A.D.
Sidney Strauss, Executive Member, 28th A.D.
Ann B. Schachter, Executive Member, 28th A.D.
Morton Povman, Executive Member, 28th A.D.
Isle Metzger, Executive Member, 28th A.D.
Archie Spigner, Executive Member, 29th A.D.
Isadora Rogers, Executive Member, 29th A.D.
Alvin D. Mack, Executive Member, 29th A.D.
Rose Halperin, Executive Member, 29th A.D.
Norma Keane, Executive Member, 30th A.D.
Marvin Cohen, Executive Member, 30th A.D.
Lillian Katz, Executive Member, 30th A.D.
Anthony Schneider, Executive Member, 31st A.D.
Isabella Brett, Executive Member, 31st A.D.
Walter Ward, Executive Member, 32nd A.D.

Rosina Zanazzi, Executive Member, 32nd A.D.
Fred Wilson, Executive Member, 32nd A.D.
Eva Eisenberg, Executive Member, 32nd A.D.
Charles G. Imperial, Executive Member, 33rd A.D.
Caroline B. Foris, Executive Member, 33rd A.D.
Eugene F. Mastropieri, Executive Member, 33rd A.D.
Cora I. Futch, Executive Member, 33rd A.D.
Ivan Lafayette, Executive Member, 34th A.D.
Veronica Martini, Executive Member, 34th A.D.
Joseph Lisa, Executive Member, 34th A.D.
Norma Cirino, Executive Member, 34th A.D.
Terrance O'Keefe, Executive Member, 35th A.D.
Diane Chapin, Executive Member, 35th A.D.
Ralph F. DeMarco, Executive Member, 36th A.D.
Gloria D'Amico, Executive Member, 36th A.D.
Denis Butler, Executive Member, 36th A.D.
Mary Ann Kelly, Executive Member, 36th A.D.
James P. Barker, Executive Member, 37th A.D.
Gertrude McDonald, Executive Member, 37th A.D.
Robert E. Whelan, Executive Member, 37th A.D.
Marie C. Stroebel, Executive Member, 37th A.D.
Anthony Sadowski, Executive Member, 38th A.D.
Helen T. Reid, Executive Member, 38th A.D.
State Committeeman Norman Silverman, 22nd A.D.
State Committeewoman Florence Kaplan, 22nd A.D.
State Committeeman Irwin Rosenthal, 24th A.D.
State Committeewoman Edith Posner, 24th A.D.
State Committeeman John Costanza, 25th A.D.
State Committeewoman Natalie Gordon, 25th A.D.
State Committeeman Leonard Weil, 26th A.D.
State Committeewoman Claire Waxelbaum, 26th A.D.
State Committeeman Abbott Dicksteen, 27th A.D.
State Committeewoman Patricia Israel, 28th A.D.
State Committeeman Irwin Cohen, 28th A.D.
State Committeewoman Cynthia Jenkins, 29th A.D.
State Committeeman Elmer Schwartz, 30th A.D.
State Committeewoman Ethel Wershaw, 30th A.D.
State Committeewoman Frances Bennick, 31st A.D.
State Committeewoman Marie Tamby, 32nd A.D.
State Committeeman Celedonia Jones, 32nd A.D.
State Committeewoman Mary D. McSorley, 33rd A.D.
State Committeeman Warren J. McNally, 34th A.D.
State Committeewoman Marie Mercogliano, 35th A.D.
State Committeeman George Boomgaard, 35th A.D.
State Committeewoman Agnes V. Jennings, A.D.
State Committeeman Joseph Gerrity, 38th A.D.

SIX-YEAR PRESIDENTIAL TERM

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. DE LA GARZA. Mr. Speaker, I am introducing for appropriate referral a resolution proposing a constitutional amendment limiting any future President of the United States to serving one term of 6 years.

This is a matter that has been under discussion for years. Such important issues are involved that I am convinced the people themselves should make the decision. Submission of a constitutional amendment would give rise, I think, to a nationwide debate on the pros and cons involved in a single 6-year term. There are telling arguments on both sides and they should be advanced for the general public enlightenment.

The question is not new. During the Constitutional Convention of 1787 the most heated and prolonged debate was devoted to arriving at a satisfactory method of electing the President. After more than 60 ballots had been taken, the 4-year term with no restriction on reelection was approved.

Our Nation functioned under the provisions of that decision until 1951. In that year the two-term limitation was adopted as an amendment to our Constitution.

During the time between 1787 and 1951, although the constitutional provision was not changed until the latter year, the debate over presidential terms went on steadily, especially after President Franklin D. Roosevelt broke the two-term tradition. Most of the proposals put forward would have changed the term from 4 to 6 years with the President ineligible for reelection.

That is what my proposed constitutional amendment would do if adopted after full consideration by the people generally of the merits and demerits of a single 6-year presidential term.

VETERANS MEDICAL AID ACT OF 1972

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mrs. GRASSO. Mr. Speaker, last year, the Congress passed comprehensive legislation, known as the Veterans Medical Care Act of 1972, designed to provide improved medical care to the Nation's veterans. Most unfortunately, this important bill was vetoed by the President.

Provisions of the bill included increased funding on a per diem basis to States for domiciliary, nursing, and hospital care for veterans in State homes, such as the Rocky Hill State Veterans Home and Hospital in my State of Connecticut.

State veterans homes in Rocky Hill and across the country are providing essential health care services for our veterans. New funding for per diem reimbursement to States for the operation of these State veterans facilities would allow them to more adequately meet the health care needs of all our veterans.

It is for this reason that I am introducing legislation today to increase the per diem rate for reimbursements from $3.50 per veteran to $4.50 for domiciliary care, from $5 to $6 for nursing home care, and from $7.50 to $10 for hospital care. The legislation would also extend entitlement to Vietnam war era veterans, and would increase the proportionate share of Federal funding for construction and alteration of State home facilities from 50 to 65 percent.

This bill represents an important step forward in responding to the health care needs of our veterans. It is my hope that the legislation will receive prompt consideration by the Congress.

A BRIEF HISTORY OF THE INDOCHINA WAR

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. KASTENMEIER. Mr. Speaker, as we begin another year of American involvement in the Vietnam war, I would like to share with my colleagues a capsule history of the long conflict as presented by the Washington Post on December 31, 1972:

THE STORY OF VIETNAM: AN INSTANT EDITORIAL

"I fully expect [only] six more months of hard fighting." *General Navarre, French Commander-in-Chief, Jan. 2, 1954.*

"With a little more training the Vietnamese Army will be the equal of any other army . . ." *Secretary of the Army Wilbur Brucker, Dec. 18, 1955.*

"The American aid program in Vietnam has proved an enormous success—one of the major victories of American policy." *Gen. J. W. O'Daniel, Official Military Aide to Vietnam, Jan. 8, 1961.*

"Every quantitative measurement shows we're winning the war . . . U.S. aid to Vietnam has reached a peak and will start to level off." *Secretary of Defense Robert S. McNamara, 1962.*

"The South Vietnamese should achieve victory in three years . . . I am confident the Vietnamese are going to win the war. [The Vietcong] face inevitable defeat." *Adm. Harry D. Felt, U.S. Commander-in-Chief of Pacific Forces, Jan. 12, 1963.*

"The corner has definitely been turned toward victory in South Vietnam." *Arthur Sylvester, Assistant Secretary of Defense, March 8, 1963.*

"The South Vietnamese themselves are fighting their own battle, fighting well." *Secretary of State Dean Rusk, April, 1963.*

"South Vietnam is on its way to victory." *Frederick E. Nolting, U.S. Ambassador to South Vietnam, June 12, 1963.*

"I feel we shall achieve victory in 1964." *Tram Van Dong, South Vietnamese general, Oct. 1, 1963.*

"Secretary McNamara and General [Maxwell] Taylor reported their judgment that the major part of the U.S. military task can be completed by the end of 1965." *White House statement, Oct. 2, 1963.*

"Victory . . . is just months away, and the reduction of American advisers can begin any time now. I can safely say the end of the war is in sight." *Gen. Paul Harkins, Commander of the Military Assistance Command in Saigon, Oct. 31, 1963.*

"I personally believe this is a war the Vietnamese must fight. I don't believe we can take on that combat task for them." *Secretary McNamara, Feb. 3, 1964.*

"The United States still hopes to withdraw its troops from South Vietnam by the end of 1965." *Secretary McNamara, Feb. 19, 1964.*

"The Vietnamese . . . themselves can handle this problem primarily with their own effort." *Secretary Rusk, Feb. 24, 1964.*

"We are not about to send American boys 9,000 or 10,000 miles from home to do what Asian boys ought to be doing for themselves." *President Lyndon Johnson, Oct. 21, 1964.*

"We have stopped losing the war." *Secretary McNamara, October 1965.*

"I expect . . . the war to achieve very sensational results in 1967." *Henry Cabot Lodge, U.S. Ambassador to South Vietnam, Jan. 9, 1967.*

"We have succeeded in attaining our objectives." *Gen. William Westmoreland, U.S. field commander in Vietnam, July 13, 1967.*

"We have reached an important point when the end begins to come into view . . . the enemy's hopes are bankrupt." *Gen. Westmoreland, Nov. 21, 1967.*

"We have never been in a better relative position." *Gen. Westmoreland, April 10, 1968.*

"[the enemy's] situation is deteriorating rather rapidly." *Gen. Andrew Goodpaster, White House aide, January 1969.*

"We have certainly turned the corner in the war." *Secretary of Defense Melvin Laird, July 23, 1969.*

"I will say confidently that looking ahead just three years, this war will be over, It will be over on a basis which will promote lasting peace in the Pacific." *President Richard Nixon, Oct. 12, 1969.*

"This action [the invasion of Cambodia] is a decisive move." *President Richard Nixon, May 9, 1970.*

"General Abrams tells me that in both Laos and Cambodia his evaluation after three weeks of fighting is that—to use his terms—the South Vietnamese can hack it, and they can give an even better account of themselves than the North Vietnamese units. This means that our withdrawal program, our Vietnamese program, is a success . . ." *President Richard Nixon, March 4, 1971.*

"Peace is at hand." *Dr. Henry Kissinger, Oct. 26, 1972.*

"We have agreed on the major principles that I laid down in my speech to the nation of May 8. We have agreed that there will be a ceasefire, we have agreed that our prisoners of war will be returned and that the missing in action will be accounted for, and we have agreed that the people of South Vietnam shall have the right to determine their own future without having a Communist government or a coalition government imposed upon them against their will.

"There are still some details that I am insisting be worked out and nailed down because I want this not to be a temporary peace. I want, and I know you want it—to be a lasting peace. But 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." *President Nixon, Nov. 6, 1972.*

"The United States and North Vietnam are locked in a 'fundamental' impasse over whether they are negotiating an 'armistice' or 'peace,' Henry A. Kissinger acknowledged yesterday." *From The Washington Post, Dec. 17, 1972.*

"Waves of American warplanes, including a record number of almost 100 B–52 heavy bombers, pounded North Vietnam's heartland around Hanoi and Haiphong yesterday and today in the heaviest air raids of the Vietnam War." *From the Washington Post, Dec. 20, 1972.*

"Hundreds of U.S. fighter-bombers launched intensified attacks yesterday on North Vietnamese air defense sites in an all-out attempt to cut down the number of B–52 heavy bombers and their 6-man crews being shot down by surface-to-air missiles." *From The Washington Post, Dec. 30, 1972.*

"The President has asked me to announce that negotiations between Dr. Kissinger and special adviser Le Duc Tho and Minister Xuan Thuy will be resumed in Paris on Jan. 8. Technical talks between the experts will be resumed Jan. 2. . . . The President has ordered all bombing will be discontinued above the 20th parallel as long as serious negotiations are under way." *Gerald L. Warren, White House spokesman, Dec. 30, 1972.*

FORCED BUSING

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. MIZELL. Mr. Speaker, as we begin the 93d Congress today, I believe there is no more important domestic issue facing the American people than the issue of forced busing.

And I believe we should waste no time in beginning anew our efforts to prohibit the forced busing of schoolchildren simply to achieve an arbitrary racial balance in our public schools.

And so today I am introducing a resolution for constitutional amendment, stating that "no public school student shall, on the basis of race, creed, or color, be assigned to or required to attend a particular school."

Most of my colleagues will recognize the language of this amendment as being identical to the legislation I introduced in April 1971, shortly after the U.S. Supreme Court handed down its decision in the Charlotte, N.C., desegregation case, when the court first approved the use of busing as a desegregation tool.

That amendment won the support of more than 150 of my colleagues in the 92d Congress, but our efforts to see it passed were frustrated by the leadership of the Judiciary Committee.

I am hopeful that this amendment will fare better in the 93d Congress than it did in the 92d. I remain convinced that there is a great and urgent need to restore a better sense of educational and fiscal priorities in the public school system in America by prohibiting the disruptive and wasteful policy of forced busing.

Cosponsoring the bill with me today are great many of my distinguished colleagues, representing constituencies from all across America and sitting on both sides of the aisle.

I urge the swift consideration of this legislation in the appropriate committee, and I look with great hope toward the day when this amendment shall be passed by the Congress, ratified by the States, and delivered to an anxiously awaiting American people.

WHAT EVER HAPPENED TO DESALTING?

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. HOSMER. Mr. Speaker, I recently had the privilege of addressing the Cooperative Desalting Studies Conference in Anaheim, Calif., at the invitation of the Office of Saline Water, a mistake I am confident that OSW will never make again.

In my prepared remarks, I reviewed the U.S. desalting program—or lack thereof—as I see it, emphasizing in particular the OSW's lack of enthusiasm for building a large-scale demonstration plant despite a congressional directive to do so.

For the information of my colleagues who have labored so long in the interest of advancing U.S. technology in this exciting field, my remarks follow:

EXTRACTS FROM REMARKS BY REPRESENTATIVE CRAIG HOSMER

The recent retreat of Westinghouse from the desalting business along with enhanced foreign competition and the paucity of any large scale domestic plans for a U.S. demonstration size plant have kind of hung a pall over this industry which—by now—we had expected to "make the deserts flower" as the saying goes.

In the 20 years I have been associated with it I've seen the name changed from desalinization to desalination and lately to just plain desalting. I've seen the great plans for Bolsa Island sink silently into the sea. I've watched the mirage of massive nuplexes—nuclear powered desalting, industrial and agricultural complexes—shimmer and disappear back into the sands of the world's deserts along with the hopes of underdeveloped nations for rescue from poverty and hunger.

During these two decades I have also seen some progress and I feel that most of the engineering and economic advances in desalting which have been made can be traced directly to efforts by the Office of Saline Water and the joint programs it has undertaken with the states and private industry. For at least half-a-century before OSW there hadn't even been one major improvement in shipboard evaporator design—an almost unbelievable record of neglect in this area. Without OSW there probably wouldn't be much progress in the desalting game even today. But by like token, had OSW over these years played a wiser and a stronger role—and been more consistently aggressive—many of the problems bugging the desalting province might be behind us today.

Last year when we renewed the Saline Water Act and gave OSW another five year lease on life there was serious talk around that the office already had run its course and had no further worthwhile contributions to make—and therefore maybe we just ought to give a decent burial then and there.

And, as a matter of fact, if in the future OSW doesn't soon show us some real hope for a U.S. desalting demonstration on a large scale that can give us the technological as-

sessments and the economic data essential to achieve the objectives of this act—and if OSW doesn't rid itself of the stigma of operating as a WPA-type project for a handful of companies interested in government contracts—maybe it has outlived its usefulness. All that remains to be seen.

But it would be kind of sad to see OSW expire and all that know-how lost which was so painfully acquired by a whole succession of OSW directors on reasons for not putting the United States Government in as architect-engineer and construction supervisor for universal design JIDDA desalting plants.

But with the bad there has been the good and one of the brightest spots around is right here in Orange County in the form and substance of the Orange County Water District. With courageous and foresighted leaders like Henry Segerstrom and Don Owen it is no surprise at all to me that OCWD has emerged as the national leader in desalting applications.

Perhaps because we here in Southern California were cursed with so little water and so much land to begin with we have, throughout the State's history, had to be preoccupied with satisfying our water needs. Since gold rush days we have had to beg, borrow, steal, develop and enlarge our ever barely adequate water supply—acre foot by acre foot. Of necessity we had to be statesmanlike, farsighted, ambitious, innovative and courageous. Also we had to be sly, sneaky, underhanded and contentious. But our hearts were pure and our minds were clean and we did get our water. That is why California today can number twenty-two million souls as its citizens.

All that took lots of imagination and engineering genius. Water does not come easily around here, particularly in quantities aggregating many millions of acre feet. We had to be water pioneers and we had to be willing to risk what others would not. So it is logical that Southern California should pioneer and lead in the field of desalting.

It was hardly expected, however, that this would be carried forward with the bold excellence that characterizes water factory-21 I am proud to claim it as one of the unique and extraordinary accomplishments of the congressional district I am honored to represent. My fellow citizens of the Orange County Water District have put a healthy $13 million of their own public monies into this most advanced prototype, a combination of the vertical tube evaporation and multistage flash processes.

And even before WF–21 completed the District is out shopping for another triumph in the form of a 30 to 50 MGD membrane plant which would be the largest municipally operated desalting facility in the country. It would also represent a giant step forward in this important area of water reclamation technology.

These projects, along with OCWD'S cosponsorship of this conference indicates its faith in the future of desalting and evidence the vital role it will play in southern California's future growth. And, if the Good Lord continues to give California men to match her mountains, men like Segerstrom and Owen, that future is assured.

Incidentally, I must make it clear that I do not regard the large membrane plant OCWD is talking about as filling the bill for the large desalting demonstration plant I am calling for. In this game a 30 to 50 MGD membrane plant is a full grown affair—it is not merely an increment of something larger, although, of course, it could be.

For somewhat similar reasons I cannot regard the giant reverse-osmosis plant being talked about as part of the solution for the Colorado River Water Quality dispute with Mexico as the answer to our prayers for a large demonstration plant. Even if that plant should be a go at 175 MGD—and it is quite likely to be—it won't fill the need for a demonstrator for two reasons:

1) It will clean up brackish water, but it will not create new water desalted from the ocean; and,

2) Membrane plant size and plant costs bear a linear relationship, not a geometric one, therefore they can never offer us that opportunity for economies of scale that we are seeking from truly large volume desalting installations.

Frankly, our problem with Mexico comes mostly from the 65,000 acre Welton Mohawk Canal project and its terrible drainage which runs as high as 3500 ppm in dissolved solids. At $1,000 per acre we could spend $65,000,000 and buy it up, shut it down, break it off, float it down the Colorado and sink the whole misbegotten scheme in the Gulf of California. To the same water quality end that would be a lot cheaper in the aggregate than spending $50 million to build an R–O plant and $10 a year ad finitum to run it. But I do not expect America's bureaucrats to go for such a simple solution as that. So—

Back to my pitch for the demonstrator—somewhere around 50 mgd is what I think its minimum size ought to be. That size evaporation process plant would start to give the economies of scale a real test. It could point the eventual way to huge amounts of competitive water in the major markets as contrasted to essential amounts of "any cost" crisis water in specialty markets like the Carribean Islands and Jidda.

In this endeavor I recall that our old friend Bill Warne poured some good advice into this article on water factory-21, written for Dick Smith's weekly desalination report. Warne recalled that one of the extra burdens which helped sink Bolsa Island was trying to interface embryo desalting technology and all the problems of a water utility with all the problems of electric utilities, and those of the new nuclear variety at that.

It is hard enough at the beginning just to build a big water plant and, if it can be avoided, the experiment really should not be saddled with the dual purpose problems and the split-end goals of an electric utility partner.

Bolsa Island taught us that technological marriage before puberty of both partners is not reproductive and we ought to remember that lesson. I hope our friends over in Arizona who keep talking about the world's biggest combination dual purpose atomic power and desalting plant will remember it too. Instead of buying tickets at this point on the Titanic they ought to be helping us put on the heat for the prototype demonstration large desalting plant first—then their dual purpose dreams are a lot more likely to come true.

And, the same probably can be said for Dr. Rex's and the Bureau of Reclamation's geothermal aspirations in Imperial Valley which are even more technologically primitive.

As many of you know, I have been in the nuclear power business even longer than I have been giving free advice—for all its worth—to many of you in the desalting game. There is no doubt that these two technologies are inherently synergystic to an extraordinary degree—but only when time and conditions are right. And that time can come only when we plug the big gap in United States plans and programs represented by the absence of the knowledge from this large plant.

We are a-ok on the nuclear side—but holding on the desalting side for large plant know-how to interface it. It was for that very reason that a requirement was written into last year's renewal of the saline water act for OSW to seriously study the best way of going about this.

But when OSW's report came back to us this fall, in effect it left the whole matter in limbo. After almost a quarter-of-a-century and more than $250 desalting megabucks good old OSW still can't see its way clear to get this project moving.

Now, for that I am not blaming the smiling Irishman. For a lot longer than he has been running the show these plans should have been feasibly laid.

What I am blaming Pat O'Meara for is that our congressional instructions on the character of the large plant study told him how to write it, what we wanted and what to check on turned out to be a weightier document than Pat's terse, two-month's late report that he wasn't going to do a damn thing for us—for now at least.

And, I think that smacks of contempt for Congress.

Therefore I must reiterate the point of the large plant and what is so all important about building one. I have already hinted at that by saying that the high cost of water of a 1 MGD plant on a Caribbean island is one thing. Quite another is the economy of scale evolving out of 50–200–500– and even 1000 MGD and bigger plants designed and built to provide base load water supply supplements for major metropolitan area users and the entire load for smaller systems.

The point is, too, that the massive potential for converting seawater for the common good and to quote "serve mankind" end quote and the Madison Avenue baloney about "flowering the deserts" is just a lot of purple prose and cannot even be checked or validated until the big plant is built.

And you can be sure that the U.S.A. public is not going to get a darn thing out of some plant along these lines built in Hong Kong by the Honorable Sasakura Company. All that will give us is another low-blow in the balance of trade groin.

Our water resource planners and potential plant owners such as OCWD in the real world right here in the U.S.A. will not have the data they want and need for use right here in the U.S.A. until we build a plant right here in the U.S.A.

Sometimes I think Pat O'Meara just ought to throw a dart toward a map of the Western United States and start building this big plant wherever it hits. Then we can start getting data on design, reliability, operation and maintenance and all the other things we need to know to demonstrate and prove that desalting is a viable and readily available option to select in meeting future water quantity and quality needs.

This is the kind of thing that Admiral Rickover did to demonstrate that the nuclear alternative was really available to meet our power needs. Rick had the guts and determination to build the first civilian nuclear power plant before its economic success was a sure thing, before anybody else had done it, and almost before anybody wanted it. The cost of his 60 megawatt plant was fantastic.

But because Rickover started things moving in the early 1950s today nuclear is a legitimate and major alternate fuel for meeting the national energy crisis.

Maybe O'Meara is—and maybe he isn't—as big an S–O–B as Hyman Rickover—but when we start to see him acting like it, we'll know the big desalter is on its way. And, we will know that a fruitful marriage *after* puberty of desalting and nuclear power cannot be far behind. That is worth doubling the Federal Government's effort to get.

Of course, Westinghouse got tired of waiting for this great day and when an American outfit that big gives up the desalting ghost, you start to wonder if maybe the rest of us will get stuck with some kind of a cadaver on our hands. At least I'm glad Environgenics and Acquachem and others still think the body is warm. Maybe things will be better for them for a while with less competition around. Let's hope so.

But the news of the $59.6 million turnkey, 48 MGD Hongkong job going to the Japanese is truly disturbing both because it happened and because of how it happened.

Personally I think Sasakura decided to take a $5 to $10 million bath to buy into the desalting game. It sure could not have snatched up that job on the basis of any in-house ingenuity or engineering experience of its own. Despite what its ads in the Hongkong newspapers say, it was unknown in-and-to the desalting business just a few short years back. Let's face it—Sasakura is actually no more than a licensee of U.S. distillation evaporator savvy and it is picking American brains for the Hongkong job.

And that's alright with the American licensee—who is on the Arab boycott list, while Sasakura is not—so some things like continuing to do business with both the Arabs and the Israeli's at one and the same time can be accomplished by indirection when they cannot be done directly, that part of it doesn't even offend me, I just hate to see a Japanese competitor slide into a contract using round-eye know-how it got from the United States.

With things like that going on it is little wonder that Westinghouse is waving goodbye even though its chiefs had testified before us numerous times of desalting's great promise and swore over and over again that "we here at Westinghouse are in the water business to stay."

I agree with others that the demise of Westinghouse as a desalting plant supplier can only stack up as a loss for the U.S. when a company that so personified the desalting game as Westinghouse tosses all the experience it has built up right out the window, it inevitably casts a pall over the entire desalting game. I suspect big "W" will be charging back into the ring with us one of these days before long, but meanwhile only one distillation desalting company remains in the U.S. which has actually built and operated a commercial plant.

And, if there isn't much business, I can see why profit making organizations start reconsidering how long they ought to hang around. You all know how Dick Smith single handedly holds us together in the desalting business via his weekly poopsheet. He necessarily keeps close tab on the state of the desalting art as well as the health of the desalting business. Dick tells me it is pretty tough just to stay even, to replace readers getting out with new subscribers coming into the field. I guess Smith's subscription list must be about as accurate a barometer of the business as there is.

All of which again underscores the real need to get going on construction and operation of the first large desalting plant. It will get the ball rolling and regenerate our enthusiasm for this important alternative solution to our overall water resource needs. It might even change some people's minds about giving OSW a quick funeral in Potter's Field.

It would certainly anticipate fulfilling the needs for chemically and biologically pure, sweet and wholesome water to be called for in Federal legislation Don Owen will be proposing to you tomorrow afternoon. Don has pointed out before as he will again the irony of the large foreign aid expenditures we make overseas to help other people get potable drinking water—some $25 billion he figures during the last 25 years—when at the same time six million American families still lack running water in their homes and about 25% of the population of the United States is served by no community water system at all.

These needs cannot possibly be met in many areas of this country except by the desalting alternative—the moment that its economic feasibility on a large scale is demonstrated. I probably shall not agree with every word and all the punctuation in Owen's legislative proposal, but my heart and soul is in complete harmony with his xenophoric thesis that needs here at home ought to come first.

While OSW has lagged on the large American domestic prototype, there have been no lack of schemes for giving away big goodies elsewhere in the world. As a matter of fact, this is the first time I recollect ever being asked to talk to a group on the subject of desalting here on American soil. . . . And the reason for that is not simply that I make a lousy speech. A companion reason is that when American desalting leaders do get together, they tend to head for Rome or Vienna or Mexico City or some other exotic spa. Now, of course, things will be different since Anaheim has been discovered.

But if this sounds like sour grapes you are right on. There has been no lack of schemes for spending our desalting money almost wherever around the globe. Over the years we've heard about the plants for the Spanish, the Portuguese, the Sicilians, the Greeks, the Arabs, the Hindus, the Patagonians, you name it. And, closer to our shores, the Hawaiians, Puerto Ricans, and the islands of Culebra and Vieques. You all recall the biggest of the lot—the one billion gallon per day, three thousand megawatt nuclear fired dual purpose plant for the Mexicans, to be built precisely astride the international boundary, but of course, paid for north of the border.

Most recently the ever popular Israeli desalting plant idea has resurfaced. Originally Lewis Strauss wanted it to be a nuplex located in no-man's land in the Sinai Desert between the Egyptian and Israeli battle lines. Gradually it got shrunk down to just a 200 to 1000 MGD desalter safely inside the Israeli Army's protection. Now it is back at a somewhat more realistic 11 MGD size for which the U.S. will put up $15 million and Israel the remainder.

Since our pressure sensitive State Department is mixed up in it, already they have given in to Isareli demands for an untested and unproven plant embodying horizontal tube evaporators and aluminum tubing. It is commencing to look more and more like the kind of technical disaster that Frank DiLuzio got mixed up in years ago with some crazy Israeli inventor's secret freezing process desalting idea. That was such a debacle that Frank's company had to reorganize and change its name to get out of the mess.

But even if my dire predictions prove erroneous—and I do wish these nice people every success with their sagging horizontal bundles of clogging aluminum tubing—even with all the luck in the world that 11 MGD plant in Israel is not going to demonstrate any U.S. technology—large medium or small—and we've still got this gap to fill, Mr. O'Meara, sir, because building a plant overseas flies in the face of our need for large scale technology here at home.

More than that, to the extent that the Israeli scheme competes for funds to build up water factory 21 from three to its potential 15 MGD, it takes water from our own canteen. Particularly, since in this intermediate size evaporator area, a lot more of the economics need investigating and particularly since we've got a lot of basic hardware here in Orange County already paid for which is sized to support the fifteen million figure.

So in closing let me just put in a plug for another of Don Owens ideas—that for an association which will start caring in an organized way for the needs of desalting users. It is an idea whose time has come and I hope some formal action will be taken to get an association organized. From a Federal legislator's standpoint I certainly would welcome it to assist in formulating our legislative programs for meeting the Nation's needs in this area.

LOWER RIO GRANDE VALLEY FLOOD PROTECTION

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. DE LA GARZA. Mr. Speaker, in my congressional district the flood problems of the Lower Rio Grande Basin specifically in Willacy, Hidalgo, and Cameron Counties, are of such magnitude and so interdependent that they have to be treated on a basinwide basis.

The area is greater than that authorized to be treated under the Watershed Protection and Flood Prevention Act (Public Law 83-566). In consequence, special legislation is needed to provide for a flood control and water and soil conservation program in cooperation between the Federal Government on the one hand and State and local units of government on the other.

I am introducing a bill that would make such a cooperative program possible.

My bill would authorize the Secretary of Agriculture to carry out the phase I portion of the Comprehensive Study and Plan of Development, Lower Rio Grande Basin, Tex., dated July 1969. This plan was prepared by the U.S. Department of Agriculture in cooperation with the Texas Water Development Board, the Texas Soil and Water Conservation Board, and the Texas Water Rights Commission.

The bill contains authorization for the appropriation of $21 million as the estimated Federal share of the cost of this important and necessary project. It provides that non-Federal entities must install an adequate land treatment program. These entities also must acquire all land rights needed in connection with the project. After installation of the improvement works, they will be operated and maintained by the non-Federal entities.

Mr. Speaker, the area under discussion has long been subject to periodic floodwater damage and continuing soil erosion of a very serious nature. The recommendations in the Comprehensive Study and Plan of Development for the Lower Rio Grande Basin sets forth a blueprint for action that would be greatly beneficial from both an economic and human standpoint. The need for implementation of this plan is evident and immediate, and I earnestly solicit the support of my colleagues for my bill.

A TRIBUTE TO TORRANCE

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. BELL. Mr. Speaker, I would like to take this occasion to commend the city of Torrance on the completion of the new city hall complex, the largest public

facility to be constructed in the city's history.

The progress that Torrance has made in its relatively brief history since incorporation in 1921 can well serve as a model for similar advancement in other cities. Torrance now boasts divisions of major companies that manufacture products ranging from steel, to chemicals, to paints, and to oil. It also houses so many successful brokerage and financial institutions that the city has been dubbed the "Wall Street of the West."

As the 12th largest city in California and the third largest in Los Angeles County, Torrance is also a major center for several governmental agencies.

The new civic center will accommodate expanding county court facilities, a county probation office, public defenders' office, city hall complex, newly constructed main library facilities, a modern police station, and two separate recreational facilities.

The population of Torrance has grown from a mere 1,800 52 years ago to a daytime and transient population that presently approaches 450,000. A city that has experienced such phenomenal growth certainly needs such a useful, multipurpose complex that will undoubtedly enhance the community's further expansion and development.

THE GREAT LAUGHTER

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. ASPIN. Mr. Speaker, the poem I submit today was sent to me over the Christmas recess by Joseph V. Plucks of Racine, Wis. Although the poem was written many years ago, it still has relevance today.

I do not need to remind my colleagues of the events that transpired over the recess. The peace talks failed to produce the promised settlement, massive bombing was resumed, many more lives were lost on both sides of the conflict in Southeast Asia. Mr. Speaker, I believe that Mr. Plucks' poem about the ultimate victor in any war is particularly timely, and I enter it in the RECORD at this point:

THE GREAT LAUGHTER

(By Joseph V. Plucks)

I am Death! Men great and small
I take them all, and cover with the pall
Of Death!
While men, weak and puny, do fight
For what they hold is dear and right
I—Death—laugh!

Some time ago, men did fight
But they were fools.
Did they not know they were but tools
Of man's insatiable greed?
The greed which turns man into a raving beast
And does not end until the least is satisfied!

I am Death! Commander-in-chief!
My aides stand about me, they are the dead,
Don't you see, of the last World war.
My legions are many—my force is strong.
I can do no wrong.
For I am Death!

Fools are men who must fight.
Who think that might does make the right.
Fools—Fools!
Life itself is too short—too sweet
To be curled and warped by the heat
Of War!

As I stand and look below
Upon the marching men, scores of thousands of them.
I—Death—laugh!
Aye! Laugh to think of those
Who in the short time to come, will the gauntlet of time have run.
Fools! Fools!
It does not matter to me
What they do in their time, for they are mine.
Mine!
Let them kill, slaughter and maim.
Let them pile up the heaps of slain.
While I—Death—laugh!

SALARY COMMISSION

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. RHODES. Mr. Speaker, we all hear a great deal of criticism about Congress, its actions and the complicated procedures it follows. Of course, many of these criticisms are simply the arguments of unplacable dissenters, but the unfortunate fact is that there are some very legitimate criticisms which can be leveled against the operations of Congress.

An example of what I mean has resulted from the Federal Salary Act of 1967. This act established the Commission on Executive, Legislative, and Judicial Salaries. The duty of the Commission is to review and study the salary needs of the Members of Congress, the Federal judiciary, and top personnel in the executive branch and then, after proper deliberation, the Commission has an obligation to recommend such salary adjustments as they deem proper. Under the existing law, these salary recommendations are then transmitted to the Congress by the President in his budget message every fourth year.

Once these recommendations are sent to Congress we find justification for criticism. That is because the Commission's salary proposals automatically go into effect within 30 days after they are referred to Congress, unless one of the Houses of Congress passes a resolution disapproving the salary proposal. The flaw in this existing law is that there is no procedure whereby such a resolution of disapproval may be forced to a vote.

This leaves us with a situation that can best be described by referring to the first instance when the law was put into operation. That was January 1969, salary increases had been recommended by the Salary Commission and sent to Congress. Resolutions of disapproval were introduced in the House of Representatives, but no action was taken on them, and there was no parliamentary means to compel action to be taken. All of us here know how simple it is to tie up resolutions of disapproval in committee until the statutory 30-day period has elapsed. Such a delay was used and the pay raises went into effect with Congress having taken no public position on this important matter.

Quite obviously the current law provides an effective way for Congress to avoid the embarrassing prospect of voting itself a pay increase. However, these salaries are a congressional responsibility, and any adjustment increasing them can serve as an important pattern-setter throughout the economy. Because of this it is inimical to the best interests of the country for Congress to hide behind procedural formalities to keep from taking a public position.

Another salary recommendation from the Commission on Executive, Legislative, and Judicial Salaries is due shortly. It is therefore important that our current procedures be modified to avoid a repetition of the 1969 abdication of congressional responsibility.

For this reason I am introducing today a bill to amend the Federal Salary Act. My amendment would effectively force Congress to take a public position on such pay increases.

Under my bill the committee assigned to consider any resolution disapproving the salary increases has 10 days to act. If it does not act, the resolution automatically becomes a motion of high privilege by any Member in favor of the resolution so that he may move to discharge it from the committee. If, however the committee does report the resolution within the 10-day period, the resolution then becomes a motion of high privilege on the part of any Member of Congress to move to proceed to consideration of the resolution.

So, the actual effect of the bill is to cut around all the delay that can presently be used to prevent a vote. Thus, my bill enhances the prospects that the voters will know how Congress votes on its own salary increases.

I think this bill is an important element of congressional reform. It makes Congress more open in its actions, and more accountable for them.

It is a pleasure for me to say that 32 Members are joining me in the introduction of this bill. They are: JIM COLLINS, Texas; WILEY MAYNE, Iowa; GLENN DAVIS Wisconsin; LAMAR BAKER, Tennessee; BARBER CONABLE, New York; VERNON THOMSON, Wisconsin; CALDWELL BUTLER, Virginia; KEITH SEBELIUS, Kansas; RICHARD SHOUP, Montana; LOUIS WYMAN, New Hampshire; BILL ARCHER, Texas; ROBERT HUBER, Michigan; WILLIAM STEIGER, Wisconsin; JAMES CLEVELAND, New Hampshire; BURT TALCOTT, California; JOHN WARE, Pennsylvania; BOB MICHEL, Illinois; JOEL PRITCHARD, Washington; W. M. KETCHUM, California, WILLIAM SCHERLE, Iowa; SAM STEIGER, Arizona; WILMER MIZELL, North Carolina; SILVIO CONTE, Massachusetts; JOHN CONLAN, Arizona; CLARENCE MILLER, Ohio; JAMES BROYHILL, North Carolina; PAUL CRONIN, Massachusetts; J. KENNETH ROBINSON, Virginia; JOHN ANDERSON, Illinois; C. W. (BILL) YOUNG, Florida; JACK KEMP, New York; PAUL FINDLEY, Illinois.

LOCAL CONTROL OVER FIRE REGULATIONS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. EDWARDS of California. Mr. Speaker, I am sure that each of you was as shocked as I was by the occurrence of two tragic fires in high rise buildings on consecutive days in New Orleans, La., and Atlanta, Ga. As I read the news accounts and editorials, I began to feel more and more strongly that the issue of fire safety in high rise buildings, which affects thousands of my own constituents in the San Francisco Bay area, is very much a national concern.

Of the fire prevention and protection methods feasible for use in high rise buildings, the one generally recognized and recommended is the installation of an automatic sprinkler system during the construction of the buildng. According to a recent editorial by KNTV of San Jose, Calif., however, the Department of Housing and Urban Development not only excludes the use of these systems from their minimum building requirements, but also prohibits their use in buildings constructed with the help of Federal funds.

I hope my colleagues will find the December 18, 1972, editorial by Bob Hosfeldt, the talented vice president and general manager of KNTV in San Jose, Calif., as valuable as I did; and the full text is printed below. I further urge them to join me in protesting this outrageous policy of the Department of Housing and Urban Development.

The editorial follows:

LOCAL CONTROL OVER FIRE REGULATIONS

Local control over fire regulations are not required by law. Automatic sprinklers are not required by law.

In a 36 hour period, earlier this week 14 persons lost their lives in fires in high rise buildings in three of the nation's larger cities. None of the buildings were equipped with automatic sprinkler systems that fire investigators say would have saved those 14 lives. The question is simple—why aren't automatic sprinkler systems required by law? The answer is not so simple.

A case in point is a development in the city of Oakland. The developers included automatic sprinklers in the building. The U.S. Department of Housing and Urban Development, who were providing quite a bit of the money for the project, found out about the sprinklers and refused to pay their share of the costs. HUD's minimum requirements do not include sprinkler systems. HUD doesn't allow the developers of projects involving Federal monies to deviate from their minimum standards . . . even to make them better.

Developers, and even entire cities, stand to lose HUD money if they impose stronger fire codes than the Government requires. Every fire marshal and fire chief will tell you that they would like to be able to exercise a local option to decide how much fire protection buildings must have. In this area, Central Fire District Chief Curtis Kirby says every building over 20 thousand square feet or over 5 stories high should be required to have automatic sprinkler systems. The fire protection for city buildings is now geared to avoid property loss.

We at Channel 11 feel we must adjust our priorities and gear our fire protection to save irreplaceable lives. We urge all citizens to approach city councils and county boards of supervisors to write letters to congressmen and urge them to pressure the Department of Housing and Urban Development to ammend its fire safety regulations, giving local fire officials the option to enforce stricter fire protection regulations. Local fire chiefs say if they get to decide on stricter fire regulations they'll get tough.

QUEENS OFFICIALS PROTEST AGAINST THE WAR

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. ROSENTHAL. Mr. Speaker, on January 2 the Honorable Donald R. Manes, president of the Borough of Queens, and a delegation of my constituents came to Washington to present you with a petition signed by the elected officials of Queens County, which called on the Democratic caucus to pledge to cut off funds for the war. I am pleased that the caucus responded affirmatively to this petition and the pleas of others. At this time, I would like to place in the RECORD the text of the petition and a list of the signers:

STATEMENT OF DEMOCRATIC PARTY'S OFFICIALS OF QUEENS COUNTY, NEW YORK, ON VIETNAM

It has become apparent that the American people have been deceived once again as to the possibility of peace in Indo-China.

We, the elected officials of Queens County are appalled by President Nixon's renewal of the bombing and the mining of Haiphong Harbor.

It is time now that we come together in a united effort to reaffirm the leadership of the Democratic Party by a forthright act to end this war.

We, the Democrats, who work at the local level and in the highest bodies of government, urge that you implement the strong position against the continuation of the Vietnam war enunciated in the National Democratic platform.

The people who elected us are angry and resentful after the pre-election ploy of "an agreement 99 per cent complete", and the cruel and inhumane broken promise of "POW's home by Christmas."

We ask the Democratic caucus to denounce the renewed bombing of North Vietnam; we urge the caucus to pledge that legislation to cut off funding for the war within 30 days after enactment receive the highest priority and support necessary for passage.

We can no longer allow the war to continue while America's moral fiber is irreparably damaged and our cities die.

Donald R. Manes, Borough President of Queens.

(Signed)

Councilman Matthew J. Troy, Jr., 16th C.D.
Councilman Walter Ward, 17th C.D.
Councilman Morton Povman, 15th C.D.
Councilman Edward L. Sadowsky, 14th C.D.
Councilman Arthur J. Katzman, 13th C.D.
Councilman Thomas J. Manton, 12th C.D.
Councilman-at-large Eugene Mastropieri.
Senator Karen Burstein, 9th S.D.
Senator Jack Bronston, 12th S.D.
Senator Emanuel R. Gold, 13th S.D.
Assemblyman Herbert A. Posner, 22nd A.D.
Assemblyman Saul Weprin, 24th A.D.
Assemblyman Leonard Price Stavisky, 26th A.D.
Assemblyman Arthur J. Cooperman, 27th A.D.
Assemblyman Alan Hevesi, 28th A.D.
Assemblyman Guy R. Brewer, 29th A.D.
Assemblyman Herbert J. Miller, 30th A.D.
Assemblyman Edward Abramson, 32nd A.D.
George A. McCracken, executive member, 22nd A.D.
Helen Leonescu, executive member, 22nd A.D.
Seymour Sheldon, executive member, 22nd A.D.
Gerdi E. Lipschutz, executive member, 22nd A.D.
Mary Bassett, executive member, 23rd A.D.
Matthew J. Troy, Jr., executive member, 23rd A.D.
Agnes C. Hayes, executive member, 23rd A.D.
Rita Green, executive member, 24th A.D.
Ralph Sherman, executive member, 24th A.D.
Honey Miller, executive member, 24th A.D.
John J. Donohue, executive member, 25th A.D.
Adrienne C. Braunstein, executive member, 25th A.D.
William Friedmann, executive member, 26th A.D.
Julia Harrison, executive member, 26th A.D.
Ernest K. Koller, executive member, 26th A.D.
Leah Gruber, executive member, 26th A.D.
Donald R. Manes, Executive Member, 27th A.D.
Nettie Mayersohn, Executive Member, 27th A.D.
John Linkais, Executive Member, 27th A.D.
Gladys R. Borenstein, Executive Member, 27th A.D.
Sidney Strauss, Executive Member, 28th A.D.
Ann B. Schachter, Executive Member, 28th A.D.
Morton Povman, Executive Member, 28th A.D.
Ilse Metzger, Executive Member, 28th A.D.
Archie Spigner, Executive Member, 29th A.D.
Isadora Rogers, Executive Member, 29th A.D.
Alvin D. Mack, Executive Member, 29th A.D.
Rose Halperin, Executive Member, 29th A.D.
Norma Keane, Executive Member, 30th A.D.
Marvin Cohen, Executive Member, 30th A.D.
Lillian Katz, Executive Member, 30th A.D.
Anthony Schneider, Executive Member, 31st A.D.
Isabella Brett, Executive Member, 31st A.D.
Walter Ward, Executive Member, 32nd A.D.
Rosina Zanazzi, Exective Member, 32nd A.D.
Fred Wilson, Executive Member, 32nd A.D.
Eva Eisenberg, Executive Member, 32nd A.D.
Charles G. Imperial, Executive Member, 33rd A.D.
Caroline B. Foris, Executive Member, 33rd A.D.
Eugene F. Mastropieri, Executive Member, 33rd A.D.
Cora I. Futch, Executive Member, 33rd A.D.
Ivan Lafayette, Executive Member, 34th A.D.
Veronica Martini, Executive Member, 34th A.D.
Joseph Lisa, Executive Member, 34th A.D.
Norma Cirino, Executive Member, 34th A.D.
Terrance O'Keefe, Executive Member, 35th A.D.

Diane Chapin, Executive Member, 35th A.D.
Ralph F. DeMarco, Executive Member, 36th A.D.
Gloria D'Amico, Executive Member, 36th A.D.
Denis Butler, Executive Member, 36th A.D.
Mary Ann Kelly, Executive Member, 36th A.D.
James P. Barker, Executive Member, 37th A.D.
Gertrude McDonald, Executive Member, 37th A.D.
Robert E. Whelan, Executive Member, 37th A.D.
Marie C. Stroebel, Executive Member, 37th A.D.
Anthony Sadowski, Executive Member, 38th A.D.
Helen T. Reid, Executive Member, 38th A.D.
State Committeeman Norman Silverman, 22nd A.D.
State Committeewoman Florence Kaplan, 22nd A.D.
State Committeeman Irwin Rosenthal, 24th A.D.
State Committeewoman Edith Posner, 24th A.D.
State Committeeman John Costanza, 25th A.D.
State Committeewoman Natalie Gordon, 25th A.D.
State Committeeman Leonard Weil, 26th A.D.
State Committeewoman Claire Waxelbaum, 26th A.D.
State Committeeman Abbott Dicksteen, 27th A.D.
State Committeewoman Patricia Israel, 28th A.D.
State Committeeman Irwin Cohen, 28th A.D.
State Committeewoman Cynthia Jenkins, 29th A.D.
State Committeeman Elmer Schwartz, 30th A.D.
State Committeewoman Ethel Wershaw, 30th A.D.
State Committeewoman Frances Bennick, 31st A.D.
State Committeewoman Marie Tamby, 32nd A.D.
State Committeeman Celedonia Jones, 32nd A.D.
State Committeewoman Mary D. McSorley, 33rd A.D.
State Committeeman Warren J. McNally, 34th A.D.
State Committeewoman Marie Mercogliano, 35th A.D.
State Committeeman George Boomgaard, 35th A.D.
State Committeewoman Agnes V. Jennings, 35th A.D.
State Committeeman Joseph Gerrity, 38th A.D.

TENNESSEE SCOUTS RECEIVE HIGHEST RANK

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. DUNCAN. Mr. Speaker, one of the finest organizations in this country for young men is the Boy Scouts of America. I know much about this organization first-hand since my sons were Scouts and because I maintain an adult membership.

I am always proud of boys from my district who achieve high goals in scouting. In fact, on several occasions, I have had the privilege of participating in ceremonies where the rank of Eagle Scout is bestowed on worthy recipients.

Recently, I took part in a court of honor held at the Mascot United Methodist Church which awarded the rank of Eagle Scout to four members of troop 34. Scoutmaster Billy Holt, his assistants, and the Holston Kiwanis Club—troop sponsor—all are to be congratulated for making this ceremony an unforgettable part of the lives of these outstanding young men.

I would like to place the names of these new Eagle Scouts in the CONGRESSIONAL RECORD in order to pay them tribute for the excellance which they have attained. The young men listed here are a great source of pride to those of us who deeply appreciate the contribution being made to our State and the Nation by the Boy Scouts of America:

FOUR NEW EAGLE SCOUTS

James Berry, Route 1, Mascot, Tennessee.
Randy Foust, Route 5, Knoxville, Tennessee.
William McDaniels, Route 1, Mascot, Tennessee.
William Taylor, Route 5, Knoxville, Tennessee.

A PLEA TO PRESBYTERIAN MEMBERS OF CONGRESS

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. McCLOSKEY. Mr. Speaker, this morning it was my privilege, along with other Presbyterian Members of Congress, to be present at the National Presbyterian Church for the traditional prayer for the new Congress. A distinguished group of Presbyterian leaders have joined in the following statement which was made at the National Church this morning:

A PLEA TO PRESBYTERIAN MEMBERS OF CONGRESS

We come before you as a group of Presbyterian ministers and lay members of the local Presbytery. We do not claim to represent the whole Presbytery. We do not know how many others share our opinions and feel our agony.

As fellow Presbyterians we feel compelled to plead with you to exercise your influence in Congress to stop the bombing of Hanoi and Haiphong and other centers of civilian population now and in the future. We believe the active involvement of our country in this war should be brought to an immediate end and our prisoners of war brought home.

We believe that such a representation is entirely fitting at this sacrament of the Lord's supper. We believe in remembering Christ in the saving power of His crucifixion long ago but also believe that He is being crucified afresh in Vietnam.

While we are aware of military, political and diplomatic reasons which might justify this plea, we confine ourselves to the moral aspects of our tragedy. We believe our nation is in the midst of one of the most serious moral and spiritual crises of modern times.

The nature of the Christian Gospel and our interpretation of the will of God for us in these present circumstances have led us to the following convictions:

(1) We believe the pride of our nation is keeping us from making a reasonable and possible end to our involvement in the conflict. As Christians we know that pride is the very essence of original sin. The only remedy for it is a broken-hearted repentance and reliance upon the grace of God. We, therefore, call upon all of us to approach our personal, civic duties in this spirit. It should enable us to think more clearly and to act more courageously.

(2) We believe it is morally wrong for us to use our advanced technology to engage in the most savage and destructive bombing in the history of the world. We are not fighting for the survival of our nation and cannot claim a situation which might conceivably justify such action.

(3) We believe a spirit of racism is present in our attitude toward the Vietnamese people. We do not believe that the American people would support such an attack upon a small European nation. The Vietnamese have a different culture and color of skin. Racism appears in all nations and races. It is always contrary to the will of God.

(4) We believe that even Communists are made in the image of God and are our fellowmen. Some of them who are being killed are Christians. The Christian faith is not identical with anti-Communism. The obligations of love and mercy are to be extended to all men in the spirit of Christ who prayed when He was being crucified, "Father forgive them for they know not what they do."

(5) We believe this war and other factors in our society and in our common human nature have combined to create an insensitivity to the noblest humanitarian values in our history. They must be recovered. If this moral erosion continues, we will not deserve to be regarded as among the defenders of the most precious qualities of life which are the true signs of national greatness.

(6) Finally, we believe in the sovereignty and justice of God. Thomas Jefferson in his "Notes on Virginia" in reference to slavery said, "Indeed, I tremble for my country when I reflect that God is just: that His justice cannot sleep forever."

It is because we tremble for our country today that we respectfully present our prayer for your consideration.

May God help you and have mercy upon us all. Amen.

MINISTERS

Richard W. Blice, Jr.
Orville E. Chadsey.
Charles L. Cureton III.
Lincoln S. Dring, Jr.
George M. Docherty.
Warner DuBose, Jr.
Paul T. Eckel.
James C. Fahl.
Karl W. Gillmeister.
Arthur R. Hall.
Albert G. Harris.
Joseph G. Holt.
Gerald W. Hopkins.
Harold L. Hunt.
Walter Hunting.
Cecil M. Jividen, Jr.
Carroll Kann.
LeRoy G. Kerney.
Richard J. LeForge.
Robert I. Long III.
James G. Macdonell.
John G. Marvin.
Jack E. McClendon.
Stephen P. McCutchan.
David W. McKee.
Willard C. Mellin, Jr.
Herbert Meza.
David M. Milbourn.
Larry C. Miles.
Edgar W. Mills, Jr.
Filbert L. Moore, Jr.
A. Thomas Murphy.
John L. Pharr, Sr.
Gary G. Pinder.
Carl R. Pritchett.
Bruce L. Robertson.
John M. Salmon.

William R. Sengel.
Robert W. Simpson.
Russell C. Stroup.
Julius E. Scheidel, Jr.
William J. Tatum.
J. Marvin Taylor.
William E. Thompson.
Tom L. Torosian.
T. Dennis Walker.
Dewey D. Wallace, Jr.
Laurean H. Warner, Jr.
Antonio R. Welty.
Edward A. White.
Robert I. White.
John R. Wilcox.
George H. Yount.

LAY PEOPLE

Mr. and Mr. Richard Anders.
James A. Barker.
Lucia Barley.
Mr. and Mrs. E. Martin Blendermann.
Richard A. Carpenter.
Mr. and Mrs. J. Ralph Davis.
Dr. and Mrs. Warren Evans.
Mrs. Caleb Hathaway.
Madeline Jacobs.
Sandy Jividen.
Elsie Karo.
Dr. and Mrs. David Lean.
Joan Macdonell.
Eric Paul Macdonell.
Dr. and Mrs. Robert Mecklenburg.
Virginia Kelley Mills.
Patricia A. Milone.
Avis Moussavi.
Sharon P. McKee.
Carol Ann Pinder.
Anna M. Pritchett.
Dr. and Mrs. Richard Reese.
Dr. McDonald Rimple.
Dorothy Sanazaro.
Roy Sewall.
Claire Sewall.
Mary Lee Tatum.
Peggy Torosian.
Mr. and Mrs. Enoch J. Vann.
Suzanne Walker.
Marion Wallace.
Mr. and Mrs. Donald F. Webster.
Raquel Welty.
Louise White.
Virginia White.

OVERSPENDING MUST BE CURTAILED

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. DE LA GARZA. Mr. Speaker, rarely if ever has there been more concern in Congress—and, I think, among the American people generally—about the expenditures of the Federal Government.

In the last 4 years, the United States has added $74 billion to the deficit. President Nixon has announced his intention of holding spending to $250 billion during the present fiscal year, but even if that aim is realized, another deficit of $15 to $25 billion is in prospect for next year.

Federal spending, to be blunt about the matter, has gone out of control. It is high time that control be reestablished.

I believe that this can be most effectively accomplished through a constitutional amendment providing that appropriations shall not exceed revenues of the United States, except in time of war or national emergency.

I am accordingly introducing a joint resolution proposing such an amendment.

The amendment is simple and direct. Under its provisions, as soon as practicable after the end of each calendar year, the President would determine and proclaim the estimated total revenues of the United States, exclusive of borrowed funds, for the succeeding fiscal year. The estimate would be revised at least quarterly.

This proposed constitutional amendment would bar the Congress from authorizing the withdrawal of any funds from the U.S. Treasury in excess of the total amount of revenues for that fiscal year. The only exception would be if each House of Congress, by a two-thirds vote of its membership, suspended its application during war or a grave national emergency.

Mr. Speaker, submission of this amendment would give the people of the United States an opportunity to decide whether they want realistic control exercised over Federal spending. It is their money that is at stake—and the future of their country, and ours, is also at stake, for continued heavy Federal deficits can lead only to a ruinous situation.

I ask the support of my colleagues for the resolution proposing a spending-control amendment to the U.S. Constitution.

A RETURN TO REASON

HON. L. A. (SKIP) BAFALIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. BAFALIS. Mr. Speaker, 19 years ago the Supreme Court of the United States decreed that segregation of the public schools of this Nation was an unconstitutional practice. That decision firmly established freedom of choice for all Americans.

In recent years, however, the Federal courts and certain departments of the Federal Government have pushed dangerously beyond the 1954 decision and developed a strange doctrine of compulsory integration, a doctrine as unconscionable as that which it replaced.

If it is wrong to deny admission to public schools because of race, it is equally wrong to compel admission because of race or to bus pupils far outside their neighborhoods simply to create arbitrary and artificial racial proportions.

The Congress of the United States itself recognized the danger of "reverse segregation"—that is, mandatory integration—in its passage of the 1964 Civil Rights Act, when it forbade, in extremely clear language, the assignment and busing of pupils on the basis of race. Quoting from this bill which is now public law:

> *Desegregation* means the assignment of students to public schools and within such schools without regard to their race, color, religion or national origin, but desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance.
>
> * * * nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance.

Nevertheless, the Supreme Court of the United States and the Department of Health, Education, and Welfare have willfully disregarded this expression of what is lawful, just and—more important—democratically believed to be the correct stance for public education.

It should be obvious to all that the Supreme Court in years past has been unwilling to respect the traditional American belief that our Government is of, by, and for the people. Instead, the courts seemingly are embarked on a course which allows them to act as a second legislative branch of the Federal Government one superior to the Congress and, tragically, unrestrained by the will of the people.

In addition, HEW appears to be dedicated to the proposition that arbitrary and bureaucratic determination of racial quotas in public education is desirable regardless of facts and feelings to the contrary.

Such official mischief will not be tolerated by the American people. In a straw vote at the polls in my home State of Florida last March, the people recorded their support of a constitutional amendment to prohibit forced busing by a 3-to-1 margin. On the issue of equal educational opportunities, the vote was nearly 4 to 1 in favor, thus demonstrating that Floridians, despite conjecture by some, are genuinely concerned about the quality of education received by all schoolchildren. Obviously, these people are simply calling for an end to the forced busing which has brought so much disruption into the lives of their children.

Because statutory action—that is, law—has very little restraining influence on the Federal Government, and because the folk wisdom of our people is so difficult for the same Government to comprehend, it is necessary to put into motion the complicated but sovereign machinery of constitutional reform.

Therefore, today I am introducing a constitutional amendment which, in 35 words, guarantees freedom of choice for all Americans and compels government at all levels to abandon racially inspired schemes for assignment and busing of pupils. The amendment reads:

> The right of citizens to attend the public schools of their choice shall not be abridged or denied by the United States or by any State on account of race, color, religion or national origin.

Unless reason triumphs in public education, I sincerely believe our Nation may be irreversibly damaged—its citizens, of all races, left without faith in their Government's ability to restrain itself.

I, therefore, urge Congress to expeditiously consider this crucial legislation. America, having purged its soul of an older racism, must not allow the rise of a newer racism.

BARBARA JORDAN

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. PICKLE. Mr. Speaker, I have just returned from a reception in honor of Representative BARBARA JORDAN, a new Representative from Texas. This reception was full with people from Houston, who have supported Ms. JORDAN often, and with some of the real big names of Congress and the media. Such a reception can only be a tribute to past works and future expectations for a truly remarkable woman from Houston.

I assure this body that Ms. JORDAN will make her mark. In order to dispel anyone's doubts about the validity of my beliefs, I ask that an article about Ms. JORDAN from the Washington Post's Sunday, October 22, 1972, edition be reprinted in the RECORD.

BARBARA JORDAN

(By Molly Ivins)

HOUSTON.—Forget the pink-curtains-in-the-bedroom bit, the favorite recipes and the touching vignettes. Barbara Jordan has a personality like slate rock. She's as cozy as a pile driver, though considerably more impressive.

"Can't you just see it?" remarked one of her colleagues in the Texas Senate with anticipatory glee. "Barbara will go up there to Washington and all those white, Eastern liberals will try to gush all over her. Hooha! Over Barbara!"

Anyone who tries to dump butter on Barbara Jordan gets a dead, cold steel stare like a slap alongside the head from Joe Frazier. Once when she was in the hospital, the Senate Ladies (wives of state senators—popularly considered a fusty bunch of old prudes) sent her flowers. They never received any thanks by word or note. Jordan has no social chit-chat, she is not given to greeting people in passing. She speaks only if she has something she wants to say, never simply to be polite. She is occasionally droll, but her humor tends to the satiric.

Jordan has been a First and an Only for so long that the words seem like part of her name to Texas newspaper readers. She was the only woman in her law school class; the first and only woman ever elected to the Texas Senate! the first black in the Senate since 1882; first woman, first black ever to serve as president pro tem of the Senate; first black ever to serve as governor of Texas (for a day). She decided to give up her seat in the state senate to run for Congress and will face a weak Republican opponent in a section that is 42 per cent black, nearly 15 per cent Mexican-American and 70 per cent Democratic.

She has immense dignity, composure and a deliberate manner. No one can recall anytime, ever, when she was not in perfect control of herself. The day her father had a stroke in the middle of her governor-for-a-day ceremonies, she was kept informed of his deteriorating condition throughout the day but never gave any sign of being under strain. He died the next day. Perfectly composed at his funeral, she even told a friend she thought that, in a way, it was beautiful he had died like that.

Even her size is part of her impressiveness: she seems not fat but big. (She is 5 feet 8 but never weighs herself.) And she has a notorious habit of knowing more about what she is talking about than anyone else.

"Doing her homework is practically a religious obsession with Barbara," said a Houston reporter who has followed her career.

One of her eternal dicta, delivered at every high school assembly, church gathering or civic club meeting she has ever addressed, goes, "There is no obstable in the path of young people who are poor or members of minority groups that hard work and thorough preparation cannot cure." Another is, "Do not call for black power or green power. Call for brain power."

Before Jordan went to the Texas Senate in 1967, she studied the rules, one of the most arcane sets of parliamentary procedure on earth. On her first day, she knew the rules better than many senators who had been there for decades.

The "thang," as Texans say, about Jordan is that she has always been the way she is. Barbara Charline Jordan, 36, was born and raised in Houston's Fifth Ward, a typical black Southern low-income neighborhood. Her daddy was the Rev. B. M. Jordan, a Baptist preacher who supported his family by working as a warehouse clerk. Barbara was the youngest of three girls in the family.

"We were poor," she recalls, "but so was everyone around us, so we did not notice it. We were never hungry and we always had a place to stay."

Trying to analyze her own self-control, Jordan remembers, "My father was a strict disciplinarian and I always had to keep the lid on, no matter how angry I got. It did not have to do with his being a minister: it was my respect for him as a person. I had great respect. It was unthinkable to have a hot exchange of words with him, for me or my mother or any of us. So one does develop quite a bit of control that way. I suppose the kids now would say that was not good."

Jordan was always a straight-A student, or nearly so.

"I would bring home five As and one B," she said. "And my father would say, 'Why do you have a B?'"

"I always wanted to be something unusual," said Jordan. "I never wanted to be run-of-the-mill. For a while I thought about becoming a pharmacist, but then I thought, whoever heard of an outstanding pharmacist?"

Jordan decided to become a lawyer in the 10th grade when Edith Sampson, a black lawyer from Chicago, later a judge, came to address the Phyllis Wheatley High School Career Day assembly.

Jordan confided her ambition to A. C. Herald Jr., now principal at Wheatley and then her homeroom teacher.

"I encouraged her," Herald said, "and then one day her father came to see me. He said, 'I understand you have been interfering in my family, encouraging my daughter to become a lawyer. That is no place for a girl. I will thank you to stop.' I asked her afterward, 'What are you going to do now, baby?' She told me, 'I am big and black and fat and ugly and I will never have a man problem. The only way I will ever get to college will be if my father pays for it. So I will do exactly what he tells me until I am 21 years old and then I will do what I damn well please.'

"I think Barbara accepted 98 per cent of what her father taught her, but that 2 per cent rebellion made her a stronger person. It takes strength of character to rebel, too."

Jordan recalls the story differently. "It was my mother who was against my being a lawyer," she said. "She thought it was not the right thing for a girl. My father said I should do whatever I thought I could."

From Wheatley, Jordan went to all-black Texas Southern University in Houston. She lost her first election there—for freshman class president—to Andrew Jefferson, now a Houston judge.

"She claims I stole that election to this day," laughed Jefferson. "All I can say is that I think she is one of the most brilliant lawyer/politicians I have ever seen, black or white. She was a great orator, even in high school. And she was a champion debater at T.S.U. We won all the prizes then, every year Barbara was on the team and we even debated Harvard. T.S.U. has never had a team. We won all the prizes that good since and Barbara tells the debate coach that all the time."

Jordan's father put her through T.S.U.—she graduated magna cum laude—and then through Boston University law school.

"There were no scholarships or fellowships available in those days," says her childhood friend, Mary York. "I really don't know how he did it. I think for law school especially, it was very hard for them."

Jordan's practice is general civil work, largely probate and domestic relations. She ran unsuccessfully for the House of Representatives in 1962 and again in 1964. Defeat fazed her not one whit. "I just thought I had run a very good race, and next time I would probably win," she said.

In '66, she ran again, this time for the Texas Senate, and won. She first won a two-year term and then, without opposition, was relected to a four-year term. And that was the beginning of the Jordan political legends.

Jordan's major committee, of which she is chairman, is Labor and Management Relations and her best work has been in this field. She was instrumental in getting the state's first minimum wage passed in 1969. She is also a specialist in the field of workman's compensation.

Her other priority area is urban affairs. She carries the bill to establish a state department of community affairs and has also done work in the field of intergovernmental contracting as it affects cities.

Her self-confidence is regarded by some as overweening ego. Her absolute reserve and dignity is considered evidence of lack of humor. She runs her committees like a martinet: the meetings start on time, bills are presented, witnesses heard, discussion is to the point, there is no fooling around, vote and adjourn.

There are endless tales of Jordan's coldness, vanity, or rudeness. Most of them stem from her distinct style. Texas politics is a slap-on-the-back, good-ole-boys together kind of process. A woman and a black, Jordan was never going to be accepted as "one of the boys." Instead, by sheer force of personality and incredible competence, she got herself recognized as a senator. Almost no one in the Capitol loves her. Some like her, some fear her, but everyone respects her. Her pragmatism has won her liberal enemies.

State Rep. Curtis Graves, whom she defeated in this spring's Democratic primary with a handy 80 per cent of the vote, has openly accused her of selling out. Everybody, but everybody in Texas politics, including her fan Lyndon Johnson, now shows up at dinners honoring Jordan. The fat cats and the lobbyists come, and to Texas liberals, eternally out, such appearances signal the corruption of one of theirs. Conventional wisdom around Austin holds that Jordan had to "deal" in order to get her congressional district. She denies it. When Jordan denies something, in her weighty, absolute fashion, even the most persistent reporter doesn't feel like bringing it up again.

"Of course she is very, very smart and incredibly competent and has good instincts," says a liberal state senator who speaks of Jordan with deep regret. "Maybe it goes back to the old tale of the talents. God gave Barbara so many talents, I expected more of her.

"Several times, just in this last session, I got to the point where I didn't want to go to her for nothin'. It was like going to a member of the Establishment. She'd listen to me, she'd smile and pat me on the back and tell me it was too far out. I'd carry a bill on some problem, a strong bill. Barbara would carry

one too, but it would be weak. And it would get through. The trouble with passing a weak bill is that you won't get another crack at strengthening it for 25–30 years. Whereas, if you just hold firm, you'll get a tough one through this session or next. It was so great for the Establishment to have her on their side. Whenever we tried to do anything, they could say, 'But Barbara doesn't think it needs to be that strong and if *Barbara* doesn't think so . . .'

"I'm waiting to see the good things I know she's capable of doing now that she's going to Congress. But the truth is, I'm afraid. Afraid she was seduced. I think Barbara fell for the in stuff. Having Barnes say all the good things about her and Lyndon putting his arm around her, getting the big honors, being close to power, everybody flattering her. Maybe I'm wrong. I hope so. She's got more than most politicians to keep her on the right track. She's got the color of her skin."

Despite the persistent "sell-out" charge, she has never been noticeably over-awed by power. At the Democratic Convention in Chicago in 1968, Jordan was the first, and for a while only, person in the 104-member Texas delegation to refuse to vote for John Connally as a favorite-son candidate. She was later joined by four other delegates.

In 1970, Gov. Preston Smith wanted her to serve as secretary of the state convention. He also wanted Ben Ramsey, a conservative who was identified with segregationist and anti labor legislation in the 1950s, as chairman of the convention. Jordan told the governor she wouldn't serve as secretary under Ramsey. She served as secretary, Ramsey didn't serve as chairman.

In Houston, Jordan still works out of her second-floor office in a little building on Lyons Avenue in the heart of the Fifth Ward. With a salary of only $4,800 a year, she has to be a working lawyer. There's a print shop downstairs with a sign on the door that reads, "Knock & Holler." Upstairs, there is red carpeting, air-conditioning and pine-panelled walls, but the place is not plush. Old copies of "Ebony" are neatly stacked on an early-motel coffee table. There are color photos of JFK and LBJ on the walls.

She is busy, very busy, but always calm and almost always deadly serious. She wears no rings or other jewelry, only a tiny wristwatch. Getting her to talk about anything but politics is not easy. Does she like to cook? No. Her favorite dish? "Whatever my mother prepares for supper at night," she replies, lighting up a filter king.

Jordan lives with her mother at 4910 Campbell, not far from her office. The neighborhood is poor. Their house stands out only because it is painted hot pink. She invited her mother to move to Washington with her, but her mother prefers to stay in Houston.

She has no interest in decorating, but does like good clothes and will spend some time shopping for them. She wears no make up, but gets her hair done. Fun is getting together with friends to sing. She also reads for pleasure—mostly political histories. She particularly likes biographies of Presidents and remains fascinated by Kennedy. Which promptly leads back into a political discussion with Jordan defending Lyndon Johnson. "Despite what some of my friends say, and I am aware of his mistakes, I believe he was a great President."

Charlotte Phelan, a Houston Post reporter, once invited Jordan over for a night of poker. Jordan, a good Baptist, was obviously unfamiliar with cards.

"You know how most people who've never handled a deck before will drop the cards all over and fumble around?" asked Phelan. 'Not Barbara: She gripped each card firmly and carefully set it down in front of each player. Not one of those slippery little things was going to get out of *her* control."

But in a very real sense, it is irrelevant to write about Jordan singing with friends, Jordan playing poker, Jordan talking about clothes. Mary York can say, "She is a beautiful person." A. C. Herald can say, "She was just a big, ol' lovable girl." But that is not the Barbara Jordan most people will ever be lucky enough to know.

For the rest of us, the best, most impressive Jordan is seen in action on the Senate floor, in the heart of a parliamentary thicket, verbally browbeating some opponent, figuring the odds on a certain bill, finding a way to scrounge an extra vote, dripping contempt on some hapless dunderhead appointed to the Air Pollution Control Board.

"I have heard your statement and it is full of weasel words," she sneered. Peter Lorre couldn't have improved on the way she said, "weasel words."

About her future? "Where would I go after this?" she asked sarcastically.

"The U.S. Senate? Barbara Jordan can run statewide in Texas? A black woman can win in Texas?" She was reminded that Sissy Farenthold got 45 per cent of the vote in this spring's Democratic primary.

"Sissy's white," Jordan snapped. "It does still make a difference you know."

MSGR. CLEMENT KERN AND THE ECCLESIASTICAL SHAKEDOWN SOCIETY

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. O'HARA. Mr. Speaker, long before I ever came to this House, I came under the influence of one of the few truly great men I have known. Father Clement Kern, of Detroit's Holy Trinity Parish, showed me what a young lawyer ought to be doing with his spare time to help those most in need. I am sure I have not lived up to the ideal that Clement Kern set before me and some of my contemporaries. But to the extent that I have tried, it has been due to his influence and his example.

In the January 1, 1973, issue of Newsweek magazine, there appears an article about Father Kern, or Monsignor Kern, as he is now more properly addressed. The article tells how "everyone from automobile executives to bookies and barkeeps can expect a twist of the arm from the 'Ecclesiastical Shakedown Society' a small army of volunteers who help Msgr. Clement Kern go broke each Christmas by giving away whatever he has to the alcoholics, drifters, and other 'undeserving poor' who show up at Most Holy Trinity Catholic Church."

The article referring to poverty-stricken Holy Trinity Parish's economic status, is entitled "Priest at the Bottom."

Mr. Speaker, if this saintly man who has helped the helpless, befriended the friendless, enriched the poor, clothed the naked, fed the hungry, and fought the good fight for so many years—if he is the "priest at the bottom," then the world is truly upside down.

The Newsweek article follows:

THE PRIEST AT THE BOTTOM

Christmas is the season when churches have carte blanche to take from the rich and give to the poor. In Detroit, this means that everyone from automobile-company executives to bookies and barkeeps can expect a twist of the arm from "The Ecclesiastical Shakedown Society," a small army of volunteers who help Msgr. Clement Kern go broke each Christmas by giving away whatever he has to the alcoholics, drifters and other "undeserving poor" who show up at Most Holy Trinity Catholic Church.

This Christmas was no exception. After Mass at the church in Detroit's rundown Corktown district, some 300 poor people—deserving and undeserving alike—were invited to sit down to a meal of stuffed turkey and baked hams, prepared and served by Catholic nuns. A Jewish delicatessen owner donated a 20-foot Christmas tree decorated by his employees. And before the afternoon was over, Monsignor Kern planned to personally dispense the last $4,000 raised this year by the Shakedown Society.

From Skid Row to Grosse Pointe, the 65-year-old Kern is regarded as something of a saint. His parish is among the poorest in Detroit, and his rectory is the last refuge for drunks—including priests—who can't dry out anywhere else. "I want the people that no one else wants," says Monsignor Kern. "The street is a gold mine for lost souls."

Like many worthy Catholic organizations, Monsignor Kern's Shakedown Society was born in a pub. When regulars at the Anchor Bar, a popular watering hole for newsmen and politicians, heard that Kern was in financial trouble fourteen years ago, they decided to take up a collection for his penniless parish. Since that night, the ESS has acquired considerable expertise in extracting donations and volunteer work from both labor and management. "One Christmas Eve," recalls the graying, wispy priest, "the former Mrs. Henry Ford II and her two daughters were down here at 11:30 at night helping out delivering packages."

Within union circles, Kern is regarded as "labor's padre" (he even owns a gleaming white hard hat bearing that inscription) because of the 34 schools for workingmen that he administered before coming to Holy Trinity as a curate nearly three decades ago. Earlier this month, hundreds of unionists, politicians, businessmen and judges paid $25 each to honor Monsignor Kern at a pre-Christmas dinner sponsored by Leonard Woodcock, president of the United Auto Workers, Frank E. Fitzsimmons, president of the Teamsters union, and other labor dignitaries. Kern was pleased by all the attention but slightly embarrassed. "I wish I could be in the back room at the Anchor Bar," he confided, "talking to the guys."

PICKETS

Kern's ties to labor sometimes get him in trouble with his contributors. Once, after the Shakedown Society persuaded a midtown hospital to provide free medical services at his church, Kern almost blew the deal when he showed up outside the hospital to picket with striking service workers. Catholic clergymen in Detroit were ruffled when the feisty monsignor showed up on a picket line with voluptuous bunnies who were picketing the Playboy Club. Today, Father Kern admits that he is in "deep trouble" with some members of the Teamsters union because of his support for Cesar Chavez, who is wrestling with the Teamsters in California for the right to represent farm workers.

Despite his elevation to monsignor in 1962, Kern has no fears that he will move up the ecclesiastical ladder—and away from his parish. "I suppose a younger man could do this job," he says, "but it really calls for a

beat-out guy like myself." Besides, he figures, Holy Trinity parish is the bottom of the barrel. "And no priest," he concludes, "wants to start at the bottom."

THE WAR CONTINUES

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. ROSENTHAL. Mr. Speaker, we had all hoped that by the time the 93d Congress convened the war in Indochina would be ended. Two weeks before the election we were informed that "peace" was "at hand." In the ensuing weeks, far from seeing the final achievement of peace, we witnessed anew the arrogance of power: American reescalation of the conflict and the most brutal bombing campaign in the history of war—all without the slightest explanation to the people or the Congress. Since the beginning of American combat involvement in Vietnam, we have frequently been told that peace was just around the corner. The events of the past 10 weeks should have made it finally clear that the only way we shall ever be sure that peace is at hand is for the Congress to act to end the war.

My feelings at this time are the same as those of one of my constituents who wrote:

I have written to you over the years about our involvement in Vietnam. I have felt anger, frustration and despair. But now I feel rage, disgust and shame.

Mr. Speaker, I have opposed appropriations for this war since 1967 and have asked the courts to declare our involvement unconstitutional. In the 92d Congress I supported and voted for legislation designed to cut off funds for the war. When the President began the latest bombing campaign I sent the following telegram to him on behalf of myself and 16 other Members protesting his action:

It is with a deep sense of despair that we must once again urge you to halt immediately the resumption of United States military activity in North Vietnam. The frustrations of the American people over this continuing war and their confidence in the integrity of government, are being strained to the breaking point by the renewed bombing and mining by U.S. forces. The American people and their representatives in Congress cannot be told that "peace is at hand" two weeks prior to the election and that full-scale military action is necessary two months later. A singularly important lesson of this tragic war is that escalation only strengthens the resolve of the enemy to fight on and further entangles us in a fruitless, never-ending quagmire.

Your election in 1968 and reelection last November were due in large part to your commitment to end the war. If our efforts toward a negotiated settlement were 99% successful, as Dr. Kissinger maintained, then surely the return of our POWs and the sacrifices of all Americans justify our adjusting that 1% differential.

We urge you to stop the bombing and mining and to sign a settlement with the North Vietnamese now. If you cannot or will not get us out of Vietnam, then the Congress will have to exercise it's obligation to do so.

In the Democratic Caucus on January 2, I voted for the resolution introduced by Congressman NEDZI calling for a cut off of all funds for U.S. combat operations in Indochina as soon as our prisoners are returned and arrangements are made for the safe withdrawal of our forces. In order to effectuate the will of the caucus I have cosponsored a bill to accomplish this purpose, introduced by Congressman KOCH. I am also preparing a similar bill of my own which, I hope, will be referred to and immediately considered by the Committee on Foreign Affairs of which I am a member and chairman of its subcommittee on Europe.

The American people are frustrated and angered over our immoral participation in the conflict and they want to see it finished. It has poisoned our personal relations with one another and soured our political dealings with other nations. Let us finally draw together and put an end to this miserable chapter in our history. The time for peace is now.

MINNESOTA MORAL LEADERS APPEAL FOR VIETNAM BOMBING HALT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. FRASER. Mr. Speaker, in the flood of mail and telegrams I recently received opposing the intensified bombing in Vietnam, was one signed by 11 prominent Minnesota religious leaders. I ask permission to reproduce this particular message in the RECORD. These men are not only leading the public conscience in my State on this issue, they are also reflecting the deeply felt views of their constituencies on the continuing Indochina war.

The message follows:

MINNEAPOLIS, MINN.,
January 3, 1973.

Congressman DON FRAZER,
Longworth House Office Building,
Washington, D.C.:

We feel a moral obligation to appeal urgently to our Nation's leaders to stop the Vietnam bombing immediately and we urge the resumption of serious negotiations working toward a permanent peace.

LIST OF SIGNATURES

Archbishop Leo Byrne, St. Paul-Minneapolis Catholic Archdiocese.

Dr. Alton M. Motter, Executive Director, Minnesota Council of Churches.

Rt. Rev. Philip F. McNairy, Episcopal Bishop of Minnesota.

Rev. Wayne K. Clymer, Bishop of the United Methodist Church of Minnesota.

Dr. Carl A. Hansen, Executive Minister, United Church of Christ of Minnesota.

Dr. Melvin A. Hammarberg, President, Minnesota Synod of the Lutheran Church in America.

Rev. Harry Lichy, Associate Executive, Presbyterian Synod of Minnesota.

Rabbi Herbert Rutman, Associate Rabbi, Temple Israel, Minneapolis.

Rev. John Martinson, American Friends Service Committee.

Rev. Vincent Hawkinson, Co-chairman Clergy & Laity Concerned.

Bishop J. Elmo Agrimson, Southeastern Minnesota District, American Lutheran Church.

A HISTORIC MOMENT IN AUSTIN

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. PICKLE. Mr. Speaker, on December 11 and 12 of last year, a truly remarkable and prestigious gathering was held at the Lyndon Baines Johnson Library in Austin, Tex.

These were the days of the Civil Rights Symposium, marking the opening of the papers dealing with civil rights of President Lyndon Johnson's administration

I was fortunate enough to attend the symposium. The meeting was a meeting of leaders—strong leaders of a good cause.

During the 2 days, one figure dominated the mood, dominated the resurgence of commitment to create a society of equal opportunity.

This man was President Lyndon Johnson.

It is appropriate that the last issue of Life of December 29, 1972, carried the best account of those 2 days in Texas.

In his last column on the Presidency for Life, Hugh Sidey caught superbly the moment—its dignity and vitality.

Mr. Speaker, I include the Life article in the CONGRESSIONAL RECORD at this point, in order that my fellow Members might share those days in Austin:

ONE MORE CALL TO REASON TOGETHER

(By Hugh Sidey)

Lyndon Johnson savors each day for its meaning and joy, his battered heart frequently sending out signals of pain to let him know that it can't keep up. In the past year he has finally adjusted to this twilight world, melting off about 20 pounds, carrying a pouch full of nitroglycerin tablets and holding that restless soul of his in check. Well, almost in check.

Several months ago, when Johnson and his staff began planning symposiums for the Lyndon Baines Johnson Library at the University of Texas, it was Johnson himself who insisted on a session dealing with civil rights.

So a fortnight ago they came by jet and auto and bus through an ice storm to be in Austin with "the President" again, one of the few times in the last four years that the men and women who carried the civil rights banner for two decades had assembled. There were some new faces among them, but the focus was on men like Hubert Humphrey, Roy Wilkins, Clarence Mitchell and former Chief Justice Earl Warren. They showed up with more wrinkles than they used to have, more gray hair and a lot more discouragement. From the beginning of the two-day meeting it was plain that civil rights no longer had a clear national leader. Nor could anyone perceive any sympathy for the cause in the White House.

L.B.J. put on his tan rancher's twill and his cowboy boots and came in from the country, sitting silently through the first day's meetings, the fatigue growing on him. That night he went to the reception for the 1,000 guests. The strain took its toll. For Johnson the rest of the night was filled with pain and restlessness. His doctors suggested, pleaded, ordered him to give up his sched-

uled address the next day. He ignored them. He put on his dark-blue presidential suit and those flawlessly polished oxfords and came back the next morning.

He didn't take a seat in the auditorium but, with a worried Lady Bird at his side, watched the first two hours' proceedings on closed-circuit TV in an anteroom. Near noon he walked slowly to the podium. In a low but steady voice he talked eloquently for 20 minutes. "Until we overcome unequal history, we cannot overcome unequal opportunity," he said. "But to be black in a white society is not to stand on equal and level ground. While the races may stand side by side, whites stand on history's mountain and blacks stand in history's hollow. . . . So I think it's time to leave aside the legalisms and euphemisms and eloquent evasions. It's time we get down to the business of trying to stand black and white on level ground." Even in that short plea there was pain, and Johnson reached for one of his pills, munching in front of everybody. It was something he rarely does.

When he was done he acknowledged the applause and stepped off the stage to take a seat in the auditorium. Then squabbling broke out among the black factions, and one of the participants read an indictment of Richard Nixon and his administration.

Lyndon Johnson sat for a few minutes in the midst of it. Then, just as if he were back in Washington, he moved. The fatigue of the night before seemed to drop away, the old adrenalin machine pumping back into action. Going to the microphone, with his hands molding the air, he delivered one of his sermons on brotherhood and reason, flavoring it with one of those marvelous stories about a backwoods judge and the town drunk, reminiscences of when he arrived in Hoover's Washington and the bonus marchers were driven down Pennsylvania Avenue.

"Now, what I want you to do is go back, all of you counsel together," he said, "that soft, kind way, just cool and push off wrath, indulge, tolerate, and finally come out with a program with objectives. . . . There's everything right about a group saying, 'Mr. President, we would like for you to set aside an hour to let us talk,' and you don't need to start off by saying he's terrible, because he doesn't think he's terrible. . . . While I can't provide much go-go at this period of my life, I can provide a lot of hope and dream and encouragement, and I'll sell a few wormy calves now and then and contribute."

When all that human juice clattered out over the wire, the memories began to rise, of the lean, youngish Lyndon Johnson in 1957 leading the United States Senate to pass the first Civil Rights Act in 82 years. It was near midnight, and the tension was so thick you could slice it, but the majority leader just stood there on the floor, calmly counting his votes.

Then there were those later nights, when L.B.J. was President. He would talk about how he ceased to be just a man from the South and had become a leader for all of America. The old tales would roll out—about what it was to be a black and never sure as you traveled if you could find a decent place to eat or go to the bathroom; or how he knew what it was like to be a Mexican-American child in the Depression, rummaging in the garbage cans for food.

Another night: it was in New Orleans during the 1964 campaign when Johnson stood on a street corner in the harsh neon glare, white Louisiana state officials clustered around him, and shouted out his message of hope and equality to the blacks who stood below him. And then in his 1965 civil rights address to Congress, in the place he loved most, among the men he liked best, he sounded the most poignant refrain of the time: "We shall overcome."

No wonder his heart is scarred today. It has been a long and anguished journey, with a long way left to go.

In the auditorium in Austin, the ovation that followed Johnson's appeal washed away the controversy, for a moment. People came to the stage and crowded around him as he tried to leave. They were all reaching for a bit of the old magic. But nobody got so much of it as Mr. Youngblood, a thin, aging black who used to wait on tables in Austin's ancient Driskill Hotel, where Johnson sweated out election night returns. The former President and the former waiter stood there for a few seconds gripping hands, and if any questions lingered about what Lyndon Johnson had tried to do for his country, they were answered right then.

PRESIDENT HARRY S TRUMAN—IN MEMORIAM

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. RODINO. Mr. Speaker—

I want you to succeed in whatever you undertake. To do that you must give it all you have. . . . Right must always prevail. Do not let glamor get you. There are decent, honorable people among the very rich, just as there are among the very poor. Honor knows no class. . . . Remember always to keep your balance no matter how great you may become in your own time. Your Dad will never be reckoned among the great but you can be sure he did his level best and gave all he had to his country.

The above counsel has been extracted from a letter Harry Truman wrote to his daughter, Margaret. The statement reveals the words of a man who had the courage, the spirit, and the tenacity to stick to his convictions, to carry forward the strength of his decisions and to uphold, always, the principles of his family code:

To do the right thing, to do the best we could, never complain, never take advantage, don't give up, don't be afraid.

Simple words—but words forceful and dynamic in their simplicity.

President Harry Truman possessed an immense capacity for making up his mind to do what had to be done. He welcomed and encouraged the views of others, no matter how far they differed from his own initial impressions. Yet, he never forgot that the final responsibility for all decisions rested solely on his shoulders. When the "buck stopped," he answered and he acted with a full and biting awareness of his accountability to the American people. Gen. George C. Marshall, looking back upon the 33d Presidency stated—

There never has been a decision made under this man's Administration that has not been made in the best interest of his country. It is not only the courage of these decisions that will live, but the integrity of them.

Mr. Truman, himself, addressing a crowd of workers in Grand Rapids, Mich., explained:

I don't want you to vote for me, I want you to get out on election day and vote for yourselves—for your interests.

On his return to Independence at the close of his arduous campaign, he concluded:

We have told the people the truth and the people are with us. The people are going to win this election.

Harry Truman remained a man of the people. To his countrymen and to the world, he came to symbolize the potential, when history demands it, of the common man. Neither as a public not private figure did he ever pretend to be anything but what he was. As a farmer, his resourcefulness, his independent spirit, his ability to solve the everyday practical problems served him well. As a timekeeper, bank clerk, and bookkeeper, his thorough and meticulous approach became a most valuable resource. And, as a Senator, his inquisitive and retentive mind, his dedicated and conscientious manner were known to all. Mr. Truman's successful efforts as Chairman of the "Special Committee To Investigate the National Defense Program" remain as an example for all of us in this body of the importance of our ideas, programs, and actions in directing and influencing governmental policy and in serving the men and women of this Nation.

Courage, compassion, concern, strength, selflessness, honesty, and a dedication to get the job done and to accomplish this task the best he could—these are the qualities Harry Truman brought with him to serve as F. D. R.'s Vice President and these are the qualities with which, on April 12, 1945, less than 3 months later, he faced the American people as their leader.

We remember well the European recovery program, the Truman doctrine, the creation of NATO, the birth of the U.N., the impact of the atomic bomb, the Korean intervention, the point 4 plan. All, when judged in the context of their times, stand as a symbol of the commitment of America and of the West to the cause of freedom. Truman refused to compromise with injustice. From his insistence that all captured Nazis be given a fair trial, to his unprecedented order to desegregate the Armed Forces, Harry Truman firmly believed that—

Each man should be free to live his life as he wishes. He should be limited only by his responsibility to his fellow countrymen. The only limit to an individual's achievement should be his ability, his industry, and his character.

Meeting with opposition in every quarter, Truman recognized the State of Israel 11 minutes after she declared her independence. He told Chaim Weizman:

You more than made the most of what you received and I admire you for it.

Harry Truman believed there was no limit to man's ability to learn. He once stated—

A person learns as long as he lives.

And, Harry Truman worked, questioned, studied, investigated, discovered, and grew. In later years he loved to speak with schoolchildren on the meaning of democracy and was looked upon by many of us as a kind of roving teacher.

The years I served under his adminis-

tration as Congressman and the meetings and discussions I held with Mr. Truman remain most special for me. It is not enough for us to remember and honor his memory and to speak in eloquent words of his deeds and his service to the American people and to the world. For Harry Truman struggled to insure that the principles and precepts of America's ideals be preserved and carried forward. We must, therefore, continue this struggle and this dream for peace, justice, and freedom for this generation and for all generations to come.

BILL TO AMEND LAND AND CONSERVATION ACT OF 1965

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. BELL. Mr. Speaker, today I am introducing a bill designed to enable State and local governments to expand their efforts in establishing new park facilities. The need for legislation of this type is obvious when viewed in light of the inability of existing parks to accommodate the ever-increasing number of citizens desiring to experience the pleasures of the outdoors.

The legislation I propose amends the Land and Water Conservation Fund Act of 1965 by providing a more equitable distribution of Federal funds among the various States. At the present time, 40 percent of the total available funds are allocated equally among the 50 States, with the remaining 60 percent being dispersed among the States and territories on the basis of need. While on the surface, this method appears to be quite valid, a closer scrutiny of this procedure discloses that the most heavily and densely populated States, those with the greatest need for park facilities, are not truly receiving their proper share of these funds.

Those individuals who reside in our densely populated urban centers have been for too long unable to enjoy the unmatched assets of nature. The great majority of ourdoor park facilities have been located in those areas that are inaccessible to the average city dweller. To help insure that this situation is immediately remedied, the bill I introduce today would redirect the flow of Federal funds to the States largely on the basis of proportional population and urban concentration. Specifically, this bill would allow 20 percent of the total fund to be divided equally among the States and permit 75 percent of the available grants to be expended in the States and territories on the basis of overall population, population density, and the use of the individual State's park facilities by citizens from outside that State. The remaining 5 percent would be made available to States to meet special and emergency needs.

While this legislation would still somewhat favor the States which already have the greatest number of park facilities, it does move the entire program closer toward distributing Federal dollars on a per capita basis. This approach is certainly more then just the formula currently in use, and it is one that will help to guarantee that the greatest benefit is derived from each dollar spent.

Under the existing program the average per capita apportionment for 1972 for the State of California was $0.89 compared with the per capita amount of $6.50 received by the State of Wyoming. This example aptly illustrates the need for effective and prompt reform, and the need to channel funds into those areas where there has heretofore been insufficient assistance.

The most populated States are not only restricted in the sum they can receive under the requirement that 40 percent of all funds be divided equally, but also by the provision that limits each State's ability to participate in the available funds to 7 percent of the total. This proposed legislation would increase the ceiling from 7 to 10 percent, thereby substantially increasing the opportunity of the heavily populated States to establish new parks.

As was mentioned earlier, one of the vital factors in determining the amount of money to be distributed to each State is the extent to which that State's parks are used by out-of-State residents. It is my firm conviction that this factor is worthy of intense consideration.

In California, for example, it is estimated that on weekends 50 percent of the State's camping facilities are occupied by nonresidents. Moreover, it has been approximated that over 20 million tourists visit California annually, an extremely high percentage of which utilize State recreational and park facilities. In addition, a good many of these tourists visit the major urban centers within the State often finding nowhere to camp or being forced to tolerate the overcrowded conditions existing at the State park facilities. The establishment of new facilities in and around these urban areas will serve the dual purpose of alleviating the existing overcrowdedness as well as providing areas of recreation and relaxation for the citizens of the area. It seems quite logical, therefore, to insist that this consideration be heavily weighed in the evalution of which States should be recipients of Federal grants.

President Nixon, in his environmental protection message of February 8, 1972, noted that—

> The need to provide breathing space and recreational opportunities in our major urban centers is a major concern of this Administration.

It is my belief that the concepts embodied in this bill are consistent with the stated objectives of the President, and with the desires of the millions of Americans who wish to make use of this country's most valuable possessions, its land and water.

Mr. Speaker, I urge my colleagues to join me in support of this legislation and to assist in bringing about its passage and enactment.

The bill follows:

H.R. 289

A bill to amend the Land and Water Conservation Fund Act of 1965, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended (16 U.S.C. 4601–4 et seq.), is further amended as follows:

(a) In the first sentence of subsection 5(b), delete paragraphs numbered (1) and (2) and substitute the following:

"(1) 20 per centum shall be apportioned equally among the several States;

"(2) 75 per centum shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in his judgment will best accomplish the purposes of this Act. The determination of need shall include, among other things, consideration of population density and urban concentration within individual States, the proportion which the population of each State bears to the total population of the United States, and the use of outdoor recreation resources of individual States by persons from outside the State; and

"(3) 5 per centum shall be made available to individual States to meet special or emergency needs, as determined by the Secretary."

(b) In the third sentence of subsection 5(b), delete "7" and substitute "10"; at the end of the fifth sentence of said subsection, change the period to a comma and add "without regard to the 10 per centum limitation to an individual State specified in this subsection."; and delete the last sentence of said subsection.

(c) In subsection 5(d), delete paragraph numbered (2) and substitute the following:

"(2) an evaluation of the present and future demand for and supply of outdoor recreation resources and facilities in the State;".

(d) After the third paragraph of subsection 5(f) of the existing law, insert the following new paragraph:

"The Secretary shall annually review each State's program to implement the statewide outdoor recreation plan and shall withhold payments to any State until he is satisfied that the State has taken appropriate action (1) toward insuring that new recreation areas and facilities are being located to satisfy the highest priority of unmet demands for recreation especially in and near cities, particularly with respect to the resources that have been acquired or developed with funds apportioned to the State under section 5(b)(2) of this Act; (2) to consider preservation of small natural areas, especially near cities; (3) to consider preservation of scienic areas through the acquisition of development rights, scenic easements, and other less-than-fee interests in lands or waters; and (4) to provide for appropriate multiple use of existing public lands, waters, and facilities, to help satisfy unmet demands for recreation resources."

MEMORIAL TO NICHOLAS JOSEPH BEGICH

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. BURKE of Florida. Mr. Speaker, the tragic loss of two Members of the 92d Congress in an Alaskan storm that enveloped their airplane, and in all probability took them forever from us, gives me cause to rise now and point to the

footprints they left for us in the sands of time.

Nick Begich was a young man of 40 with a zest for living and with maturity that belied his years. Although he served only one term in the U.S. Congress, he left his mark with his efforts for the passage of the Alaskan Native land claims legislation and his appeal for the construction of the Trans-Alaska oil pipeline. He was a tireless, dedicated worker, and answered 99 percent of all the House rollcalls during his first year in office. The future years that death deprived him of is a loss to all mankind.

He was not a native of Alaska but certainly he earned the right to be acclaimed one of Alaska's most distinguished sons. Mrs. Burke and I had the pleasure and the excitement of his company with his wife not too long ago in New York. His loss seems personal to me as I am sure it does to so many of us all.

I mourn with his wife Peggy, and with his children, the passing of our friend who had such great potential.

STONEY STUBBS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the December issue of Wheels published by the Goodyear Tire & Rubber Co., carried an article on my good friend, Stoney Stubbs, chief executive officer of the Frozen Food Express Co. headquartered in Dallas. He is a graduate of Texas A. & M. University, one of the finest schools in the Southwest and this year is serving as chairman of the American Trucking Association.

Under leave to extend my remarks in the RECORD, I include the article entitled "Stoney Stubbs—He's From Texas."

STONEY STUBBS—HE'S FROM TEXAS

(By Jane Graham)

"I don't ask much of my drivers," said the big man in the Western hat. I just want them to have the soul of a gypsy, but be stable enough to head up the PTA!"

The robust laughter that accompanied the remark was unique, the product of a genuine original: Stoney M. Stubbs, chairman of the board and chief executive officer of Frozen Food Express, and new chairman of the American Trucking Association.

Like many Texans, Stoney Stubbs is larger than life. A farm-bred graduate of Texas A&M, he departed from the pattern of his upbringing by taking his degree in accounting.

After a slight detour to fight a war in the Pacific, he began his career as an accountant for the Humble Oil Company, about the time that Cy Weller, a lawyer from San Antonio, was founding Frozen Food Express, in Dallas. Bitten by the trucking bug during World War II and impressed with the future of frozen foods, which were just then beginning to appear on the market in quantity, Weller had scraped up a few trucks and trailers, and was beginning the hard climb toward solvency.

The company was still young when Weller persuaded Stoney Stubbs that trucking had it all over the oil business, and a long and profitable relationship was born. It continued until just a few years ago, when Weller decided to sell his share of the company to the other officers. At that time Stubbs became chief executive officer.

Reflecting his individualism, Stubbs asserted: "I believe deeply in private enterprise. More than anything else, a truck-driver has to be self-reliant. That's why, in our particular branch of the trucking industry and in our company, we encourage as many of our men as possible to own their own rigs. We even help them with financing the $23,000 or so that it takes. Then we lease the rig and the man for a combination price. It's a good deal all around: the man makes more money and keeps more of what he makes, takes better care of the equipment and is more conscious of customer relations; the company saves capital investment. We now have about 120 driver-rig combinations in our fleet of over 300, and are encouraging more all the time."

There are sharp limits to Stubbs' rugged individualism, however. He is adamantly opposed to the current trend toward de-regulation in the industry, which he feels can only lead to irresponsibility. "And it isn't only shippers who will be hurt by de-regulation," he said. "Reliable carriers will be hurt, financially, while customers are sorting out the reliables from the unreliables."

Stubbs feels that one of his most important responsibilities as chief officer of a major trucking line—a responsibility that will be even greater as ATA chairman—is making public appearances on behalf of the trucking industry.

Besides de-regulation he speaks regularly on three other pet subjects.

The first of these is maintaining the integrity of the Highway Trust Fund. He points out—emphatically—that not only would the highway network deteriorate if safeguards on this fund were relaxed, but that any use of the fund for other purposes would be a betrayal of the highway users who supported it in the first place. "It's just plain dishonest not to live up to the original bargain," he insists.

Another concern of the ATA's new chairman has to do with antiquated regulations covering sizes and weights of carriers. "Our technology is so advanced over what it was when size and weight regulations were put in that they have become not only obsolete but almost irrelevant," he declared. "We could put more load on the highway with less stress on it, if they'd just let us use the expertise we've gained."

The third subject on which Stubbs likes to speak out is the soundness of investing in motor carriers. He points to the financial record of his own Frozen Food Express as a good, but by no means unique, example. Organized on a shoestring in 1947, it began to show a profit in 1950, and by 1958 was really rolling. In 1962 it grossed $9.25 million, and by 1971 had grown to a $23-million organization. In 1972 the company will gross somewhere between $25.5 and $26 million, and from there on the sky's the limit.

Frozen Food Express is recognized by the ICC as the third-largest refrigerated carrier in the United States, and the largest in its service area, which comprises 23 Central, Southwestern and Western states. Stubbs took the company public last year, selling about one-third ownership for enough to retire $2,334,526 in long-term debt. Since last November, when the company went public, its stock has climbed steadily, from around $15 per share at that time to—in May of this year, as this was written—around $20 per share. Not bad—up 33⅓ per cent in a little over six months!

The next step in the company's long-term growth plan is diversification. Asked what fields FFE plans to enter, Stubbs smiled. "I'm not ready to tip my hand yet," he said, "but you can bet we've got some exciting plans on the boards."

While the company's executive offices are in Dallas, it recently completed a service center and office building in the outskirts of Lancaster, a suburb 10 miles to the south. There, in the middle of rolling farmland, is a long row of busy cubicles in which tractors are serviced and trailers kept in tip-top condition. Word has spread about the skill of FFE mechanics, and many other companies now send their equipment to be serviced at the new facility.

Frozen Food Express pioneered the "less-than-truckload" concept among refrigerated carriers, utilizing trailers of its own design. These trailers are equipped with movable partitions, so that shipments can be separated according to type and temperature requirements. The innovation has two advantages: the higher rates of LTL and the creation of major new customers—small-lot shippers who grow into full-truckloaders.

The new ATA chairman is a strong advocate of schools for truck drivers. He feels that the "knight of the road" image is a tremendous asset for the industry, counteracting to some degree the irritation felt by the private automobile driver when he finds himself behind a truck on a two-lane streach of mountain road. And he insists that the truck driver's reputation for skill and courtesy must be backed up by continuing training programs.

The man practices what he preaches—on a large farm near Waco, with a long-abandoned private airfield. There, what once were runways are now "highways"—or maybe they should be called "how-ways"—where company instructors take young men who have never driven anything larger than a pickup and turn them into skilled truck drivers.

"Trucking is a great career for a young man of the right temperment," Stubbs declared. "A driver can earn anywhere from $8,000 to $18,000 a year, depending on skill and experience, and that's not bad for any field not requiring a college education."

"And besides, it's the kind of work that's fun for a certain type of guy. It gets into your blood!" (As Stubbs' tanned skin wrinkles around his twinkling eyes, it's clear that here is a man who actually loves the trucking business. His son and son-in-law evidently share his enthusiasm, for both have followed him into the business.)

Although there are eight million people in the trucking industry (FFE's share of them is 800), and anthough all-night disc jockeys like to play songs about the rolling wheels, Stubbs doesn't believe the romance of the industry compares with that of railroading half a century ago.

"It's a different thing," he said thoughtfully. "Today's trucker is a businessman, and he works hard at it. He plays hard, too, but his play isn't connected with the industry. A driver doesn't talk about trucking during his off hours. He talks about hunting, and fishing, and maybe about the farm he's buying outside of town. It's one of the last truly masculine professions. Yes, I know there are women in it, but the field itself is masculine. You don't find many fluttery fellows driving trucks!"

Like most other truckers, whether they're driving a rig or driving a desk, Stoney Stubbs is an outdoorsman. On weekends he and his wife Florence, their son and daughter, daughter-in-law, son-in-law and five grandchildren gather around the huge swimming pool at the Stubbs home in North Dallas.

He loves to fish, but most of all he loves to hunt: his office walls are lined with trophies, and he usually has plans afoot for a trip to Canada, Mexico or the Big Bend Country of Texas. He has the hearty look of a man's man. His sunburned skin, piercing eyes, iron-grey hair and authoritative handshake all give the assurance that the American Trucking Association has a strong and capable hand at the wheel for the coming year!

PHYSICIAN SHORTAGE IN RURAL AMERICA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I recommend to the attention of my colleagues the following practical advice from a doctor with much experience in trying to get doctors in rural areas:

THE PAOLI PROJECT

(By Dr. Merritt O. Alcorn, Madison, Ind.)

The physician shortage in rural areas is a very real problem that will continue to get worse until the basic causes are understood and corrected. There are very important reasons why a maldistribution of our physicians has occurred, and these reasons can be understood and eliminated. It is true that this is a problem of health personnel shortage rather than just physicians but it is also obvious that the health team must begin with doctors.

There are many misconceptions that have come to be believed and have interfered with an understanding of the real problems. Our young physicians are accused of not wanting to come to the culturally deprived areas, can make more money in the cities, or are accused of seeking resort areas. These are simply the wrong impressions and the fact is they do not come to rural communities because medicine cannot be practiced properly in these areas. They are conscientious enough to want to give thir patients the best health care that they are capable of rendering. Medical schools are accused of luring students into specialities and discouraging them from the general practice of medicine. This is true and should be true, because with the enormous growth of medical knowledge it became important to practice medicine as teams rather than as individuals.

I believe that the restriction of admissions to medical school with the elimination of a large number of talented applicants was a grave mistake, and I also believe that the emphasis of the Federal Government on supplying more and more financial aid to buy a product in short supply is the incorrect approach. Adequate competition for providing medical services would have done more to help relieve the current problems than anything else, but nevertheless, we cannot correct these problems of the past, we can help to overcome them for the future.

THE PROBLEM

Twenty years ago, after completing a one-year rotating internship, I entered the General Practice of Medicine in a rural community. Seven years later I left that practice in complete frustration, even though I had enjoyed my work very much and though it was the profession I had hoped for ever since I was a boy. The principal reasons that I had to leave this practice are the following:

1. The developing medical knowledge made the general practice of medicine too broad. I was doing anesthesia, orthopedics, obstetrics and gynecology, pediatrics, and medicine. And even though I frantically tried to take short courses in these fields the knowledge grew and grew to the point that I could not possibly do a good job of the total area. Medicine properly practiced must be done by a team of cooperating specialities with one speciality being that of Family Practice which has been narrowed down to a reasonable area and for which a young physician takes three years of preparation instead of one.

2. Inadequate assistance. Office and personnel problems became increasingly complicated with the advent of insurance and governmental programs of assistance. There were no well trained nurse-practitioners available nor did I understand how valuable they could have been. Assistants can only properly be utilized with a group practice where it is feasible to have an office manager, clerks, physician's assistants, nurse-practitioners, and social workers.

3. Availability for emergencies and time requirements interfered with my family life, social life and recreation, and with my desire to study and develop interests. The only protection against this is through a group practice which also provides protection for the community by having emergency service available at all times.

4. Lack of good services. Good laboratory, X-ray and cardiograph services can best be obtained by having a group preferably located adjacent to the hospital and combining the volume so that they can operate more efficiently. If a group practice is located away from the hospital these services are available through speciality groups and laboratory corporations from regional locations.

5. Lack of good available consultants. To practice medicine properly, consultants in major specialities need to be available for consultation and referral of patients, and this availability needs to be relatively easy. This does not mean that every group practice must have all specialities, but it does mean that more attempts should be made to have the specialities available in rural communities on a regional basis. Pathologists, radiologists and surgeons have developed this concept of a practice involving several community hospitals in rural areas and it needs to be developed further for all specialities.

6. Lack of continuing education on a regular basis. Again, a group practice has all of the advantages. It can have regular journal club meetings and television tape programs with planned intervals of time available to each member for refresher courses.

7. Public misconception often causes physician abuse. The public remembers the family physician that was available day and night when called. They do not realize the changes that have occurred and often become frustrated and rather bitter when the system doesn't work as they expected it to. There is a need for public involvement and public education in these changes in the delivery of good health services.

THE PAOLI CLINIC

If communities are to understand why they are losing their physicians and what must be done to attract physicians there are two things that seem necessary. One is a good example of a modern group practice in a rural community and the other a need for citizen's groups in communities to study and understand the problem and its solutions and then organize a recruitment program on a coordinated regional basis. To fill the first need a cohesive group of five young physicians in training was found and contacted concerning the concept of establishing a group practice in a rural community and providing medical care of the same excellence as could be provided in a metropolitan medical center. Fortunately, this group of young men had previously decided that this was the type of practice they wanted. The city of Paoli was picked because it is a very attractive rural location with people who are very cooperative and interested in their health needs. Through an unfortunate series of events, many physicians left the community and a very definite shortage existed. The hospital census, which is dependent on the physicians rather than the total population, is dramatically low and the hospital is in danger of having to close for financial reasons. The community understands that for industrial and commercial growth a total community including good health care services must be available, and that the future economic life of the community is at stake as well as the need for the close availability of health services.

Our role was simply one of introducing the physicians and their wives to the citizens of Paoli, and then trying to supply as much information and assistance as possible to help them work out the best arrangements for a group practice of medicine in that community. We established a committee composed of the local hospital administrator and a local physician, two of the group of physicians planning to go to Paoli, a university professor who is head of the nurse-practitioner program and who has made an indepth study of the rural health problems, an accountant, the executive director of the Comprehensive Health Planning Region, and myself as chairman. This committee has attempted to find resources to implement the desires of this group in establishing their practice with the other physicians in the community of Paoli. It has been important to emphasize that our committee is not setting up a clinic, but that we simply desire to be available to help as resources for this group that is establishing a private practice. It is important that physicians who are currently doing an excellent job in the community of Paoli understand that this group is not a threat, but that they wish to become integrated into the current health care of that community.

There are many important features that this group of physicians have incorporated into their planning. (1) One is their plan to design a facility that will be adjacent to and probably connected with the hospital. In this way, they will be immediately available to hospital patients and will also be able to share laboratory, X-ray and cardiograph services. The availability of a physician for emergencies is greatly enhanced by having the offices in the immediate proximity of the hospital. (2) They intend to provide space for other health agencies such as a dentist and a pharmacy. (3) They hope to hire a health administrator that will be responsible for community health educational programs, family planning programs and other programs which the community and its physicians desire but lack the proper resources to implement. (4) They are very carefully planning for extensive use of nurse-practitioners in areas such as medicine, obstetrics and pediatrics. (5) Time-motion engineers from Purdue University that have made studies of clinics are available to them to help in planning office management, bookkeeping and the flow of patients. (6) Their group is composed of a psychiatrist and four physicians in Family Practice and they are currently looking for a surgeon to join them and perhaps will later add an internist and other specialities. In the mean time they will seek out specialities in adjacent communities and make arrangements to allow for consultations and referrals as needed. (7) There are many potential programs of continuing education for the group with one suggestion being that each member may wish to return to the university for one month each year, and during that period be replaced by a resident in Family Practice. Specific programs for continuing education will be developed by them as their group develops and should be coordinated with the other physicians on the hospital medical staff.

Community help will be needed, and there appears to be sufficient interest to supply this help although the exact mechanism has not been decided upon, there is currently a consideration that the group form a standard corporation for the purpose of building a facility and that the corporation issue stock to be purchased by the citizens of the community for raising the necessary funding. These public shares of stock should be purchased from the public by the clinic as their

practice becomes profitable and money is available to repay the community.

One of our disappointments has been the inability to obtain funds to assign one individual to this project on a full time basis to assist these young physicians and the community in getting their plans accomplished. We have submitted a grant request to the Regional Medical Program and this request has been approved, however, it is very questionable as to whether funds will be released from Washington for use. Once so many resources have been assembled and all that is needed is some assistance, it seems unfortunate that this is not available. I believe an important principle which this particular problem demonstrates is that the only good solution to local problems are those found by local citizens using local resources, and I also believe it is important that communities faced with a physician shortage problem recognize that their future lies in their own hands and not in the hands of the Federal Government or some other agency.

This clinic group practice being established has many features that can be adopted in other communities as a way of developing the right environment in a community to attract physicians. This practice will show the regional nature of the use of services and consultants and the necessity for adjacent communities to forget last Friday night's ballgame and begin working together to find a solution. Our Comprehensive Health Planning Region is trying to get representatives from each of the area communities together to understand the needs for recruitment and plan a recruitment program. Perhaps most important is that the clinic group will demonstrate that once a community has overcome the problems and has established a functioning group practice with a complete team for excellent health services then it is this group that will be able to take care of recruitment of health personnel in the future. They can identify the needs and recruit personnel as no other community agency can possibly do. The important feat for the area with declining physician population is to break the barrier that stands between the general practice of medicine of the past and the group practice of medicine of tomorrow.

We are recommending to communities:

1. To form a single responsible committee with broad representation for physician recruitment. Rely heavily on present practicing physicians if they will cooperate.

2. Become informed on the changes occurring in medical practice and seek the future not the past. I believe the future practice will be some type of coordinated "team" practice, preferably, a formal group practice. Young physicians in training are an excellent source of information.

3. Eliminate those members that are intent on criticism and complaint rather than positive action.

4. Determine the health care needs of the area and the community resources available to help attract physicians. This will include an attractive working arrangement with other physicians, financial resources available if needed, and perhaps most important a good community environment for family life.

5. Find local young men and women in medical training and let them know they are wanted. This often neglected resource can be very valuable in providing guidance to study committees and in recruitment of other young physicians.

6. Then go to medical students (may be several years from completion of training) with a regional plan showing the need for physicians, offering specific practice opportunities and presenting an attractive community life to these aspiring young physicians and their spouses.

HUD'S URBAN RENEWAL PROGRAMS: HOW THEY HAVE HELPED

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. KYROS. Mr. Speaker, at this critical time, when many of the programs of the Department of Housing and Urban Development are under fire in certain quarters, when funds are being impounded and there is talk of moratoriums and discontinuations, I thought it would be useful to bring to the attention of my colleagues some of the urban renewal programs which have been particularly helpful to the city of Portland, Maine.

The following news clippings tell of new schools, housing, and industry for Portland. They have been selected from many such stories which have appeared in the last few months. I insert them so that my colleagues might see how HUD programs can be translated into better education, healthier family living, more jobs, and improved tax bases for our cities. I hope these clippings, and the programs they describe, will be given the consideration they deserve:

[From the Evening Express, Sept. 20, 1972]

URBAN RENEWAL AT BAYSIDE NETS $47,000 MORE FOR CITY

(By Brian Arsenault)

Property taxes in one urban renewal area of the city have jumped by $47,000 annually since completion of renewal efforts there.

One of the main arguments always advanced in favor of undertaking renewal in a city is that it will strengthen the city's tax base.

Thomas F. Valleau, executive director of the Portland Renewal Authority, believes that the site in question, bounded by Franklin, Pearl, Oxford, and Somerset Streets, sharply illustrates the validity of that argument.

The city commenced renewal efforts in that area, referred to by PRA officials as Bayside West, in 1967 without the benefit of federal funds. The project cost the city $580,000.

When the project began the buildings located on the site were mostly substandard residential ones with a high percentage of vacancies, most were considered, according to the PRA, to be beyond "economic feasibility" to repair.

The property was acquired by the PRA, the buildings demolished, and the vacant land sold.

The result was that three firms, Earl W. Noyes and Sons, C. H. Robinson Co. and the Semloh Co., now occupy major new buildings on the site.

Before the renewal effort the city collected about $9,000 annually in property taxes from the area. As a result of the new business operations there the city now receives $56,910 annually in property taxes from that area.

Valleau said that the means by which the project was financed, through the Capital Improvements Program, coupled with the new tax return level results in the city receiving an 8.5 per cent return annually on its initial investment.

The PRA director termed the project one of the most successful "of its type" in the state.

"The additional tax funds which come from the project each year could, for example, pay for the cost of educating 52 high school students or pay for the wages of eight policemen," Valleau said.

The project also had the distinction of being completed for a cost well under what was budgeted for it.

The city originally budgeted $796,000 for the project and, as noted, it was completed for nearly $200,000 less.

The project was geared to and successful in stimulating light industrial development.

If there is a controversial aspect to it, it is that some Bayside residents fear that the city has earmarked the entire area for light industrial development to the exclusion of residential development.

Many city officials feel that bringing back Bayside as a flourishing residential area may be impossible while others favor industrial development there even if residential improvements are possible.

Many of the residents of Bayside, though, despite the long decline of their neighborhood, still cling to hopes that the area will not be abandoned completely to industrial uses.

They have some support in City Hall, particularly among some Planning Department officials who feel residential development is possible in the area at least on a limited basis, and this year the City Council agreed to include in the Neighborhood Development Program a one-year effort to see if any interest can be stirred in the private sector for residential development there even though most councilors feel it is unlikely.

MAINEWAY PLAZA DESCRIBED AS BIG TAX BOON TO CITY

[From the Press Herald, July, 1972]

The proposed $14 million Maineway Plaza project should produce about $250,000 a year in property taxes for the city, developer Richard L. Herriott said Monday.

Maineway Plaza will be built in and around the so-called "Golden Triangle" bounded by Temple, Middle and Federal Streets.

Herriott was careful to point out that tax payments to the city will depend on several variables and will be subject to valuations and rates established by public officials.

The complex will include a hotel, office buildings, shopping levels, restaurants, parking and a plaza with a variety of attractions from summer band concerts to winter ice skating.

Work on office, retail and plaza facilities in the triangle area is expected to begin next summer.

Herriott said he hopes to have news about tenants for the project in from 90 to 120 days.

He described Maineway Plaza as "a modern mini-city."

Herriott, the president of The Herriott Co., Inc., of Boston, and several associates met with city officials and downtown businessmen and bankers at a champagne luncheon at the Gaslight restaurant a couple of blocks from the project area.

The triangle area would include a 12-story office building with roof restaurant, three-story retail building and a landscaped plaza.

Adjoining the triangle will be an office, hotel and retail building and a parking facility for about 460 cars.

The entire project is scheduled for completion in the summer of 1975.

To make sure the enterprise does no visual damage to its environment, the Society for the Preservation of New England Antiquities will counsel the developers on how the design can best be related to the historic local area.

"Obviously we recognize that other new buildings in Portland will absorb many office and retail tenants who need modern space," Herriott said, "but our initial studies

indicate that these buildings cannot meet the full need over the next five or 10 years.

"That doesn't mean we're going to sit back and wait until the other buildings are all filled up before looking for tenants. Were going to undertake a strong leasing program."

Herriott said his company will establish a subsidiary, Maineway Plaza Associates as a legal entity for ownership of the project.

Completion for tenant space will come from the Canal Plaza project, where 10-story and four-story buildings are under construction, and from a Congress Street project involving Main Savings Bank, with the Codman Co. of Boston as developers.

WORK, EAT, SLEEP THERE

If you wanted to, you could spend all your time in the proposed Maineway Plaza project, according to the president of the firm developing the project.

"You could sleep in the hotel, work in an office, shop in the stores and relax and be entertained in the plaza," said Richard L. Herriott.

"We don't really expect anyone to live like that but the fact that it could be done demonstrates the comprehensive nature of Maineway Plaza."

SUN FEDERAL PLANS $2 MILLION BUILDING

(By Frank Sleeper)

The Sun Federal Savings and Loan Association announced today that it will build a $2 million, three-story building in the $15 million Maineway Plaza project in the heart of downtown Portland.

The building will be next to the new Casco Bank Building. The company becomes the first announced tenant of the project.

Phillips F. Lewis, Sun Federal president, said The Herriott Co. will build the building, which will total about 25,000 square feet, near the point of the so-called Golden Triangle, bounded by Middle, Federal and Temple Streets and facing on Monument Square.

At a press conference held on the site today, Richard L. Herriott, president of The Herriott Co., said that a national hotel chain has shown "very strong interest" in a 120- to 150-room hotel which would be across from the Golden Triangle on Temple Street. He wouldn't name the chain.

A parking garage for 750 cars on the same block as the hotel and facing on Federal Street also is planned.

Herriott said that construction of the Sun Federal building, the hotel and the parking garage plus any other buildings for which tenants have been found would start in the spring.

Parcel No. 2 with the hotel and parking garage, is now "about filled," Herriott said.

Still to be tenanted are a proposed 12-story high-rise office building and another three- to five-story building proposed for the Golden Triangle area.

"I think our project is going very, very well," Herriott said. "Our beliefs about Portland are coming true. We are contributing to needed development here."

Lewis pointed out that Sun Federal, Maine's largest savings and loan association, now doesn't have a building identified with it.

"This will really give us building identity," he declared. "This will be a semi-free standing building and Sun Federal will occupy all of it."

A model of the proposed project is probably not accurate for the Sun Federal structure. Size and shape of the Sun Federal building will depend somewhat on the tenants for the other buildings in the Golden Triangle.

Completion of the Sun Federal building will be in mid-1975, Lewis said. By that time, it's projected that Sun Federal's total assets will be close to the $100 million mark.

Sun Federal's headquarters now is at 561 Congress St. That may be retained as a branch, its president said. However, the branch at Monument Square will probably be closed after its lease runs out in 1977, he reported.

Sun Federal will work with The Architects Collaborative of Cambridge, Mass., on design of its building. Its space and personnel needs have already been identified in a survey. But the work on the building architecture has just begun, Lewis said.

The Sun Federal president assumes that the new building won't be at the exact tip of the Golden Triangle. The tip will be part of a mall which will extend down part of what is Middle Street.

"We feel the Herriott concept is good for downtown Portland and is a wonderful location," Lewis said.

Herriott said the area might be a good location for headquarters of national companies. He said a company whose name he can't divulge is now seeking 50,000 square feet of space in the project.

Lewis said location of Maineway Plaza in the center of Portland's financial district, affords the best opportunity for providing outstanding services to Sun Federal depositors and borrowers. He feels customer service will be greatly enhanced by superior parking and easy pedestrian access to downtown shopping and other services.

Lewis and Herriott met at the site with members of the city government, the Portland Renewal Authority and directors of Sun Federal.

The proposed Herriott over-all project also includes shopping levels, restaurants and a public plaza which will attract such community activities as ice skating in the winter and concerts during the summer.

[From the Evening Express, Aug. 9, 1972]

GROUND BROKEN FOR 12 UNITS OF HOUSING AT DERMOT COURT

(By Brian Arsenault)

There was a groundbreaking today for 12 units of housing at Dermot Court.

The units are being constructed under the direction of Housing Opportunities Inc., a nonprofit housing agency established in 1969 by the Greater Portland Chamber of Commerce to "fill the gap" in the construction of housing for low and moderate income families. Model Cities funding of HOI thus far totals $289,217.

Twelve units of housing are not many for an area of the city with an almost desperate need for as much good quality, reasonably priced housing it can get, but the project is significant for two telling but very different reasons.

First, the 12 units, with a mix of three, four and five-bedrooms, are significant just in terms of the good housing they will apparently provide for families who need it.

"Somebody," according to HOI Executive Director William R. Frost, "in the West End neighborhood is going to get a hell of a deal." (Dermot Court is located between Brackett & Clark Streets near Gray Street.)

He may be right. The units will sell for probably about $25,000, which on the face of it would seem to put them beyond the means of moderate income families in the area, and certainly low income ones.

However, the units will be sold under the so-called FHA 235 Program which will mean the buyer, if his income is within certain limits, will be able to purchase the homes with a small downpayment and carry a mortgage on which the interest charge can be as low as one per cent.

Such advantages may bring the housing within the reach of some of the area's moderate income families, if not the low income ones.

If Frost's prediction is true the units, even though there are only 12 of them, will be a plus in improving the housing scene in Portland.

The second, and probably more crucial reason, why the 12-unit project is significant, is that it is a reminder that providing housing for low and moderate income families is still a tough nut to crack even though two years have passed since the time when the word crisis was used almost daily to describe Portland's housing problems.

For when the project is completed, HOI will have managed to build only 16 units of housing in over three years of operation with nearly $300,000 in Model Cities funds.

HOI formerly constructed four units, also in Dermot Court, which were supposed to be marketed under the 235 program but because of marketing and site problems were eventually turned over to the Portland Housing Authority for use as public housing.

Frost has indicated he's not particularly pleased himself with the situation and was particularly disturbed about the problems of getting the current 12 units under construction.

"You can't believe how many bureaucrats have been involved in getting a dozen units constructed," Frost said. "We plan to publicize our concerns about the institutional hassles involved in getting some housing built."

When HOI gets around to publicizing its concerns some good points will probably be made about the difficulties his organization faces and such difficulties should be openly aired.

However, many observers can't help but feel "we've been this way before".

Organizations like HOI were formed to try to deal with the "institutional hassles" Frost referred to, and if such organizations are finding themselves crippled by such problems rather than cutting through them, then serious questions are raised about how much real progress has been made in the past few years.

Such questions are being raised nationally and in Washington Congress is reviewing such programs as 235 and 236, a rent subsidy-construction subsidy program, with an eye to reforming those programs or dumping them in favor of new programs.

As to the nature of the 12 units under construction, they will be conventionally built, wood frame units with wood exteriors.

The units were originally designed to be modular, masonry units, but cost factors forced a change.

They will be heated electrically and according to Frost there will be four 3-bedroom units, six 4-bedroom ones, and three 5-bedroom units.

APOLLO 17

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. TEAGUE of Texas. Mr. Speaker, a recent New York Times editorial written just prior to the launch of the Apollo 17, states well the significance of the last of the great lunar missions. This editorial aptly points out that a lunar expedition is still a breath-taking concept. It is significant not only in the accomplishment of flying to the Moon but in the human and technological developments that will serve us long after the Apollo missions have become history.

The editorial praises our astronauts and their exceptional skills, points to their pioneering effort, and recognizes

their contribution to the future. The editorial follows:

APOLLO 17

Apollo 17 and its three brave, highly trained astronauts are about to begin their great adventure. For days they will cruise through interplanetary space in their artificial cocoon; then two of the astronauts will land on and explore an area of the moon never before visited by man while the third astronaut circles earth's natural satellite waiting for his comrades to rejoin him. Finally the men on the moon will blast off to return to the mother ship and begin the quarter-of-a-million-mile homeward trek.

It is still a breathtaking concept, though five teams of astronauts have successfully accomplished similar feats since Apollo 11 made its historic breakthrough in July 1969. The near-catastrophe which forced abortion of the Apollo 13 mission provides a useful reminder of the dangers involved despite all the experience that has been accumulated and despite all the exquisitely painstaking care taken before blast-off.

Until Apollo 17, the Government had acted on the theory that only highly trained professional pilots could cope with the problems and possible emergencies of space flight. Now, on this last Apollo flight to the moon, the first professional scientist, Harrison H. Schmitt, has been made a crew member. An article in The Times Magazine section on Sunday pointed out that Apollo astronauts are not supermen stamped from a uniform mold but human beings with individual idiosyncrasies, virtues and failings.

Yet it cannot be denied that these men have special qualities which set them apart. Some day in the distant future, no doubt, taking a rocket to the moon will be as common as taking a plane to London is today. But the Apollo pioneers who have blazed the way had to have a special degree of competence and courage to embark on this extraordinary journey. We wish them a safe return.

THOMAS W. ALLEN REALIZES DREAM

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. ASPIN. Mr. Speaker, while we were in recess a constituent of mine, Thomas W. Allen of Janesville, Wis., graduated from college at age 45—a fulfillment of a lifelong dream. I believe Mr. Allen's inspiring story should provide hope to all who continue to pursue a goal despite setbacks and discouragement. I am proud that Mr. Allen is a resident of the First District, and I submit at this time a newspaper story which details Mr. Allen's accomplishments:

[From the Janesville Gazette, Dec. 14, 1972]

THOMAS W. ALLEN'S LIFETIME DREAM WILL BECOME REALITY

(By Ruby Walton)

Thomas W. Allen, 479 N. Washington St., is getting his Christmas present early this year, but it won't be wrapped in gay paper under the Christmas tree.

Mr. Allen, 45, will receive his bachelor's degree in secondary education from UW-Whitewater during commencement Saturday.

"It took me 25 years to finish," he said. "It's just a lifetime dream. You think it'll never come, but it's here. I'm real happy about the whole thing."

Mr. Allen left high school in 1945 to serve in the Army and transferred to the Air Force in 1946, where he remained until 1950. In 1951, while he was attending UW-Madison, he was recalled because of the Korean crisis and served in the Marines until 1957.

Mr. Allen earned his high school diploma while in service the first time but it was not recognized by the university in 1950. In order to qualify for college, he worked at Fairbanks Morse nights and went to Janesville High School mornings.

At that time the high school was located where Marshall Junior High School is now. "I got out of the plant at 2:30 a.m.," he recalled. "By the time I got home and to bed, I didn't get much sleep before school. Mr. Kitelinger used to let me out of his class early so I could run across the street to Wobig's to get some coffee and smoke a cigarette to keep awake."

"The first day back in school, I forgot and went into the boys' room for a smoke. Mr. Horswill caught me and sent me to Mr. Bick for smoking in school."

The son of Mrs. Lawrence Allen, 409 E. Milwaukee St., and the late Mr. Allen, has a great deal of praise to offer people who helped him. Kenneth Bick, then high school principal, Ralph Mitby, guidance director, and Miss Helen Taylor, history teacher, all encouraged him to go back to school.

"If it weren't for people like that helping me, I probably wouldn't have made it," he said, and added "I think my wife should pick up the diploma."

Mrs. Allen has been an executive secretary at Parker Pen Co. for the last 17 years. "She's typed I don't know how many papers," Mr. Allen said. "It's been a big plus for me to have her experience in typing, shorthand and research papers."

Following his second stint in service, Mr. Allen took nurse's training at St. Luke's Hospital, Racine, and became a licensed practical nurse. He worked in Mercy and Beloit hospitals.

He said he liked nurse's work but after the birth of his son, Shawn, now a 3rd grader at St. William's School, it was difficult working weekends and holidays. Then a back injury from a car accident forced him to give up nursing.

Mr. Allen started back to school at UW-Rock in 1968 and said he was impressed with the caliber of teaching there, which makes transition to another university easy.

He transferred to UW-Whitewater for his last two years. In the summer of 1971, he received a Ford Foundation grant and studied at Schiller College, Bonningheim, Germany.

He has been student teaching in English at Milton High School and will teach there until the end of the semester in January, then probably do substitute teaching in the area during the second semester.

Although he would prefer to teach German, he said he enjoys teaching English just as much and hopes for a combination position. "I find teaching very rewarding," he remarked, "and I feel my age is an asset."

Mr. Allen emphasized that veterans should take advantage of the GI bill to continue their education. The bill has enabled him not to have to work during college.

"My scholastic background before college was so poor I had to work hard in school to accomplish my goal," he stated. "I carried a reduced load when I began until I got into the study habit and then went to summer school. I couldn't have made it and worked too."

"Many veterans think they couldn't make it," he said, "but they should try. People tend to underestimate what they can do. If you want it bad enough, you can do it. I'm not a bright person, but I have a 3.6 grade point average in English and 3.2 in German. I got down to business and it has paid off for me."

Since he never really graduated from high school, this will be his first graduating ceremony.

"I'm going to wear that cap and gown Saturday, you can bet on that," he said with a grin.

PEOPLE SHOULD HAVE PRIORITY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. DERWINSKI. Mr. Speaker, in my opinion, pursuit of peace in the Middle East is the most difficult and delicate task facing diplomats and governments. Certainly, a thorough knowledge of the area and the conflicting views which abound there are helpful to all of us who share the belief that lasting peace is long overdue in that historic area.

A very fascinating and hopefully to some readers a somewhat provocative article was carried by the Copley News Service recently in a report from its Washington Bureau chief, Ray McHugh, after a recent visit of his to Europe and the Middle East. The specific article I am inserting into the RECORD was carried in the Joliet Herald News of Sunday, December 24, 1972.

Mr. McHugh has made a number of trips to the Middle East in an effort to be thoroughly familiar with the problems there and has extensive contacts in government and private circles in the Arab world as well as in Israel. He writes with an obvious sensitivity for the gravity of the problems there.

The article follows:

SAYS PEOPLE SHOULD HAVE PRIORITY

(By Ray McHugh)

BEIRUT, LEBANON—People, not boundaries, must have priority in the hoped-for American peace initiatives in the Middle East, says the boss of the largest private enterprise in the Arab world.

"There is no doubt that a solution in the Middle East lies with the United States; it is our only hope," says Sheikh Najib Alamuddin, chairman and president of Middle East Airlines.

One of the most respected Arab business and financial leaders, the sheikh says "another war will settle nothing."

The burden of peace, however, he adds "lies with Americans, I am afraid."

"You have an 'association' with Israel, but you also have traditions of democratic fair play, old friendships in the Arab world and obvious national interests.

"The Russians won't pursue peace—nor will the Chinese. Europe doesn't have enough weight."

The sheikh has felt the heat and flame of Arab-Israeli hostility like few businessmen of any nationality. Four Decembers ago Israeli commandos swooped into Beirut Airport and virtually put MEA out of business, destroying a half dozen planes including Boeing 707 jetliners.

Though MEA is a private company with no subsidy from the Lebanese government it was singled out by the Israelis for reprisal against Palestinian guerrilla raids from southern Lebanon. Some saw it as a warning to Lebanon's prominent financial and business community not to underwrite Palestinian forces.

The memory is vivid again this December as Israeli forces and Lebanese army units battle Palestinians only 100 miles south of Beirut.

In 1968 MEA rallied, largely because of the sheikh's personal standing in the international airline community. By renting planes, telescoping flights, the airlines resumed its schedules from Scandinavia to India as soon as Beirut Airport reopened. Since then it has reported three consecutive profit-making years—one of the few airlines in the world that has been able to operate consistently in the black.

"That crisis taught us a lesson about the importance of people," the sheikh said in an interview. "They were challenged and they were magnificent. Employees offered us money from their own pockets. Union waived overtime for six months." (in his 21 years with MEA the airline has never had a strike.)

MEA's recovery is reflected in a 9.7 per cent $8 million-profit for 1972 and a growing reputation as one of the best-managed smaller airlines in the world. The sheikh increasingly is looked upon as a principal spokesman for smaller airliners in international air transport negotiations. Fifteen Boeing 707s make up the backbone of MEA's fleet.

The same "people" element that the British-educated sheikh stresses in his airline must be paramount in any Arab-Israeli settlement, he says.

Gesturing toward Palestinian refugee camps that lie close by his Beirut Airport offices, the sheikh said:

"The central issue of any peace negotiation must be the future of these Palestinians. They have lived in squalid huts and tents for 25 years. They must be resettled and helped to find a worthwhile life. Too many today live only on hatred—hatred for Israel, hatred for the Arab countries who they think have done too little—hatred for the Americans and the other powers who they think have abandoned them.

"When men live on hate alone, no one can predict the results.

"The attack on the Munich Olympic village was a tragedy; it reflects the desperation we know exists. The Israeli reprisals, I'm afraid, only accentuate this desperation.

"Someday someone must answer this problem with compassion and understanding.

"Why don't the Israelis remember what happened to them in Germany? Then it was them who were denied their homes, their birthrights, the simple claim to exist. Now they are denying it to half a million Palestinians.

"They talk of 'secure frontiers.' What is secure today in a time of missiles and rockets? The only security Israel will know as a state must come from an understanding with the Arab nations. Time is not on the side of Tel Aviv. It has military superiority now, we all know that. But unless it agrees on a modus vivendi with today's Arab leaders, I'm afraid it will be faced with a much more militant, much more radical and new generation of leaders a few years from now."

Arab-Israeli hostility, the sheikh says, has thrown the Middle East into a kind of economic limbo. Oil and related interests continue to generate business activity, he said, but even in this area the Palestinian question intrudes at a time when the United States is confronted with major decisions about its future energy supplies.

"Washington should not be looking to Siberia for its fuel," he said. "Despite the events of the past 25 years there is a great residue of friendship for the United States in the Middle East. We like to do business with Americans. Much of our business and political leadership was developed right here at the American university. Our children study in colleges in the United States. It is a natural relationship."

Once a Middle East settlement is reached, he said, the region will literally explode with opportunities. Traditional Holy Land tourism routes will be reopened. Natural resources will be developed. Commerce will flourish.

"Most important," he says, "a successful American peace initiative that takes into account the future of the Palestinians would be a recommitment of American and Western interest and sympathy towards people in this part of the world. We can all partake in an unprecedented prosperity, but an initiative now is important."

Some Arabs, notably younger men, already have begun to seek new horizons on the Persian or Arabian Gulf a few hundred miles to the east.

"That could be our Wild West," the sheikh agreed.

While politicians continue to debate the Arab-Israeli dilemma, many hardy young Beirut-trained businessmen are shifting their sights to oil-rich Kuwait and the tiny sheikhdoms like Oman and Muscat that are insulated by distance from old Arab problems.

"It is there that the world will see an Arab renaissance," says a young Harvard-educated Iraqui architect. "It's like California 100 years ago. It's screened from the war. There is no sense of national failure."

To this young man, Beirut, Cairo and Damascus are symbols of Arab failures in the 19th and 20th Century. For him the new oil lands hold the promise that old dreams can be re-created.

"I agree," says the sheikh. "But if the potential of this new area is to be fully realized, it must draw on the resources and the people of older Arab lands and these cannot be appreciated until we have peace with Israel—a just peace that gives hope and homes to the Palestinians. That is the first order of business."

ROBERTO CLEMENTE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. CONTE. Mr. Speaker, there are thousands of professional athletes in this country, and dozens of them at one time or another have been tabbed "superstars." But there are precious few who are both superstars on the field and extraordinary individuals in their private lives.

Roberto Clemente was one of those precious few and I know that everyone in this Chamber joins me in mourning his tragic and untimely death.

The plane flight that brought death to Roberto Clemente and his four companions Sunday night was on a "mercy flight" bringing relief supplies to earthquake-stricken Nicaragua. It is an accurate reflection of the measure of this man that everyone who knew and loved him best stated afterward that such a mission was typical of the man.

I had the privilege of meeting Mr. Clemente a few times during his long and glittering baseball career with the Pittsburgh Pirates. While one had to marvel at the talent of this superbly conditioned athlete, it was the dignity of the man and his concern for others that remain in memory as vividly as his exploits on the diamond.

Roberto Clemente was not the type of superstar who would merely lend his name and prestige to a worthy cause. He cared enough for others to give his time, his effort as well as his talents to help them. It was this quality of active concern for others, as well as his towering reputation as a baseball player, that made him so revered in his native Puerto Rico and throughout the United States.

Reading the sad accounts of his last days leading up to the plane crash, one cannot escape being as impressed by Roberto Clemente the man as millions of baseball fans have been by Roberto Clemente the ballplayer. Immediately after the disaster in Nicaragua, Mr. Clemente assumed leadership of a volunteer committee to gather relief supplies for the stricken country. His Christmas Day was spent working on this effort. Saturday he was at a pier in San Juan helping to load a ship with relief material. And on New Year's Eve he left his home and family to help deliver the much-needed supplies to the earthquake victims.

With the crash of that plane, baseball lost one of its greatest players and people everywhere lost a true friend.

Mr. Speaker, I know that my colleagues join me in extending condolences and deepest sympathy to Roberto Clemente's widow, his three sons, and all his family.

CENTER FOR DEFENSE INFORMATION: DECEMBER 1972, MILITARY DIRECTIONS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. FRASER. Mr. Speaker, Gene La Rocque, a retired U.S. rear admiral now heads the Center for Defense Information. Although the center has been in operation for not quite a year, its publications already have earned the respect of Congress. In December 1972, a one-page newsletter, "Military Directions" was published. It contains several brief informative paragraphs on strategic weapons and defense matters generally. I think many of my colleagues who may not have received the newsletter will find it worth reading:

CENTER FOR DEFENSE INFORMATION: DECEMBER 1972, MILITARY DIRECTIONS

Expect a rash of defense department-inspired scare stories with the approach of the new defense budget early next year. Included will be talk of a possible Soviet aircraft carrier and of a new manned bomber. DOD's new budget will ask for hundreds of millions for continued funding of the CVN–70 aircraft carrier and the B–1 bomber. United States already has 16 carriers, the Soviets none, and the United States has more than 500 strategic bombers versus only 140 far inferior heavy bombers for the Soviets.

Fifty-eight percent of voters favor cuts in military spending, according to a September Harris poll.

Military prime contracts of $33.4 billion were awarded by the Defense Department in fiscal 1972, to 22,000 contractors, up $3.6 billion from 1971. The top 100 contractors received 72% of the total, the top 50, 63%, and the top 25, 51%. Leading the list were Lockheed, McDonnell Douglas, General Dynamics, General Electric, and Boeing, sharing 21% of all DOD contract business. Lockheed led all other defense contractors for the fourth year in a row.

United States is continuing with strategic weapons programs as the second phase of Soviet-American negotiations on limiting strategic arms begins on November 21. New MIRVed missiles for Minuteman ICBMs and Poseidon submarines are being deployed daily. U.S. bombers are being MIRVed too, with the first B–52 bombers carrying Sram missiles now activated at Loring Air Force Base in Maine. United States bomber-carried nuclear weapons will increase 50% over the next five years because of Sram. Air Force expected to request funds for MIRVing all 1000 Minutemen in next year's budget.

One Poseidon missile submarine could deliver more destructive power than all explosives dropped on Germany and Japan in World War II. A Poseidon submarine carries enough nuclear weapons to strike more targets than the total number of major German and Japanese cities bombed by all the allies in World War II, and each of these weapons is considerably larger than the Hiroshima bomb. Yet one Poseidon submarine carries only a small fraction of 1% of the nuclear megatonnage in the United States strategic arsenal. United States will have 31 Poseidon submarines by 1976.

The Center is associated with The Fund for Peace.

U.S. Navy made 157 ship visits to 20 countries in the Indian Ocean area in 1971. Navy Chief Admiral Zumwalt says "a permanent presence is mandatory" and contemplates rotating aircraft carriers in the region after the Vietnam war. Soviet naval activity at a much lower level; mostly non-combat support ships, oilers and repair ships. Soviet naval ships made only 33 port calls to 7 states in the Indian Ocean area last year.

Since World War II the U.S. spent $1.3 trillion for military forces, the Soviet Union an estimated $1 trillion. World military spending in 1971 rose to $216 billion, up from $119 billion in 1961. Since 1961, the world has spent $1.8 trillion for military forces. In 1971 NATO country military outlays exceeded those of the Warsaw Pact countries by nearly 40%; $106 billion versus $76 billion.

U.S. weapon sales to foreign governments exceeded $6.5 billion from 1967 through 1971. DOD military sales estimated to exceed $2.8 billion per year for fiscal years 1972 and 1973.

U.S. military activities in other parts of Asia stepping up as the Vietnam war winds down. Vietnam military bases being turned over to Vietnamese, but U.S. defense planners examining reactivation of old World War II bases in the Western Pacific Micronesian Islands. The U.S. Army Pacific Command is expanding operations in "civic action" and other security-related programs. Last year Army teams were involved in "civic action" and "security" projects in 26 nations, a 300% increase over previous year.

The Green Berets are busy on the homefront, returning to "domestic action" in the U.S. after withdrawal from Vietnam combat in 1971. Special Forces troops are involved in programs in 29 communities in 7 States, working with juvenile delinquents, mentally retarded children, on Indian reservations, and with Boy Scouts. These community-assistance activities provide excellent training for "stability operations" in foreign lands according to Defense Department spokesmen.

Soviet Union still lagging far behind the U.S. in missile technology. Soviet testing of MIRV missile warhead system has failed to materialize. During October the Soviets carried out several SS–11 ICBM tests in the Pacific for the first time since 1970. Tests indicated little advance beyond the old MRV Technology. U.S. has operationally deployed MRV triplet warheads since 1964 and the more complex MIRVs since 1970. In October the U.S. Strategic Air Command test fired a Minuteman III with MIRV. Each of its three warheads was reported to have dropped within a quarter mile of its aiming point, a level of accuracy far better than Soviet missiles.

TO ESTABLISH THE TOYON NATIONAL URBAN PARK IN THE SANTA MONICA MOUNTAINS

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. BELL. Mr. Speaker, on this opening day of the 93d Congress I am introducing a bill to establish in the State of California the Toyon National Urban Park in the Santa Monica Mountains. Initially, the concepts embodied in this bill were introduced by me in the first session of the 92d Congress. While proggress has been made toward the realization of this much needed park and conservation facility, the Federal Government has been delinquent in its responsibility to the citizens of southern California in insuring that the currently undeveloped Santa Monica Mountains will be preserved for the enjoyment of this and future generations.

No one can seriously doubt that there exists a great need throughout the entire country and, in particular, in southern California, for additional recreational and park facilities. Each year thousands of individuals are precluded from enjoying the unmatched pleasures of the outdoors because of the overcrowded conditions that prevail in the few parks that do exist. This legislation, while it focuses its attention on the serious needs of California, will represent, if implemented, an increased awareness of the Federal Government of the needs of urban dwellers to experience nature in its most unblemished form.

I am firmly convinced that the Toyon National Urban Park as envisioned by this legislation will become a reality. I am able to say this because of the enthusiasm that the residents of the greater Los Angeles area have displayed in support of this idea. They and I will need your help, however, to hasten the implementation of this park.

Those of you who have visited southern California know of the natural beauty that abounds in the area. It would be an unpardonable sin to permit, by inaction or delay, even the partial destruction of the coastline and/or the partial development of the mountain area.

I urge each and everyone of you to seriously ponder the contents of this bill and support its passage.

The bill follows:

H.R. 290

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to preserve a national mountain and coastal resource; to provide for public outdoor recreation use and enjoyment of the Santa Monica Mountains and the shores and waters of Santa Barbara Channel and Santa Monica Bay by present and future generations; to preserve natural, scenic, scientific, historic, and other values contributing to public enjoyment of the lands and waters of the area; to enhance the environment of contiguous communities by multiple use of the resources; to provide green belt open spaces with optimum use and development of the water resources; and recognizing the need of the Greater Los Angeles area for such an open space and recreational resource, there is hereby established the Toyon National Urban Park. The park, subject to valid existing rights, shall generally comprise that area of the Santa Monica Mountains eastward to the San Diego Freeway along the crest of the Santa Monica Mountains and paralleling Mulholland Drive to Griffith Park and westward from the San Diego Freeway and eastward from Point Mugu and westward from Sunset Boulevard, including portions of the beaches and coastal canyons of Santa Monica Bay. Special effort shall be expended by the Secretary of the Interior to acquire all lands, easements and other necessary rights to create a park that is a contiguous whole and maximizes the benefit of the park for the Greater Los Angeles region.

(b) In preserving the mountains and seashore and stabilizing its development, substantial reliance shall be placed on cooperation between Federal, State, and local governments to apply best principles of land use planning and zoning. The Secretary of the Interior shall give full consideration to the recommendations of the State of California Ventura-Los Angeles Mountain and Coastal Study Commission affecting land use, zoning, conservation and development in Los Angeles County and Ventura County and to the terms of any coastline conservation legislation enacted by the State of California, and shall make every effort to encourage the State of California and local governments thereof to establish stringent land use controls in the entire Santa Monica Mountain area as defined in this Act.

SEC. 2. (a) The lands and waters to be acquired by the United States under this Act shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") through the National Park Service. Under direction of the Secretary, the National Park Service shall administer, protect, and develop the park subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, and the Secretary may apply any other statutory authority available to him for the conservation and management of natural resources to the extent he finds such authority will further the purposes of this Act.

(b) As soon as practicable after acquisition by the Secretary of an acreage within the boundaries of the park which, in his opinion, can be administered efficiently for the purposes of this Act, he shall establish the park by publication of notice thereof in the Federal Register.

(c) The Secretary shall study the land use management needs of the entire defined mountain and seashore region and take whatever actions are determined necessary to preserve the established values of the Santa Monica Mountain area, including additional land acquisition. The Secretary shall take whatever action is necessary in order to assure that special precautions will be taken by the State of California and local governmental entities to guard against land use management of the lands surrounding acquired parklands which are incompatible with the acquired lands, in order to preserve the natural continuity of the regional environment.

SEC. 3 (a) The Secretary is authorized, subject to the limitations, restrictions, and conditions imposed by this Act, to acquire the land and other property and any interests therein by donation, purchase with donated or appropriated funds, or by exchange, except that land owned by the State of California or any of its political subdivisions may be acquired only with the consent of the owner.

(b) When acquiring property by exchange, the Secretary may accept title to any non-Federal property within the boundaries of

the park, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(c) In exercising his authority to acquire property under this Act, the Secretary shall give immediate and careful consideration to any offer made by a property owner owning property within the boundaries of the park to sell such property to the Secretary. A property owner owning property within the park may notify the Secretary that the continued ownership of that property would result in hardship to him, and the Secretary shall immediately consider such evidence and shall within one year following the submission of such notice, subject to the availability of funds, purchase such property offered for a price which does not exceed its fair market value.

(d) The Secretary, to fulfill the objectives of this Act shall, from time to time, vest in the United States all right, title, and interest in, and the right to immediate possession of, all real property in specific acquisitions within the Santa Monica Mountain and Seashore area as defined in this Act, except real property owned by the State of California or a political subdivision thereof.

(e) With respect to property which the Secretary is authorized to acquire by condemnation under the terms of this Act, the Secretary shall initiate no condemnation proceedings until after he has made every reasonable effort to acquire such property by negotiation and purchase.

(f) The Secretary is authorized to acquire only such interest in lands as is reasonably necessary to establish and maintain the park.

(g) Nothing in this Act shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

(b) The Secretary may use installment purchase, advance acquisition with leaseback provisions, and conservation, agricultural, access, and scenic easements to accomplish the purposes of this Act.

(i) The Secretary shall explore the possibility of obtaining grants and funds from other appropriate government agencies to further land acquisition for the park, construct the necessary facilities to protect the values for which the park was established, and extend the benefits of the recreation and open space resource of the Santa Monica Mountain and Seashore to the Greater Los Angeles region and to the American public.

SEC. 4. (a) There is hereby established a Toyon National Urban Park Advisory Commission. The Commission shall cease to exist nine years after establishment of the park as provided by section 2 of this Act.

(b) The Commission shall be composed of nine members, each appointed for a term of three years by the Secretary, as follows:

(1) five members to be designated by the Secretary, three of whom shall be residents of Los Angeles or Ventura Counties;

(2) one member to be appointed from recommendations made by the board of supervisors of Ventura County;

(3) one member to be appointed from recommendations made by the board of supervisors of Los Angeles County; and

(4) two members to be appointed from recommendations made by the Governor of California.

(c) The Secretary shall designate one member to be Chairman. Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation, but shall be reimbursed for actual expenses incurred incident to Commission business. The Secretary is authorized to pay the expenses reasonably incurred by the Commission.

(e) The Secretary shall provide such staff assistance as is necessary to the Commission in the performance of its duties.

(f) The Commission shall meet at least twice annually at time and place designated by the Chairman. The Commission also shall meet as necessary at the call of the Chairman upon proper cause and due notice given.

(g) The members of the Commission shall have particular experience or expertise in government, conservation, land use planning and acquisition, natural and environmental sciences, or economics.

SEC. 5. (a) The duties of the Commission shall consist of—

(1) advising the Secretary on proposed land uses, priority of such uses, and development plans within the park, consistent with the recreational and open space aspects of the park region.

(2) advising the Secretary of any activities conducted by the Secretary or proposed to be conducted by the Secretary or through others under the Outer Continental Shelf Lands Act (67 Stat. 462) which would have or are likely to have a material influence on the park environment;

(3) advising the Governor of California of any activities conducted by or proposed to be conducted by the Lands Commission of the State of California directly or through others upon the tidelands and shelf lands and waters which would have or are likely to have a material influence on the park environment;

(4) advising the boards of supervisors of Ventura County and Los Angeles County and the city council of any city contiguous or adjacent to the park as to any proposed land use, land development, public works, mineral development, or zoning outside the park which would have or are likely to have a material influence on the park environment.

(5) holding public hearings on National Park Service proposals for acquisition of land and development and use plans and submitting its findings and recommendations to the Secretary; and

(6) assisting the Secretary in conferring with State and local parks and recreation officials to determine the best possible cooperative management program for the park lands;

(7) assisting the State of California and local government entities to assure that land use in the Santa Monica Mountain area is compatible with and supplements the values of the park established herein; and

(8) any other duties prescribed by the Secretary related to the development, use and management of the park and its resources and the environmental impact of the park on the surrounding communities and the environmental impact of adjacent commercial activity on the park.

SEC. 6. (a) Any owner or owners of improved property situated within the area designated for inclusion in the park on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain, for a term of not to exceed thirty years, the right of use and occupancy of such property for any single-family residential purpose which is not incompatible with the purposes of this Act or which does not impair the usefulness and attractiveness of the area designated for inclusion. The Secretary shall pay to the owner the value of the property on the date of such acquisition less the value on such date of the right retained by the owner. Where any such owner retains a right of use and occupancy as herein provided, such right during its existence may be conveyed or leased for noncommercial residential purposes in accordance with the provisions of this section.

(b) Any improved or unimproved property situated within the area designated for inclusion in the park which by mutual agreement between the Secretary and the owner or owners thereof is used commercially to serve the needs of the public and enhance their enjoyment of the park shall not be subject to purchase or condemnation during the existence of such agreement.

(c) Any deed or other instrument used to transfer title to property, with respect to which a right of use and occupancy is retained under this section, shall provide that such property shall not be used for any purpose which is incompatible with purposes of this Act, or which impairs the usefulness and attractiveness of such area, and if it should be so used, the Secretary shall have authority to terminate such right.

SEC. 7. There are hereby authorized to be appropriated such funds as are necessary to accomplish the purpose of this Act.

IN FAVOR OF DIRECT POPULAR ELECTION OF THE PRESIDENT

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. ULLMAN. Mr. Speaker, today the Nation witnesses another chapter in the charade that is America's system of selecting its President and Vice President. The votes cast in the Electoral College are being counted, and 538 people were allowed to determine the top elected officials in the United States. These 538 electors do not have to vote for the candidate who received the most votes in their State in the November election. Fortunately, 537 did this year. But what of the one who decided to place his feelings above the feelings of those who put him in the position of elector?

In 1968 another elector similarly chose to ingore the vote of the people of his State. One wonders what would happen if such actions by electors actually changed the results of a presidential election. Why should we live with such risks if we really value democratic government? The so-called faithless electors are not the only way that our electoral system can thwart the will of the people of the United States. It is quite possible for 60 percent of the people to vote for one candidate, while the other major candidate, with only about 40 percent of the vote, wins more than 50 percent of the electoral vote. This can be accomplished merely by winning the 12 largest States. A discrepancy between electoral vote and popular vote has not occurred since 1876, but it could easily happen again.

Even this election in 1972, though a landslide, is an example of how unrepresentative the Electoral College is. President Nixon received about 61 percent of the popular vote, but almost 97 percent of the electoral vote. Senator McGovern received 38 percent of the popular vote, but only 3 percent of the electoral vote.

In 1969, the House of Representatives approved a constitutional amendment abolishing the Electoral College and substituting a system of direct popular election of the President. The Senate, unfortunately, failed to act. But we must try

again. The people must truly be made the source of electoral power.

I have proposed a package of election reform bills designed to give people the real power in presidential elections. I have introduced House Joint Resolution 3, a constitutional amendment abolishing the Electoral College, instituting direct election of the President and a national presidential primary system for selecting nominees of political parties. My bill, H.R. 18, sets up the machinery for the election system. Another bill, H.R. 1250, would close the polls in all parts of the country at the same time, in order to reduce the chances that the results of national elections will be broadcast based on eastern returns prior to closing of the polls in the West.

I want our national elections to be the model of efficient democracy that our idealism would expect them to be. I believe my legislation will achieve that aim, and I urge my colleagues to join me in pushing for early action by the House to reform our electoral process.

STOP THE WAR

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. DERWINSKI. Mr. Speaker, there has been a great deal of conversation, one would almost be tempted to say excessive oratory, in the Congress over the situation in Southeast Asia.

One of the more intriguing pieces of correspondence I have received on the subject of Southeast Asia is a letter from the Communist Party of Illinois which I insert into the RECORD at the conclusion of these remarks. It is my thought that many Members might wish to read this letter as they analyze all points of view on the subject:

COMMUNIST PARTY OF ILLINOIS,
Chicago, Ill., December 20, 1972.

Senator CHARLES PERCY,
Senator ADLAI STEVENSON,
All Illinois Congresmen:

In the name of all that is decent in the world you must stop the war.

At this point only you and your colleagues have the power to end the crimes being committed in the name of our people by compelling Richard Nixon to sign the peace treaty that he agreed to before the election. For you not to do this is to be an accomplice.

The master trickster has exposed his hand. He has revealed the sham of his peace negotiations, now that he is installed in the White House for four more years. The responsibility for the war continuing is Nixon's; the responsibility for ending it now rests with you. No one but Nixon could call the integrity of Vietnam as a country a "minor detail." No one can believe, after years of destruction, that any more bombs can end the war and bring our boys home, including all the prisoners.

Before the elections we Communists and many others warned that Nixon was campaigning for peace while preparing for greater war, with a cynical contempt for the honor and will of our people. It is now clear that Nixon has not given up his aim of keeping South Vietnam as a permanent base of operations for U.S. imperialism on the Asian mainland. Such hypocrisy has been denounced by leaders across the country and around the world, including the most recent statement of Pope Paul VI.

As long as this war continues we will forever postpone meeting the crises that scream for relief in our schools, hospitals, homes and in our streets. We can wait no longer.

The Communist Party of Illinois, together with thousands of our fellow citizens, call upon you to call for an emergency session of Congress to:

Prohibit any further expenditure of any funds in Southeast Asia for any purpose except the transportation home of every US soldier and piece of military equipment;

Bring impeachment charges and try them against Richard M. Nixon, President of the United States of America, for gross violation of his oath of office to uphold the U.S. Constitution; for usurpation of the peoples' and the Congress' Constitutional rights and powers; and for crimes of genocide against the Vietnamese peoples.

Most urgently yours,

JACK KLING,
Cochairman.
ISHMAEL FLORY,
Cochairman.
ARNOLD F. BECCHETTI,
State Secretary.
LINDA R. APPELHANS,
Organizational Secretary.

REAR ADM. RUFUS J. PEARSON, JR., MEDICAL CORPS, U.S. NAVY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. TEAGUE of Texas. Mr. Speaker, in retirement ceremonies held in the U.S. Capitol January 3, 1973, the Surgeon General of the Navy, Vice Adm. George M. Davis, Medical Corps, U.S. Navy, presented the Distinguished Service Medal on behalf of the President of the United States to Rear Adm. R. J. Pearson, Medical Corps, U.S. Navy, who retired after more than 26 years' active duty, of which the last 6½ were as Attending Physician to the Congress of the United States. The award was presented to Rear Admiral Pearson "for exceptional meritorious 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."

In October 1966, Dr. Pearson was assigned as the Attending Physician to Congress, a position he held for 6½ years and the second physician to hold that post. Dr. George W. Calver, the first physician to Congress occupied the post from 1928 to 1966.

Yearly, several thousand emergency and first-aid treatments are administered at the first-aid rooms in the Capitol buildings. Dr. Pearson effected many improvements in health care and its delivery in the Capitol.

Dr. Pearson was chosen to accompany the majority leader and minority leader of the Senate on their historic trip to China in 1972.

Appreciation of Dr. Pearson's interest in the welfare of the Members of Congress, their families, their staffs, and the pages has been expressed repeatedly by the Members.

Dr. Pearson was in private practice in Jacksonville, Fla., for 5 years prior to returning to active duty in the Navy. He served as chief of medicine at the naval hospitals, Charleston, S.C., and Portsmouth, Va., and was chief of cardiology at the Naval Hospital, Bethesda, Md., from 1955 to 1961. Before his appointment as Attending Physician, he served as director of clinical services and chief of medicine at the Naval Hospital, Bethesda, Md. He trained at the King's County Hospital, Brooklyn, and at the Grady Hospital, Atlanta, and had additional training in cardiovascular diseases at the Massachusetts General Hospital, Boston, under Dr. Paul Dudley White. He is certified by the American Board of Internal Medicine and by the Subspecialty Board in Cardiovascular Diseases.

Dr. and Mrs. Pearson plan to make their home in Whispering Pines, N.C.

Mr. Speaker, I include a biography of Dr. Pearson as well as copies of the citations he received upon his retirement. I wish him well.

BIOGRAPHY

Rufus Judson Pearson, Jr., was born in Atlanta, Georgia, October 8, 1915, a son of Rufus Judson Pearson, Sr., and Myrtle Padgett Pearson. He attended the University of Florida and received his Doctor of Medicine degree from Emory University in 1938. He entered active duty in the U.S. Naval Reserve in 1942 and resumed his civilian practice in Jacksonville, Florida, in 1945. He returned to active duty in 1950. On March 20, 1967, he was promoted to Rear Admiral.

In World War II, Doctor Pearson served overseas with a Navy Construction Battalion and has since served on the medical services at the Naval Hospitals in Jacksonville, Florida; Beaufort, South Carolina, and Bethesda, Maryland. He was Chief of Cardiology at the Naval Hospital, Bethesda, Maryland from 1955 to 1961, and Chief of Medicine at the Naval Hospitals in Charleston, South Carolina and Portsmouth, Virginia. Prior to his assignment as Physician to Congress, he was Director of Clinical Services and Chief of Medicine, Naval Hospital, National Naval Medical Center, Bethesda, Maryland.

Doctor Pearson has the American Campaign Medal; WWII Victory Medal; National Defense Service Medal (with bronze star in lieu of second award); Armed Forces Reserve (10 yrs.) Medal; and the European-African-Middle Eastern Campaign Medal.

He was married in 1939 to Miss Emily Timmerman of Atlanta, Georgia. They have a daughter, Virginia (Mrs. H. E. Sudders), who was a Peace Corps Nurse in the Dominican Republic for two years and served as a staff nurse with the American Red Cross. A son, LCDR Rufus Judson Pearson III, CEC, USN is a Naval Academy graduate of the Class of 1963. Doctor and Mrs. Pearson plan to reside at 61–A Pine Lake Drive, Whispering Pines, North Carolina 28389.

Doctor Pearson is a Fellow of the American College of Physicians; Fellow, American College of Cardiology; Fellow, Scientific Council, American Heart Association; Member, American Medical Association; Member, Board of Directors, Washington Heart Association; and formerly Associate in Medicine, Georgetown University. He trained at the Kings County Hospital, Brooklyn, and at the Grady Hospital, Atlanta, Georgia, and had additional training in Cardiovascular Disease at the Massachusetts General Hospital, Boston, under Doctor Paul Dudley White. He is certified by the American Board of Internal

Medicine and by the Sub-specialty Board in Cardiovascular Disease.

THE SECRETARY OF THE NAVY,
Washington.

The President of the United States takes pleasure in presenting the Distinguished Service Medal to

REAR ADMIRAL RUFUS J. PEARSON, JR.
MEDICAL CORPS
UNITED STATES NAVY

for service as set forth in the following

CITATION

For exceptionally meritorious service to the Government of the United States in a duty of great responsibility as the Attending Physician to the Congress during the period March 1966 to January 1973.

Rear Admiral Pearson brought to his unique position exceptional skill, innovation, farsighted leadership, and the highest sense of dedication. Through his superlative efforts, Members of Congress and their staffs received the best possible medical care.

Rear Admiral Pearson was instrumental in effecting numerous improvements to the health care delivery system in the Capitol complex. In addition to his role as a physician as advisor, consultant, and confidant to the nation's legislators, earning the respect of all with whom he came in contact.

By his distinguished and inspiring devotion to duty, Rear Admiral Pearson reflected great credit upon himself and the Medical Corps, and upheld the highest traditions of the United States Naval Service.

For the President:

JOHN W. WARNER,
Secretary of the Navy.

THE SURGEON GENERAL OF THE NAVY PRESENTS THIS CERTIFICATE OF MERIT TO

REAR ADMIRAL RUFUS JUDSON PEARSON, JR.
MEDICAL CORPS
UNITED STATES NAVY

For over twenty-six years of distinguished, loyal and exceptionally meritorious service in the Medical Corps of the United States Navy.

Throughout his naval career, Admiral Pearson dedicated his professional energies, clinical skills, and administrative abilities to providing quality health care. During World War II, he served overseas with a Navy Construction Battalion. Subsequently, he was assigned on the Medical Service at Naval Hospitals, Jacksonville, Florida; Beaufort, South Carolina; Bethesda, Maryland; and was Chief of Medicine at Naval Hospitals, Charleston, South Carolina, and Portsmouth, Virginia. Immediately preceding his present assignment, Admiral Pearson served as Chief of Medicine and Director of Clinical Services at Naval Hospital, National Naval Medical Center, Bethesda, Maryland. To each of these assignments, he brought a high level of professional competence coupled with dynamic leadership, drive, and imagination.

Such impressive credentials as his certification by the American Board of Internal Medicine in both Internal Medicine and Cardiovascular Diseases, his status as a Fellow in the American College of Physicians and the American College of Cardiology, and his vast professional experience made Admiral Pearson imminently qualified for assignment as Attending Physician to the Congress. During his tenure from July 1966 to January 1973, he continually demonstrated his intense devotion to duty and dedication to purpose by totally administering to the medical needs of the members of both Congressional Legislative bodies. In addition, Admiral Pearson served with distinction as Chairman of the Armed Forces Participation Committee for the Presidential Inauguration in January 1969.

On the occasion of his retirement, it is a privilege and a distinct pleasure to record here our appreciation and gratitude, and to confer upon Admiral Pearson this Certificate of Merit in recognition of a distinguished career in the service of his country.

G. M. DAVIS,
Vice Admiral, Medical Corps, USN.

WHERE HAVE THEY GONE?

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. ASPIN. Mr. Speaker, it is always most encouraging to receive mail from concerned young people who have thoughtfully analyzed a problem and are seeking solutions. Recently Vivian Stanton, a student from Racine, Wis., sent me an excellent theme describing the seemingly endless drive to develop natural areas into commercial areas. I believe her concern reflects the concern of all of us, and I submit her theme for the consideration of all Members of Congress:

WHERE HAVE THEY GONE?

(By Vivian Stanton)

With the rapid development of more housing units and shopping areas to satisfy today's housing and public needs, former playgrounds, picnic areas, forests and farm lands are vastly disappearing. The need for more housing units is a valid one as each year our population growth is steadily rising. With this population growth, one can see, also, the need for more shopping areas to accommodate the soaring demands of today's citizens. But what do these needs lead to?

By building more housing units and shopping areas, we are denying a family and its children the playgrounds and picnic areas formerly used for safe recreational activities. More playgrounds and picnic areas will be taken away from the community as the need for housing units and shopping areas increases as the necessity for having someplace to build them increases. It may not be long before more and more children will be playing in the streets. Soon families will not be able to hold a picnic outdoors or in parks unless they have a large yard in which to do so.

Our beautiful natural forests are on the decline too as the need for more and more wood is increasing for building purposes and the area will be needed for a place in which to build. Remember how much fun it was to walk along the paths in the forests and see the natural beauty that God had created? After a rainfall, these forests were exceptionally beautiful as the trees shimmer in new beauty and everything smells fresh.

As our farmlands are disappearing, if one reads the science magazines, you will find out that scientists are inventing special food capsules and supplements to aid us in the diets we will have to be following in the coming years. A farmer I know of recently had to sell his wheat crop area because a shopping center will be built there in the near future. If one asks our older citizens what has happened to the many farm areas that used to be in the area you are now living in, they will tell you that many houses and shopping centers have taken over these former areas.

I think it is quite clear what has happened to our former areas of activity and work. Our citizens are quite concerned with this problem and are trying to figure out solutions that will skillfully solve and handle this problem. After all, we don't want the entire disappearance of all of these areas. If they all disappeared, where would we go then for fun and activity? Think about it seriously and see if you can come up with any alternative solutions.

FISCAL RESPONSIBILITY OR HIGHER TAXES—A POLITICAL GAME

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. RARICK. Mr. Speaker, prior to adjournment last fall, fiscal responsibility became a campaign issue. The goal, a budget setting a $250 billion spending limitation, was originally contained in President Nixon's ninth request for an increase in the national debt. The President later abandoned this ceiling limitation in the legislative proposal amidst controversy over who would determine the programs to be cut.

Since adjournment, the President has used the people's desire to limit Federal expenditures as a tool to compromise or reduce various Federal programs affecting different segments of our population. The President's budgetary actions to control Federal spending have forced a hue and cry from many of the federally subsidized groups in America.

Suits have now been filed contesting the President's power to restrict Federal spending to a level less than that appropriated by the Congress. The lobbyists and pressure groups are mobilizing support and forming public opinion to force action by the Congress to break loose the moneys which were appropriated in legislation designed or molded to some degree by these same lobbyists and pressure groups.

I would remind those of our colleagues so earnestly involved in rhetoric against the President's actions that the President told the American people during the recent campaign that he would not seek any tax increases, but that Congress might.

If the President is found to lack legal authority for his stewardship over the Federal budget, or if he is persuaded or stampeded into releasing full appropriations, additional taxes will be inevitable.

If the President yields—and this appears to be the desire of many of our colleagues—the President will lay the blame for the new and/or increased taxes on those who have insisted on emptying the Federal Treasury to fulfill their campaign promises.

FEDERAL GUN CONTROL LEGISLATION MUST BE ENACTED

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. KOCH. Mr. Speaker, in this Nation in 1971, 10,000 murders were committed in our homes and streets with firearms, with this figure climbing to 21,000 gun deaths when suicides and accidents are included. Handguns were the

weapons in the vast majority of these deaths.

Today I am introducing two bills which together will greatly strengthen our currently very inadequate gun control laws. The first will prohibit the manufacture and sale of handguns, except for law enforcement, military or licensed pistol club use.

My second bill, "The Firearms Registration Act," deals with the registration of all existing firearms, not just handguns, by making it unlawful to possess or to carry a firearm not registered in accord with the provisions of the act. By banning the sale or purchase of hanguns and by requiring the registration of all presently held firearms, this legislation should contribute significantly to the reduction of violent crimes in our cities and in our Nation as a whole.

Nearly all the industrial nations of the world require firearms licensing or registration, and many of them prohibit private possession of handguns altogether. Nowhere in the world is the private ownership of handguns on a per-capita basis as high as it is in the United States. In Canada it is 30 handguns per 1,000 people. And in Finland, the Netherlands, Greece, Great Britain, and Switzerland it is less than 5 per 1,000. But in the United States the figure is 135 handguns per 1,000 people, or an average of 4 handguns for every 10 households. And these handguns were responsible for more than 2 out of 3 of all the Nation's homicides.

Few people will deny the correlation between the availability of handguns and the incidence of violent crimes. In the United States there are 5.7 gun murders per 100,000 persons each year, as opposed to 1.9 in Japan, where it is illegal to own, manufacture, or carry a handgun, and to 1.2 in Great Britain, where handgun laws are almost as restrictive.

In the face of this record, can we afford any further delay in enacting legislation which will help prevent the killing that goes on in our homes, streets, and neighborhoods every single day of the year. Do we have to wait for another major public tragedy to thrust the necessity of strong gun control laws again into our consciousness? It is not enough that in 1971, the last year for which figures are available, 10,000 private citizens were murdered with firearms?

New York City has a strict law governing the registration and licensing of guns, but the impact of that law, which I cosponsored when I sat in the New York City Council in 1967, has been minimal. The reason is obvious—gun control, to really work, must be nationwide in its application. And I intend to press for this Federal legislation.

SPEEDY TRIAL

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. KEATING. Mr. Speaker, today, I am introducing a bill designed to give meaning to the sixth amendment right to speedy trial.

The median time interval for the disposition of criminal cases has been steadily rising over the past several years. The situation in courtrooms across the Nation has deteriorated to the point where criminal justice has become a matter of disposing of statistical masses. This aids neither society nor the defendant. This only perpetuates the cycle of crime and increases disrespect for justice under the law. In summary, there can be no argument that we must guarantee all criminal defendants the right to a speedy trial. As stated in the Magna Carta:

> To no one will we deny justice, and to no one will we delay it.

This legislation is needed for many reasons. For one, speedy trial is without question an effective deterrent to crime. If a deterrence to crime is to be established, there must be a clear, direct, and swift connection between the commission of a crime and the apprehension, trial, and sentencing of an offender. On the other hand, when trials are delayed for months, as they often are, the connection between the defendant's crime and his sentence is broken.

Delays before trial are also responsible for many crimes committed by defendants who are free on pretrial release. The President's Commission on Crime in the District of Columbia, reporting in 1966, found that 7.5 percent of the persons released on bail in the District were later indicted for offenses allegedly committed while free and awaiting trial. Obviously, an important step in reducing the danger of criminality by released defendants is to shorten the time between arrest and trial.

Delay in bringing criminal defendants to trial also results in countless lost convictions and reductions of charges for serious crimes to charges for minor crimes. It is a simple fact that the longer the time for trial is delayed, the more memories fade, witnesses die or become unavailable, and cases become stale. It is also fact that clogged court dockets result in increased pressures on prosecutors to give the defendant a lesser charge in return for a guilty plea and waiver of jury trial.

Current delays also lower the esteem that citizens have for the criminal justice system. For if this system is to operate effectively, the citizenry must believe that justice is operating fairly. Unless an attempt is made to head off the disaster that our criminal justice system is headed toward, we may look forward only to increasing disgust, complete cynicism, and popular pressure for radical change.

Anxiety and uncertainty about their fate, experienced by many defendants, is one of the obvious costs of delay. The heaviest burden of all falls on the poor defendant who cannot afford bail or retained counsel, and who faces pretrial incarceration. These are the defendants whose jobs and family are completely interrupted when accused of a crime. These are the defendants who cannot return to a normal life until their trial date has arrived or they have decided to plead guilty. Clearly, something must be done.

Mr. Speaker, this bill will require the trial of Federal criminal defendants within 60 days of their arrest. Failure to accomplish this will result in dismissal of the charge against the defendant. It is recognized that highly unusual circumstances may require a longer period of time to bring some defendants to trial. Allowance for such cases is made in the bill. However, the overwhelming number of criminal cases will not fall under this category. In these instances, the defendant simply must be given a speedy trial.

My proposal also provides for closer and more effective supervision of persons released on bail prior to trial. This would be accomplished through the establishment of pretrial service officers throughout the entire Federal district court system. These officers would supervise released defendants, recommend appropriate release conditions, aid defendants in finding employment, medical, and other social needs, and perform those functions necessary to insure fair and equitable treatment for criminal defendants awaiting trial. To achieve this goal, $20 million would be authorized annually for expenditure in Federal districts.

Finally, those States which fail to make the reforms necessary to follow the example of Federal courts will face having funds from the Law Enforcement Assistance Administration cut off. Since receipt of these Federal funds is a privilege enjoyed by the States, and not an inalienable right, this provision in the bill is intended only to provide States with an incentive to act. Although this incentive should not be required, this is the only action which the Federal Government may take without infringing upon the integrity and inviolability of State court systems.

Mr. Speaker, I urge the prompt consideration of this bill. The need for this legislation is clear. As stated in the task force report to the 1968 Presidential Commission:

> As the backlog of cases becomes overwhelming, clearing the docket comes to be an end in and of itself, and haste rather than intelligent deliberation is the norm of practice. Disposition by dismissal or by guilty plea is often characterized by little attention given to the penal and correctional needs of offender.

The time to act is now. Enactment of this bill into law will be required if the constitutional guarantee of right to speedy trials is to have substantive meaning.

REINTRODUCTION OF NEWSMAN'S PRIVILEGE BILL

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. WALDIE. Mr. Speaker, today I am reintroducing my bill providing for absolute privilege for newsmen to protect their sources of information from being disclosed upon the order of any governmental body.

This bill was introduced last year in the 92d Congress following the "Caldwell Decision" by the U.S. Supreme Court.

At that time I was alarmed at the chilling effect I thought this decision would have upon the traditional protection news personnel have had under the interpretation of the first amendment.

My fears were fully justified.

May I cite just a few of the cases in which newsmen have been jailed in wake of the Caldwell decision?

Peter Bridge, of New Jersey, Bill Farr, of Los Angeles, and John F. Lawrence, chief of the Los Angeles Times Washington Bureau have all been incarcerated for failure to comply with court-ordered disclosure of news materials or sources.

The recent announcement by the White House Chief of Telecommunications Policy that the Federal Communications Commission will hold local stations accountable when their license is up for renewal as to the content of network news shows is an astoundingly frank attack on the first amendment and works to add to the "chill" that pervades every news room in the country now that the administration is on the attack.

My bill, Mr. Speaker, is simple in content, clear in meaning.

It provides that no person connected with or employed by the news media or press can be required by a court, legislature, or any administrative body, to disclose before the Congress or any other Federal court or agency, any information or source of any information procured for publication or broadcast.

Mr. Speaker, this legislation is vitally needed.

Bill Farr of the Los Angeles Times remains in jail today, the victim of an erosion of basic liberties that is being fostered by this administration.

Let us act now, Mr. Speaker, to halt this erosion. Let us act now to protect our most basic civil liberty—the right to free speech and the right to know.

THE DYNAMICS OF THE FREE ENTERPRISE SYSTEM

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. CEDERBERG. Mr. Speaker, it is with a great deal of pleasure that I bring to the attention of my colleagues an address by Dr. Robert P. Gerholz, chairman of the board of Ferris State College in my congressional district, and a gentleman I believe gives us a great insight into the drive which has brought our Nation to the greatness which it has achieved and points the way for our continued drive to meet the responsibility which that greatness bears.

It is common these days to hear talk of evils of our free enterprise system and the burdens which it has placed on society. I think it is a mistake to overlook the great good which has been brought to society through the operation of the free enterprise system as we look to the future and the solution of the many problems which we face as individuals and as a nation. The searching nature of man to perfect himself and his surroundings breeds a confidence which is enhanced and fostered by our system of free enterprise and dynamic growth.

I commend to my colleagues a perceptive analysis of this dynamic movement and the future it holds:

THE DYNAMICS OF THE FREE ENTERPRISE SYSTEM

(By Robert P. Gerholz)

Thank you. Thank you very much. I am greatly honored at this invitation. It is a pleasure to be here.

I believe there is nothing more important in these swiftly changing times than a continuing and meaningful dialogue between the business and academic communities and I am privileged to be able to participate in it.

I welcome this opportunity to share with you some of my observations, experiences, optimism, spadework and above all, my faith in the free enterprise system and my confidence that it is destined to play a vital role in solving society's problems.

A BRIEF HISTORIC FRAME OF REFERENCE

We lack experience with the culture created by the scientific revolution. We have not adjusted our behavior to the knowledge we now have gained. Mankind or his erect relatives have lived on this planet at least four million years. If we consider just the history of the past 50,000 years of mankind's existence, and divide them into lifetimes of 62 years each, we ourselves live in the eight-hundredth lifetime. Now then, mankind has spent 650 such lifetimes in caves. Writing has been possible in only the last 70 lifetimes. Only during the last six has printing been available. We have been able to measure time precisely in only the last four. The electric motor came along only during the last two. In our lifetime we face the revolution in knowledge made possible by electronics, cybernetics, nuclear and biological engineering, and space science. We are going through cultural shock, what the writer Alvin Toffler calls future shock. Because we have such small experience with the culture we have just now created, we are likely to be making some blatant errors in the way we do things which nevertheless our leaders confidently believe are just exactly right for us.

The context of ecology illustrates our proclivity to error. Ecology, Garrett Hardin points out, teaches us that "you cannot do only one thing." Large scale and fundamental technology like ours interacts with the environment to produce unexpected and unwanted results, but these results could be foreseen if we perceived events in broader perspective. Interdisciplinary study and systems analysis in essence mean the broadening of perspective. Our complex systems where everything depends on everything else do not respond to simple solutions. In fact, the chances are that our intuitive and simple solutions are likely to worsen matters. Urban renewal, slum clearance, public housing, farm subsidies and many other such simple enthusiasms illustrate this truth.

In our hyper-critical world, perhaps no country, no system and not set of political, social or economic institutions, come in for a larger share of criticism than the American free enterprise system. This, despite the fact that it is conceived and based on enlightened capitalism and constitutional democracy, and has proved to be the greatest economic system the world has ever known. Much maligned as it is by Communist propaganda, the U.S. nevertheless feeds much of the world—including, at time, Communist Russia.

Can the essence of our great enterprise system be defined, described, and analyzed in a few brief paragraphs? Permit me to try! To me, the American free enterprise system is "We the people." It is not owned by, or sponsored by, any of the Federal, state, county, or city governments, nor is it designed to serve the interests of a single class, racial group, or political party. Rather, it is owned by, and influenced by, us the people. It is we who make it function for all. It is a system in which more than 82 million people work hard to supply the products and services demanded by millions of people. It is the most highly-developed example the world has ever seen of the immutable law of supply and demand. It can, therefore, best be described as the "freedom-of-opportunity" system. A system in which each person is free to learn as much as he desires; to work as hard as he wishes; to be paid in proportion to his efforts. A system in which the Horatio Alger story is told and retold, every day of every week of every month of every year. For truly it can be said that a man can advance as far as he wants to go, dependent only on his capacity for knowledge, productivity and creativity.

A system which is almost perfect in this virtually continuous availability of freedom of opportunity—but a system which has never been, nor ever will be, perfect in its operation. Perfection is always a desirable goal, but it is unattainable in a system which is so inextricably bound to be an interweaving of checks and balances. Strong local and national unions; strong individual managements and associates; government in the role of a strong moderator and arbitrator—all combine to produce a balanced economy—the strongest the world has ever known. An economy that produced, when I started school in 1901, a gross national product of 20.7 billion dollars; that produced, when I started in business in 1922, a gross national product of 76 billion dollars; that will produce in this year that I am meeting with you, a gross national product in excess of 1130 billion dollars.

The fact that economic growth is not without its social benefits as well as its social costs may seem to many so obvious that it needs no further elaboration. But it may serve a constructive purpose at this stage of national debate to highlight some of the positive attributes of a high and sustained rate of national production. Those who can recall the great depression will well remember that just a generation ago a third of this nation still found itself ill-clothed, ill-housed, and ill-fed. Today, poverty is far less widespread. Even so, nearly a tenth of all families remain at or below the poverty level, as currently defined. Given sustained growth in national output over the two decades ahead, the economy's increased capacity to alleviate poverty could reduce the number with incomes below $3,000 to 3 percent. No other nation in the world has ever achieved so complete a transformation of its income distribution in so short a period of time.

Still another positive accompaniment of rising economic growth has been our increased investment in human resources in the form of higher education. A generation ago, fully half of all adult Americans had received only an elementary education, at best. In contrast, over half of all adult population in 1970 had completed high school, moreover 20 percent had gone to college as against 7½ percent in 1940. As one of our larger industries, education employs some three million people and is used by 25 percent of our citizens. From 1950 to 1971 the budget for the U.S. school system rose from $8 billion to $73.6 billion—an 800 percent increase. During the same period the gross national product rose 250 percent. Tragically, despite massive doses of tax funds doled out in the last 20 years, education is in deep trouble. Its problems are financial, social, philosophical and managerial—problems so great that we cannot expect educators alone to solve them.

Just as our technology is geared to produce better products in the most economical way, we should make education an increasingly more efficient and effective process. Accountability is the keystone to effective education.

Our society needs more goods and services of many kinds; better housing, improved mass transportation, more adequate facilities for health and education, and increased pollution control. It is likely that the funds for such investment will not come from the cutback in the production of cosmetics, for instance, but from an overall increase in national output. Moreover, a reduction in growth would result in a severe blow to the aspirations of the economically disadvantaged, especially minority groups. Looking beyond our shores for the developing and underdeveloped areas of the world and their rising expectations? This is no plea for "economic growth at any price," particularly at the cost of further environmental deterioration. Instead, the emphasis here is upon the positive contribution a more productive society, alter as it now is to the threat of ecological disaster, can make toward the solution of its social and cultural as well as its ecological problems. Thus, looking at the total environment of the nation, it seems probable that direct attempts to reduce GNP growth would create many more problems than they would resolve.

American businessmen today need a revolution in communications. By our silence we are defaulting on our very real responsibility to defend the American system of free enterprise against assault by an increasing host of critics across the land. The recent trend of the public dialogue has been overwhelmingly toward what is bad with America. Dissatisfaction and distrust for so-called establishment institutions have replaced respect and pride in traditional values. The beautiful, the strong, the solid, hopeful and resourceful qualities of America are obscured in the ugly, dispirited, divided portrayal that has become so familiar today.

Many of the adverse opinions of business and its ultimate worth are the products of today's overall negative atmosphere. They are impressions that can be refuted by facts. But business seems to have lost its voice just when it needs it most. On the other hand, the more radical opponents of business are at no loss for words. Unhampered by respect for truth or any sense of responsibility, they hammer away at the system. An increasing number of Americans are listening to them, and believing them, because they hear few other voices. It is hard to see how anyone weighing the accomplishments of the last two hundred years could favor abolishing the system that made them possible. The time has long passed when the businessmen of this nation could afford to let our case before the court of public opinion go by default. We can begin by communicating a vital truth to the sincere critics of American business. That truth is our goals are, mainly, the same as their goals. We are working to abolish poverty in the only way it can be abolished—by providing jobs. We are fighting racial injustice the best way we can—with fair employment practices. We are not blind to urban blight. Environmental pollution is our frustration too. What makes our critics believe that business is less concerned about the national quality of life than is government, or the academic community, or youth?

The alternative to a society based on profit-motivated free enterprise is a society based on compulsion, a government-planned and controlled economy and loss of individual freedoms. We need not look into ancient history to find examples of such societies. They exist today—to the shame and debasement of their people. Business alone has the nearest thing to the right combination of facilities, techniques and talents needed to rebuild our cities, to raise the quality of our natural environment, to create jobs and abolish poverty, to extend the benefits of the American system to all our people, and to restore the sense of balance and direction we seem to have lost.

Six years ago, my wife and I visited Greece for the first time. Magnificent experience. Poor country, but a wonderful country; wonderful people. I read several books before I went over and we were fortunate in having a young lady interpreter who spoke perfect English and was an historian and an archaeologist. The age of pericles was a "Golden" age. It's called that in the history books and it was. These people over a period of time became largely free from want, illiteracy and disease. Then they tried for the fourth freedom—the so-called "wonderful freedom"—freedom from responsibility and the golden age of pericles was no more. If I had any hope for the future, if I were to make a toast for the future, I would hope we would never arrive at a period when we were free of individual responsibility—not merely for the operation of our family, our churches, colleges and universities, our political machines, our cities, our communities, our country, but the operation of our own individual self, spiritually, politically, culturally, socially, economically.

Our business is on the threshold of an era in which yesterday's problems are becoming today's opportunities. And in the name of corporate social responsibility, we are beginning to turn obstacles into springboards. Today in an age of rising expectations, where improved technology and rapid communication, fuel people's hopes of a job for everybody, a good home for everybody, good health and nutrition for everybody—among the many other egalitarian and humanitarian goals our society has set for itself. But we are just now beginning to look at what is possible as well as what is desirable—to examine what we can realistically expect from ourselves and then establish the order in which we will achieve it. Industry is determined to promise only what it can deliver in areas of social concerns. The primary social responsibility of the economic sector, the business sector, is to generate the wealth—that is, the money, jobs and goods and services—the wherewithal which enables the other sectors of society to carry out their primary social jobs. Whatever else the business corporation can and should do to help solve social problems in the process of making a profit, its first social responsibility is to produce the wealth required by all of society's institutions—public and private—so that they, in turn, can do what they are supposed to do.

Our society today demands increasing participation—and as we participate, we are asked to account publicly for our actions. To provide more of the information that builds confidence and public understanding. In the light of recent international events, it is perhaps not inappropriate to remind ourselves of the ancient Chinese proverb that "The longest journey begins with the first step." This we have taken. What next? Well, we're on the move. We must move expeditiously to integrate social concerns into new and old institutional frameworks of our business. And this returns us to our opening theme—How to harness society's demands for a higher quality of life to the economic generators of business.

As I reflect on the parlous temper of our times and the great gift for mutual understandings which meetings like this afford, I experience a deep sense of faith in the future of our common enterprise. We all recognize dozens of developments even now beginning to take shape on the horizons of the future. We shall pursue them with ingenuity and dedication—the public must be well served. Are we not required to contribute to the blurring of the traditional and historical boundaries which have set off the private from the public sector? Are we not determined to contribute our share—and more—to improving the quality of life in America? No one, for example, makes news by reminding us of how well our system—even with its flaws—is working. No one makes headlines by recalling that today, as usual, the American people are creating and using one-third of the world's output of goods and services, but have only six percent of the world's population and seven percent of its land area. No one creates a stir by reminding us that today, as usual, most Americans did not go to work; that more than one out of three went to school. Another one out of 10 was over 65 and retired; that only about 87 million of our more than 208 million citizens usually work. No one arouses interest by pointing out that to produce a total national output of more than one trillion dollars a year, about 81 million civilians work a five day week. Yes, 82 million gainfully employed at the highest wages and salaries in history. That one family in six has an income of $15,000 or more; that the middle family income is about $10,000, and that only one family out of eight is poor.

But despite the fact these are not exciting truths, the fact is they do exist; these events do take place; the American system has and will continue to work. Refinements may be needed or changes may be necessary. No one claims today's system is the answer to problems fifty years from now, just as the system of the post World War I era would fail to fill the needs of our economy in 1972. For as our nation enters the decade of its 200th anniversary as a nation, we find ourselves seeking longer and clearer perspectives on the programs and directions of our nation and our society. Whatever we undertake—individually, in small or larger groups, in our colleges and universities, or as a nation—will greatly depend on the understanding which we apply to the economic means through which we seek these goals. Our American "system," which has surmounted great challenges in the past, will continue to serve us well in the future if we take pains to explain and to understand its workings, and exercise our every considerable powers of choice in the light of that understanding.

Poised on the tiny planet we call Earth stand the mighty engines, flexing rocket muscles, crammed with computer brains—eager and almost ready for their rumbling journeys to the stars. They measure thrust in millions of pounds, costs in billions of dollars and the man-hours already spent on them are measureless.

On the front of the National Archives Building in Washington is the inscription "What is past is prologue." Much of tomorrow can be predicted with confidence because it has its roots in today. The American businessman has built the most creative and productive economy in all history. But he is oriented toward the future, and thus seldom has a chance to see himself and his work as a product and part of a unique and spectacular historical process. Here is the story, in capsule form of how this Nation's economy and its managers have come to be emulated, envied, deplored and depended upon, around the globe. As you move along the inspiring pathway of American History, you quickly discover the reason for the greatness of this nation. It is the genius of the competent businessman that combines labor, capital and raw materials to produce a vast outpouring of goods for the enrichment of the lives of the masses. It is the genius of the workingman, whose labor, self-discipline and thrift are vital to the creation and operation of modern industry. It is the genius of the great doctor that frees children from crippling disease. It is the genius of the talented architect that creates magnificent buildings. It is the genius of the devoted teacher that inspires youth to greatness. It is the genius of the dedicated public servant that enables good government to survive.

Those who built this nation to its present greatness believed in the invincibility of intelligence, economy and hard work. Guided by providence they entered a wilderness with vision, industry, and courage. They took the forked stick and made a steel plow. They took the rude sickle and made a reaper. They took the wagon and made an engine, an automobile, an airplane, a tractor. They made an iron thread into an ocean cable, rough type into great color printing presses, and steel beams into soaring skyscrapers. They made forest trails into magnificent highways. They put the little red schoolhouse and the little white church on a thousand hills.

America is great because individual men have freedom and equality, because individual men have been given the incentive to create, to produce, and to save, because individual men have been rewarded for their labor with a generous share of the goods, they helped to produce. America has taken its place among the great civilizations of history because the cornerstone upon which the republic rests is the social, economic, and spiritual betterment of individual men.

To men and women of great vision, dedication, courage and faith, I want to share this prayer—God give us men! A time like this demands strong minds, great hearts, true faith and ready hands; men whom the lust of office does not kill; men whom the spoils of office cannot buy; men who possess opinions and a will; men who have honor; men who will not lie; men who can stand before a demogogue and damn his treacherous flatteries without blinking; tall men, sun-crowned, who live above the fog in public duty and in private thinking.—JOSIAH GILBERG HOLLAND, 1819–81.

ADDRESS OF HON. RALPH FALCO, OF SYRACUSE, AT THE TESTIMONIAL DINNER IN AMSTERDAM, N.Y., FOR ANGELO "SUSIE" SARDONIA ON NOVEMBER 4, 1972

HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. STRATTON. Mr. Speaker, last November the people of my home city of Amsterdam, under the leadership of the Columbian Social Club, tendered a testimonial dinner to one of the great leaders of our community, Angelo "Susie" Sardonia, an alderman of the city and long an effective leader in community affairs.

Principal speaker of that affair was the Honorable Ralph Falco, a former Amsterdam citizen, businessman, and community leader, who came from his present home in Syracuse to pay a well-deserved tribute to his longtime friend "Susie" Sardonia.

Under leave to extend my remarks, I include at this point the text of the remarks of Mr. Falco, which I am sure will be of great interest:

ANGELO "SUSIE" SARDONIA

Who is this Angelo "Susie" Sardonia being honored this evening? What has he done to warrant this testimonial? This is a question being asked by some.

Well, as a proud native born and devoting most of my 70 years to the 5th Ward, it has been my privilege to observe Sue's actions in our neighborhood. Religious, civic, social, patriotic and family life.

Too many people tend to overlook those who have devoted much of their life through hard work and sacrifice to themselves and their families to making their community and their country a better place in which to live.

During all of my years in public affairs, it was my privilege to meet many wonderful men and women in all walks of life and one of the men who is "tops" in accomplishments is Sue Sardonia. He lived up to the heritage bestowed by his wonderful parents, I knew them well. This Christian father and mother team—religion was their first priority. True Catholics.

THIS IS YOUR LIFE, ANGELO "SUE" SARDONIA

It all started in a small town—Acerenza, Potenza, Italy. There a young lady, Angelina Monaca (nun) met and married a gallant young man, Sardonia.

With two daughters, Mary and Catherine, they left Italy to settle in Poultney, Vermont where your dad found employment in the slate quarries. His work taught him to become fearless as he climbed up and down the quarry pits. It was in one of these quarries that you and two sisters almost met with tragedy while sliding on ice formed over the slate in the quarry—while the ice was cracking and pulling you downwards, your brave father reached the pit in time to save you from being swallowed beneath the ice and sharp slate. Thanks to your brave father "Sue" or there would have been no "testimonial tonight." I knew and respected him very much.

Now we come to Angelina, your saintly mother. Yes, I can still see her as she clung onto the armory wall, tired but always walking, every morning back and forth to her church with ten children, six girls and four boys. She was quite a busy mother but always managed her attendance at daily mass. Born in Italy were your sisters, Mary and Catherine, and here in America, your sister of happy memory Rose, then the happy occasion their first boy—you! Angelo, then Ann, Betty, Donata, James and then for good measure a couple of more boys, Anthony and John.

Your parents decided to move to Amsterdam a growing community with plenty of opportunities for young people. Your dad was employed by the then New York Power and Light Company where he becomes foreman. Quite an accomplishment in those days. But to make ends meet, it was necessary for team work and so dad and mom would work a garden in the early morning hours and often work until dusk.

While Pa and Ma worked the garden, the children sewed buttons on cards as did most southside children during those "child labor days." I am familiar with this task because together with my sisters, I also joined the child labor market. Even though I always agreed that young people should be kept busy, I personally never enjoyed sewing buttons on cards and became an early drop out. I understand that Sue followed my career as a drop out by continuously losing costly needles.

The Sardonias resided in the 5th Ward where neighbors learned to know and appreciate this most unusual family who always went out of their way to become "good neighbors." During harvest time, Ma and Pa Sardonia always shared much of the fruits of their labor with friends and neighbors. This outstanding trait became a genuine characteristic of the children. Love of neighbor!

Papa Sardonia was known for his love of nature, plants and especially trees and was known as the neighborly "tree surgeon". While trimming one of his neighbor's trees at the age of 64, he fell and was fatally injured losing his life in the service of his neighbors. Mama continued at the helm and lived until age 86.

A daughter, Mary, the first child I knew well during our days as co-employees at the then Mohawk Carpet Mills. She lived up to her mother's religious faith by quitting work at the factory and becoming a nun now in her 48th year of teaching and currently stationed in Hudson, N.Y.

Sue's young sister, Donata, a beautiful young lady that I thought would end up in Hollywood, finally ended up being courted by a handsome young man and is now the queen at the Chiara household. Under the careful direction and guidance of Ma and Pa Sardonia, the Sardonia children are all happily situated.

With this background of love, hard work and faith it is no surprise to find so many here this evening to honor a young man for a job well done. I have known Alderman Sardonia well for a long, long time and I'm sure happy to join with you in this testimonial to a most unusual man.

Sue married Helen Reichle, a faithful wife and mother of Sue's three wonderful children. I know that this saintly wife, mother and grandmother of happy memory is looking on tonight to say—"You deserve all this Sue, I know."

I need not repeat his many deeds and accomplishments, you know what they are and that's why you are here. I do however, wish to touch on the few outstanding events and deeds that I am familiar with and will list them briefly.

1. Of first priority is his character. He is well bred, loves people like brothers and sisters.

2. One of his finest traits is his sense of humor, always happy, laughing, humorous in every area of his activities—remember the many plays where he portrayed the comedian so well and always for a good cause. "Hia Cumber is his greatest salutation. With a jovial gesture of his arm, I can still hear him—Hia Ralph—Hia Marie—Hia Cumbar! He has many more cumbares than any man I have ever known.

Remember him in the ring back of Lanzi's where he received his "Dale Carnegie" course in "public speaking". "And in this corner ladees and gentlemen. We have Mat Perfetti—Measles Rocco, etc., etc.

3. His patriotism is outstanding—you know the greatest, proudest and most notable achievement of his life is his work during the Second World War resulting in the most beautiful memorial in this country honoring our 5th ward boys and girls, those who served and returned and those deceased. A 5-year project.

This great deed alone is worthy of documentation in book form.

4. Recreation—Yes, he promoted recreation, all forms of recreation for young and old.

Remember, Port Jackson Bocci Club—softball league; Fifth Ward Bowling League—Sec., 20 years, Fifth Ward Playground for Children.

5. Church—Sue is a member and a very dedicated parishioner of Our Lady of Mount Carmel Church. Has participated in and directed many fund raising events for his church. On parish council.

He is chairman of the building and ground committee. Active member of Holy Name and St. Anthony Society.

Works for the Boy Scout troop and Our Mount Carmel Mardi Gras.

6. Civic activities

I have personally been involved in politics and government for more than 50 years and one of my main concerns over the years had been searching for better candidates and help recruit them for public office. As I watched Sue in his many and varied activities, I suggested that he run for alderman. I thought so much of his ability that I asked the Republican Party to endorse him. They refused. He must be doing an excellent job, he has held the post longer than any other man.

I would suggest that you elect him mayor

so that another person may assume the post as alderman.

Service Men's News

Dedicated to the south side boys.

Managing editor—Angelo Sardonia.

Items from a few of the issues:

For almost three years "Service Men's News" was the media for communications between our service men stationed in all military areas in the world and their parents, relatives and friends.

Items

Service men on leave—Reinforcements on the way.

Wedding bells—Contributors.

Our loss—Father Reidy—February 16, 1945—President Roosevelt—April 12*.

Latest arrivals—Honorably discharged.

Sports column—A request*.

Short shorts—Final issue* victory V.E. Day*.

Masterpieces

Poems

"The Weary Soldier" By Zip Bianchi APO 776.

"A Tribute To Our War Heroes" By Mrs. Priscilla Zumbolo, Mongillo.

"In Memoriam to Father Reidy" by Ralph Melillo.

"In God's Country" By Joseph Greco/ Michael Mancini.

"Blood and Guts Is on the Ride" By Peter Beldine.

"Resolutions" By Peter Beldine.

"Mail From Home" By Pvt. Michael Natale.

A PERSONAL TRIBUTE TO HON. WILLIAM M. McCULLOCH

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. GERALD R. FORD. Mr. Speaker, we all know of the tremendous service rendered by our former colleague, William M. McCulloch, during the quarter of a century he spent in this House.

It is therefore appropriate that a friend of Bill's, James F. Dicke II, international operations manager for the Crown Controls Corp. of New Bremen, Ohio, should have put into words the feeling that we all have for our retired colleague.

With the unanimous consent of the House, I would like to insert a letter from Mr. Dicke to Bill McCulloch—a letter of personal tribute—at this point in the RECORD for all Members to read. The letter follows:

NEW BREMEN, OHIO,
December 18, 1972.

Hon WILLIAM M. McCULLOCH,
Member of Congress,
Washington, D.C.

DEAR BILL: This is a note to thank you for the 1973 Congressional Calendar and for more. Upon receiving the calendar this year, the thought occurred to me that this will be the last Congressional Calendar I will be receiving from your office. It is with sorrow and reflection that the members of your constituency view your much deserved retirement from a life of public service.

You have represented our district in a manner that reflects a sense of honor and pride in us. It has been a representation in our name of views which are not narrowly partisan or narrowly pointed at a constituency. It has been a reflection of what has been best for our nation as a whole; it has been a service that has been greatly appreciated.

For me personally, however, it has been even more than that. Now corporation executive, I learned many and valuable lessons at your hand. The desire to never ask anything of your staff that you wouldn't do yourself . . . the approach to each problem with an open mind . . . the willingness to spend the time to instruct and reflect. It was an honor for me to have once been a part of your summer staff. It was the most constructive and the shortest summer I have ever spent. It was the summer of 1966.

That summer there were the early morning meetings each day with the President . . . with the Attorney General . . . with Chairman Celler . . . with Leader Ford . . . with the Judiciary Committee . . . with the entire leadership . . . and with countless others in an attempt to help further the cause of Civil Rights. That summer the passage of the Civil Rights Bill failed, but you did not. Similar legislation was reintroduced a short time later and was passed.

Much has been said about your Civil Rights efforts. So much has been said in fact, that it would seem to overshadow a career that has been a fiscally responsible string of inspired service. I won't belabor the point with a string of praises. It wouldn't be fair.

Just allow me to say "thanks" to you and to that lovely tower of strength, Mabel, for representing the Fourth District of Ohio and our nation.

With every good wish, I am,
Sincerely,

JAMES F. DICKE II.

ELECTION DAY REFORM BILL

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. KEATING. Mr. Speaker, today I am introducing legislation declaring election day a national holiday. This holiday bill has been introduced before, but hearings have never been held. The low turnout in this year's election, 55 percent of the eligible voters, clearly demonstrates the need to take some action.

Title I will declare election day to be a national holiday.

Title II will create simultaneous voting hours throughout the continental United States in presidential elections. Simultaneous voting hours should be enacted to prevent projected election results of Eastern States from having an effect on voters on the west coast.

Title III directs the Election Clearinghouse of the General Accounting Office to report to the Congress, 1 year after enactment, on the feasibility of moving the election date to October, and problems relating to voting efficiency such as the number of precincts and ballot size.

By moving election day into October, campaigns would be shorter, less expensive, and the weather would be more conducive to a larger vote. The present election date was established by Congress in 1845.

One disturbing factor in the past election was the paradox of a low voter turnout and reports of long waiting lines at the polls. From 1960 to 1970 the number of precincts dropped while the number of eligible voters increased by 30 million. The extremely long ballots in some States also reportedly discouraged some voters.

The right to vote is the most basic civil right Americans possess. Each citizen should have the opportunity to vote with the minimum of inconvenience. Declaring election day a national holiday, simultaneous voting hours, and the additional study will better enable all people to exercise their basic right to vote.

The Cleveland Plain Dealer, in an article reviewing the past year, described the election snafu which occurred there. This was the No. 1 news story of the year in the Cleveland area. The article which appeared on January 1, 1973, and a copy of the legislation follows below.

[From the Cleveland Plain Dealer, Jan. 1, 1973]

MAY ELECTION SNAFU DOMINATED 1972 EVENTS

(By Thomas J. Brazaitis)

If any event of 1972 made even a slight impression on the sands of local history, it was the day the system broke down.

The date was May 2, the time about 6:30 a.m. Telephones jangled incessantly on the second floor of the gray, boxy building at the corner of E. 24th Street and Payne Avenue N.E., headquarters for the Cuyahoga County Board of Elections.

At voting places here and there across the country, grim lines of voters, some of them 18-year-olds waiting to cast their first ballots, stood in front of locked voting machines or at broken-down machines, or at machines bearing the ballot of an election past.

Thus began the election that wasn't, the story of the year.

What was to have been the first totally mechanized election in the county became a fiasco of colossal proportions.

In an unprecedented order, U.S. District Judge Frank J. Battisti extended voting hours to 11:59 that night after thousands of voters were turned away because of logistical failures.

It took a special court-ordered election the following Tuesday in 34 precincts to clean up the badly flawed primary.

George E. Plagman, the voting machine supervisor, tried to shoulder the blame.

"I goofed," he told a nationwide television audience.

But newspaper editors and opposition-party politicians demanded the scalps of the election board members. Before they could be summarily lynched, the board members ordered an investigation of themselves and their operation.

The story dominated headlines for days as red-eyed workers counted and recounted votes. Democrats George McGovern and Hubert H. Humphrey waited impatiently. By the time all the ballots were accounted for, interest had shifted to primaries in other parts of the country.

Just when the investigation by a blue-ribbon panel was heating up, Joseph A. Cipollone, the elections director, resigned. Cipollone thus nominated himself as sacrificial lamb on the political alter. Others were spared.

Secretary of State Ted W. Brown, while on a seemingly innocent visit to Cedar Point, reopened the case by sending telegrams to three of the four board members, notifying them they were fired.

When his action was overturned by the Ohio Supreme Court, Brown settled for putting the board on probation until the November election. The investigators' report said Brown was as guilty as the board members in causing the election breakdown.

Under new Elections Director Virgil E. Brown, who introduced a failsafe system of checks and double checks, the November voting was almost flawless. And, at least for the moment, the election board was off the hook.

EXECUTIVE PROTECTION SERVICE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. KOCH. Mr. Speaker, street crime in our cities continues to plague our citizens. Too many feel they are prisoners in their own apartments after dark. While simply having more patrolmen on the beat will not solve the problem, it will ameliorate it. One measure I reintroduced on the first day of this Congress would help in this fight against crime by giving the Executive Protection Service permanent responsibility for guarding foreign missions throughout the country, thus relieving local police of this duty.

The Executive Protection Service was established as an adjunct to the White House Secret Service to protect foreign missions in the District of Columbia. New York City has been particularly hard hit by the demands on its police department for the protection of foreign missions. The drain on the city is felt both in the police manpower not available to patrol the streets and in the nearly $2 million a year the city pays for this guard service. Crime in the 19th precinct, where most of the consulates are located, has spiraled so that the area is now first in Manhattan in auto theft and second in burglary. Stores keep their doors locked during daylight hours and many businesses and residents have hired their own private security guards.

New York City is not the only city that will receive relief from this bill. It will also assist other major metropolitan areas such as Boston, Chicago, Baltimore, Philadelphia, Detroit, Los Angeles, San Francisco, St. Louis, Richmond, New Orleans, Denver, and Kansas City. Each of these cities has a number of consulates located within it.

It is not fair that we place this burden of police costs and the removal of police from regular duty for the protection of foreign missions on the cities already burdened with financial and police crises. The United Nations and foreign consulates do not serve just the particular city they are located in, but the entire country. It is only appropriate that the Federal Government provide the consulates with the guard service they require as they do in Washington, D.C., and absorb the full cost of special police protection.

I hope this bill will receive speedy and favorable consideration by the 93d Congress.

RETIRED FEDERAL EMPLOYEE ANNUITY INCREASE BILL INTRODUCED

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. WALDIE. Mr. Speaker, I am pleased today to introduce what I consider to be one of the major bills to be considered in the 93d Congress by the House Post Office Committee and its Retirement Subcommittee, which I chair.

This bill, which will increase the annuities of those Federal retirees who need greater benefits the most, is a fair and equitable bill and ought to be adopted as soon as possible.

The bill also contains a provision whereby a minimum level of benefits is created to match that minimum set by the social security system.

Mr. Speaker, the retirees who left the Federal Service prior to October 20, 1969, receive a lesser level of benefits than do retirees who left the Service after that date. This inequity caused by amendments to the retirement law, can be corrected by passage of this bill.

I am very hopeful that these loyal Americans, who dedicated their lives to serving the people of the United States, can be treated justly and fairly and that the Congress will see fit to pass this bill into law.

AMERICA'S GOOD NAME BESMIRCHED

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. BINGHAM. Mr. Speaker, for the United States of America this was the most miserable Christmas season in memory. I have never known a time when so many people felt too sick at heart, too ashamed of their country, to celebrate.

Even in the depth of the depression in 1932, even in the first grim weeks after Pearl Harbor, there was a sense of challenge, of determination, of unity in the face of deep trouble. In the 1972 Christmas season, however, in spite of all the glitter and surface gaiety and apparent affluence, there was a choking sense for many that our country had reached a low point in its history. Even people who up till now have supported the war, justifying the bombing as a matter of military necessity, have seen the recent phase as the action of a giant bully trying to torture a weak adversary into submission over what had been described as an inconsequential area of disagreement, and had been horrified.

For the benefits of my colleagues, I want to quote from three documents. The first is a letter from a man of 71, a staid, basically conservative historian who for years was not convinced that the Vietnam war was a mistake. The day after Christmas he wrote to me as follows:

I urge that you and your colleagues in the House of Representatives impeach Nixon. You know the grounds better than I.

I believe all wars to be cruel, although sometimes they may seem to be necessary. But our involvement in the Vietnamese civil war was already proved to be a stupid undertaking in Johnson's time. Now under Nixon the good name of this country has been truly besmirched. The useless bombing of a small country whose leaders refuse to bow before us will be a cause for shame for ages to come.

The Democratic party, which has a clear majority in both houses of Congress, must come out against Nixon's Vietnam policy. If we had a parliamentary form of government (which we do not), the Democratic leadership could call for a division and, if necessary, go to the people in a special election. Under our Constitution you and other leaders in the party cannot do that. But you can bring impeachment proceedings against a president who has so obviously gone against the popular wishes in prolonging our part in the Vietnam civil war.

Nixon probably could not and still cannot "stop the war" between the factions among the Vietnamese. But he has failed the people of the United States by not putting an end to our participation in the conflict in the way he led our people to expect him to do in 1968 and in 1972.

Regardless of what Nixon, Kissinger and company can accomplish in the days ahead, and of course I hope they can bring about a ceasefire, the record of what Nixon is responsible for (loss of life by bombing, etc.) during four years of his presidency should be sufficient for charges against him as severe as those brought against Nazis and Japanese at the trials in Nuremberg and Tokyo after World War II, high crimes justifying impeachment.

The second document I want to quote to you is a statement of protest entitled "We Are All Guilty" written during Christmas week by a journalist-lawyer-author who has long opposed the war:

WE ARE ALL GUILTY

Men, women and children are being murdered in Vietnam—dismembered, crushed, burned, disembowelled—by the hundreds, by the thousands, day by day.

Never in history has the world witnessed a slaughter like this, where the killers sit safely at home wishing each other Merry Christmas and Happy New Year, while the instruments of death they have fashioned and launched lay waste whole cities, exterminate whole populations, on the other side of the world.

All of us, because we are Americans, share the guilt. It is our President whom we have just freely elected by an overwhelming majority, it is our public servants, who are committing this crime against humanity. Yet can we really be blamed?

Germans asked the same question of themselves a generation ago. How can we good Germans, they asked, how can we civilized Europeans, be held responsible if our country is now a by-word for barbarity? We did not know when we gave a mandate to Hitler that he was a monster without a normal moral sense. We did not know when we obeyed his orders that what we were doing would make our children and our children's children ashamed of their country.

But did the Germans not know? Had they not been warned? Were they really unaware of the extermination camps?

We have not even their excuse. We can watch, between commercials and football games, the spectacle of burning cities and the maiming of children. And we were warned in good time that it was something less than an admirable character whom we were about to make our leader for another four years. Even those of us who heeded the warning voted against him without enthusiasm. Cassandras are not popular.

So now we, like the Germans, have a leader who rules from a lonely mountain retreat, whose concept of national "honor" is only his own megalomania, whose tantrums mean genocide. And our ruler, alas, has his hand on the ultimate weapon, which the other only dreamed of.

Is there anything we whose eyes are now opened can do?

We have not yet lost our threatened freedoms. We still have a relatively free press and men of courage to defend it. We still have a Congress with the power of the purse, and the even more fundamental power,

thanks to the Founding Fathers, to impeach and remove a President.

If we still have faith in the basic goodness of the American people we must believe that we can regain control of our country, and regain the decent respect of mankind.

A beginning would be made if a significant number of public figures would boycott the inaugural ceremonies on January 20th, and if Americans of conscience observed the day as a day of mourning for an irretrievable loss.

The third document is an eloquent statement of outrage, written by Pete Hamill, which appeared in the New York Post for December 29:

WHAT TO DO

A few years ago a woman named Kitty Genovese was mugged and murdered on a New York street. There were 38 witnesses, people who heard her screams, heard her pleas for life, and then pulled the window shades down and went back to sleep or the TV sets. The story was widely quoted as an example of the cold-blooded indifference of New Yorkers, and of how this city had become so thoroughly brutalized that it could no longer respond to a simple human plea for help.

Today, a country is being murdered. Its name is North Vietnam. It is being murdered by the U.S. Air Force, acting under the orders of Richard Nixon. There are plenty of witnesses. About 220 million of them in this country alone. And if they remain silent, they will share the guilt for murder of that country. It is like Kitty Genovese; we are inhuman and guilty to the extent of our failure "to get involved."

The U.S. Constitution was designed to prevent and control berserk actions by a President, and by the Executive Branch of government. Presidents are not kings; they have no Divine Right; and when they commit actions that are immoral, or in violation of the Constitution, they must be stopped, or this country will cease to function as a free Constitutional democracy.

Nixon has again chosen a period when Congress is not in session to unleash his most ferocious acts. He has unleashed the most murderous bombing campaign in human history against a country which has no capacity to do the same thing to us. But Congress can stop him, by simply cutting off the funds. It can stop the entire Defense Dept. budget, until such time as Nixon consults Congress and agrees to stop the murder.

The Senate will almost certainly vote to cut off funds at some point after Congress convenes on Jan. 3. But the House of Representatives is another problem. Members of the House run for office every two years, which results in a notoriously soft area in the Congressional spine. Only the people can put some iron into their spine. They can do it by bombarding them with telegrams, letters and phone messages. Indifference or glib despair only feeds their basic cowardice.

Reps. Bella Abzug and Jonathan Bingham have asked the Democratic Congressional Caucus to go on record at its Jan. 2 meeting (the day before Congress convenes) against the bombing campaign and for the immediate signing of the October agreement with the North Vietnamese, which Gen. Thieu had rejected. They have been joined by Reps. Addabbo, Badillo, Carey, Chisholm, Holtzman, Koch, Podell, Rangel and Rosenthal. If the caucus passes such a resolution, it would be a history-making event. The Democrats still, after all, control Congress.

But there has to be more done than that, especially in changing the minds of about 50 of the Congressional hard cases. These are men who are thought of as hawks, and therefore tough; in fact, they are merely the most timid men in Congress. They need to be talked to, to be reminded that it is within their power to act honorably, that it does not mean much to be a Congressman if that Congress gives away its power over the President.

Since these statements were made, the man who ordered the bombings without explanation and without consultation with the Congress has ordered them stopped. But there is little consolation save for the thought that no more Vietnamese civilians are presently being slaughtered on the ground and no more American fliers being shot down.

We must guard against too great a sense of relief. Unless the Congress acts decisively, the order to bomb can be, and may well be, given again. And so long as Mr. Nixon attempts to achieve a settlement which will satisfy the Thieu regime, no cease-fire will be achieved and the danger of the lethal button being pressed again will be correspondingly great.

The first thing the Congress must do is make clear its outrage at what has happened. The second is to use its power of the purse at the first opportunity to insure that the bombing does not start up again. As for impeachment, it has become for me, for the first time, a possibility seriously to be considered; I personally would now be prepared to vote for impeachment. But a drive for impeachment would have no credibility unless it had some Republican support—otherwise it would look like a forlorn partisan political act by Democrats, still smarting from an unprecedented defeat in the presidential election. I see no evidence as yet of such Republican support.

What should unite the Congress is the threat to its own survival as a coequal branch of Government. The disdain and disregard of the Congress during the past year by Mr. Nixon has been truly astonishing, especially for a man who often boasts of being a "strict constructionist" of the Constitution.

During the days and weeks ahead we shall see whether the Congress will prove itself equal to the challenge.

An encouraging first step was taken yesterday when the Democratic caucus by a vote of 154 to 75, adopted the following resolution:

RESOLUTION

Whereas, the President has ordered extensive military combat operations without notification of, consultation with, or explanation to the Congress, as evidenced by the recent unprecedented and reprehensible bombing of North Vietnam which resulted in killing of civilians and a substantial increase in the number of American POWs and missing; and

Whereas, the U.S. has more than fulfilled any obligation it ever had to South Vietnam and the Thieu regime; and

Whereas, Section 601 of PL 92-156 (the "Mansfield Amendment") established as U.S. policy the withdrawal of all U.S. military forces from Indochina by a date certain pending only release of American prisoners and an accounting of the missing;

Now therefore be it resolved, that the Democratic Members of the House of Representatives hereby declare it to be Democratic policy in the 93rd 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 the safe withdrawal of American troops and the return of American prisoners of war.

This statement was prepared for delivery in the opening session of the 93d Congress on January 3, 1973, but could not be delivered on that day, because the House adjourned immediately after completing the formalities of organizing itself out of respect for Members who died during adjournment after the 92d Congress.

THE CONSUMER PROTECTION ACT OF 1973

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. HOLIFIELD. Mr. Speaker, today I have introduced, on behalf of Representative FRANK HORTON of New York, the ranking minority member on the Committee on Government Operations and a number of other members of our committee, the Consumer Protection Act of 1973. This bill is identical to H.R. 10835, which passed the House on October 14, 1971, by a vote of 344 to 44, after having been reported by our committee by a vote of 27 to 4.

A related bill was reported by the Senate Government Operations Committee but was filibustered to death in the closing days of the 92d Congress and, hence, we were not able to go to conference.

Our bill will create a Consumer Protection Agency which will provide representation for consumers and consumer interests before departments and agencies of the Federal Government and the courts. Such representation is sorely needed as the extensive hearings which we held amply demonstrated. The bill will also provide a statutory base for the Office of Consumer Affairs, now headed by Mrs. Virginia Knauer and located in the Executive Office of the President. It will also create a Consumer Advisory Council so that consumers themselves and persons familiar with their needs can provide advice and guidance to the two bodies referred to above.

We feel the House-passed bill will provide the best basis for our consideration of consumer protection legislation in the 93d Congress, inasmuch as it was hammered out after considerable study and deliberation on the part of our committee. Of course, the bill as introduced is not frozen and new information and ideas may result in some modifications. I am certain, however, that this Congress recognizes the importance of providing the type of representation that we seek here and of giving further assurance to the consumers of our Nation that the Congress is aware of and responsive to their problems.

We will welcome additional cosponsors and those who desire to join with us may call my office or that of Representative HORTON.

STANDING COMMITTEE ON THE ENVIRONMENT

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. BROTZMAN. Mr. Speaker, I have today introduced legislation to establish a standing Committee on the Environment in the House of Representatives. One hundred eighteen of my colleagues have joind me in cosponsoring this important proposal.

When I first suggested a standing Committee on the Environment for the House, I expressed the concern that our current method of considering environmental bills is fragmented, and that such fragmentation was preventing Congress from taking a leadership role in the fight for a quality environment. The intervening period has further convinced me that this was a correct assessment.

Environmental bills are referred to a myriad of congressional committees. In each case the committee receiving the bill is chiefly concerned with some other area of legislative activity. While this arrangement was satisfactory before the increased awareness of environmental problems took hold, we have now reached the point where one standing committee should be established to deal with air pollution, water pollution, herbicide and pesticide abuse, noise pollution, solid waste management, and weather modification.

The House has twice recognized the inadequacy of its current committee jurisdictions to deal effectively with environmental legislation. In both the 91st and 92d Congresses, a joint resolution was passed for the establishment of a Joint Committee on the Environment. This joint committee would have served a useful clearinghouse function, but unlike the standing Committee on the Environment, no bills would have been referred to it and it would not have had jurisdiction to report measures to the floor. Unfortunately, even this half-step joint committee failed to become operational since no conference report was ever filed following initial House and Senate approval.

As a result, we now move into the 93d Congress with no committee having general environmental jurisdiction. Yet the problems of environmental quality are not vanishing. The number of bills introduced to upgrade that quality continues to proliferate, and the leadership in the environmental quality crusade continues to slip by default to the executive branch of the Government.

The time has come for the House to act. Creation of a standing Committee on the Environment could be the one step which enables this generation of Americans to leave the earth, its atmosphere, and its waters in better condition than we found them.

Cleaning up the environment is going to be a costly operation. We owe it to the American people to structure the Congress in such a way as to allow environmental restoration to proceed efficiently. The executive branch, through the reorganization which established the Environmental Protection Agency, has taken the lead in recognizing that environmental problems cannot be solved on a piecemeal basis. The House should do no less.

I hope, Mr. Speaker, that action can be scheduled on the standing Committee on the Environment at an early date so that the House might begin to reap its benefits during the 93d Congress.

CONGRESSIONAL REFORM

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. DU PONT. Mr. Speaker, I have today introduced two pieces of reform legislation that I consider vital to improving the performance of the Congress.

The first deals with the composition of House delegations to House-Senate conference committees. It provides that a majority of the House Members of a conference committee shall have indicated by their votes their support of the bill as passed by the House and their concurrence in the prevailing opinion of the House in matters of disagreement with the Senate.

At least twice during the 92d Congress difficulty was encountered in sending bills to conference precisely, because the votes of the membership of proposed conference committees did not reflect the position taken by the House in voting on the legislation. This difficulty would have been avoided if legislation such as I am proposing today had been in effect. Further, as a matter of fundamental fairness conferees should represent the position of the House. Everyone should be able to agree to that.

I do not ask that all members of the proposed conference committee have agreed with the House position; only that a majority of the conferees have done so. Such a role would have avoided problems in the past, and would be a step toward making the action of House more representative of the will of its majority.

The text of the resolution follows:

Resolved, that the Rules of the House of Representatives are amended by adding at the end of clause 2 of rule X the following new paragraph:

"A majority of the House members of a conference committee shall have indicated by their votes their support of the bill as passed by the House and their concurrence in the prevailing opinion of the House on matters of disagreement with the Senate. The responsibility to insure that a majority of the House members of a conference committee are in agreement with and intend to support the significant provisions of the bill as passed by the House shall rest with the speaker."

The second piece of legislation I have introduced today deals with a Member's right under present House rules to revise and extend his remarks in the CONGRESSIONAL RECORD.

That a Member should be able to correct typographical or grammatical errors in his spoken remarks is proper; that he should be able to engage in wholesale revision of the scope, intent, and substance of his remarks is not. It is also proper that a Member should be able to add material to his oral presentation on the floor of the House if he feels that it would clarify or reinforce his argument. But it is not appropriate that such additions should appear in the RECORD as if he had spoken the written words, when he in fact did not. Such is the case under the present rules of the House.

My resolution introduced today simply provides that the CONGRESSIONAL RECORD shall be an accurate, verbatim record of House proceedings, subject to grammatical and typographical correction. It provides further that if a Member chooses to add material to his remarks subsequent to their delivery on the floor of the House, such material shall be printed in a type face distinctive from that used in reporting his verbatim remarks. Such a distinction will clearly indicate which remarks were spoken, and which subsequently added in writing.

The text of this resolution follows:

Resolved, That the Rules of the House of Representatives are amended by adding at the end thereof the following new rule:

"RULE XLV

PRINTED RECORD OF FLOOR PROCEDURES

1. The body of the Congressional Record for the House of Representatives shall contain an accurate and verbatim account of remarks actually delivered on the floor of the House.

2. Members shall be entitled to revise remarks delivered by them on the floor of the House, but such revisions shall be limited to the correction of grammatical and typographical errors; and in no event shall such corrections make any change in the meaning, content, or substance of those remarks.

3. Members shall be entitled to extend such remarks by the addition of statements, tables, statistics, and other supporting data dealing with the subject under discussion. Each such extension shall appear in the Congressional Record immediately following the remarks actually delivered of which it is an extension, and shall be printed in a type face distinctively different from that used for verbatim remarks."

Mr. Speaker, it is my belief that the adoption of both of these changes to the House rules would improve the procedures of the House and make it a more responsive and more responsible institution. I urge my colleagues to join me in working for their passage.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

FEDERAL FINANCIAL DISCLOSURE ACT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. ANDERSON of California. Mr. Speaker, today I am introducing the Federal Financial Disclosure Act. This measure will require full financial disclosure on the part of Members of Congress, judges of the U.S. court system, Cabinet members, policymaking officials of the executive branch, and all officers or employees in the executive branch earning over $18,000 a year.

We, in the Congress, and in Government, are holders of the public trust—a very fragile trust that is occasionally eroded. We have the obligation to preserve the dignity and the respect for the Government that I feel she deserves, and I can think of no better way than to reveal to the public our holdings, and to report everything in which we might conceivably have a direct or indirect interest.

Mr. Speaker, I sincerely believe that the great majority of public officials are much more concerned with the affairs of the public than they are their own. However, we must insure that everyone is above reproach and is not in a position of influence simply for private gain.

The pay scales of those in the executive and legislative branch are at a level where outside income is not necessary to live comfortably. This is the way that it should be, first, so as not to limit Government service to only those wealthy enough to take the time to make our laws, and second, so that those in public office are working for the public and not for themselves.

Mr. Speaker, this act is simple. It calls for full financial disclosure by Members of the House of Representatives, Senators, Justices, and judges of the U.S. court system, the President, the Vice President, Cabinet members, and other policymaking officials of the executive branch as determined by the Chairman of the Civil Service Commission. Under the act, the following items must be reported:

First. Gross income of principal person and members of his immediate family.

Second. All honorariums and compensation payments, including names of sources and amounts—includes commissions, salaries, fees, and so forth.

Third. Gross income from business enterprises, including amounts, addresses, and names of businesses, and nature of the businesses.

Fourth. Itemization of gains from dealings in property, including names and addresses, and brief description of each transaction.

Fifth. Income from interest, including sources and amounts.

Sixth. Sources of income from rents, royalties, and dividends.

Seventh. Indebtedness, including names and addresses and aggregate amount.

Eighth. Itemization of income from partnerships or membership in professional groups. Names and addresses for such payment that exceed $1,000.

Ninth. Itemization of income from estates or trusts in which principal has an interest, and nature of that interest.

Tenth. Report on all gifts exceeding $100 in value, including names and addresses of donors, amount or value of gift, and description thereof. Report shall also contain a list of gifts to the principal and his family which exceed $500 in value, including names and addresses of donors.

Eleventh. Report to contain list of assets held by principal and his immediate family. List to include value of each asset and brief description. Household furnishings and personal effects excluded.

Twelfth. Report to include names and addresses of each person or organization to whom the principal and his family owe at least $5,000. It also includes statement of total indebtedness.

Thirteenth. Report to include all funds used to defray expenses incurred by reason of his being an official member, candidate or judge, including names and addresses of all persons contributing to the funds, the amount of each contribution, the amount of each expenditure, and the purpose of each expenditure.

Mr. Speaker, our Government rests on the theory that the people elect representatives to act in the public interest. To remove any doubt that our decisions are motivated solely by the public interest—not by a special interest, or by private gain—those of us who are fortunate enough to serve in Government should be required by law to divulge the source of our income. Such a reform would be a giant step toward removing any cloud of suspicion that hangs over Government officials and toward reinstating the public's confidence in our system of government.

THE PUBLISHING INDUSTRY AND POSTAL RATES

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. UDALL. Mr. Speaker, as we begin the 93d Congress, there are many important issues facing us. One area that we all are keenly aware of is free speech and Freedom of the Press. At no time in my memory have there been so many public attacks from such high levels on the right of the Fourth Estate to publish in a free and open manner. This year we will probably be asked to debate and vote on the right of a reporter to protect his confidential sources.

At the same time, the economic facts of life have begun to create serious problems for these journals of fact and opinion which can also result in the stifling of their publishing ability. I need only mention the recent death of Life magazine to bring this point into sharp focus. While we cannot guarantee that the publishing industry will be eternally healthy for all of its members, we can support legislation which creates a public policy fostering their continued well-being. One way we can do this is to maintain a reasonable level of costs related to their use of the Postal Service.

To that end, I am today introducing legislation which provides some relief, albeit it partial, in the area of postal rates for magazines and newspapers. This legislation is identical to a proposal H.R. 17129 I introduced in the closing days of the 92d Congress. In the House on September 21, 1972, is a lengthier explanation of this proposal. I hope the House will give this serious and early consideration.

MARIHUANA IS A DANGEROUS DRUG

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. McCLORY. Mr. Speaker, one of my young constituents, Bruce Eric McKenney of Crystal Lake, a student at Northern Illinois University, died recently apparently from an excessive use of marihuana. According to the findings of Dr. Frank Fiorese of the Illinois Toxicology Laboratory at Chicago, young Bruce McKenney's body contained traces of marihuana in his brain, kidneys, blood, liver, and gastric juices. Subsequent to this tragic occurrence, the city of Crystal Lake took steps to try to protect others from the potential dangers of marihuana.

My friend and constituent, Ray Reynolds has composed a most meaningful letter to the major and city council of Crystal Lake demonstrating the dangers of marihuana and the influence of marihuana use in connection with subsequent dangers from harder drugs.

I am attaching Ray Reynolds' significant views as set forth in his open letter, as follows:

OPEN LETTER

Mayor and Council of Crystal Lake:

You are to be complimented on backing the new Crystal Lake Abusive Drug Committee. While the original committee was a good committee, had it continued, the new committee is far superior and should be more effective in guiding the misled young people in Crystal Lake. The most important change was the addition of professional people as a major part of the committee.

It is hoped the residents of Crystal Lake will become aware of what you and the committee are doing. They also should become involved both with their time and money. This project will require years of patience and activity, but in the long run will accomplish a tremendous amount of good for our future citizens.

It is my understanding that the city and the state together will provide two-thirds of the money necessary but that one-third ($10,000) must come from the generosity of the local citizens. Tell our citizens that one of the enclosed checks is from interested people, out of our nation, in Canada. If they are interested in the youth of Crystal Lake, surely citizens living here should dig into their pockets and make this program of help and education for their youth a success.

The people must realize that the police department with all of their special training are only good in the prevention and elimina-

tion of the distribution of these drugs. Experience has proven that law and order only frighten the misled individuals using these drugs. This is where the committee can help out and it needs the support of the money and time of all good citizens, cooperating with the police department for elimination of the use as well as the sale of drugs.

Atlas Electronics Ltd. of Toronto, Canada, the Canadian representative of Drake Mfg. where I am employed and where my son was part-time employed have asked that you, the council, turn this check for $100 over to the Drug Abuse Committee in memory of my son who lost his life about a year ago because of the lack of the proper information of help of a similar committee. My wife and I also enclose a check for the same amount for the same purpose.

I know from experience and research that while marijuana in itself may not be too harmful it is the cause of many people getting into the use of a harder drug. I am sure the committee would back me up in this statement.

Today many people in legitimate businesses make money, indirectly, through the sale of harder drugs to our youth. They are fighting to have marijuana legalized and there is a bill in the House of our United States Congress that stands a good chance of being passed for legalizing marijuana. This is Representative Koch's Bill HR 14549.

Let me quote from a letter to Congressman Baker from the father of another intelligent boy who is still in the process of recovering in the Arlington Heights Hospital. His father talked the past two months to many young people that visited his son; this is the quotation: "One thing that has come out is that he (the son) and his friends had been smoking marijuana and had found it dull and had looked for something that would be more stimulating. These youths, in effect, confirmed what I have always believed, marijuana can and does lead to other drugs which can have a lasting effect on the human brain and body", end of quotation.

Yes, pushers visit "pot" parties and find it easy to get someone under the effects of marijuana to try a harder drug, while the person under sober circumstances would not try such a thing. True, the same can be accomplished at alcohol parties but the pushers can't find these so easy. This is one reason why manufacturers of drugs are interested in legalizing marijuana.

Please, on behalf of the youth as well as the memory of my son, your neighbor, pick up a pen and write your United States Congressman to vote NO on this Bill—HR14549. I repeat, Bill HR14549.

THE RIGHT OF AMERICAN CITIZENS TO BUY, SELL, AND HOLD GOLD

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. SYMMS. Mr. Speaker, there has been increasing support throughout the country recently for the restoration of the right of American citizens to buy, sell, and hold gold. In my opinion there never was, and there is not now, any valid reason to prohibit individuals from owning, buying, or selling gold. The right to own gold for protection and/or investment should be fundamental in a free society such as ours. Therefore, I am introducing a bill to repeal sections 3 and 4 of the Gold Reserve Act of 1934. I hope that the Banking and Currency Committee will give this bill early and favorable attention.

JUVENILE JUSTICE

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. RAILSBACK. Mr. Speaker, I am today reintroducing legislation to create an Institute for Continuing Studies of Juvenile Justice with 56 of my colleagues. I take this opportunity to invite any other Members who wish to cosponsor the bill to notify my office.

Support for the juvenile justice bill has been gratifying. In the 92d Congress over 100 House Members joined Congressman BIESTER and me in introducing this legislation. Twenty-four Senators, led by Senator CHARLES PERCY and Senator BIRCH BAYH, sponsored companion bills. The House of Representatives passed its version, H.R. 45, on April 18, 1972; and this bill was subsequently favorably reported from the Senate Juvenile Delinquency Subcommittee on September 13. Although no further action could be taken before the 92d Congress adjourned, I feel confident this new Congress will witness the enactment of the juvenile justice bill.

This legislation has been endorsed by some of the best known authorities on the subject of delinquency in the country, including the National Council on Crime and Delinquency, the American Bar Association, the National Council on Juvenile Court Judges, the American Parents Committee, and the PTA. Further support has come from individuals concerned about juvenile justice all across the country.

Briefly stated, this bill creates an independent Institute for Continuing Studies of Juvenile Justice. The primary functions of the legislation are threefold: First, to provide training programs and facilities for personnel involved in the prevention, control, and treatment of juvenile crime and delinquency, patterned after the highly successful FBI Academy; second, to provide a coordinating center for the collection and dissemination of useful data on treatment and control of juvenile offenders and the juvenile justice system in general; and third, to prepare studies on juvenile justice including comparisons and analyses of State and Federal laws and such model laws and recommendations which will be designed to promote an effective and efficient juvenile justice system.

The Institute would be under the supervision of a director appointed by the President. Overall policy and operation would be set by the director and his advisory commission composed of members of appropriate Federal agencies and experts from the private sector concerned with juvenile justice.

The training program which the Institute would operate is a matter of the highest priority. One of our greatest current problems is the lack of adequate training of those individuals whose function is to deal with young people who have run afoul of the law. The American Parents Committee questioned each of the State directors of juvenile justice programs on their priority needs for delinquency prevention and control. Almost without exception it was found that States desperately need trained probation officers for juvenile courts. Judge Everett West of Fowler, Ind., in discussing H.R. 45, said:

> I think this is the greatest opportunity to give . . . judges . . . an efficient method to train probation officers.

I have noted that just recently the General Federation of Women's Clubs has recommended the training of more judges skilled in handling juvenile court cases, and the training of more, better qualified professionals for detention setups.

Another serious problem in our present juvenile justice system is the fragmentation of Federal and State agencies and programs dealing with juvenile offenders, and the lack of coordination among them. The legislation I am today introducing provides a center to cordinate and gather information on the various programs. Judge James Gulotta of the National Council on Juvenile Court Judges succinctly put it this way:

> Historically, there has been a lack of organization among the states in the areas of coordinated research, planning, communication, and evaluation. Too often the individual child has suffered because his individual state received and processed fragmented information, or lacked—or even completely misunderstood—the resources and knowledge available to only a few.

Hugh Reed of the prestigious National Council on Crime and Delinquency believes that something must be done to insure the maximum effectiveness of the funds that are now being invested in law enforcement programs, principally those of LEAA and HEW. Thomas G. Pinnock, deputy director of the department of institutions for the State of Washington has called for a central clearinghouse for materials regarding the problems of delinquents and some means established for the regular dissemination of the information to those of us directly involved with the problems of youth. H.R. 45 and identical legislation which is being introduced this afternoon provides this clearinghouse.

The Institute established by the juvenile justice bill is also directed to analyze the various statutory provisions, develop model laws and codes, and make appropriate recommendations. This function holds much promise for steps to be taken to clear the existing confusion and create a uniformity in our juvenile justice system that is sorely needed. The American Bar Association and the American Law Institute have achieved striking results with a similar approach.

Many changes are needed in our present system of juvenile justice. By providing training, by gathering and disseminating pertinent data, and by developing model codes and laws, I am convinced we can improve the juvenile justice system substantially.

Mr. Speaker, at a time when juvenile crime is up by 78 percent, and some 100,000 children are deteriorating in jails at any given day, it is clear we must set about the task of reducing juvenile crime. Mr. Speaker, I urge that the legislation being introduced today receive the earliest and favorable consideration by the Congress.

LEGISLATION TO END FORCED BUSING—A HIGH PRIORITY IN THE 93D CONGRESS

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. BAKER. Mr. Speaker, today, I am introducing a constitutional amendment with the purpose of halting the forced busing of schoolchildren which is still plaguing parents and students throughout our land.

My proposed amendment states:

No public school student shall, because of his race, creed or color, be assigned to or required to attend a particular school.

Congress shall have the power to enforce this article by appropriate legislation.

Despite my continuous efforts, and those of many of my colleagues, we were unable to pass any effective legislation to halt court-ordered busing in the 92d Congress. Thus, our communities are still under massive involuntary busing plans which threaten to undermine our neighborhood school system and to destroy educational quality.

I have long believed that a constitutional amendment such as the one I am offering today is the most effective way of permanently halting court-ordered busing.

As the 93d Congress convenes, we must consider the halting of forced busing among our highest priorities. The American people have consistently spoken out against this practice of busing small children across town to attend school. In every region of the country, they have opposed forced busing by overwhelming majorities.

If we are to be truly representatives of the people—if we are to reflect their will on this most important issue—we cannot fail to adopt this Constitutional amendment without delay.

It is interesting to note that many of our young people—those who are or soon will be the parents of small children—are among the most outspoken opponents of forced busing to achieve arbitrary racial quotas. A resolution recently adopted by the Tennessee Young Republican Federation is illustrative. It "requests and encourages" all Senators and Representatives to "put an expeditious end to the unnecessary busing of students for the purpose of racial balance through the process of legislation, if possible, or through the process of Constitutional revision, if possible."

I am happy to insert the entire resolution at this point. I hope all my colleagues will read it and agree with the excellent points it makes against busing. And I wish to thank the members of the Tennessee Young Republican Federation executive board for making this resolution available to me.

The resolution follows:

TENNESSEE YOUNG REPUBLICAN FEDERATION

On November 11, 1972, in Memphis, Tennessee, at the quarterly Board Meeting of the Tennessee Federation of Young Republican Clubs the following resolution on busing was passed.

It was further moved and seconded that copies of the resolution be sent to the Governor, Senators and Congressmen in Tennessee. Motion carried.

RESOLUTION ON BUSING

Whereas, the Tennessee Federation of Young Republican Clubs believes that the primary function of the educational system in the limited states is to give a quality education to all people regardless of race, creed or national origin; and

Whereas, the concept of busing to achieve "racial balance" contributes nothing to the quality of said education and requires the expenditure of large blocks of public funds which could be better utilized to improve the quality of the educational system itself; and

Whereas, the concept of busing to achieve "racial balance" represents a further unnecessary intrusion into the rights of many of the citizens in our nation;

Be it resolved, that the Tennessee Federation of Young Republican Clubs hereby request and encourage all Senators and Representatives to the National Congress to put an expeditious end to the unnecessary busing of students for the purpose of "racial balance" through the process of legislation if possible or through the process of Constitutional Revision if necessary.

PLOVDIV INTERNATIONAL FAIR

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. ERLENBORN. Mr. Speaker, during the latter part of September, I had the privilege of attending the 1972 Plovdiv International Fair near Sofia, Bulgaria. The American pavilion of the fair was conducted under the auspices of the U.S. Information Agency, and I was the official representative of the United States.

From the number of people who stood in line to see our exhibit, I estimate that the U.S. exhibit was a box office success; and based upon the number of Bulgarian officials who visited the display, it was a political success.

A writer for Parade magazine reported critically on the fair, thus prompting me to write USIA Director Frank Shakespeare of my own impressions. So that my colleagues also may be aware of my impressions, my letter to Mr. Shakespeare follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., November 22, 1972.

FRANK SHAKESPEARE,
Director, U.S. Information Agency,
Washington, D.C.

DEAR FRANK: It was my intention to write you about the Plovdiv Trade Fair immediately after my return from Bulgaria in September, but the pace of Congressional work plus the imminence of the election persuaded me to postpone that letter until later. In the interim, I understand that a critical comment has appeared in Parade Magazine.

I doubt that the writer was at the Fair or, if he was, I believe he chose to comment only on a small part of what he saw.

The American exhibit was made up of three rooms. One small room showed a sampling of conveniences which are common in the United States, such as blenders, steam irons and vacuum cleaners. In another small room was a slide projector showing samples of pollution, resulting mostly from our advanced industrialization.

The large (and main) room of our exhibit displayed some of the larger conveniences and luxuries which we know here, plus the ways we have devised to counteract pollution.

Politically, Bulgaria is not friendly to the United States, probably even more anti-American than the Soviet Union. The Bulgarians are quite sensitive, and would resent any attempt on our part to use the Plovdiv Fair for blatant indoctrination. In my view, our exhibit there avoided this hazard.

Instead, we gave the Bulgarians a message that the United States is an affluent people who enjoy many advantages because of our technology and who are trying to offset the disadvantages brought on by our machines.

From the number of people who stood in line to see our exhibit, I estimate that the United States exhibit was a box office success; and based upon the number of Bulgarian officials who visited the display, it was a political success.

It is my intention to insert these remarks in the Congressional Record when Congress reconvenes.

Yours very truly,

JOHN N. ERLENBORN.

VIETNAM: OUT NOW

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. KOCH. Mr. Speaker, I cannot speak in words harsh enough to describe my feelings of disappointment, betrayal, and outrage at the President's renewed bombing offensive in Vietnam. Over 2 months ago, in what now appears to have been an election-eve grandstand play, the President assured us that a negotiated end to the war was at hand and that our prisoners of war and fighting forces would be home by Christmas. Then, without any attempt to inform the Congress or to solicit its views, the President has initiated the heaviest bombing attacks.

Again and again during the past 4 years the President has proclaimed that just one extra offensive effort—the invasion of Cambodia, the mining of Haiphong Harbor, and most recently the indiscriminate bombing of North Vietnamese cities—would bring the negotiators to their knees at the bargaining table. Instead, these have brought the wanton destruction of the Vietnamese countryside, the razing of its urban centers—including even civilian hospitals—and the severe criticism of several of our closest international allies. In these 2 months, many more of our young men have been killed, wounded, and taken prisoner.

We Members of Congress must not acquiesce any longer in permitting this barbarism to continue. It is Congress prerogative to wage war and we should not permit this unconstitutional waging of war to continue. It is upon our conscience that further death and destruction must lie. We have been deceived time and time again, and it is essential that Congress now pick up the initiative in restoring both the conditions for meaningful peace negotiations and a proper balance of government.

The legislation which I introduced on the first day of this Congress requires the

withdrawal of all U.S. ground, naval, and air forces from Vietnam within 30 days of the bill's enactment. No funds already authorized or appropriated will be allowed to be used for purposes other than the withdrawal of our forces. In addition, this bill prohibits any further U.S. bombing in or over North Vietnam, South Vietnam, Cambodia, or Laos.

The withdrawal of our troops is contingent only on the simultaneous release of our prisoners of war and an accounting of our missing in action. According to news reports, the North Vietnamese have already agreed to these conditions in the October agreement.

The Democratic caucus by a majority vote of 154 to 75 has indicated its support for an immediate ending of the war. My bill would implement legislatively the desires of that caucus.

RUDOLPH CAMMERATA: A RESPECTED AND POPULAR UNION LEADER

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. PATTEN. Mr. Speaker, one of the most respected and popular union leaders in the State of New Jersey, Rudolph Cammerata of North Brunswick, will be honored at his retirement dinner on January 13.

Over 1,000 persons—from workers to company executives—will attend that dinner to show how strongly they feel about Rudy Cammerata, who has dedicated the past 30 years of his life to improving conditions for the thousands of textile union members he has served with such great devotion.

Rudy Cammerata's record as a union leader is outstanding: He was president of Local 630—in Johnson & Johnson—for 4 years; was business manager of the Central and South Jersey Joint Board of the Textile Workers Union, AFL–CIO–CLC; was business agent of that joint board for 25 years; and has also been an international representative of that progressive union. That is a remarkable record of achievement, but Rudy Cammerata is a remarkable man—a man of many talents.

He has a good mind, a heart that has that rare blend of courage and compassion, a charisma that effective leaders must have, and a sterling integrity. It is because of these qualities that Rudy Cammerata will be honored on January 13. And it is because of these exceptional qualities that over 300 management officials will attend, from supervisors to company presidents. In a sense, they will be there to say to Rudy Cammerata—and to the public—even though you fought for the rights of union members with great conviction and tenacity, and despite the fact that we have often disagreed on cases and issues, you were fair, and we respect you for your responsible leadership.

So along with the more than 1,000 persons who will be at that retirement dinner, and the thousands of others who will be there in spirit, I saluate Rudy Cammerata. He will not only be remembered, appreciated, and missed by the Textile Workers Union of America, but by management, and perhaps most important of all, by the public that hopes for more union leaders and men like Rudy Cammerata. Officially, he will retire, but what he accomplished and what he stands for, could never retire—they live on as an inspiration to all.

FARMERS PAY FOR THE BOMBS

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. RONCALIO of Wyoming. Mr. Speaker, as the sole Representative of a State whose economy is largely based on agriculture, I can only view with alarm the recent actions of the executive department with respect to the rural environmental action program, Rural Electrification Administration, emergency disaster aid, and the increase in dry milk imports.

These programs, supported over the years by both parties, have met the test of time. They were sustained in years when the Federal budget was a fraction of what it now is.

To sacrifice these programs at a time when billions of dollars continue to be expended in a war which is not supported by the majority of the American people only intensifies the tragedy of Vietnam.

I urge my colleagues from all sections of America, urban and rural, to recognize the basic injustice of making agricultural programs pay the price for the war. I insert for the review of my colleagues an eloquent statement of this issue by John Stencel, president of the Rocky Mountain Farmers Union:

DENVER, COLO.,
December 29, 1972.

HON. TENO RONCALIO,
House of Representatives,
Washington, D.C.

DEAR TENO: I am astounded—as a matter of fact, I am livid with anger—by the administration's recent termination of farm programs that have stood for decades, under both Republican and Democratic administrations. Killing them in the name of balancing the budget is a specious rationalization when tons of bombs are being dropped and more than 15 B–52's have been lost over Vietnam. It seems that the more than sixty billion dollars that has been used to support the war effort could be used for programs in the United States that have, or should have, greater priority. Educational and housing projects need immediate attention, highway funds are being frozen at a time when transportation needs are increasing at unfathomable rates—the loss of nineteen Texas youth in New Mexico is only one instance where highway funds were not available to build a wider and safer bridge—and agricultural programs such as emergency disaster aid for farmers in time of adverse weather conditions needs to be extended instead of deleted.

When farmers and ranchers are still only at 75% of parity compared to other segments of the economy, it is strange that the meat quotas are suspended completely for 1973, that the cotton program will lose $110 million in payments, that the feed grains program will lose $800 million in payments, that the REAP program is killed outright, that emergency disaster aid through FHA emergency loans is killed except when made available by the President, that dry milk imports are increased from 1.8 million pounds to 25 million pounds, and this just seems to be the beginning.

I do not know why farmers have to take the brunt of a budget cut when their need is as great as it has ever been and when other segments of the economy are continuing to receive larger subsidies and increasing their profits on the domestic scene, as well as gaining large profits from an unpopular war.

On behalf of the members of Rocky Mountain Farmers Union, I urge you, as a member of Congress, to exercise those powers given to you by the Constitution to stop the expenditures for the war in Vietnam and divert those funds for use at home. There are domestic needs in every area of our economy that could use the billions of dollars that we are just throwing away on a war that will not be won militarily.

I am enclosing with this letter, portions of the National Farmers Union policy program which emphasizes our stand on those issues that I have mentioned above. Let me remind you that even though farmers and ranchers are a small minority in the United States, they still produce a commodity which everyone needs.

Thank you for your attention and I hope you can and will be of help to the needs of Rural America.

Sincerely,

JOHN STENCEL,
President, Rocky Mountain
Farmers Union.

THE CONGRESS AND ITS WAR-MAKING POWERS

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. CHAPPELL. Mr. Speaker, for 12 long years, I have watched the shadow of a war creep over this land bringing with it anguish, frustration, and despair as our people endeavor to understand America's involvement on another soil 10,000 miles away in a war we have never chosen to win.

Neither praise nor condemnation of actions, past or present, but rather their unforgettable lessons, will avail us to a sensible direction for the future. One such lesson is that no government dare commit its people to prolonged armed conflict without a clear definition of the purpose of such commitment and the will of the people to pursue them to victory.

How then do we implement the lesson? We best do so by clearly implementing the respective responsibilities of the President and the Congress with reference to the constitutional power to make war.

The resolution which I am reintroducing today, I believe, is a reasonable approach to such implementation. Joining with me are 31 of our distinguished colleagues, most of whom cosponsored this measure during the 92d Congress.

This resolution in no way alters the President's power to initially engage our

troops to repel a sudden attack or to protect American lives and property. It simply requires the President, within 72 hours of committing any of our Armed Forces to action in any armed conflict outside the United States, to report such commitment to the Congress.

If the Congress shall fail to approve or otherwise act on such report within 30 calendar days after receiving it, the President shall within the next succeeding 30 days terminate such commitment and disengage all forces so committed.

This proposal embraces the intent of the framers of the Constitution and the thoughtful declaration of many great Americans after them.

The framers of the Constitution were very deliberate in balancing the powers of this Government and those of the Congress and the President, and they were deliberate for excellent reasons. All too frequently the American colonies were drawn by the King's decree into England's wars. The leaders of the newly independent republic resolved to make certain that their new country would never again be drawn into war at the direction and discretion of a single man. For this reason, it transferred the war power to the legislative branch of the newly created government.

Indeed, the framers of the Constitution recognized that the President, under certain circumstances might have to take defensive action to repel and subdue a sudden attack on this great Nation. But that was the extent of the warmaking power they were willing for him to exercise.

I deeply believe that the Constitution is a living document. The Congress of the United States must activate its responsibilities under this document for determining war and peace. I feel most profoundly that had Congress either declared war or refused to allow our involvement in Vietnam at its outset, a clear-cut attitude would have been established and the national hurt of our people avoided.

The United States is the leader of the free world today. But this is not so because our citizens are anxious that we take the lead in military conquests; nor because our diplomats are the most expert; nor because our policies are the most faultless or the most popular.

The mantle of leadership has been placed upon our shoulders not by any nation, nor by our own Government or citizens, but by destiny and circumstance—by the sheer fact of our physical and economic strength, and by our role as the only real counter to the forces of communism in the world today.

If events in Indochina have taught us to better fulfill that role, then it is not a wholly dark story. While this resolution in no way affects our present involvement, it reminds us that the mistakes of the past must be heeded in the future.

Mr. Speaker, I call for unity in a nation divided. Will we take a giant step for unity today? We must do no less.

We, in the Congress, have the power to assure the American people that never again will we allow a situation like Vietnam to occur. We can begin to unify this Nation for the future by the adoption of this resolution. By so doing we assure our people that we will totally uphold the Constitution.

Let the Congress play the part our forefathers intended in the delicate exercise of the warmaking power—now!

DANGERS INHERENT IN EUROPEAN SECURITY CONFERENCE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. CRANE. Mr. Speaker, expressions of hope and optimism about the forthcoming European Security Conference may, unfortunately, be misplaced.

Rather than setting the states for a generation of peace in Europe, that conference may, quite to the contrary, set the stage for the possible Soviet domination of the continent.

Discussing the recent Soviet diplomatic achievements in Europe, New York Times columnist C. L. Sulzberger noted that—

> The Kremlin has realized a dream to which all Soviet regimes since Stalin's have aspired: formal acceptance of the political status quo in Europe . . . Chancellor Brandt's victory in the West German elections, based on an Ostpolitik accepting a divided Germany and the Berlin Wall, was widely hailed . . . Yet it was plainly a gain for Moscow since it formalized Europe's de facto split.

The idea of the European Security Conference was first introduced by the Soviet Union in 1954, and has only been met with approval during the past year. The current Helsinki meetings will be followed by exploratory talks in Geneva on mutual and balanced force reductions. At this time, writes Sulzberger:

> Communist rule in East Europe is now implicitly acknowledged by American policy and explicitly confirmed by Bonn. The West has also set out along the road to unilateral arms reduction even before tentative MBFR discussions begin . . . the Kremlin is to be congratulated for its patient, shrewd diplomacy.

A recent analysis of the forthcoming European Security Conference was prepared by Dr. Giselher Wirsing, one of the editors of the German weekly magazine, Deutsche Zeitung/Christ und Welt, and was published in the September 9, 1972, issue of To The Point, the international news magazine.

Dr. Wirsing declared that—

> The fear is that the Security Conference will bring the Soviet Union several important steps closer to its prime objective: the liquidation of the American military presence in Europe. . . . Ultimately the Conference is part of the Soviet overall objective of breaking up the already politically weakened NATO alliance.

Discussing those in his own country who have welcomed the forthcoming conference, Dr. Wirsing writes:

> This should be particularly obvious in West Germany, where both leftist neutralists and communists are openly predicting that the Conference will lead to the dissolution of military pacts. These Moscow puppets fail to observe that the Warsaw Pact, even if 'formally' dissolved, would live on in the closed society of East Europe, but that NATO cannot continue to survive 'unofficially' on the same basis.

Those who welcome the European Security Conference should carefully consider the warning set forth by Dr. Giselher Wirsing. I wish to share his article with my colleagues, and insert it into the RECORD at this time, as follows:

NO-COMFORT CONFERENCE

Preparations for the European Security conference—for which the Soviet Union has been pushing throughout the past five years—will begin shortly in Helsinki, the capital of Finland. In fact, the title of this important gathering is misleading. The Kremlin has no real desire to see the security of Europe discussed in Helsinki. Russia has demanded that all questions relating to disarmament and to the reduction of armed forces be left out of consideration and that they be transferred to the agenda of a different, as yet unscheduled, conference. It is doubtful whether this will even take place at all.

It is a feather in the cap for Soviet diplomacy that a Security Conference will take place which negates, at the outset, its principal objective. Washington and London have for years regarded the Soviet Conference proposals with great misgivings, knowing only too well that the Soviet Union's only purpose was to have the Brezhnev doctrine tacitly accepted in Europe, and to obtain recognition for East Germany. At the same time the Western countries were unable to agree on a united approach for the Conference; there was even no unanimity on the demand that Europe's most urgent problem—the massive concentration of armed forces in Western Russia, East Germany and Czechoslovakia—should be discussed. And from the outset it was clear that the Scandinavian countries were labouring under an illusion concerning the objectives of the Conference: Sweden's Prime Minister Olaf Palme distinguished himself with utterances which were as enthusiastic as they were divorced from reality.

In the event, Willy Brandt's Germany became the pacemaker of Soviet planning. At this meeting with Brezhnev in the Crimean holiday resort of Oreanda, the Chancellor agreed completely with the Soviet leader's plans. Indeed, at this time, Brandt still believed that a discussion of Mutual and Balanced Force Reductions (MBFRs) would be on the agenda of the conference—and so walked into a trap prepared by Soviet diplomacy. It was only after Oreanda that Moscow made it clear that MBFRs were not in fact to be discussed at the European Security Conference. In Brussels Belgian Foreign Minister Pierre Harmel urged that at least some military problems be discussed at the Conference; to which Andrei Gromyko replied tersely that the Soviet Government considered the subject of MBFRs "not ripe enough" and rejected even the mild proposal to exchange observers at military manoeuvres.

While in Moscow President Nixon, in turn, endorsed US participation in the Security Conference without a discussion on what "security problems" were actually involved. This was not exactly a highlight in American diplomacy: but the Americans point out that the Europeans had already let them down. The Americans also insist that Nixon accepted the idea, unappealing as it was to him, only because Brezhnev made it a prerequisite for signing the SALT agreement. In Washington it is now whispered that it is still possible to wreck the Conference during the preliminary discussion in Helsinki if it becomes doubly clear that it is not serving, in any respect, basic Western interests. But this looks like an empty threat, as do the

remarks in Bonn that Germany would not take part in the Conference if discussion on MBFRs are completely ruled out. There is nothing to indicate that the Brandt/Scheel Government could find the determination to adopt such a strong stand when it is prepared to relay the establishment of diplomatic relations with China simply to placate Moscow.

Plans for a Security Conference in the past years have greatly interested some East European states. Countries such as Yugoslavia and Rumania had hoped that at such a Conference a formal declaration of noninterference in the domestic affairs of European countries could be achieved, which would protect them from the fate of Czechoslovakia. But the Soviet Union has made it abundantly clear that it is not prepared to allow other communist countries any freedom of discussion at the Conference. This, certainly, was the impression gained by US diplomats in Moscow during President Nixon's visit to Russia. The only hope left is that the US, and some European states whose governments have not allowed their sights to be completely fogged by Soviet diplomacy, will insist that the Conference should discuss in detail the question of free movement of persons and ideas in Europe. However, this entails asking the Soviets and East Germany to permit their citizens to travel freely in Europe and to admit the Western press, and there is virtually no hope that these requests will be met. Most observers believe that it would be worthwhile fighting for them; but considering the discord in the Western camp there is little hope of such a fight developing, and even less of it achieving positive results. In fact, the fear is that the Security Conference will bring the Soviet Union several important steps closer to its prime objective: the liquidation of the American military presence in Europe. President Nixon must be rightly afraid that the Security Conference (with its detente euphoria) will strengthen the unholy alliance between the Kremlin and those American senators, such as Mike Mansfield, who presently demand the withdrawal of all US troops from Europe. Ultimately the Conference is part of the Soviet overall objective of breaking up the already politically weakened NATO alliance. This should be particularly obvious in West Germany, where both leftist neutralists and communists are openly predicting that the Conference will lead to the dissolution of military pacts. These Moscow puppets fail to observe that the Warsaw Pact, even if "formally" dissolved, would live on in the closed society of East Europe, but that NATO cannot continue to survive "unofficially" on the same basis. Bluntly, there is an acute danger that the Security Conference will not only strengthen the status quo, already favouring the Soviets, but in fact change it to Russia's clear advantage.

A BILL RELATING TO THE PRIVATE CARRIAGE OF FIRST-CLASS LETTERS

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. SYMMS. Mr. Speaker, for the past several years mail service in the United States has grown steadily worse. It seems that the Postal Service is being strangled by its own bureaucracy.

I would like to call your attention to the laws prohibiting the carriage of first-class letters by private agencies. These laws are not only a violation of the spirit of the free enterprise system, but they are hindering the efficient delivery of mail since it has been demonstrated that private carriers can provide faster service at lower cost than the Federal Postal Service is able to provide. Therefore, I am introducing a bill to repeal certain provisions of the law relating to the private carriage of letters. I hope that the leadership of the Post Office and Civil Service Committee will give this bill their early attention.

REFORM IN SOCIAL SECURITY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. FRASER. Mr. Speaker, the two legislative measures that boosted social security benefits by 20 percent and included other important improvements to the program have greatly alleviated the problem of poverty among the Nation's aged. But taxes have soared, generating a great outcry for a reform of social security financing.

An article by Louis Hollander that appeared in the New York Times on January 3, 1973, discusses this issue. Mr. Hollander has done a good job. The article 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 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 a 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.

FEDERAL PRIVACY BILL

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. KOCH. Mr. Speaker, since the accumulation of information on individuals that is being stored in thousands of Government computers and files is still growing with no administrative regulations in sight, it become even more urgent that Congress address itself to the problem. I have reintroduced my Federal

privacy bill in the 93d Congress. The gross collection of data by the Government cannot help but pose a threat to personal privacy and individual liberty. It is time that the Congress act decisively in developing adequate safeguards to balance the Government's legitimate needs with the citizen's right to privacy.

My bill would do the following: first, notify the individual that such a record exists; second, notify the individual of all transfers of such information; third, disclose information from such records only with the consent of the individual or when legally required; fourth, maintain a record of all persons inspecting such records; fifth, permit the individual to inspect his records, make copies of them, and supplement them; sixth, permit an individual on a proper showing to require the agency to remove erroneous or misleading information from an individual's file; and seventh, create a Federal privacy board to supervise the administration of the provisions of the bill.

The board would hear appeals by individuals seeking the removal of erroneous or misleading information contained in their file. It would also hear complaints that an agency had not complied with other requirements of the bill. If the board found that one or more requirements of the Federal Privacy Act had not been met, it would issue a final order directing the agency to comply. Appeals from the board decisions could be taken to the U.S. district court.

Exceptions to the disclosure rule would be made in the case of records that are either expressly required by Presidential order to be withheld in the interest of national security or for purposes of pending criminal prosecution. In the latter case, if the prosecution is not commenced within a reasonable time, the file would have to be released and in all events is subject to court order directing its release. The President would be required to notify the Congress on an agency-by-agency basis each year of the number of files withheld for these reasons. These disclosure provisions should apply to files held on organizations and corporations, as well as individuals.

Another bill I am introducing today also deals with the right of individual privacy. This measure, originally introduced in the Senate by Senator SAM ERVIN, would prohibit the use of the lie detector tests in employment practices. It covered both Federal agencies and businesses engaged in interstate commerce, and would prohibit an employee from requiring a job applicant to take a polygraph test as a condition of employment, and the denial of employment, the denial of promotion, or the discharge of an individual for his or her refusal to submit to such a test.

Requiring polygraph tests debase an individual and undermine the person's right against self-incrimination protected by the fifth amendment. Courts have refused in most jurisdictions to admit polygraph tests as evidence because of their gross unreliability.

Although there may be honest disagreement on the legitimate role, and the scope of that role, the Government has in collecting information on its citizens, I would hope that everyone would agree that once the information has been collected, there must be some mechanism whereby the individual citizen can be apprised of what has been collected, and how that information may be dispensed. I believe that both of these bills are essential to protect the citizens of our country and hope that Congress will act favorably on this legislation in the 93d Congress. The age of the computer is already with us. The question is will we control the computer or will it control us?

SPACE ENGINEERING GENIUS, DR. REES, TO RETIRE

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. JONES of Alabama. Mr. Speaker, Dr. Eberhard Rees will be retiring as director of the Marshall Space Flight Center in Huntsville, Ala., January 19 after more than 27 years of constant dedication to the advancement of this Nation's space efforts.

Dr. Rees is a soft-spoken and well-liked engineer who has been a keystone in a variety of scientific programs and technical projects over the years. He has been deeply involved in the development of the Saturn launch vehicles, lunar science, high resolution astronomy through the Stratoscope, Large Space Telescope, high energy astronomy through a spacecraft called the High Energy Astronomy Observatory, solar astronomy through the Apollo Telescope Mount and the Skylab program.

In addition to his space work, Dr. Rees has been a conscientious citizen of Huntsville and of the United States. He has been involved in the enhancement of the civic and cultural life of his adopted community and will continue to be a positive force for improvement.

An interesting profile of Dr. Rees was published recently in the Huntsville Times. Because of his significant contributions to our national effort in the space sciences, I am including the profile by Jack Hartsfield as a part of my remarks:

"I'M JUST AN ENGINEER . . ."

(By Jack Hartsfield)

Few men of such modesty can look back on such a distinguished career, a career often pursued in the shadow of a giant. But then, he worked best that way.

Dr. Eberhard Friedrich Michael Rees, 64, the softspoken director of Marshall Space Flight Center and one of the great engineering geniuses of his time, is stepping down from his post early next year.

What has seldom been said about this quiet, private person is that man probably would not have made it to the moon so quickly had it not been for him.

Associates close to him have always credited his methodical mind as the famed Dr. Wernher von Braun's most valuable asset.

Unknown to most, the decisions on how to go to the moon and the concept of the machine that would blast men away from the earth came from Rees' technical competence.

A PROFILE

The charismatic von Braun simply had the uncanny ability to both evaluate Rees' work and "sell" the ideas to government, the nation and eventually, the world.

While Rees had the "nuts and bolts" job behind the Saturn 1B earth orbital rocket and the Saturn 5 moon rocket, von Braun handled the managerial-political front.

And it is often forgotten that when a fire killed three astronauts in Jan., 1967, during a test at Cape Kennedy, setting the moon landing program back almost two years, the space agency reached into the ranks of its rocket experts and gave Rees the job of untangling the technical mess.

Rees led a task force from Marshall and moved into the North American Rockwell Corp., plant at Downey, Calif., where the Apollo spacecraft was built, to direct a rebuilding of the craft and putting the U.S. manned moon landing program back on track.

Always it was Rees who efficiently filled the role of technical "nit-picker"—sometimes with dry wit and not always without stepping on some toes.

And it was Rees who stepped into von Braun's job as boss at Marshall in March, 1970, when von Braun was transferred to Washington.

Even then it was obvious that an era was over at the space complex here.

Von Braun had carried the U.S. quest for space superiority from the rugged days of the non-believer to landings on the moon, but more rugged days lay ahead for Rees.

The President and Congress were trimming the space budget, cutting back on planned programs within the space agency and looking for a "redirection."

Rees moved into the Marshall job, knowing the hurdles ahead and modestly "apologizing" that he could not replace von Braun as the dynamic, outgoing public marvel.

Eberhard Rees is not another von Braun. He never aspired to be.

He is reserved and, as one of his associates confided, felt a deep personal responsibility for his work force and "hurt deeply" when manpower reductions put people out the door.

He wasn't a personal newsmaker. It simply wasn't his style.

He'd grant personal interviews, but the result was a no-nonsense appraisal of Marshall programs, where they stood, where they would go.

He wasn't a day-dreamer who espoused "pie-in-the-sky" speculation of what the future for Marshall, or the space agency might or might not be.

"I'm an engineer," he once commented, "I don't know about speculations about this or that . . . I'll just leave the speculating to the press. You're much better at that sort of thing."

It had to be the toughest years of his life, being thrust into the spotlight when he had, for years, been content to serve in the "nuts-and-bolts" capacity.

He was not a self-promoter. He sought no personal prestige. If he had an ounce of vanity, it never showed.

But he earned respect from his co-workers who marveled at his engineering expertise.

What can't be ignored is that while he was in the post at Marshall, the entire image of the complex changed from one as a "rocket factory" to one of advanced scientific space research.

Skylab, the nation's first space station, will fly in April. The center is deeply involved in payload studies for the space shuttle; work is under way on a variety of unmanned satellites including the phenomenal High Energy Astronomy Observatory (HEAO) and the Large Space Telescope (LST); work is progressing for the center's work on the shuttle itself.

He insisted that a single major integrated type of mission such as the Apollo program would not suffice in the future if Marshall was to thrive.

He talked of multi-facet programs. And they came about.

"This is what Marshall has become," he would say later, ". . . a multi-project management and engineering establishment."

But 32 years in the rocketry and space business is enough to ask of any man, particularly a man who can remember when the rockets of his younger day looked like fire candles compared to the behemoth boosters of the 1970s.

Rees was there in the embryonic beginnings of the V-2 rocket at Peenemuende, Germany and he was still there on man's sixth moon landing.

An original member of the von Braun rocket team, he came to the U.S. in 1945 with 120 other German rocket specialists to develop space and rocket technology for a relatively space-ignorant nation.

At Fort Bliss, Tex., Rees and his companions spent five years "chasing rockets across the desert" as captured German rockets were test-fired.

When the team was transferred to Huntsville and the Army Ballistic Missile Agency, it was Rees who contributed heavily to the development of the Jupiter C launch vehicle that placed Explorer I, this nation's first satellite, into orbit.

He also was a major factor in the success of the Army Jupiter and Pershing missile projects. The Pershing is still deployed with U.S. troops in NATO countries.

From the formation of Marshall Space Flight Center in 1960 until he became its director, Rees served as deputy director for technical and scientific matters.

Born in Trossingen, Wuerttenberg, Germany, he received his scientific and engineering education in Stuttgart and at the Dresden Institute of Technology.

After graduating, he became assistant to the manager of a steel mill in Leipzig, Germany.

His career in rocketry began in 1940 when he became technical plant manager of the German Guided Missile Center in Peenemuende.

Becoming a U.S. citizen in 1954, Rees then devoted his professional life to both his dreams and his adopted country.

The quiet Rees, however, never boasted of his personal achievements.

He was, as one associate put it, "a company man."

Despite his modesty, the scientific world recognized in him a uniqueness seldom found.

His credits speak for themselves.

He holds the Exceptional Civilian Service Award presented by the Department of the U.S. Army; the Distinguished Civil Service Award from the U.S. Department of Defense; the Medal for Outstanding Leadership and two Distinguished Service Medals from the National Aeronautics and Space Administration; the Distinguished American Award for Exceptional Service through space science, and the Oberth Award of the American Institute of Aeronautics and Astronautics.

FARM SUBSIDY LIMITATION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. ANDERSON of California. Mr. Speaker, since entering Congress I have fought to end or at least curb the farm subsidy program which pays agribusinessmen not to grow crops. This multi-billion dollar program is a disaster to both the taxpayer and the consumer.

In addition, the farm subsidy program serves primarily the special interest agriculture conglomerates who are not in need of this kind of "welfare."

Thus, today I am reintroducing a proposal to limit Federal farm subsidies to $10,000 per crop per farm.

The 91st Congress took a step in this direction when it set a limit of $55,000 per crop per farm. However, due to slack administration of the program, huge farm corporations and absentee fat cats are still collecting enormous sums of tax dollars.

WASTE OF TAXPAYER'S MONEY

In this era of a record high public debt—interest on which costs the taxpayer over $20 billion a year—we have a responsibility to reduce Federal spending in order to get the very most out of the tax dollar, and to provide a measure of tax relief to the moderate and middle-income wage earner.

The first item we should cut is the farm program that pays billions of dollars to producers of cotton, wheat, and feed grain not to grow crops.

For the 5-year period 1966 through 1970, the Department of Agriculture paid between $2.5 billion and $3.3 billion annually in direct payments to producers participating in the cotton, wheat, and feed grain programs. In 1970, 17 producers received between $500,000 and $3.5 million each; and over 300 producers received over $100,000 each.

In 1970, to restrict what was quickly becoming "welfare for the rich," Congress limited to $55,000 the amount of direct Federal payments a person could receive annually under the cotton, wheat, and feed grain programs.

This restriction was to save an estimated $68 million a year. However, due to administratibe decisions made by Agriculture Department officials, there was no significant reduction in 1971.

The General Accounting Office conducted a study of the arrangements made by some agribusinesses to avoid the intent of the law, and slip through the loopholes allowed by the Department of Agriculture. They revealed that agribusinesses were simply leasing part of their acreage, and thus collecting both government payments, and rental fees.

One such operation was in California.

According to the General Accounting Office:

> A California corporation and its wholly owned subsidiary leased about 11,600 acres of cotton allotments, worth about $2.5 million on the basis of 1971 direct payments, to five newly created organizations qualifying for 53 separate payment limitations. In addition to receiving lease fees, the corporation contracted with the organizations to farm the cotton for fees based on the cost to produce the crops. This latter arrangement, called custom farming, allowed the 53 individuals to receive Federal payments of about $2.5 million without actually farming.

Another such method to avoid the intent of the law is the practice of forming partnerships, a la John Wayne. The GAO revealed a case in Mississippi which illustrates this technique:

> Under the 1970 cotton program, a Mississippi farmer received about $87,000 and his adult son received about $46,000. Had the father made no changes in his farming operation for 1971, he would have qualified for payments, in the absence of the payment limitation, of about $79,300. Application of the $55,000 payment limitation would have resulted in reducing his payments by about $24,000.
>
> In 1971, however, the father and son combined their farming operations and joined with a son-in-law to form a three-member partnership. The partners increased the size of their farming operations by leasing additional cotton allotments and, as a result, were eligible, before application of the payment limitation, for $165,152 in 1971 cotton program payments. Because each of the three partners could receive $55,000, or a total of $165,000, a savings of only $152 resulted.

These are not rare examples, Mr. Speaker. According to a March 1972 Department of Agriculture report:

> Of about 1350 producers who received more than $55,000 each in 1970 payments under the three programs; 1046, or 77%, changed their farming interests or operations for 1971.

GROCERY PRICES ARE HIGH

While the taxpayer pays up to $3.3 billion to benefit agribusiness, he does not receive the benefit of low-cost food and fiber.

Choice steers at Omaha rose from about $29 per hundredweight in January 1971 to nearly $34.50 in December 1971. In February 1972, choice steers at Omaha were at a 20-year high of $37 per hundredweight.

In fact, food costs have increased by 7.4 percent since the beginning of phase II in November 1971.

According to a study commissioned by former Secretary of Agriculture Hardin, food and fiber can be produced at reasonable prices without the Government subsidy. The report, issued on June 16, 1972, states:

> We feel the agricultural industry can provide adequate supplies of food and fiber at reasonable prices and equitable returns to resources, including family labor, with a minimum of government intervention. Programs costing the U.S. taxpayers $4 to $5 billion annually are not needed for these purposes.

Mr. Speaker, the housewife who buys the family groceries knows that prices are high and getting higher.

This farm giveaway program cannot be justified by claiming to keep down the price of groceries.

CONCLUSION

Mr. Speaker, the taxpayer is tired of paying his hard-earned dollars to the Government. He is especially irate when the program is of no benefit to him, but, instead, benefits the wealthy.

The taxpayer would like a cut in taxes, but that cut cannot come until we reduce Government spending.

Let us get the fat-cat agribusinessmen—who would not know a boll weevil from a weaved bowl—off the backs of the taxpayer. Let us dump the farm program, and save the taxpayer billions of dollars a year.

How can anybody possibly justify paying billions of dollars to agribusiness for not growing crops while millions of Americans are being denied an adequate diet? While the taxpayer continues to bleed? While the national debt climbs to almost half a trillion dollars? And while

the consumer pays record-high prices for groceries?

I cannot.

Mr. Speaker, if we cannot completely end this blatant waste of tax dollars, let us at least put a lid on it by enacting this proposal which would limit farm payments to $10,000 per farm per crop.

JET NOISE CURFEW NEEDED

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. ROSENTHAL. Mr. Speaker, the problem of excessive noise abuse from jet traffic has dominated citizens' concerns ever since the first jet began swooping and soaring over their homes. The situation has deteriorated for residents as jet traffic has increased to a point of constant bombardment of noise. Studies amply demonstrating the psychological traumatic effects on people have been made on the debilitating effects of jet noise. The noise impact is 10 times more disturbing during the normal sleeping hours, when it is much more difficult to assimilate sounds, than during the day.

Action by airports and airlines to remedy the problem have been inadequate for the most part. The constitutional right to domestic tranquility includes freedom from noise. Unfortunately, this largely has been blatantly ignored by the noisemakers.

One of the few successful attempts at regulation has been the ban on late evening and predawn jet traffic at Washington National Airport. I strongly urge other airports to follow this example. It is morally, socially, and environmentally necessary.

Increasingly, and at a very disturbing rate, the people are furiously complaining about the sleep-shattering whine and roar of jet aircraft operating out of nearby airports. The complaints have been present for some time but are even more vociferous today because those responsible have failed to substantially reduce engine noise levels.

The airlines apparently favor increasing noise levels to correspondingly increase public tolerance and thereby build a generation of Americans acclimated—albeit slightly deaf—to aircraft noise pollution. The carriers are perhaps the worst offenders; with only the slightest exceptions they have shown themselves unwilling to do anything substantive to reduce noise, especially if it looks like it will cost them money. At the same time, however, they are constantly running to the Civil Aeronautics Board for rate increases. Their greed will get the best of them. They have an obligation to the public, too, not just their stockholders.

The industry has shown itself unwilling even to discuss the matter; the Congress cannot ignore this arrogance.

FAA Administrator John Shaffer acknowledges that aircraft noise—

> Is the single greatest impediment to airport development in the United States at the present time and prompt remedial action is required if we are to meet the projected growth of aviation in the 1970's and beyond.

Unfortunately, lip service is about all he's willing to give to this effort.

Those thousands of my constituents who live near La Guardia Airport and beneath its flight patterns, like those in other cities, suffer the consequences of decades of neglect of the noise pollution problem. Most of them were there before the jets arrived.

They used to live in comfortable, convenient neighborhoods which, while noisier perhaps than rural areas, nonetheless struck a reasonable balance between city hustle and bustle and suburban quietness. But today, that balance is gone. Now those people come home from their jobs and find themselves beneath an intolerable roar as jetliner after jetliner screeches over their roofs. The night does not bring peace to them because La Guardia and the Port of New York Authority do not or will not understand or recognize the citizen's right to quiet.

These city dwellers have lost that balance of toleration which once existed in their neighborhoods. They find that their homes offer not less, but more noise, more distraction and more simple human discomfort than their jobs in the heart of the city.

Alleviation of this situation is not terribly difficult. A reasonable solution would be to begin curtailment of all but essential military air traffic from scheduling departures and arrivals between 10 p.m. and 7 a.m., the hours normally reserved for sleeping.

The number of flights during those hours is relatively small. At La Guardia, for example, only 29 of the day's 716 flights arrive or takeoff between 10 p.m. and 7 a.m., or about 4 percent of the total operations for the 24-hour period, according to Federal Aviation Administration figures for March 1972. That's a drop of 1 percent—36 out of 718 operations—from a year before. In June 1970, 44 of 662 flights, or about 6.6 percent, were during these sleeping hours.

The new generation of air buses like the DC10 and L1011 are quieter than their predecessors, but that is only relative and they will remain in the minority of operational jet aircraft for many years to come. The louder first generation of narrow-body jets will continue to comprise the bulk of the domestic airline fleets throughout the 1970's.

Not all middle-of-the-night flights carry passengers. A great many are all freight at many terminals. Others are what are called repositioning flights, which are primarily designed to move a plane from one city to another to be on hand for the next day's service. To schedule these at less disturbing times would benefit thousands, if not millions of people, while offering the airlines only minor inconvenience.

The number of flights during normal sleeping hours is relatively small. But it does not seem that way if you happen to live nearby. Then the din of the aircraft becomes almost unbearable. Aircraft noise during these hours has a compounding impact on residents because the noise cannot be assimilated as it is during the day with other noises. One jetliner taking off at midnight has 10 times the effective noise impact of the same plane taking off at noon.

Washington National Airport prohibits scheduled jet commercial traffic between 10 p.m. and 7 a.m. The FAA, which runs National, and the airlines operating out of the airport, have a voluntary agreement on the night flight limitations. The agreement began in 1966 and has worked rather well. Only minor adjustments by the airlines were needed in rescheduling flights to conform. Similar agreements exist in Los Angeles, Newport Beach and Fresno, Calif., and Boise, Idaho, as well as London, Tokyo, Geneva, Zurich and many other major European cities.

The constitutional right of domestic tranquility includes freedom from oppressive noise. Steps must be taken by airport managements, airlines, and public officials, including the Congress, to protect and respect that right and to halt the acoustic abuse heaped mercilessly upon the citizenry.

I have personally written to the Port of New York Authority, La Guardia Airport management and the airlines using that airport, requesting they voluntarily set noise curfews. For once, those noisemakers are strangely silent. They have turned a deaf ear on the request. Their silence is a demonstration of their contempt for the people bombarded by aircraft noise. It is also further evidence that voluntary self-regulation, which industry in general professes to prefer, is meaningless. The only answer, unfortunately, appears to be stiffer governmental regulation.

Mr. Speaker, I am, therefore, offering today legislation to take the first step toward solving the problem of aircraft noise pollution. What I propose is a thorough study of the possibilities of establishing curfews on nonmilitary flight operations at the Nation's airports.

This bill, the Airport Noise Curfew Act of 1973, would set up a nine-member commission consisting of the Administrator of the Environmental Protection Agency, the Administrator of the Federal Aviation Administration, two representatives of the aviation industry and five public members. They would report the findings of their investigation and their recommendations to the Congress within 6 months of creation.

This Commission would be a temporary investigative body, not a new governmental agency. It would exist solely for the purpose of informing the Congress and would go out of existence upon submitting its report and recommendations.

A curfew on aircraft operations is a short term solution to the problem and is not meant to be an alternative to such long term answers as quieter engines and improved operational procedures. Both approaches are needed; they are complementary. This bill is a valuable and important first step toward solving the vexing problem of aircraft noise pollution.

A curfew would help combat another form of pollution as well. The hours between sunset and sunrise are usually when the atmospheric ground-based temperature inversion layer grows vigorously and aggrevates our air pollution problem. Therefore, reducing nighttime jet traffic for noise reasons also reduces significantly the amount of polluting exhaust from jet engines being injected into this stable surface layer of air in which we all live. So, Mr. Speaker, a curfew on nighttime operations would not only let airport neighbors get a good night's sleep but also to breathe cleaner air while they slumber.

The cosponsors follow:

COSPONSORS OF THE AIRPORT NOISE CURFEW ACT OF 1973

Benjamin S. Rosenthal, Bella S. Abzug, Frank Annunzio, Herman Badillo, Frank J. Brasco, Joshua Eilberg, Ella T. Grasso, Gilbert Gude, Ken Hechler, Robert McClory, William S. Moorhead, Bertram L. Podell, Charles B. Rangel, Peter W. Rodino, Edward R. Roybal, Lester L. Wolff.

FULL CITIZENSHIP RIGHTS FOR ALL GOVERNMENT EMPLOYEES

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. KOCH. Mr. Speaker, on the first day of the 93d Congress, I introduced the Government Employees Political Activities Act of 1973 which would insure that every American's right to free expression of his political opinions is adequately protected. We have been requesting concerned American citizens to work through the political system; but at the same time, one anachronistic piece of legislation, the Hatch Act, has the effect of excluding millions of U.S. citizens from active political participation. Today I am cosponsoring legislation which would correct those provisions in the Hatch Act that infringe on the political freedom of Government employees.

The Hatch Act was originally intended, when it was first enacted back in 1939, to protect public employees from involuntary political activity, coercion, and abuse of office, and its provisions in these areas remain valuable. However, the effect of the act's blanket prohibition against active political participation has been to deny these workers their political rights. What my bill would do would be to eliminate from the present law this sweeping prohibition against political activity by Government employees. The only restriction on political activity to remain would be a prohibition on holding a salaried office in a partisan political club. Furthermore, this bill would empower the Civil Service Commission to take action against officials, including these appointed by the President—who are not currently subject to Civil Service Commission jurisdiction—that it finds guilty of unlawful coercion. Most important, however, for civil service employees, the prohibition against soliciting political financial contributions is retained, so that these employees may not be made the subject of political extortion. The Civil Service Commission would have a functional interrelationship with the Department of Justice by referring violations for criminal prosecution. At the present time, the Justice Department is empowered to initiate such actions, but has rarely pursued such prosecutions in the past.

When the Hatch Act was first enacted, the extent of its coverage was by modern standards only minimal. Even when the Hatch Act was amended in 1940, to include State and local government employees working in programs receiving Federal funds, less than one-half million workers were subject to it. Now, after three decades of growing government responsibility, that number has expanded to more than 5 million employees. There are very few areas of modern society that are not affected or involved in some way with Federal programs or programs using Federal funds. And there seems every assurance that more and more Americans will come under the restrictive provisions of the Hatch Act simply by choosing to work for the Federal Government or a federally funded local project. In fact, Congress recently expanded the act even further to cover employees of private groups administering community action programs funded by the Federal Government through grants under the Economic Opportunity Act. Certainly it is ironic that those persons who are concerned enough about public affairs to choose to work for Federal and State programs are the ones that are excluded by this act from political activity.

In 1966, Congress created a Commission, known as the Hatch Act Commission, to study all Federal laws restricting political participation by Government employees. In its final report, in December 1967, the Commission noted the need for substantial reform of the present act, particularly in the areas of clarifying its vagueness and reducing its application to the fewest employees. As the Commission noted, most Government employees are so confused by the more than 3,000 specific prohibitions issued over the years by the executive branch and have so little idea what they are permitted to do that they tend to avoid taking part in any political activity at all. Congress has taken the initiative in recent years in expanding the opportunities for political activity through its civil rights legislation and the 18-year-old vote. Is it not about time that Congress restores to Government employees their right to free political expression and to act on the recommendations made by the Commission that it created?

The city of New York has more than 300,000 municipal employees. A great number receive some Federal contribution toward their salaries and are, under the existing law, "Hatched."

Other Government employees, both city and State are currently prohibited from engaging in political activity by similar local regulations. This bill would lift the ban on political activity imposed by any Government agency and would mandate compliance by any State or city agency in order for that agency to receive revenue sharing moneys. This bill, if enacted, would restore full citizenship to all Government employees.

THE ROGERS DOOR

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. CEDERBERG. Mr. Speaker, as we convene in this great building, a constant symbol of the strength of our democracy and the central place that representative legislative goverment has in it, I want to take this opportunity to bring to the attention of my colleague one of the finer works of art which grace the Capitol.

The Rogers Door, a monumental memorial in bronze to the discoverer of our land, lends a dignity to the Capitol befitting the life and work of Columbus. It was with some surprise and a great deal of delight that I learned recently that the great-great-niece of the artist, Mrs. Mildred Yahnka, was a resident of Beaverton, Mich., in my congressional district. As will be seen from the newspaper article which I am adding to my remarks, Mrs. Yahnka never tires of bringing to the attention of potential visitors to the Capitol the monument which Randolph Rogers created in the memory of Columbus. By doing so she certainly shares in the pride which we all have for the beauty of the Capitol Building but more than that, I am sure that this reminder serves to draw attention to the many other works of art in the Capitol. Certainly we who walk these halls daily overlook the value and history of the beauty in the building.

I commend the following article, by Mrs. Genevieve Lloyd of the Midland Daily News, to the attention of my colleagues and hope that each of us will be prompted to be more aware of the artistic heritage which surrounds us in this symbol of our democracy.

The article follows:

THE ROGERS DOOR

(By Mrs. Genevieve Lloyd)

"Don't forget to see the large bronze doors at the front entrance to the Capitol Building," said Mrs. Mildred Yahnka when she learned a Washington, D.C. trip was being planned.

It wasn't until our return that she was aware the famous Rogers Door, sometimes referred to as the Columbus Door, had been transferred to the East Wing of the Rotunda.

She explained that they had not visited the Capitol since the summer of 1932.

Randolph Rogers, the world known sculptor and great, great uncle to Mrs. Yahnka, designed and modeled the door.

Mrs. Yahnka, a retired school teacher from Dearborn, Michigan, and now a resident of Beaverton, said she remembers her father telling how Uncle Randolph came to Quincy (Michigan) to visit the family.

"Its like a folklore," she said, "handed down from generation to generation."

She recalled that the stories her father related to them were very realistic.

"He used to come to Quincy to visit his sister, Rebecca Rogers," she said.

"He always went to the Quincy House Hotel, dressed in a homespun suit, carrying all of his money in a carpet bag. He would

register, throw the bag of money under the clerk's desk and then go to the livery stable. There he would hire a horse and buggy and drive out to the homestead to visit his sister," Mrs. Yahnka's great, great aunt.

Mrs. Yahnka's father, Charles H. Meredith, Randolph Rogers' great nephew, was born in 1870 and died in 1947. He preceded her mother in death.

There are two daughters, Myrtle Inez Meyers who still lives in Allen, Michigan within five miles of Quincy, and Mrs. Yahnka, the younger of the two. Her father was supervisor of Hillsdale county and constructed many roads and bridges in the Quincy, Allen, Hillsdale area and throughout southern Michigan.

"My grandmother," Mrs. Harriet West Meredith, niece of Randolph Rogers, also "told us many interesting 'tales' ".

"One specific thing, and I remember it very vividly," she said, "is grandmother telling how he sat by the hour, days in and days out, drawing, redrawing, and drawing again the pattern for the door."

The Rogers Door, measuring 16 feet 8 inches by 9 feet 9 inches, and dating back to November 1863, was installed between Statuary Hall and the south extension, and in 1871 it was removed to the East Portico entrance.

It has two valves, with four panels in each valve, and one semi-circular transom over the entire door. The scene depicts events in the life of Christopher Columbus. The sculpturing was done in 1858 in Rome, Italy and cast in Munich, Germany by Ferdinand von Miller at the Royal Bavarian Foundry in 1861.

In viewing some of the highlights of the famous door, you can see scenes of "Columbus Before the Council of Salamanca, 1486–1487"; 'Columbus' Departure from the Convent of La Rabida, 1492"; "Departure of Columbus from Palas, August 3, 1492"; "The Landing of Columbus in the New World, October 12, 1492," "Columbus' First Encounter with the Indians"; "Entry of Columbus Into Barcelona, 1492"; "Columbus in Chains, 1500" and "Death of Columbus, 1506."

On the door, on the sides and between these panels, Rogers sculptured sixteen small statues, set in iches, of eminent contemporaries of Columbus.

Between the panels of the door and at top and bottom of the valves are ten small heads. These heads represent historians who have written on Columbus' voyages. Above the transom arch are the bust of Columbus, the American Eagle and flags. The door is covered with heraldic emblems of that period.

The most recent move, included in the extension of the Capitol project, was transferring the door to its present location, in 1961, to the extended East Portico entrance.

Talking about her great, great uncle, Mrs. Yahnka said that he married in Italy. (Contrary to history and encyclopedia books which states he married in America.)

"I believe he was married when he went there to do his carving," she said, "which resulted in more than three years before completing his work."

"I cannot remember his wife's name, but believe she was of Italian descent," Mrs. Yahnka said.

"To my knowledge, my family, at least going back through my grandmother Meredith, never met her."

"However," she said, "they learned about her through Randolph's letters."

Mrs. Yahnka, who graduated from Eastern Michigan University with an art major moved from Allen, Michigan to Ypsilanti while attending college there. A classmate, in art, once told her that she knew of great grandchildren of Rogers, and who were at that time, living in Toledo, Ohio.

"I didn't realize the importance of family ties," she said.

"Even my instructors tried to encourage me to make an attempt to locate them, but I didn't have the foresight to pursue the search."

Randolph Rogers was born in 1825 and died 1892. He was noted for his memorial monuments and his monuments to the state of Michigan and Connecticut. His works are displayed in the Detroit Museum of Arts, also at the Chicago Museum. "And," Mrs. Yahnka and, "I have been told he has additional art work in the San Francisco Museum of California."

He was born in Waterloo, New York, but "came to Ann Arbor," which is about 90 miles from Quincy, "where he spent most of his boyhood."

Still reminiscing, she recalls her grandmother telling that Rogers studied under Lorenzo Bartolini in Rome.

"And I believe," she continued, "he attended school at the University of Michigan before going to Rome."

"I can't remember at what time in his life that he returned to Rome to live, but my grandmother told us that he died there."

Mrs. Yahnka, who taught school at Marshall, Dearborn and Garden City, resides with her husband, Otto P. Yahnka at 3891 West Calhoun Road in Beaverton. They have one daughter, Martha, who is married to Dr. Roger F. Luneke, and three grandchildren.

Their home, Bellevue, Michigan, is within 50 miles of Quincy where Randolph Rogers came to visit the Rogers, West and Meredith families.

JAMES ELBEL HOWE RETIRES AS DIRECTOR OF STATE LEGISLATIVE COUNCIL OF UNITED TRANSPORTATION UNION

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. DANIELSON. Mr. Speaker, it is my pleasure to commend and to call recognition to James E. Howe on the occasion of his retirement as director of the California State Legislative Board of the United Transportation Union. Jim Howe has served as the first director of the State board since its inception in 1969, in which capacity he has represented with honor and distinction the members of the union. He has retired as of December 31, 1972.

For the past 30 years, James E. Howe has been a leading representative of the railroad workers of California, and he served for a period of years as the chairman of the California State Legislative Board of the Brotherhood of Railroad Trainmen. He joined the brotherhood in 1928, and has held continuous membership since that time. During the years he has held the positions of local secretary and treasurer, legislative representative, chairman of the legislative board, and legislative director.

As a representative of railroad employees of California, Jim Howe was continually an ardent and fair advocate of all legislation designed for the protection of the public and for the improvement of the status and working conditions of railroad workers. He has proven to be a tireless student of the problems of the railroad industry and its various employees, and always has been willing to lend his knowledge and talents to officials and governmental committees who requested his expert advice to assist them in their deliberations.

James Elbel Howe was born in Berkeley, Calif., on August 12, 1907; his father was a native Californian and his mother was born in England. His grandfather was one of the first judges under Mexican rule. His education was in California in Calaveras County, Berkeley, Lancaster, and UCLA Extension. Jim Howe has 49 years of service on railroads as clerk, switchman, brakeman and conductor. For 43 years he has been married to Lillian Payton Howe. Jim and Lillian were constituents of mine for years when I served in the California State Legislature, before they moved to Sacramento where Jim assumed the post from which he has just retired.

Jim has also been involved in community affairs. Since 1940 he has been a member of the Elks, since 1945, a Mason, and since 1959, a Shriner.

Jim Howe's service has been not only to railroad employees and members of the union, but his work has had a beneficial effect on the people of California and this country, as well. I am pleased to extend congratulations and felicitations to James E. Howe for his meritorious service on the occasion of his retirement as the director of the California State Legislative Board of the United Transportation Union, and to extend best wishes and hopes to him and his wife for many years of happiness in the future.

STRENGTHENING OUR CORRECTIONAL INSTITUTIONS

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. CHAPPELL. Mr. Speaker, I am today introducing five bills which deal with the strengthening of correctional institutions, revamping of the parole system, striving for a reduction in repeat offenders, the upgrading of training opportunities for law enforcement officers, and the curtailment of international narcotics entering the United States.

These bills are the result of recommendations by my citizens committees in the Fourth District of Florida and show the genuine concern of my people in a better America.

The correctional center bill would assist the States in the construction and maintenance of correctional facilities providing a broad range of services and programs including educational, vocational, and recreational programs, medical, psychiatric, dental care, and counseling.

The real intent of this measure is to cut down on what we might call the professional jailbird—the one who comes in for a light sentence but who is jailed with longtime criminals and thus, himself, becomes a hardened and repeat criminal.

Three kinds of centers would be established under the bill: regional youth correction centers for the treatment of young adults and youth; centers for per-

sons sentenced to a year or less; and centers for longer term offenders, the mentally ill and the violent and dangerous.

My parole bill would give more latitude to parole boards in evaluating an offender who has made a serious attempt to rehabilitate himself. The bill also provides that where an offender is to be imprisoned for more than 180 days, a complete study be done on him to assist parole officials in determining the best rehabilitative steps to be taken.

Mr. Speaker, society cannot afford to continue with the type of system we now have that encourages a prisoner to consider the institution his home. I am encouraged by the hearings which the Judiciary Committee held on this measure and others during the last session. I trust the committee will report out a bill early in this Congress.

The third crime measure I introduce today would enable a policeman to take a year's leave of absence to return to school for additional training in colleges and police academies. The bill provides for grants equal to 1 year's salary.

The fourth measure, the International Opium Control Act, authorizes the President to negotiate treaties with other nations to stop the flow of illicit drug traffic. It empowers the President to withhold economic and military assistance from any nation which continues to allow the exportation of drugs which enter America.

One of the most effective ways to eradicate drugs from our society is to dry up their sources. It is absolutely imperative that we get nations to agree on regulations and enforcement against drug traffic.

One of the key factors in effective law enforcement is the proper dissemination of information among law enforcement agencies. To assist our State and local law enforcement agencies in this area, I am introducing a bill to authorize the Attorney General to exchange criminal information with other law enforcement agencies.

Mr. Speaker, I invite my colleagues to examine these bills and to join with me in working for legislation this session to improve our correctional system, stop the flow of narcotics, and assist our law enforcement officers in carrying out their duties.

THE LEGION OF ESTONIAN LIBERATION POLLS ITS MEMBERSHIP—A SUMMARY

HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. STRATTON. Mr. Speaker, during the first 2 weeks of October 1972 the Legion of Estonian Liberation polled its membership on a number of national and international issues, and later that month sent me a copy of the results of the poll.

I believe the summary of this poll will be of interest to other Members of the House and therefore include the summary at this point:

1972 Membership Opinion Poll

(Responses in terms of percent, unless ranked in numerical order)

1. Do you believe that the Economic Stabilization Program announced on August 15, 1971 by President Nixon has achieved its main goal of controlling inflation? Yes 58.5, No 26.6, No opinion* 14.9.

2. Do you approve of the Nixon Administration's policies of trade? a. with U.S.S.R.? Yes 25.5, No 69.2, No opinion 5.3. b. with China? Yes 44.7, No 35.1, No opinion 20.2.

3. Do you favor the President's recent efforts to open more normal relations with China? Yes 52.1, No 37.2, No opinion 10.7.

4. a. Do you favor the continuation of the wage-price controls? For six months 6.4, For 1 year 24.5, For 2 years 60.6, Not at all 4.5, No opinion 4.0, b. If continued, do you feel they should be made more stricter 74.5, Less stricter 7.4, No opinion 18.1.

5. Would you favor the adoption of a no-fault auto insurance program on a national level? By an Act of Congress 72.4, On a State by State basis 7.4, Not at all 12.8, No opinion 7.4.

6. Should busing of students be required to achieve greater racial balance in our schools? Yes 4.3, No 87.2, No opinion 8.5.

7. The National Commission on Marihuana and Drug Abuse has recommended that the possession of marihuana for personal and private use no longer be an offense. a. Would you favor such a change in Federal law? Yes 16.0, No. 69.1, No opinion 14.9. b. Do you believe that the use of marihuana has greater or lesser social consequences than the use of tobacco and alochol? Greater 74.4, Lesser 10.6, No opinion 16.0.

8. How would you characterize present U.S. expenditures for defense? Too high 6.4 Too low 42.6, About right 50.0, No opinion 1.0.

9. On the basis of personal trust, whom would you trust more as the President? McGovern 0.0, Nixon 90.4, Not sure 6.4, Other-Schmitz 3.2.

10. After President Nixon's plan to withdraw U.S. troops from South Viet Nam is completed, do you think the U.S. should continue to send military aid? Yes 87.2, No 3.2, No opinion 9.6.

11. Do you support the all volunteer army concept for national defense? Yes 21.3, No 68.1, No opinion 10.6.

12. Would you favor a "Value Added" tax, in effect a national sales tax, as a method to reduce property taxes? Yes 53.2, No 21.3, No opinion 25.5.

13. Should the Federal Government pass a law requiring the registration of all handguns? Yes 80.8, No 16.0, No opinion 3.2.

14. Should Congress limit the President's power to commit U.S. troops to an undeclared war? Yes 19.1, No 74.5, No opinion 6.4.

15. Which political party do you think can do a better job of handling:

a. High cost of living? Rep. 72.3, Dem. 3.2, No difference 24.5.

b. Viet Nam war? Dem. 1.1, Rep. 80.8, No difference 18.1.

c. Crime/lawlessness? Rep. 72.4, Dem. 1.1, No difference 25.5.

d. Race relations? Dem. 5.3, Rep. 62.8, No difference 31.9.

16. The prisoner of war issue is one of the main stumbling blocks in terminating our military role in South Viet Nam. If the enemy does not yield and the last issue to be resolved is their demand that we withdraw our support from the South Vietnamese Government, would you agree to this demand to terminate the war and get our prisoners back? Yes 10.6, No 78.8, No opinion 10.6.

17. Do you favor the U.S. establishing diplomatic relations with:

a. Cuba? Yes 11.7, No 83.9, No opinion 6.4.

b. China? Yes 43.6, No 43.6, No opinion 12.8.

*No opinion includes no answers.

18. Do you favor a Constitutional amendment limiting the Presidency to a one six year term? Yes 53.2, No 39.4, No opinion 7.4.

19. If you had to rank the major causes of inflation today, in what order would they be? (Please rate 1, 2, 3, etc.)

a. Excessive wage demands 1;

b. Excessive price increases 3;

c. Excessive Government spending and deficits 4;

d. Excessive business profits 2; and,

e. Balance of trade deficits 5.

20. An issue that the Congress and the President will face in the near future is that of amnesty for those who left the U.S. to avoid the draft. Under what conditions would you favor amnesty?

a. After hostilities have ended in Viet Nam and the prisoners have been returned and then on an individual and selective basis as was done after World War II 20.2;

b. On condition that they perform some kind of alternate public service for (1) one year 1.1, (2) years 10.6, (3) more than two years; 16.0.

c. Never under any conditions 47.9;

d. Grant amnesty now without any conditions 2.1; and,

e. No opinion 2.1.

21. Do you favor Federal revenue sharing with State and local governments? Yes 62.8, No 14.9, No opinion 22.3.

22. Do you believe the U.S. tax system should be restructured? Yes 76.6, No 6.4, No opinion 17.0.

23. Should Federal and public employees have the right to strike? Yes 5.3, No 90.4, No opinion 4.3.

24. Do you think the Federal anti-pollution programs should provide for:

a. More stringent controls 68.0;

b. Less stringent controls 6.4;

c. As present 16.0; and,

d. No opinion 9.6.

25. Would you be willing to pay higher taxes and prices to support anti-pollution programs? Yes 37.2, No 45.8, No opinion 17.0.

26. Would you favor more research for and help solve the energy crisis? Yes 80.9, No 13.8, No opinion 5.3.

27. Should more stringent controls be established to protect the consumer? Yes 89.4, No 2.1, No opinion 8.5.

28. Do you favor reduction of funds for foreign aid? Yes 70.2, No 26.6, No opinion 3.2.

29. Do you favor creating a national child day care program (including educational and nutritional services) to enable mothers to work and thereby reduce welfare rolls? Yes 67.0, No 20.2, No opinion 12.8.

30. Do you favor a minimum guaranteed annual income for every family? Yes 29.8, No 51.1, No opinion 19.1.

31. Should the Federal Government institute a national lottery to obtain additional revenue? Yes 77.7, No 8.5, No opinion 13.8.

32. Should the space program be continued at its present level? Yes 69.1, No. 16.0, No opinion 14.9.

33. Should the number of U.S. troops in Europe be reduced? Yes 17.0, No 77.7, No opinion 5.3.

34. Would you support the position that air piracy or hijacking is not justifiable under any circumstances? Yes 64.9, No. 22.3, No opinion 12.8.

35. Do you think the U.N. is doing a good job in handling and solving the problems it faces? Yes 4.3, No 87.2, No opinion 8.5.

36. The U.S. contributes the largest percenatge and total dollars of the U.N. budget. However, on a per capita (per person) basis, the U.S. contribution is not the highest. Do you think the U.S. monetary support of the United Nations should be: Increased? 2.1, Decreased? 76.6, Remain the same? 21.3.

37. Do you support the Strategic Arms Limitation Agreement signed by the President with the Soviet Union? Yes 29.8, No 54.2, No opinion 16.0.

38. Do you think your local newspapers

report the news impartially? Yes 24.5, No 56.4, No opinion 19.1.

39. Do you think that network television fairly presents both sides of most issues? Yes 16.0, No 74.4, No opinion 9.6.

40. If Presidential elections were held tomorrow, to whom would you cast your vote? Nixon 92.1, McGovern 0.0, Schmitz 7.9, Spock 0.0.

41. How do you rate President Nixon's performance in office? Excellent 26.6, Good 47.9, Fair 13.8, Poor 8.5, No opinion 3.2.

42. How do you rate Vice President Agnew's performance in office? Excellent 59.6, Good 29.8, Fair 6.4, Poor 1.0, No opinion 3.2.

43. Please give your rating (in terms of excellent, good, fair, poor, no opinion) of President Nixon's performance in the following areas:

	Excellent	Good	Fair	Poor	No opinion
(a) Inflation	6.4	39.3	27.7	14.9	11.7
(b) Vietnam	16.0	50.0	18.1	6.4	9.5
(c) Jobs	3.2	34.0	34.0	14.9	13.9
(d) Crime	4.2	20.2	28.7	35.2	11.7
(e) Environment	5.3	26.6	41.5	8.5	18.1
(f) Race relations	7.3	41.5	25.5	7.4	18.1
(g) Drugs	8.5	21.3	28.7	24.5	17.0
(h) Relations with Soviet Union	4.3	27.7	29.7	24.5	13.8
(i) Relations with China	10.6	35.1	26.6	14.9	12.8
(j) Overall domestic policy	8.5	47.8	27.7	4.3	11.7
(k) Overall foreign policy	11.7	44.6	21.3	9.6	12.8

44. If President Nixon were to ask for your advice in any of the above areas in No. 43, which area would you choose?

a. Inflation 5.1; b. Viet Nam 8.5; c. Jobs 3.4;

d. Crime 23.7; e. Environment 1.7; f. Race relations 0.0;

g. Drugs 5.1; h. Relations with Soviet Union 27.1;

i. Relations with China 5.1; j. Overall domestic policy 8.5;

k. Overall foreign policy 11.8.

45. Do you see any potential changes in the United States policy of non-recognition of the illegal annexation of the Baltic States of Estonia, Latvia, and Lithuania?

a. If President Nixon is reelected?

Yes 14.9, No 78.7, No opinion 6.4.

b. If Senator McGovern is elected President?

Yes 58.5, No 24.5, No opinion 17.0.

46. Do you believe that the question of the Baltic States of Estonia, Latvia, and Lithuania should be placed on the United Nations Agenda?

Yes 81.9, No 9.6, No opinion 8.5.

47. Would you favor continued U.S. support of:

a. Radio Free Europe? Yes 98.9, No 0.0, No opinion 1.1.

b. Radio Liberty? Yes 78.7, No 1.1, No opinion 20.2.

48. Do you support the U.S. decision to participate in the European Security Conference? Yes 63.8, No 18.1, No opinion 18.1.

49. Should governments or private organizations yield to terrorist demands when holding hostages? Yes 11.7, No 70.2, No opinion 18.1.

50. Would you support the idea of granting satellite country status to the Baltic States by the Soviet union in lieu of complete freedom? Yes 28.7, No 59.6, No opinion 11.7.

ROBERTO WALKER CLEMENTE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, how does one eulogize a giant, a man whose deeds and actions were legend for hundreds of thousands, whose warmth and humanity and love of life, brought strength, enjoyment, and brotherhood to multitudes?

Indeed, words fail in moments such as these.

Roberto Walker Clemente, one of the greatest baseball players the world will ever know, is dead.

He was virtually loved by thousands of Pittsburghers who thrilled to his epic feats on the baseball diamond. He could run, throw, hit, field, with the very best. In most of these categories, he was the standard, the benchmark which his peers sought to reach.

Fiercely prideful, Bob Clemente played 18 years for the Pittsburgh Pirates, leading them to two world championships and two division championships. He won every laurel a player could, including most valuable player, the batting title, the golden glove for his excellent fielding, outstanding player in the world's series, and just last year, although missing a good part of the season, he managed to bang out the 3,000th base hit of his career, a feat only matched by 12 men in all of baseball.

His performances on the field were virtuoso. Some people described his play and his demeanor as regal. He was simply the complete ball player.

Yet he was more.

A super star, making well over $100,000 per year, he never forgot the real owners of the game, the fans. He always said that he played for them and for them only.

His native Puerto Rico and his beloved countrymen were always uppermost in his thoughts. During the off season he would play for the local team and display those talents that made him great.

He worked with the children of Puerto Rico, always mindful that many would not have the same opportunities which he did. Roberto's great dream was to erect a sports city for the children of Puerto Rico, where they could play and learn and thrive on the competition and joy which are so much a part of organized athletics.

Unselfish, a dedicated family man, a nationalist, a good man—these but scratch the surface of Bob Clemente.

He died in a plane crash while on a mercy mission to help those suffering in neighboring Nicaragua. This is the man, Clemente.

He was a catalyst for the city of Pittsburgh. He was one thing that all people of our city, no matter their color or social status could agree upon. Roberto was "the Great One."

It is a label he lived up to in a dozen ways.

Our city and its residents were shocked and dumbfounded at the news of his death. He meant so much to the fans as a player, yet he was even more as a symbol.

The untimely death of a man like Clemente often forces us to realize how mortal we all are and how fragile, brief, and faulted our time on earth is.

But there is good in all things. And the death of Roberto Clemente has made thousands want to carry on the work which Bobby only began.

There will be thousands of dollars pledged to the Nicaraguan Relief Fund in his name. A sports city for the children of Puerto Rico will be started in his name and his deeds will be a standard for many young men, regardless of their color, creed, or native country, to emulate.

Next spring, there will be a new rightfielder for the Pittsburgh Pirates. No matter who the man is, he might substitute for, but he will never replace Roberto Clemente.

COMMUNITY SCHOOL CENTER DEVELOPMENT ACT

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. RIEGLE. Mr. Speaker, today I am introducing the Community School Center Development Act; Senators CHURCH and WILLIAMS are introducing an identical bill in the Senate. The purpose of the bill is to utilize school facilities beyond the normal school hours to provide a wide variety of social services to all members of the community. The bill provides grants to promote and aid the development and expansion of community school programs throughout the Nation.

The community schools concept is not a new one; the idea was fostered in Flint, Mich., in the 1930's by Charles Stewart Mott of the Mott Foundation. It has since been adopted by over 600 school systems across the country. The impact the existing programs have had on the communities served has been so exemplary that many experts cite community education as key to solving the problems of both urban and rural communities.

Focusing first on the impact that a community school has on children in the normal academic program, it is notable that their classroom performance is significantly improved.

Psychologists have noted that in order to best serve the child, the school must be able to relate to some degree to the family and to the total community. A child's attitudes and perceptions of school as learned outside the classroom are large factors in determining his behavior and success in school. With the reinforcement of family and community involvement, the child's attitude toward his schoolday is significantly strengthened and his potential and motivation for learning correspondingly enhanced.

Beyond bolstering elementary and secondary education, the community school programs have contributed to the viability of the community through basic adult education programs. The increasing demand for a more skilled work force by public and private industry and the abnormally high percentage of adult illiteracy and high unemployment in many inner city and rural areas underline the need for adult education. In most instances these education needs can best be met at the neighborhood level, after hours, and on the weekends. Community education programs can serve greatly to improve the quality of the community's

labor force and thus its economic strength.

Further, the community school program can reach now alienated and isolated groups both in our cities and rural areas. Perhaps two of the least understood and most mistreated groups in our society—delinquent youth and elderly—can both be better served through community school programs. The Montana State Task Force for Youth Development and Delinquency Prevention vigorously supports the community school bill as instrumental to reducing dropout and juvenile arrest rates. Community school programs can be an attractive alternative to the street corner with flexible programs that give youth needed psychological and social support.

For the elderly, space in the school can be set aside for social and recreation functions throughout the day. Programs of health and hot meals provided at minimal cost are low-cost investments with inestimable returns for the lives of the elderly.

In rural areas, the community school program is a hope for ending the isolation and severe lack of rural cooperative services. The director of the Appalachian Adult Education Center claimed, "It is apparent that the only viable and potential public system through which needs and the promise of rural America can be solved" is the community school program.

In sum, the advantages for the Federal Government to undertake leadership in encouraging the community school program are enormous in terms of attacking multiple community-related problems, using the existing systems and facilities, responding to local needs, and helping to serve groups presently alienated from our society. I urge all of my colleagues here in the House to join in supporting the Community School Center Development Act.

I attach the bill so that it can be printed in full at this point in the RECORD.

H.R. 972

A bill to promote development and expansion of community schools throughout the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. This Act may be cited as the "Community School Center Development Act".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to provide recreational, educational, and a variety of other community and social services through the establishment of the community school as a center for such activities in cooperation with other community groups.

DEFINITIONS

SEC. 3. As used in this Act the term—

(1) "Commissioner" means the Commissioner of Education;

(2) "State" includes, in addition to the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(3) "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of State elementary and secondary education or if there is no such officer or agency, an officer or agency designated by the Governor or State law;

(4) "Council" means the Community Schools Advisory Council;

(5) "institution of higher education" means an educational institution in any State which (A) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (B) is legally authorized within such State to provide a program of education beyond secondary education, (C) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (D) is a public or other nonprofit institution, and (E) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provision of clauses (A), (B), (D), and (E). For purpose of this subsection, the Commissioner shall publish a list of nationally recognzied accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered;

(6) "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or any combination thereof as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school; and

(7) "community school program" means a program in which a public elementary or secondary school is utilized as a community center operated in cooperation with other groups in the community to provide recreational, educational, and a variety of other community and social services for the community that center serves.

TITLE I—COMMUNITY EDUCATION CENTER GRANTS

SEC. 101. (a) The Commissioner shall make grants to institutions of higher education to develop and establish programs in community education which will train people as community school directors.

(b) Where an institution of higher learning has such a program presently in existence, such grant may be made to expand the program.

APPLICATIONS

SEC. 102. A grant under this title may be made to any institution of higher education upon application to the Commissioner at such time, in such manner, and containing and accompanied by such information as the Commissioner deems necessary. Each such application shall—

(1) provide that the programs and activities for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) describe with particularity the programs and activities for which such assistance is sought;

(3) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(4) provide for making such reasonable reports in such form and containing such information as the Commissioner may reasonably require.

AUTHORIZATION OF APPROPRIATIONS

SEC. 103. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE II—GRANTS FOR COMMUNITY SCHOOLS

SEC. 201. (a) The Commissioner may, upon proper application, make grants to local educational agencies for the establishment of new community school programs and the expansion of existing ones.

(b) Grants shall be available for the training and salaries of community school directors as well as actual and administrative and operating expenses connected with such programs.

APPORTIONMENT

SEC. 202. The number of project grants available to each State, subject to uniform criteria established by the Commissioner, shall be as follows:

(1) States with a population of less than five million shall receive not more than four projects;

(2) States with a population of more than five million but less than ten million shall receive not more than six projects;

(3) States with a population of more than ten million but less than fifteen million shall receive not more than eight projects; and

(4) States with a population of more than fifteen million shall receive not more than ten projects.

CONSULTATION WITH STATE EDUCATIONAL AGENCY

SEC. 203. In determining the recipients of project grants the Commissioner shall consult with each State educational agency to assure support of a program particularly suitable to that State and providing adequate experience in the operation of community schools.

AUTHORIZATION OF APPROPRIATIONS

SEC. 204. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE III—COMMUNITY SCHOOL PROMOTION

PROMOTION

SEC. 301. In order to promote the adoption of community school programs throughout the United States the Commissioner shall—

(1) accumulate and disseminate pertinent information to local communities;

(2) appoint twenty-five teams, consisting of not more than four individuals on each team, to assist communities contemplating the adoption of a community school program; and

(3) establish a program of permanent liaison between the community school district and the Commissioner.

ADVISORY COUNCIL

SEC. 302. (a) There is hereby established in the office of the Commissioner a Community Schools Advisory Council to be composed of seven members appointed by the President for terms of two years without regard to the provisions of title 5, United States Code.

(b) The Council shall select its own Chairman and Vice Chairman and shall meet at the call of the Chairman, but not less than four times a year. Members shall be appointed for two-year terms, except that of the members first appointed four shall be appointed for a term of one year and three shall be appointed for a term of two years

as designated by the President at the time of appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office. A vacancy in the Council shall not affect its activities and four members thereof shall constitute a quorum. The Commissioner shall be an ex officio member of the Council. A member of the Council who is an officer or employee of the Federal Government shall serve without additional compensation.

(c) The Commissioner shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

FUNCTIONS OF THE COUNCIL

SEC. 303. The Council shall advise the Commissioner on policy matters relating to the interests of community schools.

COMPENSATION OF MEMBERS

SEC. 304. Each member of the Council appointed pursuant to section 302 shall receive $50 a day, including traveltime, for each day he is engaged in the actual performance of his duties as a member of the Council. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

AUTHORIZATION OF APPROPRIATIONS

SEC. 305. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE IV—MISCELLANEOUS

PROHIBITIONS AND LIMITATIONS

SEC. 401. (a) Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

(b) Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for the construction of facilities as a place of worship or religious instruction.

JUDICIAL REVIEW

SEC. 402. (a) If any State or local educational agency is dissatisfied with the Commissioner's final action with respect to the approval of applications submitted under title II, or with his final action under section 405, such State or local educational agency may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such agency is located a petition for review of that action. A copy of that petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner shall file promptly in the court the record of the proceedings on which he based his action, as provided for in section 2112 of title 28, United States Code.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

ADMINISTRATION

SEC. 403. (a) The Commissioner may delegate any of his functions under this Act to any officer or employee of the Office of Education.

(b) In administering the provisions of this Act, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

PAYMENTS

SEC. 404. Payments under this Act may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment.

WITHHOLDING

SEC. 405. Whenever the Commissioner, after giving reasonable notice and opportunity for hearing to a grant recipient under this Act, finds—

(1) that the program or activity for which such grant was made has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or activity there is failure to comply substantially with any such provision; the Commissioner shall notify in writing such recipient of his findings and no further payments may be made to such recipient by the Commissioner until he is satisfied that such noncompliance has been, or will promptly be, corrected. The Commissioner may authorize the continuance of payments with respect to any programs or activities pursuant to this Act which are being carried out by such recipient and which are not involved in the noncompliance.

AUDIT AND REVIEW

SEC. 406. The Commissioner and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination, to any books, documents, papers, and records of a grantee, under this Act, that are pertinent to the grant received.

REPORTS TO THE CONGRESS

SEC. 407. The Commissioner shall transmit to the President and to the Congress annually a report of activities under this Act, including the name of each applicant, a brief description of the facts in each case, and the number and amount of grants.

APPELLATE REVIEW OF SENTENCES

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. KEATING. Mr. Speaker, today I am introducing a bill to provide for appellate review of sentences arising in the district courts of the United States, and to call upon the States to adopt similar measures.

The problem of disparities in sentences is one that has concerned Congress for many years, and during the 90th Congress, the Senate passed a bill which provided for appellate review of sentences imposed in Federal courts. The House took no action during that same year, however, and the measure, therefore, was not enacted into law.

The National Commission for Reform of Federal Criminal Laws—Brown Commission—and the ABA Advisory Committee have urged the adoption of some form of appellate review of sentences. This concept, therefore, has already won approval many times over by respected authorities within the legal profession, as it is recognized that both the defendant and society suffer when the law is not applied with equity and fairness.

Unusual sentencing disparities may occur because of the individual nature of each trial court judge, as each has a different set of values, reactions, and points of view. In brief, each judge simply is the product of a unique life experience, and this, many argue, would make it inevitable that some errors in judgment will occur—even among the best of judges. This is one of the major reasons why our judicial system contains an appellate procedure.

Under existing Federal law, however, the determination of the sentence is the only discretionary authority of the trial court judge which is not subject to review by a higher court. As long as the sentence imposed is within the statutory limits provided by law, the sentence is unreviewable by appeal. No matter how unduly severe, an appellate court is powerless to modify the sentence in any way.

Twenty of our own States, in addition to many foreign countries, provide for at least some form of appellate review of sentences. Moreover, in U.S. military courts, often criticized of being stringent or even unfair, appeals are automatic in each case—with each appellate authority possessing the power to reduce, but not to increase, the sentence imposed by the next lower authority.

To state the problem in its simplest form, therefore, the Federal legal system is an almost unique example of an advanced system of justice which does not allow for review of sentences.

As a result of this situation, our courts and correctional institutions are beset by numerous problems stemming from sentencing disparities. Aside from the obvious unfairness of subjecting some offenders to inordinately severe penalties, the recipient of an unusually harsh sentence will learn, through comparison of his own sentence with those of other offenders, that he was the victim of an apparent injustice. His resentment will likely breed unrest and severe disciplinary problems, and, in addition, may well undermine his prospects for successful rehabilitation.

The effects of inappropriate sentencing disparities, therefore, are harmful to both society and the defendant, serving only to perpetuate the cycle of crime and increase disrespect for our legal institutions. For sentencing must be an effective deterrent to future commissions of crime by the offender, and much of that deterrence is apt to be lost if an offender receives a sentence which bears no reasonable relationship to the crime he committed.

Furthermore, there is a substantial and growing body of opinion from within the legal profession that the impossibility of a direct challenge to unfair sentences often results in a great volume of appeals on tenuous technical grounds,

and a corresponding tendency on the part of the appellate courts to find merit in otherwise questionable allegations of error, or to find error prejudicial where it would normally be considered harmless, in order to alleviate the inequitable sentence.

In addition, public confidence in the judicial system must suffer when unjust sentences go unredressed, in blatant violation of a most basic principle of legal justice—that similarly situated individuals be treated alike. This loss of public confidence becomes even more serious when members of minority groups interpret uncorrected disparities as a form of legally sanctioned discrimination.

Although the bill I am introducing today is intended to ensure a fair and equal application of the law for all defendants, this bill in no manner diminishes the authority of the trial court judge to implement a necessary degree of reasonable sentencing disparity. For if sentencing is to achieve its purposes, it must prevent further criminality on the part of the offender, and it must deter the commission of similar offenses by others. For this reason, the trial court judge must be permitted some range of sentencing alternatives.

Defendants with a recurring history of criminal convictions, for example, often require more severe sentences than first offenders. Defendants with a known propensity for wanton disregard for the rights of law-abiding citizens may also require stiffer penalties than defendants with a history of involvement in the so-called "victimless crime." Also, what may be considered a relatively minor offense in one jurisdiction may be considered a particularly heinous offense in another, due to varying social mores and values throughout different areas of the country.

In summary, there are many reasons why a trial court judge may be justified in giving a particular defendant a more severe penalty than another defendant convicted of the same offense. The bill I am introducing today certainly does not alter this principle, as it would be a grave error to assume that all defendants convicted of the same offense should be given identical criminal penalties. What the bill does mandate is that defendants convicted of the same offense, and under the same general circumstances within the same jurisdiction be treated with a reasonable measure of equity.

In an effort to address these issues in a responsible and fair manner, a sincere effort has been made to produce a bill which strikes a proper balance between the rights of criminal defendants and the rights of law-abiding citizens who expect criminals to be treated with toughness as well as a measure of fairness.

Briefly, the bill I have introduced today contains the following provisions:

First. A Federal criminal defendant who has received a sentence of imprisonment of 1 year or more or death may file an application for leave to appeal to the court of appeals within 10 days after the imposition of this sentence;

Second. The court of appeals, upon reviewing the application shall consider whether the sentence imposed on the defendant is excessive in that it clearly exceeds the length of sentence normally imposed on defendants convicted of the same offense under similar circumstances;

Third. If the court of appeals grants the leave to appeal, they may review the sentence imposed to determine whether it is excessive as described above. If the application for leave to appeal is denied, this decision shall be final and not subject to further judicial review;

Fourth. Upon consideration of the appeal, the court of appeals shall be empowered to select from the full range of statutory alternatives open to the district courts in directing an appropriate sentence, except that a sentence shall not be increased as a result of an appeal under this section;

Fifth. A denial of the application for leave to appeal on the ground that the sentence imposed is excessive shall not prejudice any aspect of the appeal predicated on other grounds;

Sixth. Upon certification to the court of appeals the transcripts of the trial proceedings, the defendant shall have access to all presentence reports as he had at the district court;

Seventh. This act shall become effective 6 months after its enactment and shall apply only to sentences imposed thereafter;

Eighth. The Administrative Office of the U.S. Courts is authorized to make emergency payments to those circuit courts which require immediate funds to implement the provisions of the bill, and a yearly authorization of $1 million is provided for this purpose;

Ninth. Finally, in order to be eligible for receipt of funds from the Law Enforcement Assistance Administration, those States which do not have rules of procedure which permit appeal on the grounds of excessive sentencing must adopt such rules or face the loss of LEAA funds to that State.

Mr. Speaker, I strongly urge that the House act on this proposal at the earliest practicable date. This reform in our criminal justice system is long overdue, and I am confident that this body is unanimous in the opinion that a fair and equal application of the law is a goal worthy of our serious attention.

RECOMPUTATION OF RETIRED PAY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. ANDERSON of California. Mr. Speaker, I am today reintroducing legislation that provides for full recomputation of retired military pay.

The principle of recomputing retired military personnel pay based on active duty pay was incorporated in the American military retired pay system from the time of the Civil War to 1958, with short exceptions. All military personnel who served before June 1, 1958, did so with the expectation that this principle would continue to be followed. It is quite likely that the recomputation feature of the retirement system was largely responsible for the decision of many to make the military a career.

Although there was no signed contract with the U.S. Government promising that this system would be continued after service was completed, there certainly was a moral obligation on the part of the Government not to reduce the entitlement after it was earned.

The hundreds of thousands of retired career personnel, both regular and reserve, who served in several wars believed that their Government would continue to honor that obligation by preserving their entitlement to those rights earned under laws existing during their active service. Repeated governmental statements concerning the matter strengthened this belief.

For example: In 1806, in the case of *United States* v. *Heth* (7 US 399, 2d Ed 479), the Supreme Court stated:

> While it is true that pay is subject to the will of Congress, the presumption is where a person performs service under the prospect of certain emoluments, it is in the interest of the government to engender a confidence in the minds of its citizens which leaves no room for distrust. . . .

In January 1931, a joint congressional committee, after reviewing the overall military compensation system, stated in Senate document 259, 71st Congress, 3d session:

> The pay of any person on the retired list should be based on the pay of persons of like grade on the active list.

On June 16, 1942, the 77th Congress, in passing Public Law 607, recognized the provisions of existing law relative to computing retired pay when it stated in section 15 thereof:

> On and after the effective date of this Act, retired officers * * * shall have their retired pay * * * computed as now authorized by law on the basis of pay provided in this act.

In 1946, in passing Public Law 474, the Congress again adhered to the existing law by permitting those already retired to participate in the new pay schedules.

Career members of the uniformed services, regular and reserve, active and retired, had their faith in the dependability of their earned retirement rights further strengthened in 1949 when the Advisory Commission on Service Pay—the Hook Commission—recommended that the Congress continue to uphold the basic principle of keeping retired pay geared to current active duty pay schedules. The recommendations of this Commission were accepted by the Congress when it enacted Public Law 351 in October 1949. Section 511 of this law reads in part:

> Retired pay shall be computed on the monthly basic pay * * * which such member would be entitled to receive if serving on active duty in such grade.

In 1952 and again in 1955, Congress enacted legislation increasing the pay of the active services and, in each of these laws, continued the time-honored principle of equating retired pay to current active duty pay.

In 1957, the Cordiner Committee, which, like the Hook Commission, had been formed to study the military compensation system concluded:

* * * that the incentive value of the existing military retirement system depends to a major degree upon its integral relationship with active duty compensation and the confidence which has been built up in the military body that no breach of faith or breach of retirement contract has ever been permitted by Congress and the American people.

The uniformity of compensation thus achieved is considered appropriate and the inclusion of retired personnel within the new compensation system is considered by the Committee to be a mandatory and essential feature, fully in consonance with the long-established principle that retired compensation must always remain closely related to current active duty pay.

During the past 14 years many attempts have been made to justify the Government's abrogation of its moral responsibility. In spite of these attempts, the fact remains that those who entered careers in the uniformed services before June 1, 1958, served under a guaranteed formula which provided that their retired pay would be determined as a percentage of current active duty pay and the actions of Congress in passing Public Laws 65–422 and 88–132 reduced the entitlements after they had been fully or partly earned. The fact that such entitlements are not legally enforceable cannot in any way relieve the Government of its moral responsibility to provide compensation to retirees in accordance with the laws in effect when the compensation was earned.

In 1958 Congress abandoned the recomputation principle and substituted an across-the-board 6-percent increase for retired personnel. In 1963 Congress offered a one-time recomputation to those who were retired prior to the 1958 changes, or a 5-percent cost-of-living increase, whichever was greater. The cost-of-living system of adjusting retired pay is in effect today.

Although changes have been made in the system in an effort to protect the retiree from the rapid rate of inflation, they have not done so. The average retiree's pay has increased by 58.6 percent since 1958 while active duty pay has increased by 108.1 percent during the same period. A tremendous gap in retired pay has grown between the retirees of the same grade and years of service. The inequality will continue to widen unless Congress restores the traditional system of computing retired pay on the basis of current active duty rates.

Many of the lower grade retirees who served their country well for 20 or 30 years through two or three wars are in dire straits. They served at times when pay scales were very low and raises few and far between. Their retired pay is small, they pay taxes on it, and end up with less than many people get who never did anything for their country, who will not work, who pay no taxes, and who live off other people's money.

The argument that pre-1958 retirement entitlements would be monetarily prohibitive is nonsense. When an individual enters into a contract, he cannot use inability to raise money as a defense in any court in this great land. There are many places where we are spending money much less wisely.

There have been a number of proposals for one-time recomputation. If a compromise is necessary, my recommendation is that it be no less than the administration's proposal, but with pay scales in effect at the time legislation is passed rather than those of January 1, 1971.

As I said on the floor of the House on September 13, 1972, I reluctantly voted for adoption of the conference report on H.R. 15495 because of my deep regret that the conference committee deleted the recomputation amendment.

Also, I said then that the many retired military men who have served our country and who have given of their minds, bodies, and years—none of which can be replaced—certainly deserve no less than equity in their retired pay.

WHAT EVER BECAME OF CHARLIE FARNSLEY?

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. CARTER. Mr. Speaker, where is Charlie Farnsley? He is alive and kicking vigorously, often in the city of Louisville, sometimes in Indiana, and occasionally in southern Kentucky.

In 1964, it was my good fortune to serve in Congress and on the Interstate and Foreign Commerce Committee with the Honorable Charlie Farnsley, former mayor of Louisville, former State representative, former member of the board of trustees of the University of Louisville and, more importantly, the husband of a cultured southern lady, "Miss Nancy" Carter Farnsley.

Charlie Farnsley is one of the most intelligent men I have ever known. Under an "Ed Wynnish" facade reposes one of the finest brains in the State of Kentucky. Charlie Farnsley is indeed a man of many parts. Few people realize that he is deservingly successful in the field of advertising. Many of the eye-catching advertisements often seen in national magazines originated in Charlie's fertile brain.

I know that the Members of this body who served with Charlie wish for him and Miss Nancy meaningful success and true happiness in their present pursuits. I include a recent story of how Charlie Farnsley is now occupying his time:

[From the Louisville Courier-Journal and Times magazine, Dec. 31, 1972]

WHAT EVER HAPPENED TO CHARLIE FARNSLEY?

(By John Ed Pearce)

What's Charlie Farnsley doing these days? You know, the guy who used to be mayor of Louisville. Wore string ties and gray broadcloth suits, started the one-way streets and quoted Confucius to his critics, instituted the Occupational Tax, saved the orchestra, took classes at the University of Louisville, lectured on Jeffersonian democracy, modernized the library system, fought the merchants, fought the newspapers, fought the legislature and brought the city more national publicity than it ever had before or since.

What's he doing? He's having a ball, that's what. Enjoying life. Has more projects going than a dog has fleas. Hustling real estate, restoring old homes, trying to save the Jacksonian Hotel in Scottsville, Ky., that served old-fashioned, boarding-house-style meals (he was forced to abandon the old hotel as a money-loser last month), operating a publishing business, defending the University of Louisville, dabbling in politics, hassling the establishment. But mostly he is engaged in an effort to revive downtown Louisville. He says he knows how, and it has nothing to do with the River City Mall, new office buildings or the riverfront development. And it's easy, he says. It has to do with people.

"The riverfront will help," he says, "especially if it has enough apartments. But office buildings won't bring back shoppers, and that's what Fourth Street needs. Neither will the Mall. It'll make it nicer for the people who're already there, that's all. What you've got to do is get people back downtown. Replace the 80,000 who moved out."

Charlie's views are not the usual views, but then they never were. City planners? "They're well-meaning, but most of them don't know what they're doing." Expressways? "The minute you brought them downtown, you killed everything within a mile on either side of them." Urban renewal and redevelopment? "A national disaster."

Charlie lives well. "I'm just a poor boy trying to make a living," he says, easing back in his black, luxury-model Mercedes, a thing of panelling and leather that powers into traffic as quietly as a hummingbird. "Nicest car I ever had," he says contentedly. "You ought to get yourself one, chief."

He has a comfortable apartment in town, a home up the Ohio, assorted real estate and the profitable Lost Cause Press publishing business. He wasn't born exactly poor, his four kids are grown, and he and Miss Nancy (he married Nancy Carter, and she has been Miss Nancy ever since, for some reason) have the time and money to do pretty much what interests them, and a lot of things do. After a life in the goldfish bowl of politics, he doesn't mind being out of the public eye for a bit.

When Charlie was mayor of Louisville, he got a press like you wouldn't believe. News people were crazy about him, reporters, editorial writers, everybody. Even when they criticized him, they did it with affection. For one thing, every newsman sees himself as an unsung intellectual, and here was this politician quoting Mencius and talking of the application of Jeffersonian principles to the problems of cities. The philosopher-king thing, right here on the Ohio.

And he was colorful. He had a psychiatrist as an adviser, and a soundproof room in which he played classical music at full volume. ("No sense playing Wagner if you don't play it loud," he'd say, and blast you out of the room.) He tried to market a whisky called "Old Rebel Yell," and when the Patent Office said the label was in bad taste, he put out a brand called "Old Bad Taste." Instead of flying off to Florida when the going got too rough, he'd go out to the monastery at Gethsemani and hole up with the monks for quiet and meditation.

He baffled reporters.

"What are you going to do about the one-way street plan, Mr. Mayor?"

"Hell, I don't know, chief. What would you do? You news people know all about these things."

Charlie believed people ought to be involved in their government. Years before the kids started squalling about participatory democracy he started his Beef Sessions and invited everyone to come to City Hall one night a week and complain. Had some wild sessions, with people shouting and department heads sweating. They led to a lot of action, too.

He'd charter special trains and lead delegations to New York to watch the U of L basketball team play in the Garden, or to hassle foundations for money for the orchestra or library. He got reams of publicity for the city. Time, Life, Fortune wrote about

the cultural renaissance in Louisville, and, of course, about the colorful mayor.

But he was always in the middle of a controversy. He hired Roy Owsley as city manager. It was a good system. Roy handled the nuts and bolts of administration, leaving Charlie free to talk with people, study the city, see where it was going. But he had to put Owsley on a personal-service contract, because the state Constitution at that time limited public officials to $5,000 a year, and Roy wasn't about to work for $5,000. People screamed. We didn't elect Owsley, they said. If Charlie didn't want to be mayor, why did he run?

He hired experts by the handful, usually on a one-day basis. People couldn't understand it. "Experts usually spill their guts in one day," he explained. "I'd rather pay them $250 for one day than pay them $1,000 for a study that said what they'd say in a day." He believed in getting expert advice. "One man can't know everything," he said.

Charlie refused to fit the image of the pompous public official. He'd put his feet on his desk. On TV, he slumped down in his chair until he was almost flat on the floor. No dignity, they said. He lectured people on superiority of the Chinese emperor system, which he declared was more responsive to people than the classic democracy of ancient Greece. They called him Chopstick Charlie.

He didn't mind. He was moving too fast. The orchestra was about to go out of business; he got it a big foundation grant to commission new works, and started it producing records that made a lot of money. He hired Skip Graham, the hottest library man in the country, and together they re-made the Louisville Free Public Library system, doubled the circulation of books, put in the audio-visual department and FM station, started lending records and paintings as well as books. In town, classical record and art sales spurted. Cultural revolution.

It was strange to see Charles Peasley Farnsley, born to the center of the local establishment, fighting the establishment. But he resented the rich suburbanites who leeched off the city, moaned about its problems and then went home at night to Prospect and Glenview, where they didn't pay city taxes. He viewed the Occupational Tax, which made suburbanites with jobs in the city bear part of the city's financial load, as a personal triumph.

Charlie was a great believer in making do with what he had. When he was short of money to re-pave streets, he "half-soled" them, paving only the center portion where the cars drove. When he didn't have money for new parks, he made Tot Lots out of bits of city property, vacant lots, filling them with swings and boxes, barrels and junk for kids to play on. They loved them.

He was the despair of local Democrats because he seemed to lose interest in an office once the term was up. He refused to run again for mayor, eight years after he left the office, and the Democrats lost it. He served a term in Congress, made a good record and seemed a shoo-in for re-election. He refused to run, and the Republicans won the seat with Gene Snyder, who has held it ever since. "Once is enough," he said. "Let someone else have a turn at it." Actually, he admitted later, "I just got homesick."

Which does not mean that he has lost interest in the causes he fought for. It has been 20 years since, at the age of 45, he left the mayor's office, but he still feels that cities are the only places to live, and that Louisville is the pleasantest city he knows. He also thinks that planners ("bricks and mortar people; think any problem can be cured by building something"), politicians and the establishment are causing American cities, including Louisville, to "die from the inside out." This irks him because he warned them 20 years ago what was going to happen, and they wouldn't listen to him. He's still telling them, and he thinks the evidence of disaster is strong enough to force them to start listening.

Charlie holds forth from an office on the seventh floor of the Starks Building at Fourth and Walnut, in the heart of downtown Louisville. The office is a clutter of desks, chairs and stacks of papers surrounding a green velvet sofa, and a huge window facing east to where I-64, I-65, and I-71 knife through the guts of the city. For some, they are heaven-sent short cuts from home to office, but to Charlie they are "a disaster," one of two mistakes that led to the disintegration of the downtown business district.

"Run a sword through a man, he dies," he explains, "and when you run an expressway through a neighborhood, it dies. It's cut in two. As Jane Jacobs (a noted urban expert and sociologist) says, it tears the fabric of living."

Briefly (if it can be stated briefly), his theory is this:

Cities were functional because they grew up to serve the needs of the people living there. Neighborhoods developed institutions—the school, the church, groceries, shops, the neighborhood tavern—as people needed them. Some of the neighborhoods may have looked shabby, tax rates may have declined, but the people were comfortable in them. They knew each other, felt secure. Children grew up, went to the same school and church, married and lived down the street from their parents. Change came slowly, through death, intermarriage with outsiders, a few new people moving in to replace those dying. People knew the cop, the preacher, the drunk, the mean kid. They kept watch on each other, kept things in check.

Then comes an expressway, cutting through the heart of the old neighborhood. Streets are blocked by the hump of earth with its concrete lanes of hurtling steel. You can't get to places and people any more. The tavern loses its customers, the church part of its congregation, school lines have to be redrawn and outside kids are brought in, and the kids of the friends you grew up with go to another school. The neighborhood is gone. It dies. People move out. Property values drop.

"See what this does to the downtown business district?" asks Charlie. "Social scientists say that a store like Stewart's draws up to 80 per cent of its trade from people living within two miles. But we've driven out too many of the people who lived within two miles of Fourth Street. So the stores moved out with them. Had to."

The other killer of downtown, he feels, is redevelopment, Urban Renewal. The effect of Urban Renewal, he believes, was much like that of the expressways.

City planners, Charlie believes, are obsessed with building; they believe new buildings solve all the problems present in old buildings. To them, the old homes and buildings lining downtown streets after World War II represented urban blight—poor living conditions, poor tax sources. So they bought them, tore them down and replaced them, in most cases, with new office buildings or government housing—or nothing.

"What they were doing was running out the people, most of them poor people, forcing them to move farther out or into government housing that many of them didn't want or couldn't afford. Maybe the old neighborhoods looked shoddy, but they functioned. Gave people a feeling of community, of belonging. Nobody feels a sense of community in a project.

"Together, the expressways and redevelopment drove 80,000 people out of the central city of Louisville; out of the area lying within two miles of the business district. Then they started all these schemes to get people back downtown—free parking and all that. But they had already driven the stores out to the suburbs, so the suburban people had no reason to come back downtown."

Stupid, says Charlie. All of it unnecessary. The result of bricks-and-mortar mentality, and federal bureaus that are not responsive to the real needs and wants of people.

"It's peculiar to America, and especially the cities of the northeastern United States," he says, running his band through his thinning, gray hair. "You don't see European cities dying at the core. That's where people want to live. The rich live on the first two floors, the poor in the attic; or people live over their stores. So that's where the shops are, that's where the people come to buy; where visitors stay. They don't move the people out to the suburbs by tearing down their buildings and then making it easy for them to live outside with low-cost loans, like the FHA did. The FHA will guarantee any kind of loan for a house in the suburbs, but not in the city, not to buy an older home. Its policies helped to destroy the cities."

The downtown merchants, according to Charlie, helped to contribute to their own woes.

"When I was mayor, we argued all the time. I was trying to help them. They knew we had to move traffic through downtown, and I showed them that a one-way grid was the only way to do it, with every street alternate oneway. We one-wayed most of them, except for the two that counted—Fourth and Market. I got tired of fighting them on it, said if they didn't want to help themselves, all right. You can't force things on people.

"Same with store hours. They wouldn't keep the shops open at times when people wanted to shop. They'd open them in the morning when people were busy, but as soon as people started coming in, late in the afternoon, they'd run them out, close up. Wouldn't stay open nights or on Sundays, I don't know why; probably because they had always done it that way, and couldn't change. Then the same stores, when they moved out to the suburbs and shopping centers, signed leases agreeing to stay open at night."

All this is not new-found theory with Charlie. He fought the process as hard as he could as long as he was in office, but even then he had a feeling he was swatting flies with a tennis racket.

"When the establishment, the white Protestant middle class, gets its head set on something, nobody can stop it. And I don't mean this in a bad sense. These people read magazines, watch television. They don't have the time really to study complex questions of urban growth, and when they read that expressways are going to solve our traffic problems, they're all for expressways. When they read and hear that redevelopment is going to stop urban blight and brighten up downtown, they don't have time or inclination to question it.

"So they listen to the planners, the men with table models of how cities are supposed to look. But the average planner doesn't know anything about people. He's an architect or an engineer; he knows about building, tearing down, laying down concrete, putting up things. But you never get social scientists, the real experts on people, on these planning boards. You ought to have architects and engineers, don't misunderstand me, but they ought to be just part of the team. But people won't listen to the real experts, won't spend money on social research. We spend billions on research in the natural sciences, hundreds of millions on health research, but peanuts on social sicences."

Why?

"Well, mostly because everybody thinks he can run a government. You in the newspaper express opinions on social matters all the time without expert advice. It's in the mores of the people. They say hell, the experts don't know anything. But they do. For the money we've spent on social research, they know a lot, and could save us a lot if we'd let them."

Lack of research and reliance on planners,

Charlie is convinced, have made guinea pigs of city dwellers.

"Bureaucrats will do anything," he says. "I read in the paper the other day, the National Observer, about this papaya-juice treatment for slipped discs. There's some enzyme in it that eats up the fluid in the spinal column causing the trouble. Billy Keller says it works. (That's Dr. William Keller, U of L psychiatrist. When Charlie was mayor, Billy was his adviser, and enemies quipped that he needed a shrink to get from his home to City Hall.) But the government won't let them use it till it's been tested more. You've got to try it on rats, camels, people. But let someone get a scheme for cities, and they'll do it without any tests at all."

Politics, sectionalism, all sorts of things are mixed up in the problem of cities, Charlie believes. Southern cities are generally better off than northern ones, he says, because Southerners, partly as a result of the Civil War, have always been more suspicious of federal government and programs, and resisted postwar federal programs more. Louisville, being a border town, has been torn in this respect.

"As long as we (the Democrats) were in office we resisted these programs for Louisville," he says. "Then Cook and Cowger came in (Marlow Cook, then county judge, now U.S. senator; and the late William O. Cowger, then mayor), and they were basically northern-oriented because they were Northerners, Cook from New York, Cowger, I think he was from Nebraska. They went all out for it, and that's when they started messing things up. When I was in office, per-capita income in town rose and the stores didn't move out. Then they turned things around and income started dropping and the business district went to pieces. Let's have lunch, chief."

The Mercedes purrs through the crowded downtown streets. Charlie gestures toward the new riverfront buildings, looming against the sky.

"A lot of people see the answer in new office buildings. Bring in new tax money, new people for downtown. But, hell, everybody's after new offices. Who's going to rent them? There's office space standing vacant all over the country. They're renting it for four-and-a-half a square foot in New York, where it used to be twenty. And office buildings aren't filled with shoppers. They'll work downtown, eat there some, but they'll go home to the suburbs, and their wives will shop in the suburbs. Like the riverfront. It may bring in some people, but they'll tend to shop in the shops there. It'll help some, not much."

How about the new River City Mall?

"What's it going to do? Will it produce any new shoppers? No. New shops? No way. Look at the other malls—Kalamazoo, the big one in Fresno. Disaster areas. They're no good without people. You've got malls, open spaces, in your suburban shopping centers. Plus free parking."

Yet, he insists, as the car rolls east on River Road to a riverside restaurant, the whole downhill process could be corrected. Louisville's downtown, he says, is not dead—just about two-thirds dead. It could still be saved, the whole process reversed in six weeks. Seated in the restaurant, he gestures toward the broad, boat-lined river and declares that it is part of the answer.

But what is the magical recipe for recovery?

"Tourists," he says. "Most people here don't realize what we've got. A hundred million people live within an easy drive or flight from Louisville, and all of them want to get away from home for a while, want a change of scenery. I had this fellow, forget his name, head of the Sheraton chain tourist bureau, tell me Louisville had two of the country's outstanding tourist attractions—Churchill Downs and the Ohio River. But we're doing nothing to promote tourist trade. Nothing. Give me a million dollars and I could turn it around in six weeks. Not cure it in six weeks, but make a start. Fill these hotels—and we've got plenty of them now—and in a year the three per cent room tax will support the promotion. Not cost the taxpayers a cent."

Package tours, says Charlie, are the big thing in the tourist business, and Louisville is made for package tours. Bring people in from north and east, and out in the state, and fix them up with tours and tickets to keep them busy and entertained.

"We're perfect for it," he says. "The Belle, the Downs, two good theaters now, plenty of movies, getting better restaurants all the time. Got one of the best orchestras in the country, the opera, the ballet, golf courses, clubs, getting more night life. And we're right in the middle of tourist country—lakes, caves, horse farms, historic sites. We're made for it. Instead, we're spending money trying to promote conventions, and any travel man will tell you conventions are the poor end of the travel business.

"They don't spend anything. Half of them don't get out of their hotel. The men don't bring their wives, and it's the wives who do the shopping. The men are busy all day, and at night they want the kind of entertainment that doesn't do the city any good. Tourists have plenty of time. They have money to spend. They want to see stores, shops. Put 10,000 tourists a day in here, and you have 10,000 shoppers a day downtown."

But won't the lack of luxury hotels and shops in the downtown area be a handicap?

"In the first place, we still have plenty of good stores downtown—Rodes, Martin's, Stewart's, Byck's, bookstores, jewelry stores, record shops, restaurants. But the point is there'll be more when there's a demand, when there's somebody to buy. And tourists buy. They buy high-class goods. And we have plenty of hotel rooms; look at all the new hotels downtown now—Stouffers and the Galt House, Rodeway, Holiday Inn, all of them, not to mention the Seelbach and Watterson. Sure, we've lost the Brown, but something like it would come back if the demand was there. And we can create the demand."

Does he ever think about getting back into politics in order to put his theories to work?

"No. I had my run at it. I ran for Congress when I was 23, you know. Lost to John Y. Brown in a statewide primary. Served two terms in the legislature, then ran against Happy Chandler for the Senate, and lost. Lost a race for Congress from the Third District, and then was mayor, and then served a term in Congress. It was fun, but it was enough. Like Earle Clements said, you never shut the door really closed, but I can't see ever running again. I've got too much to do. Got those houses in Vevay (Indiana; he owns five old homes there, some of which he has restored, one as a weekend home, one as a guest house; one houses an antique shop) and three row houses up in Madison (Indiana). May be worth a lot of money someday. Hope so. Then we've got Fernlea subdivision out on 42, in Oldham County. Still have about 600 of the 1,000 acres."

Charlie and Miss Nancy got interested in Vevay in a rather casual manner.

"We were reading The Courier-Journal one Sunday, and saw that they were having this wine festival the next Thursday up in Vevay, so I said why don't we go, so we did, and the first thing we saw was this beautiful old home, overlooking the river, and Miss Nancy wanted it, so we just went down that day and bought it. Didn't take much fixing up. You get a lot for your money in these older houses."

Now he and Miss Nancy go up to Vevay on summer weekends, and play host to the people who flock to the festival each August, mooring their hundreds of boats along the riverfront, and clambering up the muddy banks to watch the grape-stomping contests, drink wine and eat beans-ham-and-cornbread lunches along the curbstones of Main Street. In a way, says Charlie, it's an effort to show people the attractions of the river and the advantages the Louisville area offers for tourist promotion.

"This is a great city," he says, driving back to town, "fine place to live. I wouldn't live anywhere else. What do I want to do with the rest of my life? Just what I'm doing. Maybe I lose some battles, but I get a little bit done, too. And it's all fun.

"Fellow the other day said 'Charlie Farnsley's the only man I know who's making a living doing just what he wants to do.' I guess that's about right. And that's not bad, is it, chief?"

No. Not bad at all.

GOVERNOR ROCKEFELLER'S PROPOSAL FOR ADDICT OFFENDERS IS NOT THE ANSWER

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. KOCH. Mr. Speaker, on January 3, Gov. Nelson A. Rockefeller in his annual state of the State message delivered to the New York State Legislature proposed the following:

. . . that crimes of violence committed by persons under the influence of hard drugs be punished by life imprisonment. The avenues of escape would similarly be closed, and to close all avenues for escaping the full force of this sentence, the law would forbid acceptance of a plea to a lesser charge, forbid probation, forbid parole and forbid suspension of sentence.

The approach of the Governor, who admits failure in the State's antinarcotic program costing $1 billion to date, makes no sense. While none would dispute the venality of a nonaddict's pushing of hard drugs and the singularly stiff sentences, including life imprisonment, that should be imposed on such offenders, it does not follow that an addict, particularly if an adolescent, apprehended in a crime of violence should be treated differently than another individual not on drugs committing the same crime. Crimes of violence run the gamut from purse snatcher to murder. How long an offender should spend in jail must be determined by the gravity of the crime and the rehabilitation of the individual during incarceration. Furthermore, express efforts should be made to give the drug addict therapy during his imprisonment, as opposed to abandoning him to the brutalizing regimen of prison life. To foreclose the opportunity of parole undermines the correctional process and eliminates any incentive for good behavior and rehabilitation by the individual while imprisoned.

There is always a balance to be struck in matters involving the rights of an individual and the rights of the public. Too often the rights of the public have not adequately been protected by the police, the courts, and public officials. There must be some redress in those rights. But.

the Governor's proposal can only remind one of the situation in Saudi Arabia where there are people without one or more of their limbs—amputated because they committed a crime. Can the Governor really believe that simply threatening heroin addicts with life imprisonment will deter them from engaging in crimes of violence? Such deterrents will be even less operative in the drug addict than in the nonaddict who is not under the physical compulsion of getting a heroin fix, no matter the consequences. I believe heroin addicts involved in violent crimes should be treated as stringently as nonaddicts even though there is a medical aspect to the addict's case. But similarly, the pivotal issue in either case is the crime committed and not whether an individual is or isn't an addict.

I appreciate the frustration of the Governor in dealing with the problem of street crime compounded by drug addiction. All of us in public office feel similarly frustrated because none of us knows the answer to the heroin addiction problem. But, to yield to this frustration by supporting irrational proposals is simply to delude the public and compound the problem by forestalling legitimate efforts to find workable solutions.

CONGRESS MUST END THE WAR

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. FULTON. Mr. Speaker, on October 26, 1972, Dr. Henry Kissinger announced to the American people and the world that "peace is at hand." He reported that only minor details remained to be cleared up before there was an end to the war in Vietnam, the return of American prisoners, and on accounting of the missing in action.

At that time most Members of the U.S. House of Representatives were campaigning for election or reelection.

At that time I, as I am certain did many of my colleagues, took time from my campaign to personally express my approval and appreciation of the developments in Paris and to praise President Nixon for bringing the war to an apparent end.

What ensued brought not peace but tragic disillusionment.

Peace was not at hand. The Paris talks broke down, because of lack of good faith by the North Vietnamese we are told, and on December 18, 1972, the United States unleashed what has been termed "the most massive bombing of the Vietnam conflict, if not any war."

The bombing which the United States unleashed on North Vietnam has been a shock to millions in America and to millions more throughout the world.

Civilians have been killed at random if they happened to be too close to military targets, many of which were in the midst of residential and commercial areas. An American prisoner of war camp reportedly was hit, a hospital damaged, and entire strips of residential land, hundreds of yards wide and more than a mile long, leveled by our so-called carpet bombing through our Government says many of these civilian-populated areas were not targeted for bombing.

And there is personal tragedy for many Americans, too. At least 93 U.S. airmen have been killed, captured, or reported missing as a result of the bombing which has seen at least 15 B–52's as well as other aircraft shot down and destroyed.

And what explanation or reasoning by the powers which ordered this escalation of warfare has been given to the American people and the world? Absolutely none.

Immediately after the announcement of the renewal of the bombing I telegraphed President Nixon respectfully urging that he report to the American people by radio and television on the decision to bomb again. Please tell us "why," I asked, because I believe we have a right to know. Neither the American people nor its elected representatives in the U.S. Congress have heard the first word from our President. Nor has the receipt of my telegram yet been acknowledged.

The silence on the part of those who made the decision and gave the order to bomb again is almost deafening in our ears.

Why is this? Is it because these men believe that after 13 years of official American involvement in Vietnam that the American people are so steeled to savage warfare and so inured to the prolonged continuation of the war that we will benignly accept or ignore this latest unilateral exercise of raw military power and destruction?

The Washington Post this past Sunday carried a heartbreaking list of quotes from American civilian and military leaders dating back more than a decade giving assurances that the end of the war and American involvement militarily in Southeast Asia was within our grasp, that "peace was at hand."

Perhaps, being aware of the many times we have hopefully accepted these past assurances, our decisionmakers felt that just one more time we would accept them again.

For my own part I do not.

For 10 years now I have sat in this body while three administrations have assured us and the American people that either through might or reason the war would soon be ended and Americans would be out of Southeast Asia.

For 10 years now I have witnessed the "the best and the brightest" men who could be found to serve in our government as they failed time after time to bring peace either through the weaponry of war or the art of negotiation.

For 10 years now I have witnessed the list of Americans killed, wounded, captured or missing grow until it numbers in the hundreds of thousands.

And for 10 years now I have sat as the Congress permitted the executive branch of government to continue this war without restraint either by voting authority and funding to war or by refusing to exercise our own constitutional authority and moral obligation to intervene.

No more. I do not question the President's motives or his sense of moral obligation in his decision to bomb again but do sincerely feel the decision was wrong and I also condemn his cavalier treatment of the Congress and the American people by his refusal to explain or justify his decision. He was reelected decisively but he is our President and as such is accountable to the people, particularly on decisions and failures of this magnitude.

However, I have no real hope that such action will be forthcoming. Even should it be, we have sat idly too long. Those whom we have permitted to hold and exercise power through three administrations have demonstrated time and again their inability to employ this power effectively to end this war.

I believe our only hope now is for the Congress to say "stop, enough."

Accordingly, I joined with the overwhelming majority of my colleagues in the Democratic caucus yesterday in support of the resolution putting our party on record as a matter of policy in the House to work for an end of combat funding in Indochina as soon as prisoners are returned and arrangements made for the safe withdrawal of our troops.

For my part I do not view the qualifying statement concerning our prisoners and troop withdrawal as consent to prolong the war indefinitely pending a peace agreement. To me it means the United States should reach an agreement first on these issues and then get out.

In closing I respectfully urge my colleagues on both sides of the aisle, particulary those of you who today took the oath of office as U.S. Representatives for the first time, to join with us to end this war. You may well, as new Members, hold the balance in this decision.

For those of you who, as I, have served in this body before and have had growing doubts about the war, its conduct and our inability to end its devisiveness and waste of money, resources and human lives, let us work together in this worthy effort.

For all who have the inclination, though you may have doubts, to move effectively, forcefully and finally to stop the killing and restore the peace, search your conscience and reason with your mind. If you feel you can then I respectfully suggest you must join in stopping the war.

CAREER EDUCATION: AN ALLIANCE WITH PRIVATE VOCATIONAL SCHOOLS

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. GERALD R. FORD. Mr. Speaker, last June the National Association of Trade and Technical Schools held its eighth annual conference in Washington, D.C. The speaker for that conference was Dr. Robert M. Worthington, Associate Commissioner for Adult, Vocational and Technical Education, Office of Education. While some months have elapsed since

Dr. Worthington made his speech, his remarks are still pertinent and will be of interest to Members of the House. I therefore ask unanimous consent that Dr. Worthington's speech may appear at this point in the RECORD, together with a letter to the NATTS from President Nixon. The speech and letter follow:

CAREER EDUCATION: AN ALLIANCE WITH PRIVATE VOCATIONAL SCHOOLS

(By Dr. Robert M. Worthington)

President Larson and distinguished guests, I am grateful for the privilege of participating in the 8th Annual Conference of the National Association of Trade and Technical Schools. In the few short years since NATTS has been organized, it has provided leadership and centralized representation for its member institutions. These institutions have contributed much to this nation's postsecondary and adult career occupational education. And they give promise of continuing to provide the specialized and exemplary programs for meeting the needs of our increasingly technological society.

I note with special interest tomorrow's agenda in which you honor State officials who deal directly with private schools, and the sessions on "Working With State Governments" and "The Interaction of Private and Public Education."

The practical realism which has contributed so greatly to the excellence and success of your institutions is clearly evident. For it must be at the State and local levels where the details of the cooperation and support, as visualized in the Vocational Education Act of 1963 as amended in 1968, will be realized. I refer to the contracting with private schools by States for educational services, and a similar utilization of the excellence and availability of private institutions under the Manpower Development and Training Act.

The excellent quality of education offered in non-public and private trade technical and other specialized occupational schools is well known to employers and is an important and integral part of the total career education capability of the Nation. It is available to prepare full-time students for technical and specialized occupations and to upgrade and update education for adults whether they are employed or are seeking employment. In a true sense this part of the career education concept, in which we are all so deeply involved, is among those parts which already are in place and functioning.

Let me share with you now some of the concepts and developments concerning this career education movement.

As many of you are aware Career Education is now the principal thrust of the U.S. Office of Education. Its fundamental concept is that educational experiences, curriculum, instruction, and counseling should be geared to preparation for economic independence, an appreciation for the dignity of work, and development of the full man. Its main purpose is to prepare all students for a successful and rewarding life by improving the basis for occupational skills, enhancing educational achievement by making education more meaningful and more relevant to the aspirations of students, and by increasing the real choices and alternatives people have among the many occupations and training avenues to them. It is a lifelong, systematic way of acquainting students with the world of work in the elementary and junior high years and preparing them in high school and college to enter and advance in a career field of their own choosing.

For adults it is a way to re-enter formal education and upgrade their skills in their established career field or to enter a new career field. It embraces all occupations and professions and can include any individuals whether in or out of school.

The Office of Education is involved in a number of exciting ways in furthering the career education movement. Last month we created in the Bureau of Adult, Vocational and Technical Education a Curriculum Center for Occupational and Adult Education. The Center already is handling 39 projects. One project alone called for reviewing 32 proposals for developing the capabilities of State Curriculum Laboratories in reorienting them towards career education.

Recently, through a grant to the Texas State Education Agency, the center was able to announce that seven bibliographies of State Curriculum materials in seven major vocational areas are now available through ERIC.

Our emphasis on Career Education is primarily based on the growth of technology in this country and its effects on the lives of the American people. For too long our educational system has assumed that all our youth must be channelled into college and universities when in fact fewer than 20% have in the past graduated with bachelor's degrees into professional and managerial leadership jobs. In addition the Bureau of Labor's statistics indicate that in the foreseeable future 83% of the jobs will not require bachelor's degree preparation.

Each year then it becomes more evident that the largest increase in job opportunities will continue to be for persons skilled as technical, clerical, or paraprofessional workers. These people are needed to support the professionals and guide the efforts of the skilled and semi-skilled persons at the technical and specialists level in all major fields of work. The education and work experience required to prepare such specialized supportive people has to be based not only on high school preparation but also technical education beyond high school. And this type of training has traditionally been provided in large measure by the Nation's nearly 10,000 proprietary vocational schools.

Several special advantages over the public schools are offered by proprietary vocational schools and these include:

The ability to respond quickly to changes in the manpower needs of local business and industry; courses can be added as soon as they can be organized without months of red tape and procedural delays inherent within the public school system;

The ability to concentrate on the needs of each student—marginal students who have never before experienced academic success can proceed at their own pace and successfully complete courses which are aimed at developing practical techniques rather than theoretical knowledge; faculty members are chosen more on the basis of practical experience and consequently act as excellent teachers for such training; and innovative teaching techniques such as the use of short, sequential learning units and small teacher to student ratios are utilized;

Special introductory courses have been set up in many schools to help educationally disadvantaged students meet entrance standards;

Shorter courses, enabling students to complete their training and begin working in a much shorter time. This provides an opportunity for the poor students who don't have the time and money necessary for a four year college program;

More flexibility in that they offer both day and evening classes and operate on a year-round rather than a nine month basis with classes starting an average of 4 times a year; and

In addition, proprietary institutions have incorporated such programs as loans, installment payments for tuition fees, and work placement in nearby industry and business to help disadvantaged students.

In spite of these significant advantages, proprietary schools have frequently been met with a less than enthusiastic response from educators, school counselors, and, to some extent, the Federal government.

Some of the negativism has been provoked by the few schools which give all the others a bad name by not providing what is promised by their catalogue or their school representatives or by providing insignificant training or job placement. Despite this, however, the fact that these schools exist and prosper financially indicated that one cannot get the type of training they provide elsewhere or that the private schools have superior resources and teaching techniques or both.

According to Dr. A. H. Belitsky of the Upjohn Institute for Employment Research, private vocational schools will continue to remain viable then principally because the public schools alone cannot presently meet the needs of all the people who want vocational training and if the public institutions were to be expanded, the costs of adding new vocational programs and the possible social waste of unutilized or underutilized private facilities would be prohibitive;

Unique course offerings such as diamond setting, dog grooming, meat cutting, and time-study engineering, to name a few, could be provided in public schools only at high costs, and vocational courses of short duration would be hard to integrate into the public school curriculum; and

Private vocational schools have an advantage of early experimentation with new programs and innovation in methods of instruction which will continue because of their close ties with industry and their desire to maximize profits.

At a time when resources are scarce and time is short, it is urgent that a viable alliance be developed and strengthened between the U.S. Office of Education and organizations such as NATTS in furtherance of the concept of career education.

There are some problems which cannot be overcome except by our joint efforts. For example, at present all trade and technical schools are operating at only about two thirds capacity at a time when we need to maximize our potential vocational resources to meet the challenges of Career Education. If these schools were encouraged to operate at full capacity, an additional one half to two thirds million more people could be accommodated.

Another problem is that most guidance counselors must be taught to make known to their charges in the high schools the opportunities which are available in the private vocational schools. The vocational schools need additional guidance counseling within their own institutions as well.

A third problem is the fact that the vast majority of private vocational schools are not accredited or associated with a national organization such as NATTS or even eligible for accreditation. Accreditation is extremely important because:

It provides the schools with an objective method of upgrading their educational standards and practices, thereby improving the reputation and opportunities of all effective schools;

It provides prospective students, teachers, counselors, and lending institutions with an objective assessment of the quality of the programs provided by these institutions;

It focuses public attention on competent schools and enhances their competitive status with prospective counselors, students, and teachers;

And it forces other schools which are not accredited to raise their standards in order to compete with those schools which are accredited.

A fourth major problem is the high cost of tuition at private vocational schools and the problem of securing loans for the students. I mention this only in passing since I am sure that David Bayer will address himself to this problem in his talk after lunch.

In the future then, with the help of organizations like NATTS, private vocational schools will undoubtedly experience a consistent growth in enrollment and greater general acceptance as a training resource for persons who do not attend college or junior college. The importance of their greater social role can not be underestimated if we are to successfully pursue the concept of Career Education.

Under the Vocational Education and Manpower Development Training Acts, the intent of Congress is evident that the excellence of private institutions should be made available to those who might thus profit from them with support of Federal funds through the contract mechanism.

Under the Vocational Education Act, contracts for specialized educational services may be let by the State provided that there are no State laws prohibiting such contracting.

The provisions of the MDTA have permitted a realization of a larger amount of cooperative effort between non-public and private schools. Beginning in 1963 when only about 2 percent of the total trainees under the Manpower Development and Training Act were in non-public institutions, the number has grown rather steadily. In 1971, sixteen percent of the total were in such institutions. Many placements in recent years have been through individual referrals to specialized private trade, technical, and otherwise specialized schools.

We believe this to be clear evidence of the willingness of the States to incorporate the excellence and specialization of private school programs into the total plan of delivery of high quality education in the States.

We are now making a complete assessment of all aspects of the new pending legislation in Senate Bill 659, "The Education Amendments of 1972," as they apply to occupational education. The "Amendments," passsed by both the chambers, are now awaiting the President's signature.

This is the first piece of educational legislation which clearly states that the United States has a responsibility to provide some form of postsecondary education to all students.

It provides for the first time a mechanism by which all postsecondary, non-professional occupational education programs can be planned, coordinated and administered within each of the separate States according to their peculiar and specific needs.

Some provisions under Title X, "Community Colleges and Occupational Education," are of particular interest to the NATTS membership.

Section 1057(b) "Program Grants for State Occupational Programs" reads as follows:

"Programs authorized by this part may be carried out through contractual arrangements with private organizations and institutions organized for profit where such arrangements can make a contribution to achieving the purposes of this part by providing substantially equivalent education, training, or services more readily or more economically, or by preventing needless duplication of expensive physical plant and equipment, or by providing needed education or training of the types authorized by this part which would not otherwise be available."

And in Section 1202, "State Postsecondary Education Commissions" you will want to note the role of private institutions.

"Sec. 1202(a) Any State which desires to receive assistance under section 1203 or Title X shall establish a State Commission or designate an existing State agency or State Commission (to be known as the State Commission) which is broadly and equitably representative of the general public and public and private non-profit and proprietary institutions of post-secondary education in the State including community colleges (as defined in Title X), junior colleges, post-secondary vocational schools, area vocational schools, technical institutes, four-year institutions of higher education and branches thereof."

Section 1203, just alluded to, states in part: "The Commissioner (U.S. Commissioner of Education) is authorized to make grants to any State Commissioner established pursuant to Section 1202 . . . to enable it to expand the scope of the studies and planning required in Title X through comprehensive inventories of, and studies with respect to, all public and private post-secondary educational resources in the State, including planning necessary for such resources to be better coordinated, improved, expanded, or altered so that all persons within the State who desire, and who can benefit from, postsecondary education may have an opportunity to do so."

Another section of this Act, which is one of the most important educational acts in this nation's history, appears in section 404 of Title III. It creates an Assistant Secretary of Education who under certain conditions may make grants to, and contracts with, public and private educational institutions and agencies to improve post-secondary educational opportunities by providing them assistance for the design and introduction of cost-effective methods of instruction and operation.

It has been an honor and a pleasure to appear before this eighth annual conference of the National Association of Trade and Technical Schools. In closing, I want to assure you that we in the U.S. Office of Education look forward to continuing and strengthening our close relationships with your representatives at the National level, particularly in view of the scope of the new educational legislation which looms on the horizon which offers greater utilization of the services of your excellent institutions.

THE WHITE HOUSE,
Washington, D.C., June 13, 1972.

The basic obligation of American education is to prepare our young people for socially productive and personally rewarding lives. The National Association of Trade and Technical Schools plays a vital role in the fulfillment of this responsibility.

Your steadfast dedication to raising the quality and expanding the scope of occupational education enables thousands of young Americans to achieve greater economic security and to find self-fulfillment in the constructive use of their talents. Your accomplishments provide a splendid example of the creativity and vitality that privately operated schools adds to our educational system.

My congratulations to you, and my best wishes for every success at this Annual Meeting.

RICHARD NIXON.

PUBLIC MASS TRANSPORTATION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. ANDERSON of California. Mr. Speaker, I am today reintroducing legislation which would allow a portion of the Highway Trust Fund to be spent for mass transit systems.

First, let me preface my remarks regarding the need for this amendment by giving a brief history of the action taken in the 92d Congress:

When the Federal Aid Highway Act amendments (S. 3939) were before the Senate in September 1972, Senators COOPER and MUSKIE led the fight to allow the use of funds earmarked for the urban system to be used for the purchase and construction of mass transit systems. The Cooper-Muskie amendment was adopted in the Senate by a more than 2-to-1 margin.

Then, in October, a similar bill (H.R. 16656)—but without the mass transit amendment—was considered in the House of Representatives. Prior to consideration by the full House, I attempted to amend the act in the Public Works Committee by inserting an amendment similar to the Cooper-Muskie amendment. We were defeated in the full committee by a 26-to-10 vote.

As there was a question regarding the germaneness of the amendment, I appeared before the Rules Committee to obtain a "rule" which would have assured a vote on the merits of the mass transit amendment. The Rules Committee turned down our request by an 8-to-7 vote.

As a result, we were forced to attempt to amend the rule on the floor and, on a complicated procedural question, we were defeated 200 to 168, thus negating the consideration of our mass transit amendment.

The Federal Aid Highway Act amendments went to a conference committee and shortly thereafter died during the waning hours of the 92d Congress.

As a result, one of the first orders of business during this session will be the consideration of the Federal Aid Highway Act amendments and, again, we will attempt to open up a portion of the Highway Trust Fund to be used for mass transit.

PURPOSE OF THE MASS TRANSIT PROPOSAL

I am reintroducing this bill today in order to give the Members time to study it and its implications before the Federal Aid Highway Act amendments are considered by the House in the coming weeks.

This proposal would permit—not require—local urban officials to use their share of the urban system money to purchase or construct public transportation systems. Rather than continue to construct highways in the cities, the mayor and city council could decide to use part, or all, of their share of funds to buy buses or to construct a rail transit system.

Some local officials will determine that more highways are needed to meet their transportation needs. They can continue to use the urban system funds for highway construction.

Some local officials will determine that a bus or rail system will do much to take a burden off their congested urban highways. They will be permitted to use their share of the funds for the acquisition or construction of bus or rail systems.

Obviously, some local officials will determine that their particular transportation problems will best be met by constructing both highways and a public mass transportation system. They will be permitted this flexibility.

Many have raised the questions "Won't

this halt the Interstate system?" "Won't this hinder the construction of primary or secondary highways?"

The answer, very simply, is "No." The mass transit proposal does not touch one cent of the over $3 billion a year Interstate money. Nor does it affect the money allocated for the primary and secondary systems.

The proposal which I am introducing today would merely allow the local officials to use their share of the fund allocated for the urban system to purchase or construct a public transportation system.

ENERGY CRISIS

Mr. Speaker, there is little question that by the end of this decade the United States will be confronted with a severe energy shortage.

Today, we import about 25 percent of our oil.

According to the Petroleum Council, we will be importing over 58 percent of our oil by 1985, and will be even more dependent on the oil-rich Middle East to run our factories, heat our homes, and fuel our cars.

And by 1980, with the number of automobiles in the United States expected to double, it is little wonder that oil prices are expected to increase by 100 percent.

What is the answer?

Certainly one answer to the energy crisis would be a more rational use of oil. According to a study conducted by the Chase Manhattan Bank, automobiles—passenger cars only—account for nearly 4.3 million barrels of oil demand daily or 30 percent of our daily consumption.

By 1985, automobiles will consume 7.4 million barrels of oil daily.

Rather than continue to consume such a large amount of oil in our pollution-belching automobiles, we should offer commuters and other marginal highway users an efficient, safe, and economical alternative—public transportation.

Not only would a diversion of traffic off of the highways and onto the public transportation system reduce auto pollution, it would also save our precious resources of oil. A 25-percent diversion of auto traffic from private passenger cars to mass transit could reduce petroleum demands by almost one-half million barrels daily.

AIR POLLUTION

Mr. Speaker, we know that emissions from automobiles cause approximately 90 percent of the air pollution in our cities.

Autos account for nearly two-thirds of all carbon monoxide in our air, more than one-half of hydrocarbons and two-fifths of nitrogen oxide.

According to Environmental Protection Agency Administrator Ruckelshaus "drastic measures" will have to be taken to limit the number of automobiles entering 67 of our cities, if clean air standards are to be achieved.

In short, not only are we going to have to clean up the automobile engine and the stationary sources of pollution, we are going to have to limit the use of the automobile in our cities.

LAND USE

Today we have almost 4 million miles of road in the United States which consumes approximately 35,000 square miles—an area equal to the size of Connecticut, Massachusetts, New Hampshire, Vermont, and Rhode Island combined.

In addition, highways in and around our urban areas make it necessary to devote large amounts of land to interchanges, parking facilities and the like. The percentage of urban land devoted to streets and parking approaches 50 percent in the business district of most of our major cities.

Mr. Speaker, rather than continue to take more and more of our land off the tax rolls and build more and more highways, we should use existing rights-of-way for mass transportation and, thus, use our land more effectively and more efficiently.

CONGESTION

Our highways and freeways have become so clogged and backlogged with commuters and other marginal users, that no one really benefits from the road. Due to congestion of the highways—especially during rush hour—travel time costs are high, operating efficiency is low, and nerves are frayed. Ironically, one study shows that traffic during peak periods in New York City actually moved faster in 1900 than in 1971.

If the old adage that "time is money" is true, then yearly we are throwing away billions of dollars in time wasted sitting in traffic.

The congestion that I have been talking about cannot be eliminated by more and more highways. Study after study demonstrates that new urban freeways merely encourage additional traffic. The Hollywood freeway, in my native California, was designed to reach a capacity of 100,000 vehicles per day within 10 years. However, within only 1 year, the freeway was carrying an average of 168,000 vehicles per day.

THE SANCTITY OF THE HIGHWAY TRUST FUND

When the highway trust fund was created in 1956, the taxes paid by motorists were to be used only for highway construction purposes.

In fiscal year 1972, 95 percent of the receipts of the highway trust fund were derived from taxes which were on the law books long before the trust fund was created and which, prior to 1956, were used for general revenue purposes. Specifically, the gasoline tax, which accounted for 67 percent of the trust fund revenues in fiscal year 1972, was enacted in 1932. The tire and tube tax, and the lubricating oil tax, which together account for 15 percent of the receipts, were enacted in 1919 and 1932 respectively.

Those funds—up until the trust fund began functioning—were used for a host of nonhighway purposes.

In addition, the trust fund, presently, has been so changed to meet other needs that it is difficult to argue that mass transit is not highway related.

In 1962, Congress allowed trust fund moneys to be used to help relocate families who were forced to move by highway construction.

In 1970, Congress permitted the use of trust fund moneys to construct ferry boats on the same basis as in the construction of highways.

Two-thirds of the cost of the highway safety program is paid out of the Highway Trust Fund.

The 1970 act also permits trust fund revenues to be used for exclusive busways, passenger loading facilities, and fringe parking to serve any type of public mass transportation.

Mr. Speaker, under existing law, we can use the gasoline tax to construct a ferry boat, but not to purchase or construct a bus or rail transit system.

My proposal would change that and at least elevate mass transit to the same priority as ferry boat construction.

Mr. Speaker, the highway user, especially in the urban areas, does not derive the full benefit of the tax he pays into the trust fund. Less than 10 percent of Federal-aid mileage is found in urban areas; yet urban areas accounted for more than 51 percent of all Federal gas tax revenue.

In conclusion, to pretend that a diversion of part of trust fund moneys for mass transit would constitute a "breaking of faith" with the highway user is hardly defensible.

CONCLUSION

Mass transit is certainly not the complete answer to solving the energy crisis, nor to cleaning up our environment. Neither is mass transit a cure-all for our transportation problems.

However, by permitting local urban officials to use their share of trust fund moneys for mass transit, we are giving them an effective tool to help solve the energy crisis, clean up our air, use our land more effectively and transport people in a safe, efficient, and economical manner.

In order to restore mobility in our urban areas, locally elected officials must have the capacity to provide acceptable transportation alternative to highways. By adopting my proposal as an amendment to the Federal Aid Highway Act, by permitting local officials to spend some $700 to $800 million on mass transit we will have those alternatives.

FAITHLESS ELECTOR

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. HUTCHINSON. Mr. Speaker, I submit that under the 12th amendment to the Federal Constitution an elector has no right to vote as he wishes.

The crucial point that is always overlooked by those who defend the freedom of the electors is that the 12th amendment became necessary because of a change in the role and function of electors. Electors—as contemplated by the framers of article II—were persons intended to choose dispassionately and independently the best man. However, the elections of 1792, 1796, and 1800 dramatically changed the essence of electors. With the rise of political parties, the

role of the elector evolved from one of exercising discretion to one of executing instructions. Were it not the fact that the office of elector had become ministerial by 1800 so that all of Republican electors voted for both Jefferson and Burr—as instructed, the 12th amendment would not have been necessary.

Thus, when the framers of the 12th amendment referred to electors, they did not mean—as did the framers of article II—that electors were free and independent. Rather, they referred to electors as they knew them—ministers of political parties. Consequently, I find it a bit incongruous to impute to the word "electors" in the 12th amendment a freedom and an independence that was, even as early as 1804, a historical anachronism.

In other areas of constitutional interpretation, we adopt historically contemporaneous concepts to define terms. The first amendment right of free speech does not protect obscenity because the framers did not think of it that way. And the seventh amendment right to jury trial does not grant that right in a suit for an accounting because the framers did not think of it that way.

Of course, there are instances when the development of the law has deviated from historic considerations. But all such changes were accomplished purportedly to modernize the law. The view that electors have discretion is the only instance that I know of where we would intentionally renounce historically contemporaneous concepts in order to widen the gap between the law and modern life.

I realize that as recently as 4 years ago, we grappled with this same constitutional issue. But I suggest that we overrule ourselves—as the Supreme Court so often does on difficult constitutional issues. Nothing in the 12th amendment, the subject of our interpretation, requires the belief that electors have discretion. History tells us that in 1804 the very opposite was true. Is there any one in this body who thinks it is good for the country to have electors who are free and independent?

It has been suggested that we are restrained by our own handwork—namely, section 15 of title 3, United States Code—from reaching the conclusion I suggest. But that provision only requires that we not reject an electoral vote "regularly given." If the provision were directed to the issue before us, it would implicitly support my suggestion that this irregularly given vote should not be counted as cast. However, if the provision is directed to the problem presented by dual certification of the electoral vote of a State, which I believe it is, then the provision cannot control our decision here.

The several States have it within their power to bind their presidential and vice-presidential electors by statute. In Michigan, for example, the failure or refusal of an elector to vote for the candidates for President and Vice President appearing on the Michigan ballot of the political party which nominated the elector constitutes a resignation from the office of elector, his vote shall not be recorded and the remaining electors shall forthwith fill the vacancy. If all States would similarly provide, we would not in the future have to deal with faithless electors.

WE MUST TIGHTEN THE PURSE STRINGS OF GOVERNMENT

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. PRICE of Texas. Mr. Speaker, in recent months the President of the United States has delivered a simple message to the Congress of the United States. We must move quickly and decisively to control Government spending or be faced with "higher taxes, higher prices and a cut in purchasing power for everyone in the Nation."

Over the years lipservice has been given to "balanced budgets" and "fiscal responsibility," but the fact is, the liberal majority of the U.S. House of Representatives, as managers of the Public Treasury, has done an appallingly bad job. So bad has been the majority's performance that were the Congress to exchange places with the board of directors of General Motors or any other corporation, they would bankrupt the business in short order by their profligate spending policies. Fortunately or unfortunately, the U.S. Treasury has a greater capacity to absorb debt than any private enterprise. And the liberals in Congress have not lost any time in piling up that debt upon debt by adding millions upon millions of dollars to almost every program that comes before the Members for a vote. From fiscal year 1963 to fiscal year 1971, outlays—expenditures plus net lending—have increased from approximately $111 billion to about $211 billion. During the same period, receipts increased from $106 billion to $188 billion. Only once during that whole period, in fiscal year 1969, did receipts exceed outlays—$188 billion as opposed to $185 billion—for a budget surplus of about $3 billion. And even then the budget was only in balance when the collections of the trust funds were incorporated into the total for Government revenues. In every other year since 1963, outlays were greater than receipts, resulting in budget deficits which ranged from somewhat less than $2 billion in fiscal year 1965 to an alarming high of $23 billion in fiscal year 1971. The almost continual annual deficits of course have led to substantial increases in the gross Federal debt. The debt increased from $311 billion in fiscal year 1963 to $408 billion in fiscal year 1971, the highest in American history.

Estimates for fiscal years 1972 and 1973 are very disturbing. The most current data available for fiscal year 1972 indicate an outlay level of $233 billion versus anticipated receipts of $207 billion, for an expected budget deficit of $26 billion. Initial forecasts estimated an even greater deficit of almost $39 billion. The expected reduction in the deficit is fortuitous rather than planned. A deliberate policy of expanding Federal outlays was adopted; only the inability to spend money fast enough—the incapacity to translate plans into on-going programs—prevented outlays from reaching the intended level. With lower outlays, the higher receipts than originally estimated, the fiscal year 1971 budget deficit is now projected at $26 billion—less than expected but still the highest since the peak deficit years of World War II. Furthermore, the deficit for fiscal year 1973 is expected to be even higher; $27 billion, with outlays programed at $250 billion and receipts anticipated to be $223 billion. Several nongovernment economists, however, predict that the eventual fiscal year 1973 deficit will be significantly higher than the official $27 billion. Because of the continuing deficits, the growth in the public debt will persist; the debt will be about $436 billion for fiscal year 1972 and is expected to reach $477 billion at the end of fiscal year 1973. Interest on this debt is presently costing the taxpayers billions of dollars per year.

Some economic theorists have advanced the proposition that fiscal policy—the management of outlays and receipts to create desired budget surpluses or deficits—is a useful tool to counter the ups and downs of the business cycle. Implementation of such a countercyclical policy would in theory result in the creation of surpluses during periods with high levels of business activity and low rates of unemployment, and in the creation of deficits during times of depressed business activity and high unemployment. Budget surpluses tend to inhibit the economy whereas deficits serve to stimulate economic activity. Pursuit of this policy would, in addition, operate to increase the public debt during depressed periods but to decrease the debt during prosperous times. The history of the past few years indicates that there has been no consistent attempt to follow such a countercyclical policy and there is good reason to question the basic premises of the theory. Deficits have been produced both in depressed and prosperous years. Failure to control the increase in expenditures combined with failure to increase taxes in prosperous years, have, as I have already noted, added to inflationary pressures on the economy.

Overall Federal expenditures continue to increase even though costs for the Vietnam war have been declining. Vietnam war costs reached their peak in fiscal year 1969 when the incremental costs of the war—costs over and above what would have been spent for defense in peacetime—reached $19.8 billion. War costs since then have declined to an estimated $6.8 billion in fiscal year 1972 and an expected $3.5 billion in fiscal year 1973. These latter estimates do not take into consideration the current expansion of the bombing program. But this decline in Vietnam costs has been accompanied by increases in income maintenance and Great Society programs. A recent study by the Brookings Institution indicates that from fiscal year 1963 to fiscal year 1973, defense and defense-related expenditures dropped from 53 to 34 percent of the total budget, while civilian outlays grew from 47 to 66 percent. Furthermore, the study concluded that many of the numerous social programs, costing billions of dollars, had failed, indicating that money and good intentions alone cannot provide solutions to social problems. Nevertheless, the Brookings experts predicted that

Federal expenditures for existing programs will increase in the future and that there will be demands for new services from the Government. With the tax reductions effected during recent years, the Federal Government will be hard pressed to find the resources needed to finance these increased demands.

The continued increases in expenditures, in budget deficits and in the national debt have fortunately led to renewed interest in proposals to reduce or control Federal expenditures, to balance the budget, and to limit the growth of the public debt.

We must recognize that, despite the control over the Federal purse strings given to Congress by the Constitution, in practice, the Executive exercises extraordinary control over spending. However, the President frequently cannot take the most desirable action in the public interest when Congress enacts appropriation bills in excess of budget requests. His only recourse may be to veto the entire appropriation bill, which in many cases will be impractical. It has therefore been suggested that the Chief Executive be given the item veto power, whereby he could prevent specific increases which he considers without merit or of low priority.

Several critics believe that there is presently too little coordination between expenditure and revenue decisions by Congress. Congress now views the budget largely as a series of separate and unrelated acts, with decisions on taxes and expenditures made independently by separate committees in each House. I believe that some way must be found to insure that Congress considers the budget as a whole and relates revenues to expenditures. One attempt to accomplish these purposes was the Legislative Reorganization Act of 1946, which established the Joint Committee on the Legislative Budget. The committee was to meet early in each session of Congress, consider the President's budget proposal in relationship to economic conditions and efficiency, set an annual ceiling on appropriations, and coordinate taxes with expenditures. This committee did not live up to expectations. It was probably too large to be effective, and the overall expenditure limit was difficult to implement. At any rate, the committee died after it was unable to agree on a ceiling in 1947 and after its 1948 ceiling was not enforced.

The Committee for Economic Development has recommended creation of a "joint budget policy conference," to include congressional leaders, majority and minority representatives from the revenue and appropriations committees of both Houses, and members of the Joint Economic Committee. This conference would study the budget as a whole, and would provide communication among the revenue and appropriations committees of the two Houses and the Joint Economic Committee.

There appears to be much room for improvement in the coordination of appropriations decisions. At present, appropriations are determined in some 13 separate appropriations bills, with little consideration given by the subcommittee responsible for each bill of its effect on total new obligational authority, total obligations to be incurred, or the likely level of expenditures. The costs of the programs considered in each of the individual bills are not considered in relationship to the costs associated with the other bills. Thus, Congress does not look at appropriations and other expenditures as a whole and compare alternative programs. The omnibus appropriation bill, associated with the fiscal 1951 budget, was an attempt to introduce the necessary coordination, but this proposal met the same fate as the Joint Committee on the Legislative Budget.

It is apparent that the Government has not heeded the advice of Thomas Jefferson when he said:

> To preserve our independence, we must not let our leaders load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude.

Over the years, many Members of Congress have proposed various methods to bring to the attention of responsible Federal officials the need to restrict expenditures to available receipts and thus to assure a balanced budget. Unfortunately, as the record testifies, these efforts have not been successful. Expenditures keep climbing, deficits continue to occur, the national debt continues to increase. The time for positive and dramatic action has long since arrived. I believe that the only way to insure fiscal responsibility is by means of the constitutional amendment. I am therefore introducing a constitutional amendment which would contain the following provisions:

Total appropriations as well as total expenditures for any fiscal year cannot exceed total expected revenues for that year. There is to be no permanent increase in the national debt.

The existing debt is to be redeemed.

The above provisions may be suspended only in times of war or national emergency.

When Federal officials are forced to observe the mandates of this constitutional amendment, the financial integrity of the country will be insured. Less drastic steps have clearly failed. It is high time to adopt this amendment as rapidly as possible.

LEGISLATION TO DELAY ALL BUSING ORDERS

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. BROOMFIELD. Mr. Speaker, I rise today to introduce legislation to delay any and all busing orders pending the exhaustion of all appeals, including to the Supreme Court if necessary.

One would think that with all of the debate and deliberation which the 92d Congress devoted to the so-called Broomfield amendment to delay court-ordered busing pending appeal that this legislation would be unnecessary today.

Unfortunately, that is not the case. The same Federal courts which have handed down massive and unprecedented forced busing orders are the same Federal courts which have, in some instances, refused to implement the Broomfield amendment to the Education Amendments of 1972.

This new version of my amendment leaves no room for misinterpretation, it offers no loopholes, no room for manipulation by those who would subvert the true intent of Congress. My measure delays all busing orders, regardless of the reasoning or rationale behind those orders.

Now, more than ever, my amendment is necessary. I need not remind my colleagues that two very similar massive busing orders have reached exactly opposite conclusions on appeal.

The first forced busing order that required busing of students across municipal and county lines was handed down in Richmond, Va. On appeal to the fourth circuit that order was overturned.

Later, in Detroit, busing across county and municipal lines was upheld by the Sixth Circuit Court of Appeals.

Mr. Speaker, in view of the fact that we are operating under one Constitution, how can we call this justice when one city must undertake massive forced busing while another is told that this same busing is not constitutionally required? The answer is clear. This is not justice.

My legislation is designed to perfect the inequality and obvious inequity of situations such as this. It merely provides each and every defendant the opportunity to have his case reviewed at the forum of last resort, the Supreme Court, before any busing begins.

Mr. Speaker, until the Supreme Court speaks out loud and clear on massive forced busing, this measure is absolutely imperative. I respectfully urge that it receive the immediate consideration that it deserves.

PRICE BILL TO RESCIND DES BAN

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. PRICE of Texas. Mr. Speaker, an old proverb says that one should not throw out the baby with the bath water. And yet, the Federal Food and Drug Act which has required a ban on the further use of diethylstilbestrol—DES—in animal feeds has accomplished this result.

The intentions of Congress in enacting legislation to protect the quality and purity of our food supply have undoubtedly been well meaning, and the pure food and drug laws have prevented the use of hazardous substances which might otherwise have found their way to the consumer in a strictly "buyer beware" marketplace.

However, our laws must be the product of reason and must deal with real instead of imaginary problems; they must not impose a "cure" that is worse

than the "disease." And yet in the application of the Delaney amendment toward the use of DES we have achieved an injustice which demands corrective action. Commissioner Charles Edwards of the Food and Drug Administration has acted to order a ban on DES in animal feeds in spite of the fact that no known hazard to human health has ever been established after two decades of prescribed use.

DES in levels established and monitored by Government has been a boon to the American meat-consuming public and has allowed livestock producers to provide our people with an abundant supply of wholesome and nutritious meat at reasonable prices. The Delaney amendment, however, because of its zero toleration standards, has banned this most useful product without any compensating benefits. If residues of a food additive appearing in food destined for human consumption are a definite threat to human health, we ought to take action to prevent their presence. However, because of increasingly sophisticated technology, our ability to find residue traces has reached a point where we can detect parts per billion and perhaps even parts per trillion. At what point do residues cease to be a threat to health, or put another way, what is to be gained by requiring a zero toleration of residues?

Mr. Speaker, the Delaney amendment requires the complete ban on DES in animal feeds assumingly because insignificant residues somehow pose a threat to health. Automobiles have killed more Americans than have been lost in all the wars this Nation has ever fought combined and contribute to pollution, congestion, and urban decay—and yet who among us will propose legislation to abolish the automobile, especially those of us who drove to work today?

Every year multiple thousands of Americans suffer injury and death from accidents in the home—but do these justify prohibiting the manufacture of bathtubs, table knives, or staircases?

Fluoride is a known poison—but are we to deny the obvious benefits of using fluoride in our water supply in trace amounts for the prevention of tooth decay?

The threat to human health posed by trace amounts of DES residues nowhere approaches the risks involved in smoking a cigarette or getting into an automobile—in fact, the threat is nonexistent according to the best information available. We need, therefore, to amend the law to provide for the flexibility needed to administer the law in a reasonable manner. Some Americans are livestock producers and they will be adversely affected by a prohibition on DES; however, all Americans are consumers. We all eat meat, and we will all pay the penalty of higher prices without any demonstrable improvement in the quality of the meat that comes to our dinner table.

Mr. Speaker, I am today introducing legislation to modify the Delaney amendment to permit the use of DES in animal feeds when residues arising out of such use will not induce cancer in the insignificant amounts detected.

THIS WAR MUST END

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. STOKES. Mr. Speaker, it is a tragedy that, despite the President's campaign promise of impending peace, the 93d Congress convened under the dark cloud of impending war. The unconstitutional and immoral destruction of North Vietnam, which occurred while Congress was not in session, is the clearest proof we have had yet that one man's temper tantrums—when that man happens to be President of the United States—are enough to cause immeasurable destruction on this earth. Someday, the history books will tell the story of why the bombing was renewed at the brink of peace. But we do not need future historians to tell us that President Nixon's thwarting the will of the American people has resulted in millions of people left slaughtered, crippled, homeless, and starving.

When I have spoken out previously in this Chamber against the travesty of this war, I have often referred to the wisdom and humanitarianism of Mr. Cyrus Eaton. Today I do so again.

On Mr. Eaton's 89th birthday, he was interviewed by a reporter from the Cleveland Plain Dealer. That account appeared in the December 28, 1972, edition of that paper.

In the course of the interview, Mr. Eaton repeatedly decried the madness of continuing the war. He went on to draw the compelling comparison between the actions of President Nixon and those of Adolph Hitler. Mr. Eaton concluded with his expression of faith that world opinion will stop President Nixon where American public opinion has failed.

Indeed, our country's diplomatic relations with one country have already been severely damaged because of this war. On December 29 we learned that the fury of Swedish public opinion and that government's critical statements about the bombing caused the State Department to take retaliatory action. We have recalled our ambassador to Sweden and have refused to receive the new Swedish emissary. If Mr. Eaton's prediction is correct, many other nations will join Sweden if the holocaust continues.

Included below is the accounting of Mr. Eaton's remarks on the occasion of his 89th brithday:

[From the Plain Dealer, Dec. 28, 1972]

EATON TURNS 89 DECRYING "MADNESS" OF VIET WAR

(By Allen Wiggins)

Cyrus Eaton walked into the room for an interview on his 89th birthday with a matter of urgency on his mind.

He carried a newspaper, its biggest, blackest headline blaring about the heaviest U.S. bombing of Hanoi and about the city's evacuation.

Throughout the interview yesterday, the old industrialist would return again and again to that headline, underscoring it with his finger, and talking about the "madness" of America's war in Vietnam.

He reminded the reporter that they had talked with two North Vietnamese officials together, less than two months before the election last November.

"They were very well-informed people," he said, "and they didn't believe that Nixon was serious in seeking a settlement. They felt he would make it seem to be a settlement until after the election.

"They were unfortunately correct.

"I do not believe that the Soviet Union and the People's Republic of China will permit this to continue."

Eaton was being interviewed in his office on the 36th floor of Terminal Tower, the old Van Sweringen office, the office he still reports to every working day he is in the city, the office with its commanding view of the city and the lakefront.

We have a tradition of paying the old a condescending tribute—we say they still have lively minds. And what we mean is, they can recall vividly scenes from the past.

Just as we expect children to live in the present and young men to live in the future, we expect old men to live in the past.

Cyrus Eaton will not live according to our expectations. For an average young man to say of him that he still has a lively mind is like saying of the shark that it has a healthy appetite.

Eaton yesterday was as exercised over the U.S. bombing of Hanoi as the most rabid antiwar activist. Although he thought back, when asked, about earlier days, earlier wars, he wanted to talk about now.

He said he thinks Nixon has pushed the war to the breaking point.

"Under ordinary warfare," he said, the North Vietnamese "were able to take care of themselves."

"But this is a giant and brutal destruction, a great departure from ordinary warfare."

Eaton said he does not think China and Russia will stand by for what he called "the attempt to crush a little nation with massive bombing."

"It is time for the industrial leader, the banker, the businessman, to speak up against this, he said. "It is increasing the burden of taxation to sustain this madness, and increasing the cost of money to American industry."

Eaton recalled that the late President Eisenhower said to him, after his retirement, it would be "sheer stupidity ("be sure you get his exact language," Eaton said—" 'sheer stupidity' ") to send American troops to fight in Indochina, next to the country with the largest standing army in the world and aided by the country with the most sophisticated weaponry in the world."

Eaton continued: "As President, he later told me, his chief problem was with his vice president, Richard Nixon, who implored the French to keep fighting and promised he would do everything in his power to persuade the American government to send troops."

Eaton also said: "It's no answer to say that the majority of Americans elected Nixon. The same thing can be said of Hitler. He was a madman who led the great German people to crushing defeats."

Just as the United States was forced to enter World War II to stop Hitler, Eaton said, the world community will arise to stop what he called Nixon's madness.

"I've been around for 89 years," Eaton said. "I've been an observer and a constant reader of history. I think I've learned something, maybe. And I think now is the time when the businessmen and the industrialists have to speak out.

"Wonderful things will happen in the next 89 years—things that will surpass the great inventions of the last 89—but only if we don't let this military madness carry us into a world war that destroys everything."

THE PURE FOOD ACT OF 1973

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. BINGHAM. Mr. Speaker, today on January 3, the first day of the 93d Congress, I introduced a bill aimed at increasing the powers of the Food and Drug Administration to deal with the low level of sanitation and hygiene in the U.S. food processing industry. If enacted, this bill would effect one of the most significant and comprehensive reforms in the history of the Federal Food, Drug, and Cosmetic Act. I am proud to have as cosponsors of this bill Ms. ABZUG, Mr. BADILLO, Mr. BELL, Mr. BRASCO, Mr. BURTON, Mr. CONTE, Mr. CONYERS, Mr. DRINAN, Mr. EDWARDS of California, Mr. EILBERG, Mrs. GRASSO, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. MOLLOHAN, Mr. MOSS, Mr. O'HARA, Mr. PODELL, Mr. RANGEL, Mr. ROSENTHAL, Mr. ROYBAL, Mr. RYAN, Mr. SEIBERLING, and Mr. STOKES.

I first introduced this bill last January and I revised and reintroduced it in March. The impetus for the bill stems from the well known cases of food contamination, some resulting in death, as well as from complaints from my constituents. In addition, I made a personal observation of food processing inspection methods in New York City and conferred with FDA officials there.

In April 1972, the Government Accounting Office issued a report on the FDA to Congress entitled "Dimensions of Insanitary Conditions in the Food Manufacturing Industry." That GAO report confirmed my observations and underscored my contention that a revamping of the FDA's legal authority is imperative if the consumers of this Nation are to be guaranteed that food processed in the United States is fit for human consumption. Presently, the legal powers of the FDA do not enable that agency to compel food manufacturers to observe necessary standards of sanitation, and the intent of the Congress to protect the American consumer remains frustrated.

A careful analysis of the Food, Drug, and Cosmetic Act reveals four serious shortcomings in the legal authority of the FDA.

First, the FDA does not know the identities of all current U.S. food manufacturers. At present, there is no requirement for a manufacturer to be licensed by the FDA in order to be permitted to do business. The FDA discovers the identity of manufacturers through a mixture of haphazard methods—reports of field agents who happen across new plants, complaints of aggrieved consumers, news reports, advertising, and voluntary reports of food producers. The FDA's list of U.S. food manufacturers is perenially out of date, because plants may open and close down without notifying the FDA. The GAO's report stated that—

> FDA officials have advised us that there are food plants in existence which may not be included on the inventory because, in the absence of plant registration requirements, FDA does not have an effective means of identifying all food plants subject to the Food, Drug, and Cosmetic Act.

If the FDA is ever to be able to inspect all food processing facilities, it must be given a rational method of knowing who to inspect.

Second, the FDA is unable to control methods and machinery used in food production. It has no legal power to require manufacturers to install basic sanitary equipment such as sterilizers, temperature and timing devices, and warning mechanisms which insure the production of unadulterated food. In addition, the FDA has no authority to establish appropriate educational standards for employees who operate complex food processing machinery. By way of contrast, the Congress passed a law in 1970 to strengthen the drug control powers of the FDA. That legislation empowered the FDA to demand that drug manufacturers comply with standards for adequate equipment, analytical controls, and personnel training. In order to protect American food consumers from serious health hazards, the FDA must be given comparable authority over the food processing industry.

Third, the FDA is unable adequately to uncover potential public health hazards. In 1971, approximately 200 authorized FDA inspectors conducted 11,000 inspections of food processing plants. Since there are over 60,000 food plants in the United States, this indicates that the average plant is federally inspected only once every 6 years. The GAO report revealed that 40 percent of the food processing plants which it investigated together with the FDA were operating under unsanitary conditions. In over half of those unsanitary plants, the conditions were "serious in terms of either having potential for causing product alteration or having already caused product alteration." One-third of this latter group of seriously unsanitary plants had never been inspected by the FDA, and another one-third had not been inspected for over 2 years.

These figures reveal a pathetically inadequate record of Federal inspection. Although some States and municipalities conduct their own food plant inspections, those inspections frequently are not as thorough as Federal ones.

It is fair to assume that the headline cases of fatalities resulting from contaminated foods represent only the tip of the iceberg of the problem of impure foods being foisted upon the American public by a lazy and indifferent industry. The GAO estimates that 40 percent of food plants operate under unsanitary conditions, and FDA inspections indicate that sanitation in the food industry is actually declining, not improving. During the GAO-FDA investigations, the major observed unsanitary conditions included:

First. Rodent excreta and urine, cockroach and other insect infestation, and nonedible materials found in, on, or around raw materials, finished products, and processing equipment;

Second. Improper use of pesticides in close proximity to food processing areas; and

Third. Filthy equipment and dirty areas over and around food-processing locations.

The FDA–GAO inspection uncovered live roaches and flies in manufacturing and storage areas, rodent infestation of raw materials, mold-contaminated foodstuffs, dead mice, and rodent excrement in processing areas.

Fourth, the FDA possesses only inadequate authority to protect the public in cases of public health emergencies. When that agency discovers that a certain product already shipped in interstate commerce is contaminated, it cannot command the manufacturer to recall its poisonous wares. At best, the FDA must involve itself in lengthy court procedures to seize the shipment which may result in a decision too late to save the consumer victims. Also, if the FDA suspects that a pending shipment of food is contaminated, it must drag through the lengthy procedure of obtaining court orders to prevent the shipment.

American consumers are now fairly well protected in the fields of drugs, poultry, and meats by the FDA and the Department of Agriculture. It would be a rational and necessary step for this Congress to extend similar safeguards of the consumer's health to the food manufacturing industry as a whole.

The bill which I am introducing today would accomplish five basic objectives if it were enacted.

First, all food manufacturers, packers, and processors would be required to obtain a license from the FDA in order to do business. This would enable that agency to maintain an accurate listing of food-industry establishments and to inspect all facilities producing food in the United States. Operation of a food-manufacturing facility without a license would be a punishable offense. Licenses would be valid for a 2-year period, subject to renewal after a reinspection by the FDA.

The FDA would be given the authority to require, as conditions precedent to licensing or relicensing, that food producers: First, install necessary sanitary equipment, including sterlizers, temperature and time controls, and warning devices; second, use certain approved types of food containers; third, retain processing records for 5 years; fourth, meet employee educational requirements; and, fifth, obtain insurance to cover damages caused by production of contaminated food. Failure to observe FDA regulations could result in denial or suspension of a license.

Second, food processors would be required to report to the FDA all known instances of contamination, spoilage, and improper manufacture or packaging of foodstuffs which occur during routine food-processing operations. Failure to report to the FDA would subject the violator to loss of his license.

Third, the FDA would be given new powers to act swiftly in instances of suspected public health emergencies. If the FDA had reason to believe that a product is contaminated or adulterated, it would be empowered to embargo the shipment and sale of that product for a 48-hour period. During that time it

would conduct a thorough investigation of the product.

If the results of the investigation demonstrate that the product is indeed dangerous, the FDA could order a recall of the shipment in which the contaminated product was found, embargo the shipment or sale of all goods produced by that manufacturer, and suspend the manufacturer's license.

Fourth, new civil financial penalties of up to $10,000 per violation of the Pure Food and Drug Act would be instituted. Present penalties under the act are criminal sanctions which prosecutors are often loath to seek and judges hesitant to impose, because of the onus attached to a criminal conviction. The establishment of civil penalties of a financial nature would therefore provide a more effective deterrent to violations of the pure food laws.

Fifth, the FDA would be required to put into operation a uniform system for receiving, processing, investigating, and responding to consumer complaints. In the past, consumer food complaints made to FDA offices often have been ineffectively handled. This bill would give the FDA a congressional mandate to organize its consumer investigation and response systems in a manner which insures that a valid consumer complaint made to the FDA will result in effective action.

In summation, this bill gives to the FDA the legal powers needed to protect the American public, including the wealthy, middle-income, and lower-income populations, from the serious health hazards caused by the scandalously inadequate level of sanitation found in the American food-processing industry.

This statement was prepared for delivery in the opening session of the 93d Congress on January 3, 1973, but could not be delivered on that day, because the House adjourned immediately after completing the formalities of organizing itself out of respect for Members who died during adjournment after the 92d Congress:

SECTION-BY-SECTION ANALYSIS OF THE PURE FOOD ACT OF 1973

Section 1. Title.

Section 2. This section describes the findings which gave impetus to the bill and the Congressional purposes behind the bill.

Section 3. This section amends Section 404 of the Federal Food, Drug, and Cosmetic Act as follows:

Section 404(a) empowers the Secretary of HEW to promulgate regulations in the food processing area and to charge licensing fees.

Section 404(b) requires every person engaged in interstate food processing to obtain a license biannually from the Secretary of HEW.

Section 404(c) sets forth the conditions which must be fulfilled by an applicant for a license before the license can be issued or renewed by the Secretary of HEW:

(1) an applicant must furnish the Secretary with the name of his business and the location of all his food processing facilities,

(2) an applicant must provide a listing of all his food products,

(3) an applicant must inform the Secretary of the methods he uses to produce foods and the sanitary devices which he employs, and

(4) each food processing establishment of the applicant must pass an FDA inspection.

Section 404(d) requires a licensee to use food containers prescribed by the Secretary, to retain food processing records for five years, and to hold back from public sale any lots of food which the manufacturer believes to have been improperly manufactured and to report to the Secretary before releasing any such suspected products for sale.

Section 404(d) requires a licensee to:

(1) use food container prescribed by the Secretary

(2) retain food processing records for five years

(3) hold back from public sale any lots of food which the manufacturer believes to have been improperly manufactured and to report to the Secretary before releasing any such suspected products for sale

(4) report to the Secretary any instances of improper food manufacturing when that food has already entered interstate commerce

(5) open all food processing records for inspection

(6) use sterilizing equipment, temperature and time control devices, and equipment prescribed by the Secretary to warn when sanitary devices are malfunctioning.

(7) comply with educational and training requirements set by the Secretary for employees working in the food processing industry

(8) insure itself against damages caused by the improper processing of food

(9) comply with all regulations established by the Secretary.

Section 404(e) provides that the Secretary may revoke a license for cause according to due process.

Section 404(f) provides that a license may be altered, transferred, or surrendered only if the Secretary agrees and thirty days public notice has been given.

Section 404(g) instructs the Secretary to coordinate his efforts with those of State food regulating agencies and to establish a coordinated FDA program for gathering, investigating, and responding to consumer complaints.

Section 4 and Section 5. These sections amend sections 703 and 704 of the Food, Drug, and Cosmetic Act by expanding the inspection authority of federal food inspectors to include performance records and quality controls.

Section 6. This section amends the Food, Drug, and Cosmetic Act by creating a new section, section 708.

Section 708(a) permits the Secretary upon notification by a licensee under section 404 or upon belief that food which is misbranded or adulterated has entered interstate commerce, to investigate within 48 hours to determine whether a public health hazard exists, to embargo suspected foods pending completion of that investigation, and to make public the results of the investigation.

Section 708(b) permits the Secretary, upon determination that a health hazard exists because of contaminated food, to order the recall of the shipment of which the contaminated food is a part, to embargo all food products of the offending producer, and to suspend the producer's license.

Section 7. This section amends section 303 of the present Food, Drug, and Cosmetic Act by increasing existing criminal financial penalties for violation of the Act and by adding new civil financial penalties of up to $10,000 for each violation of the Act.

Section 8. This section conforms other parts of the Food, Drug, and Cosmetic Act to this legislation.

Section 9. This section makes the effective date of the Pure Food Act of 1973 six months after the date of enactment of the Act.

BACH MAI HOSPITAL EMERGENCY RELIEF FUND

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Ms. ABZUG. Mr. Speaker, the week before Christmas, the Bach Mai Hospital—whose name in Vietnamese means "white blossom"—was completely destroyed by over thirty 500-pound bombs dropped from B–52's. This 950-bed civilian hospital, the largest in North Vietnam, contained extensive clinical laboratories and all of the auxiliary services required to operate a major teaching hospital. Twenty-five doctors and nurses, plus an unknown number of patients, died in these raids.

In response to this wanton act by our Nation, a group of concerned Americans has formed the Bach Mai Hospital Emergency Relief Fund. In its first 10 days of existence, the fund received donations totaling $300,000. This sum represents 10 percent of the $3 million needed to rebuild Bach Mai.

The purpose of the Bach Mai Hospital Emergency Relief Fund is to show to the world our outrage at the acts of our Government and at the same time to give Americans the opportunity to make available to the North Vietnamese some of the medical supplies and equipment they will need to replace the hospital. There can be no question of rebuilding the physical plant of the hospital as long as there is a danger that the bombs will continue to fall. Not until U.S. bombers are removed from their bases within striking range of Hanoi will it be safe to begin rebuilding. In 1970 and 1971 the people of North Vietnam undertook the rebuilding of the Vietnam-Czechoslovakian Hospital in Haiphong that had been bombed under the Johnson administration. Reconstruction was completed in February 1972, and 2 months later, on April 16, 1972, the hospital was once again bombed by U.S. planes sent this time by the Nixon administration. It was bombed again during Christmas. The immediate goal of the Bach Mai Hospital Emergency Relief Fund is to send medical supplies to help the North Vietnamese substitute decentralized and underground health-care facilities for the services provided in the past by Bach Mai.

Bach Mai Hospital was more than the largest center for health care in all of North Vietnam. Within its walls, some of the major research and teaching of future doctors and health workers took place. In addition, Bach Mai served as a center for emergency treatment of civilians in the Hanoi area.

Unfortunately, Bach Mai Hospital is not an isolated incident of U.S. bombing of civilian structures. From April 1972 to October 1972—before the massive Christmas bombings—all 26 provincial hospitals and every district hospital in North Vietnam had been hit at least once by U.S. bombs. In addition, during the week before Christmas and the few days there-

after, the following North Vietnamese hospitals were damaged or destroyed—according to the Boston Globe of December 28, 1972: Nga Tu So dispensary in Hanoi, Kien An Hospital and the contagious disease block of the Vietnam-Czechoslovakian Hospital in Haiphong, the An Duong dispensary in Hanoi, the Hoai Duc Hospital in Ha Tay province, the tubercular diseases Hospital in Bach Thai province.

The campaign will attempt to involve as broad a spectrum of the American people as possible, with individuals, organizations, and church bodies who have the confidence of large numbers of Americans and the capacity to involve them in a successful campaign. A partial listing of sponsors of the Bach Mai Hospital Emergency Relief Fund includes: Ramsey Clark, Arthur Miller, Julian Bond, Dr. Charles E. Janeway, Salvador Luria, Rt. Rev. Robert DeWitt, Leon Eisenberg, M.D., Erik Erikson, Bishop Thomas Gumbleton, Rev. David Hunter, Representative Robert Drinan, Bishop John Wesley Lord, Rt. Rev. Paul Moore, Jr., Albert Szent-Gyorgyi, George Wald, Dr. Charles Mayo III, and Dr. Herbert Abrams.

Events of this campaign will range from benefit concerts to direct mail solicitations to individual donations, however, the backbone of this massive fund-raising effort will be street corner and door-to-door solicitation by thousands of Americans across the United States. These efforts will thus constitute a message: that we, as American citizens, believing life is precious and all human beings are created equal, want the bombing to stop once and for all, with no further tactics of deception or acts of violence by the U.S. Government.

The campaign for Bach Mai Hospital is being cosponsored by the Medical Aid for Indochina Committee—MAI—Medical aid for Indochina has been operating for more than a year and in that period of time has sent over $100,000 worth of medical supplies and equipment to the people of Indochina through the Red Cross Societies of North Vietnam, and those areas of South Vietnam, Laos, and Cambodia being attacked by the United States. Medical Aid for Indochina has established reliable information and transportation channels to provide the American people with a method of responding to the medical needs of the people of Indochina and a way of joining the rest of humanity in protest against the senseless brutality of the U.S. Government.

Contributions to the Bach Mai Hospital Emergency Fund may be sent to 140 Sixth St., Cambridge, Mass., 02142.

PRICE REINTRODUCES PRAYER AMENDMENT

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. PRICE of Texas. Mr. Speaker, I am today reintroducing legislation which I believe has the strongest support among the American people, legislation which was among the unfinished business of the 92d Congress.

Very simply, this constitutional amendment would permit voluntary prayer in our Nation's classrooms. While I am opposed to any legislation which would combine the powers of church and state, likewise, I cannot condone actions by our courts which would jeopardize the free exercise of our basic freedoms outlined in the Bill of Rights, including freely given expression of thanksgiving and prayer to God in public institutions.

Mr. Speaker, each day the U.S. House of Representatives begins its proceedings with a prayer to God. And the U.S. Congress has sanctioned the motto "In God We Trust" upon the currency of our Nation. To deny our great historical record as a religious, God-fearing Nation would be a great disservice to those whose sacrifices laid the foundations which have been our great strength. Let us not deny to our children the lessons of respect and reverence so essential to their well-being as whole citizens. Our schools are more than a place to learn the mechanics of English; they are and ought to be a source of inspiration and moral strength which will contribute to the betterment of future generations of American citizens.

I believe the enactment of my constitutional prayer amendment would give the American people a direct voice in deciding the important question currently unsettled. The Congress would through the ratification process turn this matter over to the States and the people therein for final disposition. It was in this manner that the 18-year-old vote issue was resolved, and I believe this is in keeping with the best traditions of the American political system.

Mr. Speaker, let us act without delay to reestablish and redefine the right of each and every American citizen, young and old, to voluntarily give thanks and prayer to God in our public-sponsored institutions.

SAFEGUARDING PRIVATE PENSION PLANS

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. DENT. Mr. Speaker, I am pleased to submit to my colleagues, and all others concerned about safeguarding the benefits of citizens who participate in private pension plans, two bills that I consider a "first step" toward our goal of securing retirement benefits earned during working years.

These measures are introduced today, on the first meeting of the 93d Congress, to underscore the immediate need for congressional attention to the plight of workers who, for one reason or another, do not realize the income to which they should be entitled upon retirement. I do not maintain that the two bills I put before the House today are the final answer to this complex problem, but they are the product of comprehensive studies in the field. It is my hope that they will serve as the vehicles by which we can renew our efforts to solicit constructive suggestions for reform of the private pension system, and fashion legislation which will eventually result in the enactment of meaningful safeguards for the rights of retirees.

It is my intention to call for hearings in Washington early next month before the General Subcommittee on Labor, and to press for early action on this issue.

VOTING ATTENDANCE REQUIREMENT FOR MEMBERS OF CONGRESS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. PRICE of Texas. Mr. Speaker, I have introduced today a joint resolution which, if adopted by the Congress and ratified by the legislatures of three-fourths of the States, will amend the Constitution by requiring Members of Congress to be recorded on at least 70 percent of the rollcall votes during a session of Congress or have their office declared vacant.

The purpose of the bill is to require Members of Congress to do what they are elected by the people to do—represent their constituents by voting on legislation before Congress. My bill is really quite simple. It would merely amend the Constitution of the United States in such a way that, if a Member of Congress is not recorded on at least 70 percent of rollcall votes of the House or Senate, the office becomes vacant and the State from which he is elected is notified of the vacancy. The only absences that would not be included in computing the 70-percent voting requirement would be those when a Member of Congress is excused or necessarily prevented from being present due to illness or official business.

In my opinion, justifiable absences should not count against a Member, but it seems to me that, especially in light of the salaries received, we ought to be working and voting much more than some are doing at the present time.

What is wrong with an amendment requiring a Member of Congress to be present to do the job the voters are paying him to do? Absolutely nothing, in my opinion. For the voters have a right to expect us to be here in Washington tending to business.

Contrary to what some have said about the Congress, I am not yet ready to concede that we do not have the will to police ourselves and that Congress will not live up to its responsibilities by seriously considering this much-needed amendment.

I for one intend to do all in my power to see that this amendment is adopted and ratified by the States, and I urge you to join with me in that effort.

FLEET AID CORP.'S NEW WARRANTY PROGRAM

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. PEYSER. Mr. Speaker, Mr. Irwin Tucker, president of the Fleet Aid Corp., of New York, has written to me to tell me of a new service warranty program to protect the consumer which I feel certainly should be brought to the attention of the Congress and the public with the idea that possibly more organizations will follow their lead in developing this type of program.

The letter follows:

FLEET AID CORP.,
New York, N.Y., January 2, 1973.

The Honorable PETER A. PEYSER,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: It is well known that you are extremely interested in consumer affairs. I would like to call your attention to a new program regarding automobile safety and warranty protection.

Automotive repair costs, as you may well know, have risen considerably in recent years. The quality and costs for such work leaves much to be desired. The Congress has already enacted legislation concerning automobile safety standards and I think that now is the time for the development of standards covering automotive repair work.

A step in this direction was recently taken by Fleet Aid Corporation, of New York, an independent automobile service and maintenance specialist. This organization has developed a unique, comprehensive maintenance and service warranty program which offers the consumer complete protection against the costliest type of automobile breakdown in new and used cars.

The Fleet Aid program includes a 12,000 mile or 12 month, whichever comes first, power train warranty program for buyers of new and used cars. The power train of an automobile includes the engine block, head and all internal parts, intake manifold, transmission in oil case and internal transmission parts, torque converter, drive shaft, universal joints, rear axle and differential.

This warranty program has already been introduced by Ford dealerships and has been proven successful in creating customer confidence in the purchase of 1973 models, as well as Ford produced used cars, the last four model years, which Ford dealers acquired as trade-ins or used for their lease and rental operations.

This warranty assures buyers that each automobile is thoroughly inspected, tested and in good running order before leaving the dealership. This same warranty program has been in effect for some time with Hertz and other rental companies covering all American made automobiles that are sold directly to the public.

This unique power train program is considered by many in the automotive industry as a major breakthrough in protecting the automobile buyer. In the past, used car buyers usually receive a 30 day warranty, from the date of purchase. Today, this Fleet Aid/Ford power train warranty commences after the manufacturers warranty expires on the 1973 models. On used cars, this warranty program stays in effect for 12 months or 12,000 miles, up to 62,000 miles on the odometer, from the date of purchase.

Fleet Aid has developed an emergency road service option as part of their consumer protection program. Should a Ford customer's car breakdown, he can call the selling Ford dealer if the breakdown is in his general area. If not, he has a toll-free Fleet Aid telephone number to call and the dispatcher, who is on duty 24 hours a day seven days per week, will direct him to the nearest of the Fleet Aid 3,000 affiliated service stations and repair centers. The most important part of this emergency road service program is that a motorist will never be stranded, no matter what time of day or night they need help.

Fleet Aid Corporation has been in the automotive maintenance and service business for five years handling maintenance and service of automobiles which are leased and rented to the public by major fleet owners. Their activities, from Maine to Florida, from coast to coast, has generated many fine comments for their high quality of work and their standardization of repair costs no matter where a vehicle breaks down.

Cordially,

IRWIN TUCKER, *President.*

A BILL TO REDESIGNATE NOVEMBER 11 AS VETERANS DAY

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 6, 1973

Mr. PRICE of Texas. Mr. Speaker, I am today introducing legislation to redesignate the 11th day of November of each year as Veterans Day.

In 1968, the Congress changed the observance of several legal holidays, including the designation of the fourth Monday in October as Veterans Day, for the purpose of providing 3-day weekends for our citizens. However, while this action seems reasonable and justifiable in the observance of such holidays as Labor Day and Columbus Day, I believe we have erred in applying this concept to Veterans Day. Veterans Day, which was originally known as Armistice Day, marked the closing of World War I in 1918, and was set aside as a special day of thanksgiving and remembrance for the great sacrifices of our servicemen and women during that conflict.

After World War II, Veterans Day gained new significance as our Nation paid new respect and honor to the millions of Americans who stopped the tyranny which threatened to engulf the world.

Veterans Day is not just an ordinary holiday, an excuse to get away from it all. Let us recall what those who have served our Nation proudly in the Armed Forces of the United States have contributed to our lives and our freedom. As a veteran of the Korean war myself, I know that I share the sentiments of all those who have served to defend our Nation—Veterans Day is a day for pausing and remembering, and I hope that the Congress will see fit to enact my bill which would restore the unique purpose and observance of this day of thanksgiving that our Nation has withstood the test by fire in the crucible of war.

HOUSE OF REPRESENTATIVES—*Tuesday, January 9, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He that would love life and see good days, let him keep his tongue from evil and his lips from speaking guile.—I Peter 3: 10.

O God, our Father, who art the source of all our being and the goal of our nobler efforts, we thank Thee for this quiet moment when facing crucial issues, and carrying heavy responsibilities. We can turn away from things seen, give expression to our faith in the reality of the unseen and affirm once again—in Thee do we put our trust.

In the secret place of the Most High may we tap the spiritual resources which give to us strength of character, loyalty to high ideals, love for our country, and such courage that we may keep ourselves devoted to the right as Thou dost give us vision to see the right.

Bless our President, our Speaker, these representatives of our people, and all the citizens of our dear land. Let freedom ring from shore to shore, let justice rule, and good will reign in the hearts of all.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendment in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 1. Joint resolution 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.

SWEARING IN OF MEMBERS-ELECT

The SPEAKER. Will any Member-elect who has not been sworn come to the well of the House and take the oath of office.

Mrs. GRIFFITHS, of Michigan; Mr. WHALEN, of Ohio; and Mr. RUPPE, of Michigan, appeared at the bar of the House and took the oath of office.